

NEEDHAM PLANNING BOARD MINUTES

October 18, 2018

The regular meeting of the Planning Board held in the Webster Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Thursday, October 18, 2018, at 8:30 a.m. with Messrs. Jacobs and Owens and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Discussion of Accessory Apartments

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

VOTED: for purposes of discussion, to move forward with accessory dwelling units and draft our list of limitations and requirements and request the Planning Director to move forward with drafting a By-Law for the Spring Town Meeting.

Mr. Alpert stated he is in favor of moving forward with this. He wants to start specifics on what the list will be. He wants a limit on accessory apartments within a single-family dwelling to a certain square-footage as of right and a limitation larger by Special Permit. Will they allow accessory apartments, or accessory units, not within the house but a separate unit? He heard a Select person say he is not in favor of separate accessory dwelling units. He feels on some large parcels in Needham he would allow it. He would limit to homes on at least an acre or more. Should they allow rentals in the accessory apartments and what would the limitations be? He would like a one year lease. He sees occupants as limited to caregivers or allowing elderly members of the family to have an apartment. Parking issues need to be addressed.

Ms. McKnight stated ADUs (Accessory Dwelling Units) should be allowed by right within the existing structure with nothing added except to the extent stairs or an entrance are added. Any addition to the building or exceeding square footage for ADU beyond would need a Special Permit. She is not enthusiastic about separate units. Some towns limit to current structure like a barn. Mr. Owens agrees with Ms. McKnight. He feels the Board should start with small steps. Opposition is to a perceived threat. The Board should start with the most restrictive. 750 square foot, one bedroom and limit it to the Single Residence B District. Not on one acre lots. He is opposed to separate buildings. The ADU's should be 750 or 800 square feet by right and he would accept up to 1,000 square feet by Special Permit, both with a single bedroom. He noted it can be written into the By-Law who is renting and can put in a one-year lease.

Mr. Owens stated there needs to be enforcement. Enforcement would come when there is a complaint. The Building Inspector can look at the lease. He likes the suggestion of no separate metered facilities. He wants to start slowly. He feels the advantage of a one-year lease is it cannot be a BnB. Mr. Alpert noted he brought the By-Law from Lynnfield that outlaws AirBnB in the town. Mr. Owens stated if Needham could do that he is good with that. Overnight street parking is already prohibited. Mr. Alpert stated he would like to keep the current By-Law requirements as to size and setback. He would not make exceptions. He would rather not allow separate accessory structures at all for now.

Ms. McKnight stated Mr. Owens would limit even larger units to one-bedroom. Some need 2 bedrooms like those who need a caretaker like developmentally disabled. Ms. Grimes thinks that is going down the wrong path. The apartment would be for the caretaker. Start with one-bedroom and move up. Ms. McKnight stated she knows the disabled community focuses on these needs. Mr. Owens added the caveat that, if by Special Permit, as a practical matter the Board would not be likely to turn it down. He feels they should start small and see what happens. Mr. Alpert noted the Board also needs to see what happens when the need for the unit ends. Basically the owner then would have a 2 family house.

Mr. Jacobs noted, on page 11 of the Amy Dean report, there are some Building Inspectors in municipalities that do not allow ADUs. They permit ADUs as part of a single family house because a single family house can have multiple kitchens. If that is true, why spend all this time on this? Ms. McKnight stated the difference between 2 kitchens and being totally separate is a space with a bathroom and bedrooms. Ms. Newman noted the Needham Building Inspector wants it clear from the Planning Board what the rules and regulations are. Mr. Alpert commented he would rather not allow for rentals but for physical or mental incapacity where they need care to allow them to stay at home. Mr. Owens agrees with that.

Ms. McKnight stated she disagrees. She would like rentals once the family member leaves. What would they do with the unit after the need is gone? She feels rentals should be allowed. Mr. Alpert stated he does not feel rentals should be allowed. That is turning it into a 2 family house. Ms. Grimes asked who issues the special permit and was informed the Zoning Board of Appeals (ZBA). Ms. Grimes asked if this has been discussed with the ZBA and was informed no. Ms. Newman stated, historically, the ZBA has issued this type of special permit.

Mr. Jacobs asked what is the reason for a special permit beyond 750 square feet? This is limited to 1 bedroom. Why is there an option, or a need, to go beyond 750 square feet? If the Board is going to allow 2 bedrooms that may be needed. Ms. McKnight stated they should go to 800 square feet. Mr. Alpert noted allow up to 800 square feet by right and nothing by special permit. All agreed.

Mr. Owens noted the existing units may be larger and should be grandfathered in. Ms. Grimes stated the unit must be in existence prior to June 2019. Mr. Jacobs feels an inspection should be a requirement. Ms. Newman asked how the units become legal if they are currently over 800 feet. Ms. Grimes stated the units do not become legal or they would become a 2 family house. Ms. McKnight stated there could be a limit on the number of permits given. Mr. Alpert stated he has seen where something needs to be filed annually with the Building Inspector.

Mr. Owens asked if there is a violation of the Building Code, and there is a fire, would insurance cover it. Mr. Jacobs stated that was a good question. He was not sure but it would be a real risk. He asked if there would be a separate section of the By-Law for ADUs. He was thinking of incorporating it into the Single Family section to reiterate it is a single family. Daphne Collins, of the ZBA, stated many other towns have a separate section with the definition, purpose, restrictions, conditions and uses with an asterisk in the use chart.

Discussion of Highway Commercial 1 Zoning Initiative

Ms. Newman stated, since the last meeting, she has asked Devra Bailin to work on the use table and put it in the form of the current Highland Commercial 128. Ms. Bailin stated all is in the Highland Commercial 1 document. She did not put in the highway layout amendment. She is not clear what the Board wants to do with that. Everything else is in one document now. She adopted most uses in the Mixed Use 128 District with the exception of medical uses by special permit. This would allow some medical uses by special permit. She then highlighted issues and what kind of retail uses to allow by right, which would be special permit and how high to go. There is the possibility of grocery and there are parameters of what that might look like. She noted the Wellesley Whole Foods is 26,000 square feet. Ms. Grimes stated she likes the size of the Wellesley Whole Foods.

Ms. Bailin stated she left the parameters for the Board to determine. She noted on page 5 is the list of uses in the Industrial 1 zoning chart she left out but wanted to highlight. They are not entirely incorporated in her list. She took out any other use not enumerated. She included all in one document for the Board except the document with what to do with the highway. Mr. Alpert stated this needs some setback from the highway. Ms. Grimes asked if Ms. Bailin has discussed this with developers interested in the sites. Ms. Bailin noted anyone who has asked her she has shown the zoning and what is proposed. Some have had some use questions. Some asked about residential. She noted the outside parameter is 45,000 square feet.

Mr. Jacobs asked if there is a sense that 25,000 or 30,000 square feet would be too low. Ms. Balin stated she does not have an answer for that. It depends on the mix on the properties but developers are aware of the limit. All

developers have told her they want Mixed Use Residential Commercial and this does not do that. The Council of Economic Advisors (CEA) has made it quite clear they are not interested in a housing component. Mr. Alpert stated they are only talking about Highland Avenue to the MBTA right of way right now. He thinks residential should be part of the discussion. He stated there needs to be a discussion with the Select Board.

Ms. Grimes feels the Board should look at it all, bring in 5 developers and see what they say and what they want. Ms. Bailin noted there has been interest in some entertainment component among the people she has talked to. Ms. McKnight commented the Board needs to remember this is about a 20 minute walk to the train. Ms. Bailin stated NBC Universal is looking to connect the end of the commuter rail to Needham Crossing. Ms. Newman noted that is a shuttle service and is private. Mr. Alpert noted he wants to read this carefully. This is so close to the 128 exit it will create a traffic problem if they are not careful. Ms. Bailin noted if people could go straight from the exit into the property that would resolve that but the town has never been allowed to do that.

Mr. Jacobs noted that the proposed Section D on retail establishments has all items kept inside the building. Why would we want that? Grocery stores always have items outside. Ms. Newman noted grocery stores were called out separately. Mr. Jacobs stated he would not go to 45,000 square feet for a grocery store. Ms. Grimes agreed. She stated 30,000 to 35,000 square feet maximum. Mr. Owens left the meeting.

Creation of Transit Oriented Development District ("TODD") at 433 Chestnut Street

Mr. Alpert noted that there has been a draft zoning article previously presented and he asked if the Board wants to go forward. He noted the only issue he has was the height limitation but it seemed other members were not concerned with the height on this site. Ms. McKnight stated she was concerned with the view from Maple Street but the presentation was compelling to her. She feels the idea should be put out at the height the developer proposed and the Board should see how it goes. Ms. Newman asked if there were any thoughts to connecting to the rail trail. Sandy Silver, of Jefferson Apartment Group, stated she needs to have a discussion with the MBTA. She commented it is never easy with the MBTA. Ms. Grimes stated that does not affect the zoning.

Ms. McKnight stated this will be an overlay. She is thinking a paragraph should be put in to enhance development that is consistent with something about the town environment and limits to our open spaces or some words that put that purpose in. Mr. Jacobs commented he appreciated Ms. Silver comments and presentation last time. Ms. Silver stated she does not have a full survey on the town property. They do not own the track and cannot control that. Mr. Alpert noted draft language should be drafted to put in the desired purpose.

Louis Wolfson stated he thinks this is a great idea. The rail trail would be great. His only concern would be the traffic issue. Ms. Newman stated the other issue is access for Police and Fire. Ms. Silver stated she has not been successful in reaching out to the Police and Fire yet. She commented the Greendale Avenue project only has one access in and out so it is not unheard of. It will also not be all new traffic since there is currently traffic going in and out. Ms. Newman stated there is no intersection analysis here. The study needs to be broadened. Ms. Silver will do a traffic study but would prefer to wait for the full blown process.

Mr. Jacobs asked, in terms of money, what are we talking about for a traffic study. Ms. Silver stated about \$25,000. Mr. Alpert informed Mr. Wolfson the Board had a discussion with Ms. Silver before that less than 6 stories would not be feasible. Mr. Jacobs clarified that Ms. Silver said 6 works but 5 may be possible. Ms. Newman noted the next step is to look at this and put it together to bring back for the Board to look at. Mr. Alpert stated the proposed Zoning By-Law should be finalized, the Board should have an open meeting and then send it back to the Selectmen. There needs to be a meeting set up with the Selectmen to talk about ADUs, Highland Commercial 1 and this project. Mr. Jacobs suggested they may want to include School Committee also.

Review of Special Permit Requirements for three car garages in the SRB District

Ms. McKnight stated she wrote a memo last night. On the third page was a list of addresses of properties where permits were sought from the Zoning Board of Appeals for a third garage with some notes and ratings. Five she

questioned that do not presently have 3 car garages. She objects to “snout out” garages where the garage projects out from the front of the house. There are 4 houses on corner lots and 4 had side entrance garages. If not on the front of the house it could be allowed by right. She feels the language needs to be strengthened. She would allow 3 garages but set back 5 feet from the front wall. Mr. Wolfson is not sure of the impact of 3 car garages on the side to the abutter. He is concerned with this. He does not think it is a good idea to allow on 80 foot-wide lots.

Mr. Alpert asked, as a Realtor, does the third garage space enhance the value of the property. Mr. Wolfson feels it has little impact on the value. Ms. Grimes disagrees. She feels it does enhance the value of the property. Ms. Newman stated she is concerned with the Pleasant Street house that had the third garage denied by the ZBA. Mr. Alpert stated he is aware there were extenuating circumstances other than the third garage. Mr. Jacobs stated he is not ready to decide anything yet. He asked if there is there anyone who thinks 3 car garages should be allowed on nonconforming lots. Ms. Grimes and Ms. McKnight do not feel they should be allowed. The lot size needs to be looked at. Mr. Alpert stated 3 car garages could be allowed by right with frontage of X amount at a lot size of more than 12,000 or 15,000 square feet, or whatever number the Board chooses, and not have a special permit at all. It can be done by right if over those dimensions and it cannot be done if under those dimensions. He noted the Board will take this up again at another meeting.

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

VOTED: to adjourn the meeting at 10:15 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Martin Jacobs, Vice-Chairman and Clerk