



Planning Board Meeting Minutes Tuesday, March 15, 2022, at 7:00 pm – Zoom Meeting

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| Members Present: | Diab Jerius, Chair I-Ching Scott Kurt Spring | Sally Dale, Vice Chair/Clerk Cheryl Wolfe |
| Also Present: | Brian Szekely, Town Planner Mina Makarios, Town Counsel WinCam | Bryan Manter, Asst. Town Engineer Ken Pruitt, Sustainability Director Nancy Polcari, Recording Secretary |
| Others Attending: | Ian Gillespie Jan Steenbrugge Maura Sullivan Ellen Spencer Philip Chen Lee Wooten Nabil Ibrahim Todd Morey Nicholas Shapiro Dylan Forester Henrik Totterman | Jamie Devol John Suhrbier Deborah Johnson Fred Spencer Charlene Band Denis Fullerton Richard Leaf Joan O'Connor Reed Pugh Patrick Connolly Michael Askjaer |
| | | David Tabenken Tara Doubman Sarah Girotti William Foucher Maryann Delabarthe Jon French Diom O'Connell Rosalyn Nazzaro Zeina Marchant Sean Sanger M. Meeseek |

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 video recorded via WinCam and Zoom. Roll call of PB members: Dale, Scott, Spring, Wolfe, Jerius in attendance.

1. Public Hearing for 10 Converse Place Special Permit CBD Petition #14 Continued:

Chair Jerius: Opened the Public Hearing for 10 Converse Place Special Permit. Today's focus is to complete the deliberations, review the conditions, and to vote on the Special Permit, Waivers, and Site Plan Review. Requested Town Counsel to provide clarifying direction on the Special Permit Criteria. Also, will hear comments from the Sustainability Director.

Mr. Makarios (General Counsel): Outlined the types of conditions that can be placed on the project. There are two varieties for the Special Permit Criteria in the bylaw: reasonable implementation conditions and/or steps to meet the criteria and conditions that the applicant voluntarily commits to meeting above those required to meet the criteria. What is not a condition is anything that changes the project such as reducing the height of the building. This might be a reason for denial but not a condition for approval. There are two reasons the applicant can appeal: the permit was denied, or the conditions were unreasonable.

Mr. Pruitt (Sustainability Director): Noted he has reviewed the project with the developer who has agreed with these conditions:

- All heating/cooling units (heat pumps) will be electric.
- All appliances will be electric.
- The roof will be designed and wired for future Photovoltaics.
- There will be four charging stations in the garage for electric vehicles.

PB questions, with Mr. Pruitt's answers:

- Will the building envelop have a R rating? Answer: Yes, the building will be as energy efficient as possible, but it was not specifically detailed.
- What is in the bylaw? Answer: The only requirement is to achieve a LEED Silver rating.

PB Deliberations:

Chair Jerius: Noted that at the last meeting, the PB discussed the first four Special Permit Criteria (Section 9.4.2), resulting in a list of conditions included with the agenda (and provided on screen). Those four were Community Needs; Traffic Flow, Safety, Parking, Loading; Adequacy of Utilities and Public Services; and Impacts on Neighborhood Character. Continued with the remaining criteria.

1. Adequacy of Proposed Screening and Buffering.

Ms. Scott: Concerned about the screening of the mechanical equipment on the top level; want to make it less obvious/visible.

Ms. Wolfe: The height of the building will protect the view of the mechanical equipment from the downtown. From other sites, it will be visible. Want to make it a condition to review the materials and screening.

Ms. Dale: Agree that careful screening is needed. The solar panels should also be screened.

Chair Jerius: The developer has shown sensitivity to these concerns. Also agree with the need to minimize the appearance from higher elevation viewpoints.

Mr. Spring: Concur with previous comments. Also want to explore the possibility of locating the mechanical equipment at a lower level, as suggested by Mr. Chen.

6. Impacts on Natural Environment.

Ms. Scott: Appreciate the protection of the existing Willow tree and the developer working with the Aberjona initiative. Want to see more details regarding the steps to the water.

Ms. Wolfe: Nothing to add.

Ms. Dale: Relying on Engineering for the impacts to the water. Also want the existing Pine trees retained and protected.

Chair Jerius: Concerned about the removal of a mature tree noted by the Conservation Commission. This project is large, impacting the existing permeable surface. The view of the pond is impacted. What would be the impact if this building was a by-right project? This project is no worse. The creation of the public area by the pond improves the environment. Overall, a small net positive impact on the environment.

Mr. Spring: This project enhances the environment when compared to the existing building. Also agree that the Pine trees should be protected.

7. Fiscal Impacts.

Ms. Scott: There will be more property taxes for the Town. Also, the building will bring more people into town.

Ms. Wolfe: There is a potential impact on the schools. Mixed-use will also improve the opportunities for commercial businesses as well as more residential opportunities.

Ms. Dale: There will be an impact on Town services. It adds property tax and some opportunity for jobs.

Chair Jerius: Anticipate the units will be purchased by people downsizing. By putting residences downtown, it will bring more people to the center businesses.

Mr. Spring: It will add to the economic vitality of downtown.

8. Impact on Historic Resources.

Ms. Scott: The Historic Commission stated no impact to historic resources. This building will be contemporary.

Ms. Wolfe: This is a high quality building. The Historic Commission voted no impact. This is a great design team and with our consultant, will work on the remaining details. The building supports the character of downtown and complements the historic buildings.

Ms. Dale: This building has a negative impact on the historic character. It is out of scale in height, monolithic in mass. It dominates and doesn't blend in with the historic surroundings.

Chair Jerius: Noted that the existing historic buildings downtown have different styles. This building has enough space and distance from adjacent buildings to stand on its own. The materials reflect the other buildings. It fits in.

Mr. Spring: Defers to the Historic Commission and our consultant. Need to think about what zoning allows and that it will change over time.

Chair Jerius: This completed the Special Permit Criteria. Requested PB comments on the list of mitigating conditions identified (presented on screen).

Mr. Szekely: Noted two changes to the list of mitigating conditions from what was included in the meeting packet. The first refers to the International Dark Sky Association Guidelines; the added content now includes an outline of those five criteria. The second addition (Item #19) is from the Fire Department relating to the Public Safety Building, allowing them review of the documents to ensure the safe operation of their vehicles.

PB Discussion (including questions and answers):

#16, Unbundled Parking

- Unclear on what this means.
- There is a deeded parking space for each unit. If the owner does not want the space, they can sell or rent it to another person in the building.
- There are 43 units and 56 spaces. What are the others used for?
- Three are for commercial use. Not clear on the use of the other ten.

#4, Affordable Units

- Can the 120% AMI (Area Median Income) units be also sold to 80% AMI and then qualify toward the Town's Subsidized Housing Inventory (SHI)? Meaning the two units designated for 80-120% controlled by the Town would be sold at 80% and count toward the SHI.
- Mr. Makariou: This depends on the bylaw language, but it runs the risk of being an impermissible condition. This would significantly change the financing of the project, so probably not.
- Is getting the minimum affordable housing enough to warrant allowing a FAR=3.0?
- Would like to see two of the affordable housing units available to 60% AMI which is more than required by the town.

#19, Site lines

- Does this refer to driving or pedestrians or both?
- Thought this applies for bikes, pedestrians, and car site lines.

Other Comments:

- Regarding #21, would like to see the landscape plan and a drawing showing the percentage of open space on the site. It cannot include the wetland buffer or anything smaller than 15 feet.
- For the structural soils/shade trees, requested that the trees be planted in such a way to allow the roots room to grow and not impact the sidewalks.
- Would like the pedestrian circulation to be at least ten feet wide.
- How many parking spaces will be wired as charging stations?
- Every moveable parking pad will have charging ability. In the garage, there will be four fast-charging stations. There is also the ability to cycle-out those cars once charged and put in ones waiting to be charged.

Chair Jerius: Without additional questions and comments, PB ready for voting.

Ms. Dale moved to deny this Special Permit for 10 Converse Place. No one second the Motion.

Ms. Wolfe moved to approve the Special Permit with noted conditions for 10 Converse Place. Ms. Scott second the Motion. Discussion:

Ms. Wolfe: With the conditions, partners, and those supporting this project, it deserves a special permit. She shared two on screen two images: one of the original Mill Pond building and one of the existing Mill Pond building. She believes in Hacin Associates and the landscape designer, and this is something our Town has to take forward. She noted that what has become of the laundry building is the biggest heartbreak of downtown. Looking at the scale of the laundry building in its original skin, it is still a very large building. We can move forward with something elegant and well designed.

Ms. Scott: This parcel was identified for high density. The diversity of housing provided with this application warrants the PUD. They have fulfilled this diversity. She concurred with Mr. Spring's comments, referencing the Design Guidelines 7.3.7.1. She noted that land use must relate to planned, existing and future. This is a first new project and is well considered. It is a comfortable well designed building that fits the site.

Ms. Dale: The building does not harmonize with the adjacent buildings. It is an isolated architectural statement that relates only to itself. It overshadows our iconic Town Center buildings and civic identity. Its mass will dominate the town. Its rooftop mechanicals will be higher than those on any other building in town except possibly the Parkview. It will be almost 10' taller than the existing laundry building including rooftop mechanicals. Its massive footprint negatively impacts views of the Mill Pond that are defining of Winchester. It does not incorporate smaller broken down masses. It is monolithic. Its upper floors do not sufficiently step back to minimize their presence when viewed from the street. The top floor is jumbled and chaotic and does not reflect the predominantly sloped roofs of the rest of the downtown. Its automated parking garage will cause parking and traffic problems. And its currently specified loading and unloading locations will have a negative impact on immediate neighbors.

Chair Jerius: This project provides diversity of housing. By-right, the building height is 54 feet. This will probably be the largest building downtown. It will be a positive addition.

Mr. Spring: Our role is to interpret the bylaws. The building does feel big but that is a personal view. Many issues factor into this decision. Would like the developer to explore having more affordable units. The parking is underground and exceeds the required number of spaces.

Ms. Dale: Even if the proposed Diversity of Housing in this project is deemed by our Housing Partnership Board to be enough to warrant an FAR of 3.0, my consideration of Section 9.4.2 Special Permit Criteria, Paragraph 4, Impacts on Neighborhood Character, specifically Paragraph 4(a), has included a consideration of Section 9.5.7 Site Plan Review Standards, and Section 7.3.17.1 Design Review Principles, and Section 7.3.17.4 Elements of Form. But I have concluded from this Board's consideration of this Special Permit that because Paragraph 4(a) does not substantively incorporate the Design Principles and Elements of Form in 7.3.17, it can be at the discretion of each member of the Board how to apply those Principles.

Vote: Scott, Spring, Wolfe, Jerius in favor. Dale opposed. Motion passes 4-1-0.

Chair Jerius: Now need to vote on the Waivers as outlined (and on screen).

Waiver 1: Height: Requesting 62' to the roof (40' by-right, up to 59' with Open Space Special Permit and no limit under a PUD Special Permit).

Ms. Wolfe moved to approved Waiver 1 for 10 Converse Place. Ms. Scott second the Motion. Vote: Scott, Spring, Wolfe, Jerius in favor. Dale opposed. Motion passes 4-1-0.

Waiver 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).

Ms. Scott moved to approve Waiver 2 for 10 Converse Place. Ms. Wolfe second the Motion. Vote: Scott, Spring, Wolfe, Jerius in favor. Dale opposed. Motion passes 4-1-0.

Waiver 3: Front Setback: Requesting 2' on Mt. Vernon Street and 10' on Converse Place at the Ground Floor and at floors Two and Three, the projecting bay windows are set back 4' (Property line 0 feet, up to 10 feet with Special Permit).

Mr. Spring moved to approve Waiver 3 for 10 Converse Place. Ms. Wolfe second the Motion. Vote: Scott, Spring, Wolfe, Jerius in favor. Dale abstains. Motion passes 4-0-1.

Chair Jerius: Provided introduction for Site Plan Review. PB needs to endorse or withhold endorsement. There are 12 areas of criteria: Traffic Circulation, Pedestrian Safety and Access, Emergency Vehicles, Stormwater Drainage, Flood Control, Screen, Protection and Preservation of Historic Structures, Signage/Exterior, Visual Impact/Parking/Storage, Character/Scale, Consistency with Design Review Guidelines, Acoustic and Light Impact.

PB Deliberations:

Mr. Spring: Reviewed the list. Concerned with the parking on Converse Place and the traffic. Also considering the existing site, the character and scale of this new project, and the future of the area, we are getting as best we can. It will add more affordable housing.

Chair Jerius: Covered most of the criteria with conditions. Will lose some views of the pond but getting a new public vista. The design will continue to be refined.

Ms. Dale: Many of the criteria are addressed with the conditions. However, the vistas are being removed. She has already presented her concerns specifically regarding the character/scale of the neighborhood and the Design Review Guidelines.

Ms. Wolfe: Have covered these items. She also noted that Section 7.3.14.1 states "the purpose of the Planned Unit Development (PUD) is to encourage and facilitate the development of new, mixed-use developments, especially those incorporating a substantial number of housing units in the CBD."

Ms. Scott: This building will obstruct views but will add many new "place making" locations for the public to enjoy. Change is hard, but the decision was made by Town Meeting seven years ago. This design treats the Town with respect.

Chair Jerius: Without additional questions and comments, PB ready for voting. He also noted that the Conservation Commission decides on this project separately and if the project changes, then the developer has to return to the PB.

Ms. Wolfe moved to endorse the Site Plan for 10 Converse Place. Ms. Scott second the Motion.

Mr. Makarious: This is a different vote than with subdivisions. Suggested to find the conditions for site plan have been met and close the review.

Ms. Wolfe withdrew her Motion.

Ms. Wolfe moved to close review and find that Site Plan conditions have been met for 10 Converse Place. Ms. Scott second the Motion. Vote: Scott, Spring, Wolfe, Jerius in favor. Dale opposed. Motion passes 4-1-0.

Ms. Scott moved to have the PB Chair, Legal Counsel, and Town Planner finalize the decision based on the will of the PB for 10 Converse Place. Ms. Wolfe second the Motion. Vote: Scott, Spring, Wolfe, Jerius in favor. Dale abstains. Motion passes 4-0-1.

Mr. Spring moved to close the Public Hearing for 10 Converse Place. Ms. Wolfe second the Motion. Vote: Dale, Scott, Spring, Wolfe, Jerius in favor. Motion passes 5-0-0. Public Hearing closed at 9:44 pm.

2. Budget North Main, Holton Streets:

Chair Jerius: Concerned about the \$45K for consulting services being used by end of this fiscal year (June 30, 2022).

Mr. Szekely: Currently have three consultants to interview for North Main Street. Asked if the PB would like to have MAPC (Metropolitan Area Planning Council) start the Holton Street project, similar in scope as the first part of North Main Street? If MAPC is not available, would need to obtain three quotes.

Conclusion: PB concurred that Mr. Szekely should have MAPC (if available) provide the Holton Street study and to schedule the interviews of the three consultants interested in the next part of the North Main Street project for the March 29, 2022, PB meeting.

3. Adjourn:

Ms. Wolfe moved to adjourn the PB meeting. Ms. Scott second the Motion. Vote: Dale, Scott, Spring, Wolfe, Jerius in favor. Motion passes 5-0-0. Meeting adjourned at 10:03 pm.

Sally Dale, Clerk

Nancy Polcari, Recording Secretary