

NEEDHAM PLANNING BOARD MINUTES

March 27, 2018

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Ted Owens, Chairman, on Tuesday, March 27, 2018, at 7:00 p.m. with Messrs. Alpert and Jacobs and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

ANR Plan – Elite Home Builders, LLC, Petitioner (Property located at 7 Fair Oaks Park, Needham, MA).

Ms. Newman noted this ANR plan divides the lot into 2 lots. There is a note on the plan and an existing structure. The applicant cannot sell the lots until the house is razed. Mr. Jacobs noted this is directly across from the High School access.

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to endorse Approval Not Required.

Appointment:

7:05 p.m. – William Zoppo – Discussion of “age restricted pocket neighborhood.”

Mr. Zoppo stated pocket communities are of great interest to him. Mr. Jacobs asked the difference between pocket and cluster communities. Mr. Zoppo stated there is not really any difference. Pocket was the original name and cluster came later. Cluster is smaller homes on smaller lots geared toward empty nesters and single households. He described pocket housing and noted they develop a sense of community. Concord's Riverwalk was probably one of the first in the area and has units ranging from 1,300 to 1,700 square feet. There are 13 homes on a 3.5 acre site and it was built along the Concord River. It ties in with the River walkway. Density is usually 4 to 8 units per acre. He is looking at it from an age restricted community perspective. He was one of the first developers of assisted living in the state. This is an opportunity to present a different type of housing to the community. It is a unique concept and will be a value to the community. He noted single family households represent 28% of households. There is a changing dynamic in society. He stated he brought along some changes he drafted to the Zoning By-Law to Planned Residential Development (PRD).

Mr. Owens asked what 3 things are needed to change. Mr. Zoppo had drafted some changes and distributed the information he brought to the Board members. He stated one change needed is that the land area under the minimum tract size needs to be adjusted. Ms. McKnight asked how this is different from The Highlands. Ms. Grimes stated The Highlands is not age restricted, however, the concept is identical. Ms. McKnight noted the Board should take a look at that zoning. Ms. Newman noted that is Apartment A1 District. Mr. Zoppo stated a pocket development is under a Homeowner Association with detached individually-owned houses, not a condominium.

Ms. McKnight stated she is concerned if such age-restricted housing complies with federal regulations around age discrimination. The Board should look at Dedham, which is doing an age restricted project. She believes age restricted needs some services geared toward older people, such as dining and health. She commented the Board needs to avoid discriminating against children. Mr. Zoppo stated he believes aging in place is the future trend. He envisions a community place for people to gather. Ms. McKnight noted she was looking for one floor living with no stairs. These have steps and thresholds. Mr. Zoppo stated his view is one floor living. There are several different floor plans – master bed on the first floor, second bedroom on the second floor and first floor living space. Ms. McKnight suggested Mr. Zoppo call former Board member Sam Bass Warner, who has an interest in senior housing options.

Mr. Jacobs asked if Mr. Zoppo had a list of places this zoning has been adopted and any negatives. Mr. Zoppo stated he has not uncovered any negatives yet. Franklin has an age qualified senior component. Concord although is quite vague. There is also Walpole and Rockport. He will send a list of communities. Mr. Alpert asked what others have built. Mr. Zoppo noted Pine Hills in Plymouth. It is a very different situation. Mr. Alpert asked what the reaction was of the Needham Selectmen. Mr. Zoppo stated, on the whole, it was positive. The Selectmen seemed to be open to the idea. He received a call from Town Manager Kate Fitzpatrick. The Selectmen were undecided but encouraged him to come to the Planning Board. Ms. McKnight stated the Board needs to be careful of spot zoning. Mr. Zoppo clarified he is not proposing spot zoning. He is very flexible. Ms. Grimes asked if there are any other parcels in town this could apply to. She would like to see the lots it could apply to. Ms. Newman can map the lots with GIS. Mr. Jacobs commented he has no opposition to the concept but there is a lot of detail work.

Public Hearing:

7:30 p.m. – Article 4: Amend Zoning By-Law – Side and Rear Setbacks Adjoining Residential Districts.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to waive the reading of the public hearing notice.

Mr. Owens noted there was no one from the public in attendance for this hearing.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to close the hearing.

Project Update: Major Project Site Plan Special Permit No. 2017-02: Town of Needham, Permanent Public Building Committee, Petitioner (Property is the site of the new Sunita L. Williams Elementary School, located at 585 Central Avenue, 597 Central Avenue, 603 Central Avenue, 609 Central Avenue, 573 Central Avenue, 567 Central Avenue, 559 Central Avenue and 45 Sunset Road, Needham, MA 02494).

Ms. Newman stated she wanted the Board to be aware the building was going to be solar panel ready. The applicant is ready with designs now and wants to have this approved under an insignificant modification. All members are ok with that. Mr. Jacobs stated sometimes solar panels create a glare depending upon where the sun is. This could create a glare along Central Avenue for drivers. Has this been looked at? Ms. Newman stated she can ask. Mr. Owens asked if the applicant has considered the issue of solar glare and the impact on traffic on these roads. Ms. Newman will speak with Hank Haff. Ms. Grimes stated Ms. Paine, of Cefalo Road, called her. There are trucks all day long going down Cefalo Road. This is very concerning to her and her neighbors. Ms. Newman will speak with the applicant.

Discussion of Zoning for the May Annual and Special Town Meetings.

Mr. Owens noted the Annual Town Meeting is first and the zoning Articles are numbered 23, 24, 25 and 26.

Vote Recommendations on Zoning for the Annual Town Meeting.

There were no comments for Articles 23 or 24.

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to approve the wording for Articles 23 and 24 and the explanations as presented at this meeting and recommend it be sent to the Warrant Committee to be placed on the Warrant.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to recommend adoption of Articles 23 and 24.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to recommend to the Warrant Committee Article 25 be included in the warrant as drafted and presented.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to recommend adoption of Article 25.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to approve this wording for Article 26 and ask the Warrant Committee to insert it, with the explanation, in the Article.

Mr. Alpert stated he is opposed to this Board recommending adoption of Article 26. Recreational marijuana has been voted by the citizens of the Commonwealth. He does not see why the citizens need to go to abutting towns to purchase recreational marijuana. Needham should allow it, monitor it and tax it. He would be opposed to cafes at this time. Ms. McKnight stated she is in favor of proposing adoption of this prohibition. She cannot think of any areas in Needham where a marijuana outlet would be appropriate. She is concerned about young people whose brains are not fully formed until their early 20s. It sends the wrong message to young people. She also feels, for some people, smoking pot would add to their vulnerability.

Mr. Jacobs stated if he had a vote at Town Meeting he would vote in favor of Article 26. He will not take a position as a Planning Board member. A motion was made to go forward with this and approve this Article 26. Mr. Alpert stated he understands Ms. McKnight's concerns but he does not think prohibiting marijuana in Needham will do anything. Marijuana has been available in Needham unlawfully for many years and will continue to be. He is concerned people will be driving to other towns to get it. He would prefer they have access here. There are the same concerns as alcohol. He equates alcohol and marijuana as the same.

Mr. Alpert stated he does not like the idea of banning for a vast majority because a minor number will have an issue with it. He would prefer a prohibition be done through a general By-Law which is a majority vote and not a two-thirds vote. Mr. Owens stated the Board of Selectmen are considering taking Article 26 and moving it so the Zoning By-law Article and the General Bylaw Article are side by side so the discussions are back to back.

Upon a motion made by Ms. Grimes, and seconded by Ms. McKnight, it was by three of the five members present (Mr. Alpert and Mr. Jacobs noted in the negative):

VOTED: to recommend adoption of Article 26.

Mr. Owens noted the hearing for the Special Town Meeting articles will be on Monday, 4/9/18. Ms. Grimes stated she wants to make sure the neighborhoods around the water towers were given notice. Ms. Newman noted Town Meeting members were emailed and written notice was mailed to others whose emails bounced back. She will send a letter with the legal notice to abutters around the water towers. Mr. Owens noted the first Article suggests the zoning be changed in lower Chestnut Street. The Article is offering the greatest amount of change available for the entire Overlay District. He wants to invigorate the discussion for Chestnut Street. He would like to continue the discussions until May. He would hope the Selectmen will defer to the Planning Board on planning issues.

Mr. Owens gave the background on the second article. The MBTA is willing to give a 99 year lease on the space hatched in yellow. To make it usable the Board would need to change it to the Chestnut Street Business and Overlay Districts. This would put the unused tracks in the Chestnut Street Overlay District. It would give the Hartney Greymont land and the MBTA land the same district. Mr. Jacobs asked if there would be a spot zoning challenge. Ms. McKnight noted this is extending the existing district. Mr. Alpert noted Mr. Owens gave an expansive article, which can then be narrowed.

Ms. Newman noted she will be away until April 7 and will not be available to write the legal description of the land to be rezoned. Ms. Grimes will pull the deed. Ms. Newman will email Ms. Grimes the form that the legal description should be in. Ms. Grimes stated she will draft this and get it out to members. Ms. Newman noted it will go to the Selectmen on 4/10 and the soonest hearing notice will be 4/12 or 19. There will be a special hearing on 5/1. The Warrant will be printed on 4/16. Mr. Owens stated the Board can talk about it on 4/9. Ms. Grimes stated she is in favor of this.

Upon a motion made by Mr. Alpert, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to send the Article on Chestnut Street zoning to the Selectmen for referral back for a hearing and placement on the Special Town Meeting Warrant.

Mr. Jacobs commented he feels there is a lack of definitions. Mr. Owens suggested the Board members read the red-lined version and email him any questions.

Review of Planning Board Town Report

Ms. Newman noted she has received no comments. Ms. McKnight noted on page 1, under Initiation, Development and Presentation of Proposed Zoning Amendments to Town Meeting, it should mention the public hearings. On page 3, she feels it is confusing to talk about the 3 components when it is really 2 areas. Under the Large House Zoning Study, it has the name of the Committee listed 3 different ways. It should just say "Committee." Under the Industrial 1 and Industrial District she is confused who is doing this. It should say in the 2nd sentence, "The Director of Economic Development working with the Industrial Sub Committee..." All zoning efforts need to be past tense. Mr. Jacobs noted on page 4, under Land Use, it should say "The Council of Economic Advisors was expected" not "is expected" since it was in the past. Ms. Newman will make the changes.

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to approve the draft as modified with Ms. McKnight's changes.

Minutes

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to approve the minutes of 1/9/18.

Ms. McKnight gave her changes for the 1/23/18 minutes.

Correspondence

Mr. Owens noted a letter from the Selectmen forwarding the Article back to the Planning Board for proposed zoning on Amend Zoning By-Law – Wireless Communication Facilities and Amend Zoning By-Law – Height Limitation Exceptions in the Business, Apartment, Industrial And Industrial-1 Districts. There was also an anonymous letter with regard to the proposed change in the Neighborhood Business District and traffic. Mr. Jacobs asked how the Board deals with anonymous comments. Is there a policy? He is inclined to ignore it. Ms.

Grimes agreed. Ms. McKnight noted the Legal notice from Dover regarding Wireless. Mr. Owens stated it was just an FYI. Ms. Newman asked if the Board would like her to verify the actual location of the Dover district and was informed they would. Mr. Owens noted a letter from the Selectmen regarding tree removal and a planting plan for Hutter Ridge, a response from Mike Retzky regarding delivery hours for Memorial Park and a public hearing notice from the Planning Board in Dedham regarding age restricted housing.

Report from Planning Director and Board members.

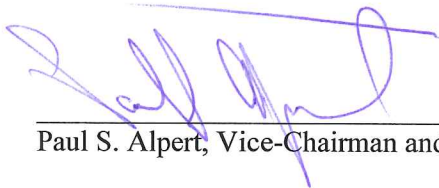
Mr. Alpert stated he is concerned about the Wireless Overlay District near the recycling center. In Section 3.7, Special Permit criteria, he wanted to reference this but got push back from Christopher Heep. The Board voted to send to the Selectmen for referral back. He wants it cross referenced and would like to make it a requirement even for the Town. Ms. McKnight stated she went to the Newton-Needham Chamber of Commerce meeting; it was very informative and she was pleased with the report.

Ms. Newman noted there was a condition on the new Sunita Williams School regarding construction vehicles. All construction vehicles are to be on Central Avenue and no traffic on the side streets. She also did not get the documents requested. Ms. Grimes stated the Planning Director should notify the applicants they cannot be on the side streets. Mr. Jacobs requested the Planning Director reach out to the Building Inspector as to why the applicant received a Building Permit when no documentation has been received.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 9:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Paul S. Alpert, Vice-Chairman and Clerk