



Planning Board Meeting Minutes Tuesday, August 16, 2022, at 7:00 pm – Remote Participation

Members Present:	Diab Jerius, Chair I-Ching Scott Kurt Spring	Sally Dale, Vice Chair/Clerk Nicholas Rossettos	
Also Present:	Brian Szekely, Town Planner Bryan Manter, Assistant Town Engineer	Nancy Polcari, Recording Secretary WinCam	
Others Attending:	Larry Murray Mark Vaughan Brian LaPointe Richard Beliveau Tom Mahoney John Suhrbier Giorgos Zacharia	Andrew Staires Caroline Divitto Brian Timm Samantha Cripps Allan Eyden Bill Proia Drew Gallant	John Paul Martignetti Steele Divitto Nick Pratt Joe and Rena Fernandez Monte Marrocco M Tsao Robert Suslavich

A quorum being in attendance, Chair Jerius calls the Winchester Planning Board (PB) meeting to order at 7:02 pm, noting that the meeting is being recorded via zoom and WinCam. Roll call of PB members: Dale, Rossettos, Scott, Spring, Jerius in attendance.

1. **Public Hearing: Rocky Ledge Terrace Preliminary Subdivision**

Chair Jerius: Opened the Public Hearing at 7:04 pm for the preliminary subdivision at Rocky Ledge Terrace.

Mr. Beliveau: Owner of Volney Capital, introduced his team: Brian Timm and Drew Gallant. Noted that their original proposal included 6 houses on a cul-de-sac that extended the current dead end Rocky Ledge Terrace. At that time, the PB recommended extending the road to connect to the neighborhood to eliminate the cul-de-sac. They reviewed this suggestion, but it could not be done. They also realized that developing the lower 3 lots would be very disruptive to the community. Working with the Mahoney's, they decided to pursue just the upper 3 lots.

Mr. Timm: Professional Engineer with RJOC & Associates, continued the presentation, as summarized:

- Propose to extend Rocky Ledge Terrace for about 190 feet and create a cul-de-sac for three lots for a total of about 2 acres.
- Existing road has about a 11% grade; the extended road would have a 2% grade.
- Currently only one home on the existing road.
- Each of the 3 lots would be a minimum of 20,000 sf, have the minimum of 100 feet of frontage, and include a buffer zone to adjacent properties.
- Reviewed the stormwater drainage plan and other utilities (locating them in the existing and extended street).
- Propose to include a landscaped island in the center of the cul-de-sac similar to that at Pilgrim Drive.

Chair Jerius: Requested comments from received letters or memorandums.

Mr. Szekely: He has not received any comments. The Historical Commission noted there are no known historical resources in this subdivision. The Design Review Committee will be discussing at their next meeting.

Chair Jerius: Any other departments such as Public Health, Department of Public Works, or Fire Department?

Mr. Szekely: Not at this time.

Mr. Manter: Engineering has provided a 4 page memorandum dated August 10, 2022, commenting on this preliminary subdivision. He reviewed several points:

- Will need more information on any blasting that is required.
- Need to know the amount of material being removed.
- Recommend a peer review consultant be retained to review the drainage design given the complexity of the site, the steep slopes, and the likely presence of ledge, as well as the water and sewer utilities.
- Need to determine the sizing of the drainage systems.
- Recommends including a Homeowners Association (HOA) to maintain the roadway systems in the common area.
- Since the property is over an acre, need to provide a stormwater pollution prevention plan (SWPPP) and apply for a National Pollutant Discharge Elimination System (NPDES) permit.
- For Waiver Request #1, Section 7.4.3 (Means of Access): The Engineering Department will rely on the opinion of the Fire Department.
- For Waiver Request #2, Section 7.6.5 (No Dead-End Street): The Engineering Department has no comment on this request, so long as the proposed cul-de-sac design is safe for use by public safety vehicles.
- For Waiver Request #3, Section 7.9.1 (Sidewalks on All Roadways): Given the lack of sidewalks in the abutting neighborhood, and the low traffic expected on the roadway, the Engineering Department has no concern with this request.
- For Waiver Request #4, Section 7.14.1 (Utilities within Paved Areas of Right-of-Way): The Engineering Department has no concerns with the proposed placement of the water main in the grass strip to maintain the required 10-foot separation between the water and sewer utilities.
- For Waiver Request #5, Section 5.3.3.j (Land contours extending 150' into adjacent land): Given the location of this parcel as the highest point in the surrounding area, the Engineering Department has no concerns with this request.
- Based on the current design, the applicant will need additional waiver requests related to a dead-end water main and the maximum road grade. However, the Engineering Department's recommendation is that the design be changed to bring those items into compliance with the regulations.

Mr. Szekely: He referenced his memorandum dated August 16, 2022, providing his comments on this preliminary subdivision. He briefly summarized:

Currently, the existing street terminates without a cul-de-sac and has no sidewalks. The applicant has been before the Planning Board in preapplication meetings during 2021 and 2022. Instruction was given to the applicant to devise a smaller development than what was contemplated at the time (6 house lots) or to create a through-road without the need for a waiver for dead end streets. The applicant has chosen to limit the size of the subdivision to 3 lots to minimize the amount of disturbance to the land and limit the amount of cut and fill as part of the development. Due to curvature of the cul-de-sac, reduced frontage is allowed-by-right. Noted the several questions also listed in this memo.

The PB needs to decide on the waiver for the cul-de-sac. He recommends the waiver since a through road would have a greater disruptive impact on the neighborhood.

Chair Jerius: Opened the comment period to the public.

Mr. LaPointe: Lives at 263 Cambridge Street. Appreciated learning about this project. Concerned with storm water runoff. Cambridge Street often floods with big storms. Appreciates hearing about the stormwater plan. Would like to know more about any blasting. Is in favor of the project.

Mr. Fernandez: 1 Rocky Ledge Terrace. Requested Mr. Suslavich speak for him.

Mr. Suslavich: 7 Surrey Road. Do you have easements for the utility connections, and will you need a pump for the water?

Mr. Beliveau: In response, all the utilities are going in the middle of the street and not on adjacent properties.

Mr. Timm: The sewer line moves from gravity. No pump is needed. The domestic water is under pressure and should not require a pump, but it will be reviewed. Also noted that there should not be any blasting as the changes in elevation will require fill.

Mr. Fernandez: How do the elevations of the houses compare to the road?

Mr. Timm: The houses are at about 190 elevation and Wagon Wheel Road is at about 180.

Ms. Fernandez: 1 Rocky Ledge Terrace. What caution will you provide for blasting, and will you repair any damage to our homes?

Mr. Beliveau: Intent is to minimize any blasting. Commit to having a site review of existing properties (either by our contractor or one you prefer) and then would do any repairs including the costs.

Mr. Fernandez: Concerned about trucks and equipment blocking their driveways during construction.

Chair Jerius: Confirmed that staging is part of the site conditions and would be included with the decision.

Mr. Zacharia: 8 St. Augustine Place. Concerned about the grading and specifically the drainage. This project is directly behind his property. Raising the cul-de-sac higher will increase flow into his yard.

Mr. Timm: Cannot increase runoff to adjacent properties. The cul-de-sac will have curbing and storm drains. Each lot will also have a drainage plan.

Chair Jerius: Opened the comment period to the PB members.

Chair Jerius: Comments and response as follows:

- Noted that there is no preliminary estimate of the cut and fill quantities. Mr. Timm: In the Development Impact Report the estimate is 940 cubic yards of fill.
- Requested how much of that would be coming from onsite vs. off site.
- Liked the landscaped area in the cul-de-sac. Asked how the Pilgrim Road example compares in size.
- Asked which trees are being removed.

Ms. Scott: Comments as follows:

- Hoping for a development that would alleviate the Town's housing needs, with more multi-family, not single family residences.
- Regarding the cul-de-sac waiver, the intent is to connect new development to the community.
- Agree with the HOA for the maintenance of the road and systems (Mr. Szekely noted that the DPW will provide snow plowing.)

- Disagrees with the comment that this development will have little impact on public services (schools). A home with 3 to 4 bedrooms could be home to a family with 3 or 4 children. Multiplied by three homes, there could be an impact of 9 to 12 children in the school system. That is significant.

Ms. Dale: Comments as follows:

- This is a great opportunity to balance the housing needs in Town, specifically middle income families, not 7000 sf homes. Would like to see three duplexes or townhouse/condos that would help contribute to the important missing middle.
- This is a beautiful site with wonderful views. Would like to have included an open space for public benefit.
- Agrees the 3 homes are better than the 6 of the original plan.
- Agrees with Ms. Scott's comment about the schools.

Mr. Spring: Comments as follows:

- The cul-de-sac is an improvement compared to the existing dead end road.
- Important to include the peer review for the stormwater runoff plan to assure the neighboring sites are not impacted.
- Concurs with Ms. Scott's comment about the schools.

Mr. Rossettos: Comments as follows:

- Concurs with the unique opportunity to make a difference in meeting the housing needs of the Town.
- Agrees with Ms. Scott's comment about the schools.

Mr. Szekely: To address the missing middle, there would need to be a zoning change that would allow duplexes in all RDA20 zones. The current zoning does not allow this. To put multifamily housing on this site would require a zoning change.

Chair Jerius: Request the PB to determine if there is an acceptance on Waiver Request #2, Section 7.6.5 (No Dead-End Street).

Ms. Scott moved to endorse Waiver Request #2, Section 7.6.5 (no dead-end street). Mr. Rossettos second the Motion. Vote: Dale, Rossettos, Scott, Spring, Jerius in favor. Motion passes 5-0-0.

Chair Jerius: Requested a continuance to September 6, 2022.

Mr. Vaughan: Legal counsel for Developer. Requested a clarification for the need for a continuance.

Mr. Szekely: Noted that there are several questions to be answered and responses to concerns and correspondence (such as the Engineering Department's memo, the Town Planner's memo).

Chair Jerius: Noted the final decision will occur at the September 6, 2022, meeting; this agenda item is scheduled to start at 7:15 pm.

Ms. Dale: Requested a tree protection plan, dimensions of the island, and the sewer capacity.

Chair Jerius: Closed the Public Hearing at 8:28 pm.

2. Updates

- Mr. Szekely:** The final guidelines for the MBTA zoning, Section 3A, were issued last Friday. There are several changes from the draft that incorporated many of the comments and concerns. He is developing a summary to explain the changes. He is also working with MAPC to develop an action plan by the January 2023 deadline.
- Chair Jerius:** The Tree Working Group made their presentation to the Select Board yesterday.

- c. **Mr. Rossettos:** The working group with the Historic Commission to develop a fact sheet to have available in the Building Department has not yet started.

3. ANR 21 Dartmouth Street

Chair Jerius: This involves both 21 Dartmouth Street and 53 Wildwood Street.

Mr. Szekely: Referenced his memorandum, noting the applicant requests an Approval Not Required (ANR) to move an existing lot line about 70 feet. He provided a picture and noted that the house built in 1832 is a historical resource and the Historic Commission placed a demolition delay on September 13, 2021. All the necessary forms have been submitted, and the necessary frontage and square footage is supplied as part of the plan. All requirements have been met and recommends endorsing the ANR.

PB Comments:

Mr. Rossettos: Noted the following regarding this house which was built in 1892 (53 Wildwood) for the record, to name a few of the attributes: the house contains 3 working fireplaces including with original surrounds and including original ceramic tiling; unusual leaded glass details in the entryway; remarkable and unusual granite and stonework in both front and rear entrances. All components lead to a striking whole. The demolition represents an egregious and consequential loophole in the protections currently in place. This property has been a landmark, a remarkable and unusual building in my consciousness personally for the past 50 years.

Ms. Dale: It is a tragedy to see this torn down.

Ms. Scott: Over the years the house has changed, The second story was removed. The applicant has followed the law. This ANR involves moving the lot line, not razing the house.

Ms. Scott moved to endorse the ANR for 21 Dartmouth Street. Mr. Spring second the Motion.

Discussion:

- The substance of the matter is to demolish this house.
- The demolition is not part of the ANR.
- It is a loss of a historical resource.
- There are currently no other tools to provide another option to retain historic structures.

Vote: Spring, Scott, Jerius in favor; Rossettos opposed; Dale abstained. Motion passes 3-1-1.

4. Form + Place Scope and Fee

Chair Jerius: Have received the scope and fee from Form + Place for Phase III of the North Main Street Corridor project.

Comments: all supportive.

Chair Jerius: Need to discuss how this fits in with the 3A (MBTA zoning).

Discussion PB and Town Planner:

- Not clear whether Town will want to adhere to the 3A. If don't participate, then precludes Winchester from applying for grant funds.
- To participate would require Town to add higher density housing.
- Town Meeting would determine.
- The first step involves developing an action plan (due in January) which would include the revitalization of North Main Street.

Ms. Dale moved to accept the Scope and Fee submitted by Form + Place dated July 27, 2022, for Phase III of North Main Street Corridor project. Mr. Rossettos second the Motion. Vote: Dale, Scott, Spring, Rossettos, Jerius in favor. Motion passes 5-0-0.

5. Accessory Dwelling Unit Bylaw:

Chair Jerius: Goal is to bring the bylaw to spring Town Meeting 2023. Mr. Bettencourt plans to bring this bylaw to fall Town Meeting.

General discussion:

- Currently, ADU's happen unofficially.
- Not clear on how to provide relief to the population who needs to be served, specifically seniors who want to remain in their home and those with disabilities.
- Some concerns with parking.
- Provides financial stability to the homeowner as well as the renter.
- Would have a limitation on the size of the ADU.
- A second kitchen is an independent cooking facility. (Note: this is a correction to what was mistakenly stated in the meeting.)

6. Adjourn:

Ms. Scott moved to adjourn the PB meeting of August 16, 2022. Mr. Rossettos second the Motion. Vote: Dale, Rossettos, Scott, Spring, Jerius in favor. Motion passes 5-0-0. Meeting adjourned at 9:29 pm.

Sally Dale, Clerk

Nancy Polcari, Recording Secretary