

## Winchester Board of Appeals

### Minutes of the meeting of August 17, 2023

Board members present were Feigenbaum, Simboli, Marino, and Andersen.

#### Updates

1. Updated webpages. Everyone agreed on having the web pages updated as suggested in Feigenbaum's proposed mockup previously circulated.

2. Minutes. No one had any comments on any of the eleven sets of minutes previously circulated. Two of the sets require additional information regarding 158 Swanton Street before they are posted. The rest will be posted promptly.

3. Timing of decisions relative to the Conservation Commission. Feigenbaum reported briefly on his discussions with the Chair of the Conservation Commission as described in his summary previously circulated. A key point is that in many cases neither body will wait for the decision of the other, because the applicant will be bound by both decisions whatever their sequence.

4. Recording secretary. Feigenbaum reported that he had been informed that the hiring of a recording secretary is imminent. [Thankfully.]

5. Notice to broader lists of nearby property owners. Feigenbaum presented his proposal for distributing notices of hearings beyond the small number required by law. The concept was explained in a previously circulated description. The basis of the suggestion is the need for more information about the characteristics of neighborhoods near proposed projects for the Board to properly apply the criteria of the Zoning Bylaw, which refer to neighborhoods and vicinities. In a brief discussion, all other Board members present saw no need for such an expansion of the notice distribution.

6. Draft decision for 3987 - 316 Highland Avenue. There were no comments on the decision and it will be signed and posted.

3988 - 19 Hancock Street. The hearing was opened again. Feigenbaum reported that efforts were underway to hire a section 53G consultant regarding stormwater management proposals. And Feigenbaum's comments on the restriction agreement have been received by town counsel. It was agreed to defer the effort and cost of counsel's review until later in the process.

4001 - 3 Crescent Road. The hearing was opened. After a brief presentation by the applicant and a brief discussion among the Board members, the request for a special permit was approved unanimously (Feigenbaum, Marino, and Simboli in favor) subject to standard conditions related to completing the project in accordance with the application and the representations (oral and written) made in connection with the application.

4000 - 158, 159, 162 Swanton Street. Feigenbaum recused himself and Simboli chaired the meeting with Marino and Andersen participating. [Please ask Dorothy to complete the description.]

3993 - 87-89 Cross. The hearing was opened again. After a brief presentation by the applicant's lawyer, and some discussion about the waiving of fees otherwise due from the applicant, the

Board voted unanimously (Feigenbaum, Simboli, Marino) to approve the comprehensive permit subject to conditions and waivers to be recited in a proposed decision to be written and circulated by town counsel. If necessary, based on comments from the Board on the draft, a special meeting will be scheduled shortly before or shortly after September 21.

4002 - 75 Bacon Street. Feigenbaum opened the hearing. The applicant's architect made a brief presentation. A spirited discussion followed covering the meaning of the bylaw provision for driveways and its applicability to the facts of the application. Differences of opinion were expressed regarding the appropriateness of a special permit and the possibility of narrowing the entrance on Cottage Avenue to meet the 10 feet width called out by the bylaw section. To permit more time for consideration of the application Simboli moved to continue the hearing to September 21. The motion was approved unanimously (Feigenbaum, Simboli, and Marino in favor).

4003 - 10 Brantwood (Lynch School). Feigenbaum opened the hearing and reviewed with town counsel the significant limitations on the Board's authority imposed by the Dover Amendment. Town counsel noted that the law did not permit the Board to address aesthetic issues related to the project. The architects for the project made a brief presentation focused on grading and loading bays, apparently the only matters left for consideration of the Board. Two abutters on Brantwood Road expressed concerns about traffic and parking on Brantwood especially with respect to athletic events held at Lynch School. The hearing was then closed and after a brief discussion, the Board voted unanimously (Feigenbaum, Simboli, and Marino in favor) to grant the requested special permits and approve the site plan. Town counsel will circulate a draft decision for consideration.

The meeting was then adjourned.

David Feigenbaum