



TOWN OF WINCHESTER

OFFICE OF THE

PLANNING DEPARTMENT

BRIAN SZEKELY
TOWN PLANNER

71 Mount Vernon Street
Winchester, MA 01890

April 30, 2015 Article 3

This memo addresses the comments that were distributed by the Chamber of Commerce on the first night of town meeting, April 27th. The points brought up by the Chamber relate to the change in the Special Permit Granting Authority, as well as dimensional requirements. (height and Floor-to-Area-Ratio).

CBD REZONE CHANGE IN PERMIT GRANTING AUTHORITY

The Chamber correctly states that the current Zoning Board of Appeals (ZBA) has an exemplary record with an outstanding reputation for over 85 years. They also state, "If the system isn't broke there is no need to fix it." There is no doubt that the ZBA is great and what it does, however their scope is limited with regards to development projects in sensitive areas like downtown mixed-use or historic areas. The fact that the ZBA is unapproachable prior to an application for a Special Permit makes the process less predictable and in turn has led to only 2 **developments in the past 30 years**. I do not think that the ZBA is doing anything wrong and acts very similar to other ZBAs within the Commonwealth. A developer cannot go before the ZBA prior to the design phase and get an idea of how they should proceed. It is written specifically in Winchester's ZBA Rules and Regulations under Section 11 below. This framework does not promote development, and the proof lies within the incomplete town center.

All members and associate members shall refrain from contact or communication outside of the context of a public hearing with applicants or their representatives. All communication between the Board and applicants or their representatives shall be conducted through the Clerk, Town Counsel or Special Counsel; provided, however, that applicants or their representatives may communicate with the Chairman or Chairman pro tem as to procedural or administrative matters

The Planning Board is given larger latitude to negotiate with developers and why districts like the CBD are governed by Planning Boards in other towns such as: Lexington, Belmont, Weston, Hingham, Wellesley, Reading, N. Reading, Manchester-by-the-sea, Concord, Needham, Medway, Arlington and others.

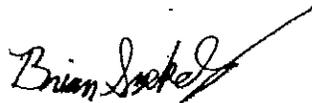
Over →

DIMENSIONAL REQUIREMENTS

The Chamber has stated in writing that a by-right height of 55' and a by-right FAR of 3-4 should be pursued as this would spur development, while the current heights and FAR would not. By-right projects cannot be denied; therefore design review would only be able to impose 'reasonable conditions' according to Massachusetts State Law. As a frame of reference, FAR (gross floor area/square footage of the parcel) in Winchester is between 0.5-2.0. The Brown and Stanton building aka Bookends, has an FAR of 2.1 and a height of 42.5'. This means that the Chamber is proposing by-right heights nearly 1.5 stories higher than Bookends, with an FAR that is similar to the by-right zoning regulations in Harvard Square and other dense areas of Cambridge and Somerville. Based on 5 years of feedback that we've received from residents in town, the Chamber's proposed level of density and scale is not consistent with the town center. Nearly \$200,000 of grant money has been spent on planning, zoning, historical preservation, architectural, parking and legal consultants. These professionals agreed with town residents and helped the Planning Board generate an economically viable proposal. The Chamber and a select few have argued that having by-right heights to stay around the 40'-45' range is not advisable. Giving the control over the downtown to the residents of Winchester through a negotiated process with developers is extremely important in maintaining the desired downtown character that we've come to love. The process essentially designates the town center as a public resource and based on the surveys within Winchester, this is exactly what people want and deserve. Residents do not want to see the center have a canyon-like effect due to large scale buildings.

The additional changes that are being proposed by the Chamber relate to setbacks and in essence how much of a lot can be covered with building or impervious surface. They aim to reduce the setbacks so that the few open spaces that are left in town would be encroached on even further.

New construction built alongside historic resources will always be a complex development issue. The Planning Board, multiple consultants, and I feel that the current proposal encourages residential construction near transit and commercial businesses without destroying the village feel of the town center.


Brian Szekely

Winchester Town Planner