

**Winchester Housing Partnership Board
Minutes for the Meeting on April 19, 2023**

Present: John Suhrbier (Chair), Allan Rodgers, Cathy Boyle (Housing Authority), David Miller (Conservation Committee), Diab Jerius (Planning Board), Marty Jones, and Felicity Tuttle as Clerk Pro Tem.

Absent: Steve Campbell, Philip Bushey, Michael Bettencourt, Michelle Bergstrom, Lisa Matrundola, Naomi DeLairre

NEXT REGULARLY SCHEDULED MEETING Thursday, May 18, 2023, 7:30 PM by ZOOM

1) MINUTES:

The Minutes for the March 16 Regular Meeting and the April 12 Special Meeting were each reviewed and approved by unanimous vote.

2) Membership:

Diab Jerius of the Planning Board announced that I-Ching Scott will replace him as the liaison member of the Planning Board, effective with the next meeting.

3) Officers:

The Town Clerk requested that the Housing Partnership Board vote on the Board's officers since this had not recently been done. Both the current Chair, John Suhrbier, and current Vice-Chair, Allan Rodgers, indicated that they are willing to continue, but both also recommended that the Board discuss as part of a future meeting the development of a transition plan that would facilitate the rotation to new leadership.

4) Town Planner Search Update: John Suhrbier and Diab Jerius

In the Town Planner Search, one individual rose to the top, and was interviewed by both the Search Committee and Town staff. Based on a combination of strong experience and the results in the interviews, this candidate was offered the job. Presently, she is the Assistant Town Planner in Arlington. However, she also received another offer which involved a change from a municipal planning career path and she eventually decided to take this other position. The Planning Board has decided to reopen the search process rather than interviewing any of the other original candidates. The Planning Board also is considering the idea of hiring an Interim Town Planner until the permanent post can be filled.

5) 87-89 Cross Street: John Suhrbier

Consistent with the Board's discussion and vote on April 12th, the Chair prepared and submitted a letter to the Zoning Board of Appeals (ZBA) focusing primarily on the number and extent of waivers requested by the developer but also reiterating the Board's support for this proposal. The ZBA will open their Comprehensive Permit hearing on Thursday, April 20th at which time the development team will describe their development proposal for 87-89 Cross Street. It is likely that the hearing then will be continued to a subsequent date when specific aspects of the proposal then will be discussed in depth. Jay Talerman, Town Counsel, has given the ZBA, none of whose members have previously conducted a Chapter 40B hearing, a "primer" on Chapter 40B. Attorney Talerman will serve as 40B advisor to the ZBA throughout the hearing. In response to a question concerning the

historic designation of the existing two-family house, the developer has owned this property and previously requested permission to demolish the now deteriorated building. The resulting demolition delay time period has already expired, so the building now can be removed.

6) Planning Board Articles before Spring Town Meeting: Diab Jerius

The Planning Board is bringing two Articles for consideration as part of this Spring's Town Meeting. Article 4 involves a dimensional change, which the Housing Partnership Board did not discuss or take a position on.

Article 5 relates to building alterations to already nonconforming single and duplex residential structures. There are three ways to obtain approval for this type of change: (1) By Right; (2) by Special Permit; or (3) through a Variance.

An applicant may use by right when all the uses and dimensional requirements fit.

When the lot does not conform to dimensional requirements, then the applicant must file a special permit with the Zoning Board of Appeals which then makes either a yes or no decision.

There are very few cases which fit the issues for receiving a variance. There must be an unalterable condition such as the soil or the shape of the property.

In 2009, the Zoning By-Laws in Winchester were updated and passed by Town Meeting. Prior to the 2009 changes, if an owner wished to extend the front of their house into the front setback, they were not allowed to do so. Following the 2009 changes, an owner could seek permission to do that type of change.

Winchester has a very high percentage of nonconforming lots in town. Out of some 8,500 residential parcels, approximately 2,000 to 2,500 are nonconforming. One purpose of the 2009 changes was to change the Special Permit requirements so as to allow an owner of a nonconforming lot to seek relief by means of a Special Permit. That is how the 2009 By-Law historically has been interpreted.

The current Zoning Board of Appeals, however, has decided instead to very narrowly interpret the current language so that an owner, instead, must now seek a variance which then can be denied as the setback issue does not meet the "unalterable condition" threshold. This change in interpretation has left owners of nonconforming lots who wish to make an alteration in limbo. The Planning Board, Building Commissioner, and Town Counsel agree that one should be able to continue to use the Special Permit route with respect to dimensional requirements. The approach that has been in place since 2009 adds to housing stability as a family who would like to make a modest change does not have to sell and buy another property to attain what they wished to accomplish in the first instance.

The proposed Planning Board Article seeks to insert in Zoning By-Law Section 3.5.5 language which codifies the practice that has been in place since 2009. Massachusetts case law as of 2014 requires that specific exemptions be noted, which is what this article would do.

After discussion:

ROLL CALL VOTE: The Housing Partnership Board voted 7/0 in favor of supporting this Planning Board article.

7) 10-16 Mt. Vernon Street: John Suhrbier

The Planning Board would like to make a decision in the near future regarding the modifications proposed by John Leavitt to the mixed-use building he owns at 10-16 Mt. Vernon Street. Housing Partnership Board members discussed whether to support this request to add a 3rd floor containing 4 new one bedroom residential units, one of which will be ADA compliant. This included discussion of the question of whether an affordable unit is required as part of this proposal under the applicable inclusionary housing provisions.

For a previously proposed design, the Chair, then Town Planner Brian Szekely and owner John Leavitt discussed the possibility of including one affordable unit. Leavitt believes that he does not need to include an affordable unit as there are only four units to be added on the 3rd floor. For the current proposal, walls for two of the units on the second floor also will be modified, thereby resulting in a total of six essentially new units. While some renters of the second floor units have utilized a mobile Section 8 rental voucher, Mr. Leavitt has stated that he does not want to utilize a “project based” Section 8 so that one of the units can be included as part of the town’s Subsidized Housing Inventory (SHI).

After this discussion:

ROLL CALL VOTE: The Housing Partnership Board supports the application of John Leavitt to add a 3rd floor to 10-16 Mt. Vernon, subject to an opinion from Town Counsel determining whether or not the project requires inclusion of an affordable unit. The vote was 6 yes, with 1 abstention by Diab Jerius since this matter currently is before the Planning Board.

8) May 11 “Emerging Housing Opportunities in Winchester” Discussion: John Suhrbier

These are the current speakers: Tom Howley will be Moderator; Liora Norwich of the Network for Social Justice will provide a short introduction; Geoff Engler of S-E-B will describe the Cambridge and River Street rental developments; Mike Bettencourt will present on Waterfield with CIVICO and Washington/Swanton with Melanson; Chris Mulhern will speak on Mario Covino’s 87-89 Cross 9 townhouse, 3 story development; and I-Ching Scott will speak on the implementation of the adopted ADU By-Law.

Publicity includes posters in various locations throughout town, information on the town website, and the newsletters for the Town Manager, The Jenks, the Network for Social Justice, and the Housing Coalition. An easel and poster will be at Town Meeting. Sally Dale’s trifold with information on ADU implementation will be provided as a handout.

9) Waterfield Lot with CIVICO: John Suhrbier

Progress continues towards development of the Waterfield parcel. The Chair understands that CIVICO is just waiting to find out how many copies of its application need to be submitted for review by the Planning Board.

Meeting adjourned at 9:35 PM.

Respectfully submitted,

Felicity Tuttle

Felicity Tuttle, Clerk Pro Tem.