



**Planning Board Meeting Minutes**  
**Tuesday, July 21, 2020 at 7:30 pm – Zoom Meeting**

Members Present:	Heather von Mering (chair) Maureen Meister	Diab Jerius Heather Hannon
Members Absent:	Elizabeth (Betsy) Cregger	
Also Present:	Brian Szekely, Town Planner Beth Rudolph, Town Engineer	Nancy Polcari, Recording Secretary
Others Attending:	Fulton Harley Jamie Devol Diom O'Connell Barbara Boylan Julia Aquino Guy Dixon Kevin Sarney	WinCam Sally Dale Ellen Wilson Ann Sera Patrick Aquino Dennis Collet

A quorum being in attendance, Chair von Mering calls the Winchester Planning Board (PB) meeting to order at 7:31 pm, noting that the meeting is being video recorded via WinCam.

**Meeting Minutes:** postponed to end of meeting.

**Updates, Chair von Mering:**

**The Vale:** SB sent letter to Woburn City Council regarding this large project. PB to send a letter; question raised as to who signs it (joint PB/SB or PB only). Discussion continued at the end of today's meeting.

**10 Converse Place:** Ian Gillespie, developer, and his architect presented an update on this project to the SB; there is missing some critical information regarding % of affordable housing and height of the structure. To meet Center Business District (CBD) requirements, either 10% 40B or 5% under median income. They claim 15% affordable. By-right is a 40-foot height, or 48 feet by special permit. The developer wants a much higher building which requires a Planned Unit Development (PUD) as outlined in 7.3.14.6 item 3. To make the PB's position clear, specifically regarding building height and % of affordable/diverse housing, Chair von Mering suggested PB send a memorandum to the applicant outlining/explaining PB's position.

Action: Ms. Polcari will summarize details of last Converse Place developer presentation; Mr. Szekely will draft memorandum for review by PB.

**Memo from Chris Mulhern** (Winchester architect) to Select Board Chair, Mr. Bettencourt, requesting a change to the zoning. He noted the current zoning does not allow people to use accessory structures on their property for office space, nor build any structure that is not intended for residential purpose. He would like to see this changed. Discussion continued at the end of today's meeting.

**Updates, Mr. Szekely:**

**Microenterprise Grant:** The application for the Microenterprise Grant was approved for \$140K. This will allow the PD to distribute funds to small local business struggling financially due to COVID. Concern raised by Ms. Meister regarding Mr. Szekely's time to administer this grant, even though it falls under economic development. Action: Chair von Mering with Mr. Szekely will coordinate with Town Manager Wong to establish a process.

**Updates, Ms. Meister:**

**88 Harvard Street:** Mr. Lyons, the owner of 88 Harvard Street, has inquired about building a second house on the land adjacent to the house, even though the property is too small based on zoning requirements. Would it require a variance? Discussion followed:

Ms. Meister: Variance is not the right “tool”. Maybe a waiver from the zoning, using the Mass Historical Commission booklet on preservation laws as a guideline. This would require a new bylaw to allow a waiver.

Mr. Szekely: affirmed that Ms. Meister is correct. He stated a variance under state law is based on the shape, topography, and soils of the lot. He was going to ask legal counsel, Anderson and Kreiger to look at the Grove Street example, considering this situation.

Mr. Jerius: In favor of a waiver but concern this does not create a “loophole” for future applications/developers. Also consider its use for other locations that are not historic.

Chair von Mering in favor of a waiver.

Ms. Meister: Would need to include for Fall Town Meeting (FTM).

Ms. Hannon: Property at the corner of Main Street and Canal Street may benefit from the waiver to help save that building.

Action: develop an article for FTM to change the zoning bylaw (add to FY21 agenda list).

**ZBA Petition 3907 – 78 Sylvester Avenue:**

Mr. Szekely provided background details: demolish existing single family and rebuild a 1.5 story on existing foundation. Historical Commission voted as no adverse impact. Mr. Szekely recommends favorable action.

Petitioner: Jamie Devol, the architect, summarized details including the cupola and the many elements reflecting the character of Winchester’s existing architecture. Owner, Ellen Wilson, spoke about the project design. Ms. Rudolph noted her staff had reviewed and had no comment. Discussion: tight space; thrilled with design; maintains scale and character of neighborhood.

Ms. Meister moved to recommend favorable action for ZBA Petition 3907 at 78 Sylvester Avenue. Mr. Jerius second the Motion. No discussion. Vote: Meister, von Mering, Hannon, Jerius in favor. Cregger absent. 4-0-0 Motion passes.

**ZBA Petition 3908 – 77 Woodside Avenue:**

Mr. Szekely provided background details: requesting a Special Permit from Section 3.5.5 to construct an addition that will be located closer to the side property lines than permitted. Historical Commission voted as no adverse impact. Mr. Szekely recommends favorable action.

Petitioner: Julia and Patrick Aquino explained their project originally permitted in May but discovered an error in the survey while under construction requiring a special permit. The work has stopped until permit process is completed. Ms. Rudolph noted her office will review this petition this week.

Discussion:

Chair von Mering asked about the existing birch tree in the picture; Ms. Aquino responded saying the tree was half dead and has been removed. Chair also asked about the chimney; Ms. Aquino confirmed the chimney remains.

Mr. Jerius raised a concern about the rear view (it is a 3-story building from the back due to the slope of the property), saying it’s very tall, and asked if the neighbors had commented. Ms. Aquino stated that the neighbor has not commented, and that there are trees blocking much of that view. Mr. Guy Dixon, the architect, noted the roof design breaks-up the continuous 3-story structure.

Chair von Mering noted that changing the finish material on the lowest level would help, but she did not have a concern for the rear view based on the design.

Ms. Meister moved to recommend favorable action for ZBA Petition 3908 – 77 Woodside Avenue. Ms. Hannon second the Motion. Discussion: Chair von Mering requested this recommendation be subject to the endorsement of the Town Engineer. Ms. Meister removed her motion.

Ms. Meister moved to recommend favorable action for ZBA Petition 3908 – 77 Woodside Avenue subject to the endorsement of the Town Engineer. Ms. Hannon second the Motion. No discussion. Vote: Meister, Jerius, von Mering, Hannon in favor. Cregger absent. 4-0-0 Motion passes.

### **ZBA Petition 3909 – 326 Highland Avenue:**

Mr. Szekely provided background details: this is a two-story addition with a net increase of 488 square feet, but the total floor area is greater than 5,000 square feet. Historical Commission voted as no adverse impact. Mr. Szekely recommends favorable action. Ms. Rudolph requested drainage information to review.

Discussion: Ms. Meister suggested stepping back the addition by a few inches to create a shadow line and breakup the large mass across the facade as currently shown. Petitioner: Fulton Harley, architect, noted the suggestion and would review with the owners, Mark and Katherine Andersen.

Ms. Meister moved to recommend favorable action for ZBA Petition 3909 – 326 Highland Avenue. Ms. Hannon second the Motion. Discussion: Chair von Mering requested this recommendation be subject to the endorsement of the Town Engineer. Ms. Meister removed her motion.

Ms. Meister moved to recommend favorable action for ZBA Petition 3909 – 326 Highland Avenue subject to the endorsement of the Town Engineer. Ms. Hannon second the Motion. No discussion. Vote: Meister, Jerius, von Mering, Hannon in favor. Cregger absent. 4-0-0 Motion passes.

### **The Vale – Woburn:**

Mr. Szekely presented a letter dated July 16, 2020, sent from Legal Counsel (clients: LCS Woburn and Puite Homes of New England) requesting the Woburn City Council to extend public hearings from July 21<sup>st</sup> to September 8<sup>th</sup>, allowing more time for Peer Reviews.

Ms. Rudolph provided engineering update. Engineering is getting proposals for independent review of storm water/drainage impacts, and another consultant for the energy/climate impacts and wildlife habitat impacts.

Chair von Mering noted that these reviews by consultants are being paid out of Winchester Town funds.

Chair von Mering stated that the neighborhoods have joined to review the project. We want to include comments to Woburn to support these residents. Discussion opened to neighborhood representatives: Ann Sera and Dennis Collet. Ms. Sera had the following comments and concerns:

- The neighbors had concerns with several items in the SB's letter to Woburn City Council and were not sure of the process to get them addressed
- The sidewalk on the North side of Sunset cannot be built; it is considered wetlands and poses a significant drop-off in elevation making it unsafe.
- There have been studies for alternate bike routes but because of the wetlands and the MEPA process, it will never happen.
- The neighbors want no access at Sunset (including pedestrian) and only emergency (vehicle) at Forest. They also wanted to know what the frequency of emergency use is anticipated.
- Would like to see a pedestrian/bicycle crossing at Washington Street and Sunset Road intersection.
- There is a bike path/pedestrian path up Washington Street behind Wendy's that is almost the same length as the route using Sunset. They feel that another bike path is needed.
- With pedestrian access at Sunset Road, there is also a concern that this would create a parking problem in the neighborhood.

Ms. Rudolph clarified that the MEPA process did not determine that the bike path could not be built; rather, it encouraged continued study and review.

Planning Board Comments:

- Mr. Jerius: it is short-sighted to think that no one will want a pedestrian path to the Vale from Sunset; current residents may not, but future ones may. The Vale residents may also be interested.
- Chair von Mering noted that the PB supports a bike path to The Vale (exact location to be determined, but not through Sunset Road), a pedestrian crossing at Washington and Sunset streets and pedestrian access to Forest Street. She also stated that there is a large change in elevation where The Vale is putting a wall (saying they would cover it with plantings), that will have to be considered when locating a bike or pedestrian path.
- Mr. Jerius requested Ms. Sera send to the PB the paper she frequently referenced that detailed the neighbor's concerns.

- Mr. Jerius noted he also has a concern regarding zoning that is not addressed in the TBOD (Technology and Business Mixed Use Overlay District). Woburn zoning states that a development cannot exceed 35 feet in height if within 150 feet of a residential zone in Woburn; it does not state anything about the Winchester residences. It is currently unknown how close The Vale structures will be to the Winchester neighborhood and the height of those buildings.
- Chair von Mering suggested Mr. Szekely bring this item to the Town Planner for Woburn to discuss changes for future projects, noting it was probably not possible to have an impact on The Vale project.

Ms. Sera also noted that what The Vale had originally stated in the TBOD regarding the design requirements now appears to be at the discretion of the Woburn City Council. Mr. Jerius noted this would be addressed through legal counsel. Chair von Mering noted that there are many items needing PB attention. Mr. Jerius volunteered to lead the coordination with Ms. Sera, Ms. Hannon, and others to draft correspondence and provide updates to the PB.

Ms. Meister moved to authorize Mr. Jerius to organize and draft memos as necessary regarding The Vale, with Chair von Mering signing on behalf of the PB. Mr. Jerius second the Motion. No discussion. Vote: Meister, Jerius, Hannon, von Mering in favor. Cregger absent. 4-0-0 Motion passes.

### **FY21 Agenda Items:**

Chair von Mering started the discussion to review the list of PB items, including those related to FTM, prioritizing them, and a strategy to address. She noted that for the FTM Items, the first two items are done and need administrative work: 1. Site Plan/Special Permit scrivener's error and 2. Disability Access Commission.

Chair von Mering suggested removing the next item, Review All PUD language (addresses affordable housing without going to a 40b process):

- the PB does not have consensus; this item will take more time to review.
- might need consultant input.
- maybe add to Spring Town Meeting agenda.

Ms. Meister concurs with this suggestion, adding that it may be possible to address concerns via guidelines.

Mr. Szekely clarified that amending the North Core subzone is the citizens petition submitted by John Stevens and that the residents are not ready to meet with the PB yet but are aware of the time schedule. Mr. Szekely and legal met with Mr. Stevens, indicating their best strategy for success is having the PB take on this task.

Mr. Jerius and Ms. Meister both endorsed the next two items for FTM as important priorities: Abandoned/neglected House ByLaw and Dimensional waiver for historic resource preservation.

Ms. Meister also emphasized making PB appointments and revising subdivision fees as being important. She noted that many items not on this list will take much PB time (projects in Town).

Ms. Hannon noted that Accessory Dwelling Units is a topic increasing in popularity in other locations. Chair von Mering noted this is one of her priorities; it is important to make Accessory Dwelling Units an option.

Ms. Meister requested to add teardowns.

Ms. Hannon requested to add in small multi-family zoning (2 to 6 units).

Mr. Jerius had a concern that the Board is focusing on short term vs long term.

Chair von Mering asked how to make this best for all. PB members agreed with:

- Finalize the list including the responsible party.
- Group by length of time it will take to resolve or finish (quick, short, medium, long)
- "Vote" for your priorities.

- Prioritize 1 or 2 large items in long-term category that PB can tackle consistently over longer time period.

Mr. Szekely will forward list to Chair von Mering who will review and circulate to the PB; PB members will forward their “votes” to Mr. Szekely to tally for discussion at the next meeting.

Chair von Mering summarized the list of action items:

- Chair and Mr. Szekely will meet with Town Manager to review how the Town Planner allocates his time.
- Mr. Jerius will review the zoning waiver.
- Mr. Jerius with Mr. Szekely will finalize the responses on the ZBA petitions.
- Mr. Jerius will develop the memo for The Vale.
- Mr. Szekely will add responsible party to the task list; forward to Chair von Mering for distribution and prioritizing by PB.

Ms. Meister requested to include Converse Place in this list of action items. She suggested the PB needs to review the last presentation made by the developer, getting the link from WinCam or Mr. Szekely. The date was thought to be May 12<sup>th</sup> or 19<sup>th</sup>.

For Chris Mulhern’s request regarding home businesses in the Zoning Bylaw, Chair von Mering noted she has looked at the zoning. People cannot work in an existing shed/garage nor build new structures for an office purpose. There is also language about traffic, visitors, and parking. Ms. Meister noted this has been controversial and suggested maybe this is a citizen’s petition. Mr. Jerius volunteered to research this issue and report back.

Ms. Hannon moved to adjourn the meeting. Mr. Jerius second the Motion. Vote: Jerius, Meister, von Mering, Hannon in favor. Cregger absent. 4-0-0 Motion passes. Meeting adjourned at 10:29 pm.

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Diab Jerius, Clerk

Nancy Polcari, Recording Secretary