Planning Board Meeting Minutes
Tuesday, August 11, 2020 at 7:30 pm – Zoom Meeting

Members Present:	Heather von Mering (chair)	Diab Jerius
	Maureen Meister	Heather Hannon
Members Absent:	Elizabeth (Betsy) Cregger	
Also Present:	Brian Szekely, Town Planner	Nancy Polcari, Recording Secretary
	Beth Rudolph, Town Engineer	
Others Attending:	David Tabenken	WinCam
	Ian Gillespie	John Suhrbier
	Diom O'Connell	Larry Beals
	Chris Mulhern	Sally Dale
	Kevin Sarney	Todd Morey

A quorum being in attendance, Chair von Mering calls the Winchester Planning Board (PB) meeting to order at 7:32 pm, noting that the meeting is being video recorded via WinCam.

1. Updates, Mr. Szekely/Chair von Mering:

A. The Town Manager Office submitted a Capital request for $75K for the engineering design of downtown CBD improvements such as long-term outdoor dining seating, review the streets/sidewalks/ADA, etc. Toole (engineering firm) is currently working on other projects (ADA for High School and Town Hall; Dam repair) and will develop a cost estimate for this work too.

B. **Shared Streets Grant Application**: Toole is helping to develop the grant (contracted with MassDot); would promote biking and walking to support local businesses; address modular raised cross walks and bikeways; help many restaurants (Black Horse Tavern, A Tavola, China Sky, Lucias, First House Pub, etc.). Concept is to build something in the next 30 days that would be reusable in the future.

C. **The Vale**: The special permit meeting did not happen and is now moved to August 20th. The neighborhood has been engaged in the process. Anderson and Kreiger, on behalf of Winchester, sent a memo to the Woburn City Council stating that neither Sunset nor Forest Streets can be used for emergency purposes.

D. **Tree Preservation Bylaw:** The meeting was today; currently identifying what parameters to include in a bylaw; some options are: 6" diameter, 30" diameter, tree-by-tree basis, all private properties. All signature trees should be reviewed; signature being defined as over 24" in diameter and it applies to all portions of a property. Licensing program should work. Need to prevent "stands" of trees from being cut down (a grouping of trees together). Ms. Hannon noted that the discussion also included looking at how to package or frame the bylaw to make it clear to Town Meeting members. Chair von Mering requested to include the impact to adjacent trees with the removal of another tree (would they be more susceptible to harsh weather).

2. Updates, Ms. Meister:

A. **16 Niles Lane:** Ms. Meister and Mr. Szekely attended the Historical Commission (HC) meeting. The HC voted to put a demolition delay on the permit to demolish the home at 16 Niles Lane. That meeting included discussion regarding whether the house was visible from the public way. Ms. Meister noted that the criteria for significance does not include public visibility. August 31st is the next HC meeting. Ms. Hannon asked why the owners want to demolish the home. Mr. Szekely

noted that the family lives in town and wants to build a single-family home. The hope is they will just add on to the existing house instead of demolishing it.

B. **Waterfield RFP:** Mr. Szekely noted that there are 6 applicants still in the running from the original 8. Two pulled out due to competition. For the public hearing, there were 50+ people on the call. Most questions focused on the North Site near the D'Agostino's building; the documents are available for review on the Winchester website under Select Board (SB) Hearing.

3. PB Meeting Minutes:

Ms. Meister noted she has reviewed all the minutes and has marked the spelling, names, page numbers, and other minor corrections that she will pass onto Ms. Polcari to incorporate into the final minutes.

A. **January 7, 2020:** Chair von Mering requested comments. Ms. Meister moved to approve as amended the minutes for January 7, 2020, PB meeting. Mr. Jerius second the Motion. No discussion. Meister, Jerius, Hannon, von Mering in favor. 4-0-0 Motion passed with Cregger absent.

B. **January 14, 2020:** Chair von Mering requested comments. Mr. Jerius moved to approve as amended the minutes for January 14, 2020, meeting. Ms. Meister second the Motion. It was noted that these are the minutes for the joint meeting with the Master Plan Steering Committee. Mr. Jerius requested to withdraw the Motion. Ms. Meister second the Motion. Chair von Mering will schedule a separate time with the Master Plan Steering Committee to review and approve the minutes.

C. **January 14, 2020:** Chair von Mering requested comments. Ms. Meister moved to approve as amended the minutes for January 14, 2020, PB meeting. Mr. Jerius second the Motion. No discussion. Meister, Jerius, Hannon, von Mering in favor. 4-0-0 Motion passed with Cregger absent.

D. **February 11, 2020:** Chair von Mering requested making the headers bold and adding a space before the header. Also add numbers to make it clearer. Ms. Meister moved to approve as amended the minutes for February 11, 2020, PB meeting. Mr. Jerius second the Motion. Meister, Jerius, Hannon, von Mering in favor. 4-0-0 Motion passed with Cregger absent.

E. **May 12, 2020:** Chair von Mering requested capitalizing the "A" in affordable housing at the end of the 10 Converse Place section and removing "that they have diversity in size". Ms. Meister moved to approve as amended the minutes for May 12, 2020, PB meeting. Mr. Jerius second the Motion. No discussion. Meister, Jerius, Hannon, von Mering in favor. 4-0-0 Motion passed with Cregger absent.

F. **June 2, 2020:** Chair von Mering requested when acronyms are used to ask and clarify during the meeting and include the meaning in the minutes. Also, to add "where the majority of the Town's Black community resided" in lieu of "part of the town's Black community". Mr. Jerius requested to get the letter from Ms. Meister referenced in the minutes and include as an attachment to the minutes. Another point is to capitalize "B" when referencing Black as a race and to change "attends" to "liaise with" on the last page. Ms. Meister moved to approve as amended the minutes for June 2, 2020, PB meeting. Mr. Jerius second the Motion. No discussion. Meister, Jerius, Hannon, von Mering in favor. 4-0-0 Motion passed with Cregger absent.

G. **June 16, 2020:** Chair von Mering requested comments. Ms. Meister moved to approve as amended the minutes for June 16, 2020, PB meeting. Mr. Jerius second the Motion. No discussion. Meister, Jerius, von Mering in favor. Hannon abstains. 3-0-1 Motion passed with Cregger absent.

H. **June 22, 2020:** Chair von Mering requested comments. Ms. Meister moved to approve as amended the minutes for June 22, 2020, PB meeting. Mr. Jerius second the Motion. No discussion. Meister, Jerius, Hannon, von Mering in favor. 4-0-0 Motion passed with Cregger absent.

I. **July 7, 2020:** Chair von Mering requested comments. Ms. Meister moved to approve as amended the minutes for July 7, 2020, PB meeting. Mr. Jerius second the Motion. No discussion. Meister, Jerius, Hannon, von Mering in favor. 4-0-0 Motion passed with Cregger absent.

J. **July 21, 2020:** Chair von Mering requested comments. Ms. Meister moved to approve as amended the minutes for July 21, 2020, PB meeting. Mr. Jerius second the Motion. No discussion. Meister, Jerius, Hannon, von Mering in favor. 4-0-0 Motion passed with Cregger absent.

4. Zoning Relief for Preservation:
Mr. Szekely referred to his memorandum outlining the specific basis for a new bylaw to address zoning relief when preservation of a historic resource is involved; his memorandum provided examples of bylaws from two other communities (Concord and Weston) addressing the same issue. Briefly, issuing a variance to save a historic resource on an undersized lot is inconsistent with the intent and conditions of a variance. A variance can be granted to address soil, topography, or shape. Mr. Szekely identified language for a new section 4.5 titled "Flexible Zoning for Historic Resource Preservation" to add in the Zoning Bylaws creating the legal mechanism for a new lot that would otherwise be non-conforming. Comments:
Ms. Hannon: Instead of seeing infill, would rather preserve or enhance the density. If we allow more units, the unit cost will be lower, to be available for lower income buyers. It also decreases the new larger homes that take up open space.
Mr. Jerius: Clarified that the intent is to allow more units as compared to allowing larger buildings. Look at relief not just from setbacks but from actual number of units.
Mr. Szekely: He referenced accessory dwelling units. There are bylaws to allow accessory dwelling units in historic structures. Said he would look into adding a use provision to allow for 3 or 4 units.
Ms. Meister: Stated this bylaw addresses 88 Harvard Street and motivates the owner to build a more moderately priced duplex and add a small home; right now, after a year the owner can build a huge duplex. This would also apply to Canal Street at Main Street.
Chair von Mering: Suggested tightening the language and add qualifiers; need to address the accessory dwelling units; also address the number of units. These are two situations that overlap and are equally important.
Mr. Jerius: Need to think more about flexible development. This is an opportunity to craft a set of values to meet the special needs for the community, starting with the Historical Commission. Wright-Locke Farm is an example. The Weston Bylaw example does not reference historical structures. Concord does. Maybe broaden to serve the town better long-term. Suggest keeping the bylaw as proposed and adding some wording to make it applicable to other situations.
Chair von Mering: Requested Mr. Szekely send the draft to other boards (Historical Commission, Zoning Board of Appeals, Design Review) for their review and comment; she also requested PB members forward written comments to Mr. Szekely.

5. Petition No. 3911 – 6 Crescent Road:
Mr. Szekely summarized this Petition: seeking a Special Permit under Section 3.5.5 to construct an addition that will be located closer to the side property lines than permitted as of right and located closer to another building than permitted as of right. The Historical Commission voted no adverse impact on August 3, 2020. Based on the rear location, small size, and materials proposed, Mr. Szekely recommended favorable action.
Ms. Meister: Noted it looks good.

Ms. Meister moved to recommend favorable action for Special Permit Petition No. 3911 for 6 Crescent Road. Mr. Jerius second the Motion. No discussion. Meister, Jerius, Hannon, von Mering in favor. 4-0-0 Motion passes with Cregger absent.

6. Petition No. 3910 – 32 Winthrop Street:
Mr. Szekely summarized this Petition: seeking Special Permit under Section 4.2.5 and 9.4.2 to construct dormers that will be greater than 50% of the width of the roof plane. The Historical Commission voted no adverse impact on August 3, 2020. This is a major renovation of the existing structure that includes a conforming garage addition and a new dormered half story. The intent of the bylaw is to prevent full third stories; if the dormers were not in the design, the height of the structure could stay the same with a less interesting top floor. About 86% of the length of the roof is dormered. Comments:
Ms. Hannon: Felt that this does not read as 3 stories.
Ms. Meister and Mr. Jerius: Raised concern that this looks like three stories and needs work.
Chair von Mering: The basement is more than 50% exposed if include the garage. The dormer is creating the need for a Special Permits, specifically the percent of the dormers.

Ms. Hannon: Does not have an issue with the dormers.
Mr. Jerius: Dormer on the other side of the house goes across the entire side (not 50%).

Ms. Meister moved to recommend unfavorable action for Special Permit Petition 3910 for 32 Winthrop Street as noted:

1. The length of the dormer on the north elevation spans nearly the entire length of the structure. The dormer length on the south elevation is at 86% of the roof. This makes the house read as three stories.
2. West elevation reads as three stories.
3. Scale of the building and specifically the dormers would be out of character with neighborhood. Pattern of the dormer windows is inconsistent with the rest of the neighborhood.

Mr. Jerius second the Motion. Meister, Jerius, von Mering in favor. Hannon against. 3-1-0 Motion passes with Cregger absent.

7. 10 Converse Place:

Mr. Szekely referenced his memorandum regarding the 10 Converse Place development project. Chair von Mering stated that public ways are under the authority of the SB and any changes need to be brought to their attention for review and approval. Focused on the Consensus Comments, discussion and modifications included:

1. Rounded corners are attractive but not necessary.
2. Landscaping is attractive but could be simplified.
3. The roof is too busy, too heavy, creates a vertical rise; recommend lightening the massing toward the top.
4. Ok as stated ("The woonerf is a great amenity that should be kept.")
5. Ok as stated ("Potentially getting rid of the retail along Mt. Vernon and making that housing to lower the building by 1-story.").
6. Mr. Szekely asked the PB to clarify what is required for a PUD 3.0, specifically to define "more diverse housing". Discussion:

   Mr. Jerius: There is a trade-off; do we want high-end building or more affordable housing? It is a value proposition.
   Chair von Mering: Affordable housing must be equally distributed among all the units; she questioned the ability to make the PUD numbers work.
   Mr. Szekely: Noted that with every affordable unit, the developer loses between $600K and $900K; will this require subsidy funds to have a PUD 3.0? Also noted that the parcel could have been bigger, joined with other parcels to make a PUD work (other parcels being CVS, China Sky, etc.).

   Revised #6: This building should be coming in at the Special Permit level (2.5) and not at the PUD 3.0 level as submitted. The developer has not exhibited that their plan has gone above and beyond housing requirements.

7. Going above a 2.5 FAR in a PUD should only be given if more than the required level of affordable housing and diversity of housing is provided. The applicant has not shown his plan to achieve this.
8. Individual Comments: Meister: all comments ok with item 4 changing to: Café might be preferable at the water's edge to maximize sun exposure rather than on Mt. Vernon.
9. Individual Comments: Jerius: all comments ok with "as long as PUD requirements are met" placed at the end of #2.
10. Individual Comments: von Mering: Move #1 to the General Consensus under #4. Change #2 to read: The massing is inconsistent with the historic character of town. And make these comments from von Mering, Hannon and Meister.

Mr. Szekely noted that Mr. Gillespie intends to present at the next PB meeting on August 18th. Chair von Mering noted Mr. Gillespie will have that option after they have received and reviewed the PB comments.

Ms. Meister moved to submit a letter to the developer for 10 Converse Place as edited, to be signed by Chair von Mering. Mr. Jerius second the Motion. Jerius, Meister, Hannon, von Mering in favor. 4-0-0 Motion passes with Cregger absent.

8. FY21 Agenda Items:

Town Meeting items discussed:

-North Core – next week discuss Resident Petition
-Disability Access Commission is ready
-Site Plan/Special Permit mistake is ready
-Zoning Relief for Preservation -talked about today

Mr. Jerius questioned the role of the Town Planner and PB with the Resident Petition.
Ms. Meister stated we owe a response to advise the resident.
After more discussion, Chair von Mering instructed Mr. Szekely to summarize the language and intent of the Resident Petition; the PB will review and respond.

9. Updates Continued:

Mr. Jerius: John Suhrbier with the Winchester Housing Partnership Board suggested the PB take a leadership role in participating in a forum that is looking at racism related to zoning, and ways to remediate. Is the PB interested? Look at Winchester's zoning, neighboring towns, and other speakers to figure out how to address going forward. Chair von Mering noted that there are not many experts in this field. Ms. Hannon noted she has attended webinars associated with her job that relate to race and zoning and could share the contact/speaker information. Ms. Meister supported the participation of the PB. Mr. Jerius stated he is willing to be the point person and do the work to support this effort; he will circulate the information and report back to the board later. Mr. Szekely noted there is a grant related to Racial Equity and Planning that he is pursuing. PB concurred with the grant application.

Mr. Szekely raised the issue of the North Main Street RFP ($30K Study). He started writing the RFP; it will take 3-4 months; also plans to apply for technical assistance from Metropolitan Area Planning Commission (MAPC) for $15K that will provide a total $45K for this effort. Working with MAPC for the entire project will move it along faster but will require using one of their planners (cannot select); however, we can identify the type of planner needed. Mr. Jerius did support writing the RFP which will clarify and solidify the details. Mr. Szekely confirmed that this work will still need to be done working with MAPC. Mr. Szekely will summarize and include on next meeting's agenda.

Mr. Jerius moved to adjourn the meeting. Ms. Hannon second the Motion. Vote: Jerius, Meister, von Mering, Hannon in favor. 4-0-0 Motion passes with Cregger absent. Meeting adjourned at 10:33 pm.

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Diab Jerius, Clerk

Nancy Polcari, Recording Secretary