



## Planning Board Meeting Minutes Tuesday, February 7, 2023, at 7:00 pm – Remote Participation

Members Present:	Diab Jerius, Chair I-Ching Scott Kurt Spring	Sally Dale, Vice Chair/Clerk Nicholas Rossettos	
Also Present:	Bryan Manter, Asst. Town Engineer WinCam	Nancy Polcari, Recording Secretary	
Others Attending:	Richard Rohan Peter Baldwin Drew Gallant (RJOC) Monte Marrocco Jr Susan Carney Annie Chow	Richard Leaf Kate Frotten Brian Timm Peter Casey Ricky Beliveau Tom Mahoney	Chris Downey Nick Pratt Mark Vaughan Ruben Goodman Daniel Belknap

A quorum being in attendance, Chair Jerius calls the Winchester Planning Board (PB) meeting to order at 7:02 pm, noting that the meeting is being recorded via WinCam and Zoom. Roll call of PB members: Dale, Rossettos, Scott, Jerius in attendance; Spring arrived 7:10 pm.

### 1. Updates, Chair Jerius:

- a. Have received 4 applications for the Town Planner position so far.
- b. Ms. Jenn Goldson has started the work on the MBTA Multi-family Housing project. The goal is to have an overlay zoning plan to bring the Town into compliance.
- c. For the project at 87-89 Cross Street (9 unit Friendly 40B), the Department of Housing and Community Development (DHCD) has issued an approval letter. The next step is for the developer, Mario Covino, to file a comprehensive application with the Zoning Board of Appeals (ZBA).
- d. The Select Board (SB) granted an extension to early March for the due diligence period to Civico regarding the Waterfield Project. This project should come before the PB for permitting mid to late March.
- e. A presentation was made to the SB of the Transportation Master Plan. It will interact with our North Main Street project.
- f. 735 Main Street (the lot next to Town Pantry) has been under appeal. Land Court recently upheld the Special Permit.
- g. The narrative for the Planning Department's budget was due; Chair currently working on.
- h. The Planning Department's Annual Report is due to the Town Manager. Working on accessing Mr. Szekely's computer files to expedite updating last year's report.
- i. Regarding Section 3.5.5, Legal Counsel has recommended changing the language to reflect previous practice. Revisions have been sent to the ZBA (on their agenda for next week). Goal is to make the language understandable and to have a consistent interpretation.
- j. All articles for spring Town Meeting have to in the Town Managers office by early March.
- k. The Housing Production Plan will need updating in 2024 when it reaches 5 years. The PB will be working with the SB and others to revise.

**2. Continued Public Hearing for Rocky Ledge Subdivision:**

Vote to open the continuation of the Public Hearing for Rocky Ledge Subdivision at 7:14 pm: Dale, Rossettos, Scott, Spring, Jerius in favor. Passes 5-0-0.

Chair Jerius: Previously the Applicant agreed to working with the peer review consultant regarding the scope and fee.

Mr. Manter: Weston & Sampson, the peer review consultant, has started the work that will take a maximum of 4 weeks to complete, with additional time needed to review.

Mr. Vaughan: (Legal Counsel, Applicant) Concurred with the scope and schedule.

Chair Jerius: Concerned that the 90 day application limitation will be reached before the peer review is completed and analyzed. Suggested extending the application to March 28<sup>th</sup>.

Mr. Beliveau: Concurred.

Mr. Vaughan: Would forward a letter to the Town to extend the application date to March 28<sup>th</sup>.

Vote to continue the Public Hearing for Rocky Ledge Subdivision on March 7, 2023, at 7:15 pm.

Vote: Dale, Rossettos, Scott, Spring, Jerius in favor. Passes 5-0-0.

**3. Planning Board Meeting Minutes, January 24, 2023:**

PB Discussion: Ms. Dale had a minor edit.

Ms. Dale moved to approve the PB Meeting Minutes of January 24, 2023. Mr. Spring second the Motion. Vote: Dale, Rossettos, Scott, Spring, Jerius in favor. Motion passes 5-0-0.

**4. Updates, Chair Jerius, Continued:**

- a. Waterfield Lot: The PB will be the Special Permit granting authority; this is not a 40B project.
- b. Spring Town Meeting Articles: PB approved to submit 2 articles: the revisions on Section 3.5.5 and the lot width change. Another revision involves the recent approval of the Accessory Dwelling Unit (ADU) by-law. The by-law states that the occupant of the ADU has to be either disabled or a senior (defined as 62 years or older). The State identifies a disabled person up to the age of 60 years old; after that, they are defined as a senior. The current ADU by-law has a gap for those disabled persons between 60 and 62 years of age. This will require legal input. Propose to target Fall Town Meeting to revise the language.

**5. Master Plan Implementation Committee (MPIC) Membership:**

Chair Jerius: Have reposted the notice for MPIC volunteers, since not enough were initially received and a resident recently indicated interest in participating. Currently have 3 members and have had 3 meetings with Chair Jerius facilitating, and Ms. Dale attending. The Town Planner originally was to facilitate this committee. The goal is to have 8 volunteers (2 for each of the 4 categories in the Master Plan).

**6. ZBA Petitions No. 3987 – 316 Highland Avenue:**

Chair Jerius: The petitioner is seeking Site Plan Review to change the grade of more than 500 square feet by more than six percent.

Mr. Manter: This petition is also being reviewed by the Conservation Commission. It has two parts: to remove an existing retaining wall and then regrade to replicate the original grade. No stormwater review is required but there is concern about runoff due to the slope. He referenced his comments previously submitted in a memorandum.

PB Discussion:

- The slope is steep and removing the wall will make runoff a concern for the abutters.

- Suggestion to have a civil engineer analyze the impact.
- The design includes vegetation (grass) to mitigate erosion, but it will take time to grow. Recommend reviewing the growth after one year.

Mr. Baldwin: (abutter, 25 Mason Street) He provided two photos: one of the existing wall and one of what the property looked like prior to the wall. The wall, put in about 3 years ago, was not built to code; it is concrete block. He agrees with the plan as proposed. He also provided photos of the water that pools on his property after a storm. He is concerned about drainage. Runoff has always been a problem and feels now is the time to correct it.

Chair Jerius: Noted that the runoff drainage is not the purview of this petition if it existed prior to the installation of the wall. But can address mitigating erosion and plantings.

Ms. Scott moved to endorse the Site Plan Review for ZBA Petition No. 3987, 316 Highland Avenue, with the following conditions:

- a. The concerns outlined in the Engineering Department’s memorandum are addressed.
- b. The conditions outlined in Section 9.5.7.4 of the Zoning Bylaws are met.
- c. The applicant explores different plantings to assist in erosion control.

Mr. Spring second the Motion. Vote: Dale, Rossettos, Scott, Spring, Jerius in favor. Motion passes 5-0-0.

**7. ZBA Petition No. 3988 - 19 Hancock Street:**

Chair Jerius: The petitioners are seeking a Special Permit to be permitted to divide the existing property into two lots, creating new non-conforming lots. Lot 15A will not meet the lot area, lot frontage, and lot width requirements and the existing two-family dwelling will be located closer to the side property line than permitted as of right. Lot 15B will not meet the lot frontage and lot width requirements.

Mr. Belknap: (petitioner) Have met with the Historical Commission (HC) three times and also with Mr. Szekely prior to his resignation. The HC has approved their proposal to date. The existing historic house will remain a two-family. They are proposing a new single-family home in the character of the neighborhood on the new lot.

Mr. Manter: Has started the review and has identified some concerns, specifically related to the maintenance of the drainage system. The stormwater system design uses the driveway as part of the mitigation, a system that requires regular maintenance.

PB Discussion:

- Nice to see the application of this bylaw maintaining a historic structure and adding a new single-family home that reflects the neighborhood’s character, especially the existing size of the homes.
- Concern about sharing a driveway.
- Noted that this might be considered a subdivision which would require assistance from legal counsel. Also, need legal help regarding easements for the driveway.

Mr. Belknap: Indicated he understands the Special Permit needs to be approved and then he can apply for the subdivision.

Ms. Scott moved to recommend favorable action for ZBA Petition No. 3988 for 19 Hancock Street. Mr. Spring second the Motion. Vote: Dale, Rossettos, Scott, Spring, Jerius in favor. Motion passes 5-0-0.

**8. ZBA Petition No. 3989 – 19 Verplast Avenue:**

Chair Jerius: The petitioners are seeking a Special Permit to be permitted to divide the existing property into two lots, creating a new non-conforming lot that will not meet the lot area, lot frontage, and lot width requirements.

Ms. Frotten: (petitioner) Met with the HC and they are putting together a letter with conditions. Clarified that they intend to sell the second lot (as compared to building a home on it). Exploring how to put restrictions on the second lot.

Chair Jerius: Will vote on this after PB reviews HC comments.

**9. ZBA Petition No. 3990 – 1 Winter Street:**

Chair Jerius: The petitioners are seeking a Special Permit to be permitted to construct an addition that will be located closer to the front property lines than permitted as of right. The addition is a porch.

Mr. Manter: This petition does not increase the impervious surface area.

PB Discussion: Nice solution.

Mr. Spring moved to recommend favorable action for ZBA Petition No. 3990 for 1 Winter Street.

Ms. Scott second the Motion. Vote: Dale, Rossettos, Scott, Spring, Jerius in favor. Motion passes 5-0-0.

**10. Town Planner Annual Performance:**

Chair Jerius: The annual performance plan as previously discussed, will include the many details and activities of the Town Planner position. He presented a draft of the Annual Performance that included modifications based on previous discussions. He reviewed the draft and requested PB members to forward comments.

**11. Adjourn:**

Mr. Spring moved to adjourn the PB meeting of February 7, 2023. Ms. Scott second the Motion.

Vote: Dale, Rossettos, Scott, Spring, Jerius in favor. Motion passes 5-0-0. Meeting adjourned at 9:32 pm.

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Sally Dale, Clerk

Nancy Polcari, Recording Secretary