



Planning Board Meeting Minutes Tuesday, August 18, 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	Nancy Polcari, Recording Secretary
Others Attending:	John Stevens Anne Marie Brako MJ English Christopher Keeler Kevin Sarney Nicholas Warner	WinCam John Suhrbier Terry Sally Dale Liam Prescott

A quorum being in attendance, Chair von Mering calls the Winchester Planning Board (PB) meeting to order at 7:30 pm, noting that the meeting is being video recorded via WinCam.

1. Updates, Mr. Szekely:

- A. The Town's Reopening Committee will be meeting with the Select Board (SB) to discuss a "mask zone" in the Center Business District (CBD).
- B. **Shared Streets Grant Application:** In writing this application, Toole (consultant helping applicants) learned that the dining decks for 9 restaurants would cost \$300K; the total grant money to be applied for was \$600K. The Town will not include the dining decks in their application (too expensive); the application will include planters, barriers, and funds to paint the barriers (will be by local artists), at an estimated cost of \$140K. The plan is to submit the application this week.

2. Updates, Ms. Meister: Requested an update on the meeting with the Town Manager (TM), Town Planner (TP), and Chair von Mering regarding how larger projects get assigned to the TP. Mr. Szekely noted he met with the TM, and that her staff will provide support on a project-by-project basis. Ms. Meister requested the PB be involved first when the TM has large projects needing TP involvement.

3. Draft PB Meeting Minutes November 12, 2019:

Ms. Meister noted she has reviewed these minutes and has several comments. Chair von Mering noted the same. Comments to be sent to Mr. Szekely for editing and resubmitting for PB review.

4. Citizens Petition Review

Mr. Stevens: As proponent of the petition, Mr. Stevens outlined the contents and the reasons. Briefly the Petition requests 1) to remove the area west of Main Street from the Planned Unit Development (PUD) North Core district (of the CBD); 2) to reduce the "by right" heights of the area west of Main Street; 3) to reduce the "special permit" heights for the area west of Main Street; 4&5) to revise the boundaries of the North Core to include the area west of Main Street in the Town Common section. His comments:

- Design not compatible with adjacent neighborhood.
- Heights are too great next to the existing homes.
- Real estate values will be diminished.

- The setbacks of existing buildings such as 666 Main Street are significantly greater than the new proposed development along Main Street and Vine Street. Often parking lots enhance the open space for several existing development buildings.
- This neighborhood originally had single family structures, and many continue to exist today. Some of the larger condo buildings are the result of combining several residential properties.
- Less development is permitted in the Museum district than in the North Core. The North Core contains many residential homes. The limits to construction in the Museum zone are more restrictive and not sure why they do not apply to the residential areas as well.

Mr. Szekely: Based on his conversation with legal counsel, the legal process will depend on the PB's position to this petition. PB Comments and Discussion:

Mr. Jerius: Different zones have different topography and different uses, and thus the height varies. We are trying to get denser population in the CBD, with the North Core being a viable location, but need to look at overall picture.

Ms. Meister: There are two concepts under consideration: one with the PUD and the other with height. Starting with the PUD, when the PB discussed this area, Dennis Carlone showed us concepts that provided for most development on the east side of Main Street. The liquor store and parking lot/gas station are vulnerable areas. Elmwood condos are being sold but not on-line yet. Parking is a huge concern for residents today. Ms. Meister concurred with Mr. Szekely's recommendation regarding the height. (Mr. Szekely's memo summarized the petition and recommended favorable action to reduce the special permit heights for the area west of Main Street.)

Chair von Mering: You cannot achieve on the west side of Main Street what it takes to meet the requirements of the PUD. And the sites in the zone are unable to be merged at this time. Recommend taking out the PUD. Originally the PUD was set up with the idea that smaller parcels would be joined. That is no longer possible here. The east side of Main Street is not an issue regarding the PUD 2. Recommends removing the west side from the PUD. Also look at taking out the PUD 1 regarding the Waterfield site. As for the height question, Chair von Mering requested getting the heights of the existing buildings on the west side, to review before responding.

Ms. Meister: Concurred with these comments, noting the Albanis changed the situation by adding a second level and housing units to a building they own on Main Street; can no longer combine lots.

Mr. Jerius: Then the PUD is moot on the west side and does not need to be removed. If you remove the PUD, you remove the lever to get affordable housing. Maybe address it another way other than the PUD.

Ms. Meister: The developers should be able to see the zoning and be clear where the PUD can be applied. Mr. Jerius concurred.

Mr. Szekely: Noted he would review the PUD boundaries and make a recommendation back to the PB.

Chair von Mering: Noted that the heights remain a concern and the need to look at 45 feet vs 65 feet.

Mr. Jerius: Reiterated the parking problem; that the PB can address the parking associated with housing but what about the street.

Chair von Mering: Noted that the SB has the authority to address street parking, not the PB, but that a letter to them would reiterate their concerns. She will draft for review by PB.

Mr. Szekely summarized:

1. He will obtain the heights of the buildings on the west side of Main Street (parcels in PUD)
2. Review the density; there are 100 units (50 for 654 Main Street and 50 for 10 Converse Place) leaving another 150 units for the proposed PUD target.

For the Citizens Petition:

1. He will work with Mr. Stevens on the PUD for the west of Main Street.
2. The by-right height reduction continues to not be a good idea, mainly because it is a flood plain.

3. The reduction in the special permit height is on hold pending height review by PB (actual height of 654 is 53 feet; that height makes sense for Main Street.)
4. Will look at the special permit height.
5. He will work on revising the boundaries but probably not for Fall Town Meeting.

5. Petition No. 3912 – 18 Sheffield Road:

Mr. Szekely summarized this Petition: seeking a Special Permit from Section 3.5.5 to construct an addition that will be located closer to the front and side property lines than permitted as of right. Petitioner also seeks Site Plan Review under Section 9.5.1 to construct an addition where total square footage will exceed 5,000 square feet. The house was built in 1900 and the Historical Commission voted no adverse impact with the condition to move the front plane of the garage behind the front plane of the main house to minimize the adverse effect on the streetscape, at their meeting on August 3, 2020. Mr. Szekely concurs with the HC's recommendation. He also noted Engineering had no issues.

Mr. Prescott, architect, reviewed the design of the addition noting the project has already been reviewed by the Design Review and Historical Commission. He contends it is in keeping architecturally, noting that the owners have meticulously kept the home both the structure and the landscaping. The addition is in keeping with the original detailing and materials and strengthens the residence. The existing garage is dysfunctional; and the owners will retain it to reuse. We feel it is not detrimental to the streetscape but rather enhances the landscape and strengthens the design.

Nick and Jen Warner, homeowners: noted that the 3 trees were reviewed by an arborist. One is dying. Two are severely diseased and leaning into the neighbor's property; the neighbor has requested them to be taken down. All abutting neighbors are in support of the design.

PB Discussion:

Ms. Hannon: The garage as shown will ruin the house; the doors should be entered from the side, not the front; should not see the doors from the front of the home.

Ms. Meister: This will set a precedent if allowed; the house is a historical resource; the garage should not be attached to the house at all; the house is the dominant mass and not the garage; forward fronting garages are unattractive; also detrimental to the historical character of the neighborhood.

Mr. Jerius: Concurs with the HC.

Chair von Mering: Concurs with the HC. The next-door house would not have been approved today with the garage. Garage needs to be moved back and into the set-back if necessary. Multiple planes are exquisite on the existing house and original character needs to be maintained. No issue with the landscaping.

Mr. Jerius moved to recommend unfavorable action for Special Permit Petition No.3912 for 18 Sheffield Road based on the following conditions:

1. Compromises the integrity of the massing of the house.
2. Inappropriate for the historic nature of the neighborhood; most garages are subsidiary to the home.
3. The garage adds a new plane to the front of the house; move so the historical planes of the existing house maintain their prominence
4. Redesign so the garage is not visible to the street.

Ms. Meister second the Motion. Hannon, Meister, Jerius, von Mering in favor. 4-0-0 Motion passes with Cregger absent.

6. Petition No. 3913 – 6 Country Lane:

Mr. Szekely summarized this Petition: seeking Special Permit from Section 3.5.7 to demolish a pre-existing non-conforming single-family dwelling and build a new single-family dwelling located closer to the side property lines than permitted as of right. The home was built in 1970 and the Historical Commission voted no

adverse impact on August 3, 2020. Mr. Szekely noted that the rebuild is on the existing footprint with a new porch added. He recommends favorable action. Engineering reviewed with no issues.
PB Discussion: all members concurred with the design as proposed.

Mr. Jerius moved to recommend favorable action to issue a Special Permit for Petition 3913 for 6 Country Lane. Ms. Hannon second the Motion. Jerius, Meister, von Mering, Hannon in favor. 4-0-0 Motion passes with Cregger absent.

7. Flexible Zoning:

Mr. Szekely referenced his memorandum regarding flexible zoning noting the changes, specifically the addition of cultural and natural resources. Discussion:

Ms. Meister: Cultural resources relate to Mass General Law; cultural and natural resources would need to have specific definitions in the zoning. Concern with introducing new definitions; makes it difficult differentiating the terms “historic” versus “cultural” resources. Goal is to preserve historic assets. Suggest not adding “cultural” and defining “natural”.

Chair von Mering: The National Parks Service defines cultural resources as *“physical evidence or place of past human activity: site, object, landscape, structure; or a site, structure, landscape, object or natural feature of significance to a group of people traditionally associated with it.”*

Mr. Szekely: Could add a definition of “significance” to the Historic Resource section of the Zoning Bylaws.

Ms. Meister: Disagreed, noting the current Historic Resource definition is adequate.

Mr. Jerius: The Weston development plan has defined purpose into four parts, noting natural and cultural features. Cannot tell how Weston defines cultural. It also looks like they have left out historic completely.

Mr. Szekely: Noted that Weston’s Bylaw is in the Cultural section which includes historic.

Mr. Jerius: This appears to be for single-family residences.

Ms. Hannon: Should this apply for larger density units as well?

Ms. Meister: There are two existing applications that apply to this issue.

Mr. Jerius: Need to get this to fall Town Meeting. If we leave out cultural, are we leaving something out? If we get too specific, we lose flexibility, and if too vague, we will not be able to enforce.

Chair von Mering: What is in the Heritage bylaw? Does it encompass the terms regarding different situations and conditions?

Mr. Szekely: The Heritage District, specifically Rangeley Section 19.2.2 purposes, lists Rangeley Park Heritage. Does not define cultural or natural characteristics.

Ms. Meister: We should be looking at “natural” resources; maybe ask Elaine Vreeland if she has some suggestions.

Mr. Jerius: Need to put language so that the special permit gets included with the land.

Ms. Meister: Pointed to the last section of the Concord Provision (section 6.3.3.3.c) that states “the existing historically significant structure or dwelling shall be preserved consistent with a preservation plan approved as part of or as a condition to the special permit.” A special permit runs with the land. It gets preserved with the land.

Mr. Szekely: Suggest defining natural resources and leaving remainder of historical as existing. PB members concurred.

8. Other Zoning Amendments:

Mr. Szekely: Referencing the request from Chris Mulhern, summarized the issue: 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. By changing a designation on an architectural plan from “office” to “bonus room”, the owner received a permit. Mr. Szekely provided language to change the bylaw (Section 3.2.1 Home Occupations). Discussion:

Mr. Jerius: Voiced concern regarding the notation percentage of the dwelling unit; an owner could build a large building as a home office, with many employees.

Mr. Szekely: Not allowed to run a business with employees. To address concern:

- Remove #4. "No home occupation shall be conducted in any accessory building."
- Amend #2: "...not more than 25 percent of the floor area of the dwelling unit combined with any accessory structures shall be used in the conduct of the home occupation." (underlined is added).

PB Members concurred.

9. FY21 Agenda Items:

PB discussion of the agenda list and how to operate more efficiently and effectively to tackle the large list. Suggestions included memos from TP, sub-committees, starting meetings earlier, meeting more frequently.

Mr. Jerius moved to adjourn the meeting. Ms. Meister second the Motion. Jerius, Meister, von Mering, Hannon in favor. 4-0-0 Motion passes with Cregger absent. Meeting adjourned at 10:12 pm.

Nancy Polcari, Recording Secretary

Diab Jerius, Clerk