



Planning Board Meeting Minutes
Tuesday, April 04, 2023, at 8:15 pm – Remote Participation

Members Present:	Diab Jerius, Chair	Sally Dale, Vice Chair/Clerk	
	I-Ching Scott	Nicholas Rossettos	
	Keri Layton		
Also Present:	Bryan Manter, Asst. Town Engineer	Nancy Polcari, Recording Secretary	
	WinCam		
Others Attending:	Richard Leaf	Richard Rohan	Ellen Spencer
	John Leavitt	Larry Murray	Joe Berry
	Maura Sullivan	George Nowell	Ricky Beliveau
	Brian Timm	Dorothy Simboli	Melissa

A quorum being in attendance, Chair Jerius calls the Winchester Planning Board (PB) meeting to order at 8:18 pm noting that the meeting is being recorded via WinCam and Zoom. Roll call of PB members: Dale, Scott, Layton, Rossettos, Jerius in attendance.

1. Continuation of Public Hearing for 10-16 Mt. Vernon Street:

Chair Jerius: Opened the Public Hearing for 10-16 Mt. Vernon Street and reviewed the comments received as summarized:

- a. Minutes from the Design Review Committee (DRC) Meeting of March 1, 2023: The DRC voted unanimously to recommend unfavorable action. Their comments are:
 - The DRC supports housing in the CBD.
 - The proposed third floor will show pedestrians a blank party wall and a taller street façade with no setback, and it will block views of the cupola behind it.
 - The proposal significantly alters a contributing building in a National Register Historic District.
 - The windowless living rooms, odd shapes, and cramped spaces of the proposed units fail to provide desirable housing.
 - Not every historic building can be successfully enlarged. 10-16 Mt. Vernon Street is such a building.
- b. Draft Minutes from the Historical Commission Meeting of March 6, 2023: 5 voted in favor of the project, 0 opposed, 1 abstention.
- c. Ms. Meister in an email dated February 28, 2023, shared a photo and concerns.
- d. Two Letters from Felicity Tuttle dated March 1st and March 9th: as a residential realtor, she made several suggestions, responded to the comments from the DRC, and noted she is in favor of the proposed project.
- e. Memorandum from Bryan Manter (Assistant Town Engineer) dated February 21, 2023: no storm water review is required. A one-time fee was mentioned based on the number of bedrooms.
- f. Letter from Conservation Commission dated February 15, 2023: Noted they have no jurisdiction and there is no opportunity for natural enhancements.
- g. Disability Access Commission: There has been discussion with the petitioner; he intends to make one unit fully ADA compliant.
- h. Fire Department: No issues as long as the addition meets the building code.
- i. Building Commissioner: No issues.
- j. Mr. Leavitt: provided written response to the DRC comments.

Ms. Dale: Provided background credentials on Wendy Frontiero, the Architectural Historian and Architect recommended for the 53 Peer Review. She also reviewed a letter she received dated March 21, 2023, from Ms. Frontiero, outlining the scope and fee of \$1050 for the 53G Peer Review.

Mr. Leavitt: Concurred with the scope and fee.

Ms. Scott moved to approve the scope and fee for consultant Wendy Frontiero for the 53G Peer Review of 10-16 Mt. Vernon Street project. Ms. Dale second the Motion. Vote: Dale, Layton, Rossettos, Scott, Jerius in favor. Motion passes 5-0-0.

Ms. Dale moved to continue the Public Hearing for 10-16 Mt. Vernon Street Project at 7:30 pm on Tuesday, April 25, 2023. Ms. Scott second the Motion. Vote: Dale, Layton, Rossettos, Scott, Jerius in favor. Motion passes 5-0-0.

2. Review PB Presentation for Spring Town Meeting:

Chair Jerius: Provided the Background Material for the PB Articles for Spring Town Meeting, noting Town Counsel had not yet reviewed it; briefly summarized:

- a. Article 2 – Will correct a scrivener’s error in the dimensions table, noting that the dimension for minimum lot width (currently listed as 120 feet for RDA(g)) does not need to be more than the dimension for the minimum lot frontage (100 feet); making it the same (100 feet) will make this district consistent with the other districts in Town.
- b. Article 3 – Prior to 2009, it was difficult to process a project with a nonconforming lot using a Special Permit. Section 3.5.5 was written to reflect case law to allow Special Permits for projects with existing and/or new nonconformities that were not more detrimental. In 2014, another case law challenged the language of Section 3.5.5. Our Town Counsel has indicated that our current bylaw language is ambiguous and thus, these revisions will make the language explicit. The revisions identified in Article 3 will not change the intent of the bylaw.

Discussion:

- Suggest including the minority view in the discourse.
- The minority view is a legal opinion; the PB’s Town Counsel has provided their legal opinion.
- The PB voted on the intent to allow Special Permits (instead of the Variance process) and has relied on Town Counsel to revise the language. These changes do not alter current practice.

3. Approval of Minutes for PB Meeting March 21, 2023:

Chair Jerius requested comments. Ms. Dale identified one edit.

Ms. Dale moved to approve the PB Meeting Minutes for March 21, 2023, as amended. Ms. Scott second the Motion. Vote: Dale, Layton, Rossettos, Scott, Jerius in favor. Motion passes 5-0-0.

4. Continuation of Public Hearing for Rocky Ledge Subdivision:

Chair Jerius: Opened the Public Hearing for Rocky Ledge Subdivision noting that the Assistant Town Engineer has received comments from the 53G Peer Review consultant, Weston & Sampson.

Mr. Manter: Noted that the Peer Review showed the strengths of the design and offered some suggestions. He provided a presentation showing the consultants work and conclusions, as briefly summarized:

- Project consists of the extension of an existing road ending in a cul-de-sac and 3 parcels for future homes (design based on 6 bedrooms each).

- The sewer system design meets the requirements; however, the consultant proposed maintenance repair at several locations in the existing Town system where the Rocky Ledge system would flow into.
- The storm water system proposed complies with the Town and DEP requirements.
- The 2 systems considered for water supply are a looped system and a dead-end. Normally a loop system is preferred but this would require significant impact to the existing environment (excavating trees, etc.) to connect into Socrates Road. And the water pressure is good. Thus, the dead-end system as designed is acceptable.

Ms. Dale: Clarified that the applicant is not responsible for specific recommended repairs in the Town's systems.

Chair Jerius: Requested PB members to consider reasonable conditions. He will check with Town Counsel on any escrow funds needed for this subdivision.

Ms. Scott moved to continue the Public Hearing for the Rocky Ledge Subdivision to 8:35 pm on Tuesday, April 11, 2023. Ms. Dale second the Motion. Vote: Dale, Layton, Rossettos, Scott, Jerius in favor. Motion passes 5-0-0.

5. Adjourn:

Ms. Scott moved to adjourn the PB meeting of April 4, 2023. Mr. Rossettos second the Motion. Vote: Dale, Layton, Rossettos, Scott, Jerius in favor. Motion passes 5-0-0. Meeting adjourned at 9:54 pm.

Nancy Polcari, Recording Secretary

Sally Dale, Clerk