



Planning Board Meeting Minutes Tuesday, September 21, 2023, at 1:00 pm – Remote Participation

Members Present:	Diab Jerius, Chair I-Ching Scott	Sally Dale, Vice Chair/Clerk Nicholas Rossettos
Member Absent:	Keri Layton	
Also Present:	Taylor Herman, Town Planner Nancy Polcari, Recording Secretary	WinCam Jay Talerman, Town Counsel

A quorum being in attendance, Chair Jerius calls the Winchester Planning Board (PB) meeting to order at 1:04 pm noting that the meeting is being recorded via Zoom and WinCam. Roll call of PB members: Dale, Rossettos, Scott, Jerius in attendance; Layton absent

1. Town Meeting Article – ADU (Accessory Dwelling Unit) Bylaw Amendment:

Chair Jerius: The PB reviewed and changed the language of the ADU Bylaw at the September 12, 2023, PB meeting. This change was deemed necessary since a loophole in the MGL would mean that when a person with a disability (younger than 60) legally residing in an ADU in Winchester, turns 60, they will no longer be able to legally reside in that ADU and will have to move. He/she can return in two years, when they turn 62. Since voting on the change, the PB received several comments from the public expressing concerns about the approved September 12, 2023, article amendment. Those comments are by Brian Vernaglia and Maura Sullivan, both dated September 20, 2023. As a result, the comments were forwarded to Town Counsel, Jay Talerman, for review.

Mr. Talerman: This fits into the “clear as mud” category. The definition of disabled is spread across Massachusetts Laws and practices and procedures and is open to interpretation. From reviewing Ms. Sullivan’s comments and further investigating this issue, it appears that age is not restricted. He concluded that there is no “gap” in the current ADU Bylaw. If the PB wanted to further clarify, the Board could implement a policy or regulation to define the specifics on this issue, but it is not necessary.

PB Discussion:

- Our previous Building Commissioner raised concerns that he should not have to “police” the documentation identifying a person is disabled.
- Concern raised about maintaining a person’s privacy while implementing the provisions.
- Appreciate the input and research of the commenters.
- Have the two members of the ADU Working Group that had identified this issue been contacted? (Answer was no.)
- Can still address any concerns or issues that surface as the ADU Bylaw is implemented. Only one project is successfully moving forward to date. The other interested projects had issues to address.

Chair Jerius: There are three options: keep the language as corrected for the Fall Town Meeting, change the language, or pull the article because the language change is not necessary.

Ms. Scott made a motion to remove the ADU Bylaw Amendment Article from the Warrant for the Fall Town Meeting. Ms. Dale second the Motion. Vote: Dale, Rossettos, Scott, Jerius in favor. Motion passes 4-0-0, with Layton absent.

2. Adjourn:

Ms. Dale moved to adjourn the PB meeting of September 21, 2023. Ms. Scott second the Motion. Vote: Dale, Rossettos, Scott, Jerius in favor. Motion passes 4-0-0, with Layton absent. The meeting adjourned at 1:21 pm.

Nancy Polcari, Recording Secretary

Sally Dale, Clerk