



**TOWN OF WINCHESTER  
PLANNING BOARD MEETING  
TUESDAY, MARCH 15, 2022 @ 7:00PM  
CONTINUED PUBLIC HEARING:  
10 CONVERSE PLACE CBD – 14  
REMOTE PARTICIPATION**

Join Zoom Meeting

<https://us02web.zoom.us/j/83701827477?pwd=OHhyR2NFVitRMnBlaGc3VytOMzAwZz09>

Meeting ID: 837 0182 7477

Passcode: 202691

One tap mobile

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	<b>BUSINESS</b>
7:00PM	Open Meeting, Continued Public Hearing: 10 Converse Place Petition CBD - 14
9:15PM	Budget, North Main, Holton Street
9:30PM	Adjourn

	<b>CORRESPONDENCE</b>
	None

	<b>2022 MEETINGS</b>
Tuesday March 22	7:00PM Regular Meeting, Remote participation



# TOWN OF WINCHESTER

## OFFICE OF THE PLANNING DEPARTMENT

**BRIAN SZEKELY**  
**Town Planner**

71 Mount Vernon Street  
Winchester, MA 01890

Below are potential conditions that have been generated by the Planning Board and reviewed and edited by Town Counsel and are still in *draft* form. Other concerns of the project that were mentioned last week would require significant changes (to height, width, # of units etc) to the project and therefore incongruent with main Condition #1 below. According to Legal Counsel, such concerns would be the basis for a denial, and therefore not included in this draft list. For example, taking off a floor cannot be a condition of an approval, it would be the reason for a denial and could be brought up as such.

**CONDITIONS** below have been gleaned from the Planning Board meeting from 3/8/22 (or are conditions already approved by legal counsel from previous similar projects), as well as memos received from: Engineering Department, Ann Beha Architects, Toole Design, the Applicants, and VHB, the stormwater consultant. All of the potential conditions below will need to be voted on separately. *Votes for 1, 1a, and 1b are incongruent with each other so should be taken up first. Roberts Rules apply for putting motions forward for these conditions, so a First and Second of the motion is required before deliberations and voting.*

*Below are a few draft conditions that the Applicant has agreed to already.*

- a. The applicant will provide all space heating and cooling in the building using electric heat pumps.
  - b. The applicant will provide all units with electric cooking appliances (stoves/ranges) in lieu of gas appliances.
  - c. The design of exterior lighting will comply with Dark Sky Guidelines and shall be approved by the Planning Board (**version??**).
  - d. A tree protection plan to be approved by the Tree Warden will be submitted as part of the Construction Management Plan in advance of seeking a building permit.
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1. The Applicant must use the specifications and materials (notwithstanding any other specifications and materials set forth in this list of conditions) for the project presented to the Planning Board with its plans/responses updated through 2/18/2022. If there are any changes to the specifications from any of the plans submitted in the set, a review by the Engineering Department and the Planning Department shall be required. All final exterior colors and materials shall be reviewed in advance of painting by the Design Review Committee (“DRC”) and approved by the Planning Board. If the Engineering or Planning Department deem any of the changes significant, or contrary to any other provisions below, possible additional review may be conducted and additional conditions may be placed on the building permit by the Planning Board.

2. The applicant must consult with the Engineering Department and the Department of Public Works with regards to any on-street parking provisions and sidewalk materials, with final approval to be granted, if necessary by the Select Board or its designee.
3. Structural soils shall be installed under the sidewalk on the Site. Large, broad shade trees should be used and approved by DRC and Department of Public Works (“DPW”). Additionally, a final landscaping plan shall be reviewed and approved by the Town.
4. At least six Affordable Units will be provided according to the Converse Saleable Area Plans dated 2-18-22 and approved by the Housing Partnership Board. Four of the six units will be affordable to households earning no more than 80% of the Boston Area Median Income (AMI) and eligible to be included in Winchester’s Subsidized Housing Inventory. Two of the six units will be affordable to households earning no more than 120% of the Boston Area Median income, but are to be identical in interior and exterior finishes to the 80% AMI units.

The affordable units shall be developed marketed and conveyed in accordance with the Massachusetts Department of Housing and Community Development’s (“DHCD”) regulations for Local Action Units approved under the Local Initiative Program (“LIP”).

DHCD must approve the size, interior and exterior finishes, and locations of the affordable units. Each of the six units shall be completed and ready for occupancy no later than completion of the 20th market rate unit. Any fees associated with the development that are passed onto the residents will be prorated based on the same percentage that was paid for the unit. For example, if the affordable unit purchase cost is 30% of the Market rate unit, any fee also shall also be 30% of the cost of the corresponding market rate fee.

5. The flooding and stormwater issues raised by VHB [identify report], shall be addressed and the Flooding and Stormwater Management Plan for the Project shall be contingent upon the Conservation Commission’s issuance of an Order of Conditions (OOC). Construction may not commence until the OOC is obtained. If any changes to the building arise out of the OOC, a review by the Engineering and Planning Departments would be warranted. If either department deems the changes significant (change of location or size of footprint for example), or contrary to any other provisions below, additional review may be conducted and additional conditions may be placed on the building permit by the Planning Board.

9. A list of concerns by the Engineering Dept in a memo dated December 2, 2021 is attached, with responses from the applicant dated March 8, 2022 showing agreement to all conditions put forth by the Engineering Department. Any further Engineering concerns must be reviewed and approved by the Engineering Dept and the Dept of Public Works prior to the issuance of a building permit. Below is a condition that further refines the March 8, 2022 memo response.

**9a** Within 5 months of the date of the expiration of the appeal period, and prior to the application for a building permit, the applicant shall provide to the Engineering Department calculations and supporting materials to demonstrate that the municipal water system can support the domestic and fire protection requirements of the building, and that the municipal sewer system can support the sewer flows expected from the proposed building, including considerations for existing downstream maintenance issues. The

applicant shall provide sufficient funds to hire a peer reviewer, if needed, to support the Engineering Department's and Department of Public Works' review of these materials. If the analysis shows, in the opinion of the Town Engineer and/or DPW Director that improvements are required to the municipal water or sewer systems to support the project, the applicant shall be required to return to the Planning Board for a modification to the Special Permit decision.

**11.** All utilities, mechanicals, and associated screening if necessary, shall be shown on the roof plan and approved by the Engineering Dept, Building Dept, and the Planning Board prior to construction.

**14.** Mylars of each plan sheet, a copy of this decision, a copy of the signed plans and a Homeowners Association agreement approved by applicant's legal counsel and Town Counsel shall be filed at the Registry of deeds prior to the issuance of any certificate of occupancy.

**15.** Install vehicle exiting warning beacons, including audible and visual warnings, at both garage access points. Such warnings shall not be audible within the units.

**16.** Associated parking shall be assigned with each unit but may be rented to others by unit owners.

**17.** Install, or, at the Select Board's direction, provide funds for, a marked crosswalk across Mt. Vernon St at Converse Place. If necessary, the Applicant shall provide AutoTURN analyses to disprove the ability to construct curb extensions which are a noted safety enhancement for pedestrian visibility.

**18.** Provide an AutoTURN analyses showing fire apparatus and other vehicles can safely navigate Converse Place and around the site prior to any issuance of a building permit.

**19.** Request the Applicant to apply to the Select Board for the designation of on-street loading zones and times adjacent to the Project on the southern portion of Converse Place on the east side of the street per the Toole memo dated March 7, 2022 and attached to this decision. Additionally, the applicant must:

- Work collaboratively with the Town of Winchester to determine the ideal cross-sectional layout of Converse Place to serve the Town as a public street and support the Town in their vision for the street. The Applicant shall also pursue (with the Select Board) switching the angled parking to parallel parking and narrowing the refuse collection area while constructing a sidewalk to fill the gap and allow for a safe walkable path along Converse Place. This is one solution that Toole recommends to be pursued by the Applicant with the Select Board according to the Toole memo dated 3/7/22 attached.

- Ensure all plantings, landscaping, and signage along the site frontage do not restrict sight lines. Vegetation must be kept to a height no more than 3' above street level, and tree canopy provides clearance.

- Pay a fair share contribution for safety enhancement at Main St at Converse Place as set forth in the upcoming Downton Action Plan, and monetary contribution to install luminaries and maintain the Mill Pond multi-use path to the satisfaction of the Town.

-Work collaboratively with the Town of Winchester to enhance mitigating strategies to reduce illegal loading activities along the south side of Mt. Vernon St along the project site. Pavement markings should be pursued with the Select Board to further discourage vehicular idling in this location and potential solutions are found in the Toole memo dated 3/7/22 attached.

-Provide type of bike racks, number of spaces, and location of outdoor bike parking, in order to be reviewed by the Engineering and Planning Depts.

-Provide adequate width along the multi-use path specifically on the east side of the building to accommodate the needs of the Town according to the Town's traffic consultant and the Downtown Improvement Action Plan,

**20.** Implement pedestrian access and safety plan with Engineering and DPW prior to any sidewalk closure.

**21.** The Applicant must continue to work with the Design Consultant to further refine aspects of the Project as outlined in the Ann Beha Architects 3-7-22 memo attached and below:

-7.3.17.2.1 Open Space: Further exploration and development of the landscape and site design should establish the most appropriate surface and public use for the oval space and meet the Planning Board's approval

-7.3.17.2.2 Pedestrian Circulation: The width of the path should be sufficient for its intended uses, and there should be sufficient space to accommodate the proposed uses on the east side of the site

-7.3.17.5.6 Penthouses and Mechanical Equipment: The height of mechanical screening at the roof should be developed to be as low as possible to screen equipment, and development of the design should explore whether mechanical equipment can be smaller or installed at a lower elevation.

**22.** The Applicant will be required to pay the Town's standard Inflow & Infiltration connection fee.

**23.** Work with the Town to provide power for seasonal lighting that fronts on Mt. Vernon St and Converse Place.

**24.** The roof shall be designed and pre-wired for future installation of photovoltaic (PV) solar panels.

**25.** Provide a plan to the Planning Dept demonstrating that as many parking spaces as practicable are pre-wired for electric vehicle charging stations.

**26.** The applicant shall grant the Town of Winchester a permanent easement for the relocation of the shared-use path onto their property. This path currently exists on Town-owned property along Mill Pond.

27. The use of the public open space on the southern edge of the property shall be governed by an approved plan submitted to the Town Manager and approved by the Select Board.

### **WAIVERS REQUESTED**

1. Height: Requesting **62'** . *40' by-right, up to 59' with Open Space Special Permit, and no limit under a PUD Special Permit.*
2. Maximum Floor Area Ratio: Requesting **2.99** *1.5 by-right, up to 2.5 with special permit Relief, and up to 3.0 with PUD Special Permit Relief .*
3. Front Setback: Property line (0 feet); up to 10 feet with special permit; Requesting **2'** on Mt. Vernon St and **10'** on Converse Place.