

NEEDHAM PLANNING BOARD MINUTES

November 15, 2018

The regular meeting of the Planning Board held in the Great Plain Room, Needham Town Hall, was called to order by Paul Alpert, Chairman, on Thursday, November 15, 2018, at 8:15 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.

Mr. Alpert noted the following correspondence for the record: a draft of Accessory Dwelling Unit (ADU) zoning amendments; a policy position from the Board of Health, a policy position from the Council on Aging; a chart with some specific issues surrounding detail of what could be in with a range of what others have done; a memo, dated 7/1/16, on Needham Age-Friendly Assets and Challenges; Seniors on Housing and Transit and a draft on Accessory Dwelling Units.

Mr. Jacobs asked if all the other Board's had seen the draft and was informed the other Board's had seen the draft. Colleen Schaller, of the Council on Aging, stated the Council is here to listen to the Planning Board's thoughts and process and add anything during that discussion. She feels it is a vital piece of a zoning change for seniors in Needham. A lot of homes of seniors are smaller with maybe 3 beds and land so adding a small apartment would not make much difference.

Mr. Jacobs asked Ms. Schaller what the goal is from where she stands. Ms. Schaller stated the goal is to keep seniors in Needham. She stated that is almost impossible right now. There are no reasonably priced options now. Mr. Jacobs asked if it was primarily financial. Ms. Schaller stated that is a large part. There are no condominiums the seniors can afford. Dan Goldberg, of the Council on Aging, stated new construction is not on one floor. A lot of seniors move because of the stairs. Penny Grossman, Vice-Chairman of the Council of Aging, stated, for seniors, the preference is to stay in their own home.

Kristen Lindley, of the Council of Aging, stated she agrees with all comments. It is important for seniors to age in their own houses and their adult children can take care of them. Mr. Alpert commented there is a possible zoning change to 433 Chestnut Street, which is the Hartney Greymont site. He wants to make everyone aware as they may want to hang around for that discussion. Ms. McKnight noted, if a family wants to accommodate their family member, and create a unit, it would be costly. There needs to be a second means of egress. Is it feasible for a family to do that when the unit cannot be rented to anyone else? Ms. Schaller stated she was not aware the unit must be altered so that it is no longer a separate dwelling unit, and could not be rented. In a lot of towns that is not what they do. Ms. Newman stated the Planning Board proposal only allows the unit to be used by family members or a caregiver. If the situation changed the unit would no longer be occupiable.

Lynn Shoff, representing the Director of the Board of Health Tim McDonald, stated the Board of Health are in favor of eliminating that requirement. They anticipate there may be seniors who would like to stay in their house and perhaps rent out part of it in order to stay. She is not sure why the Board is restricting that. Mr. Alpert stated the concern is it would be a method of turning homes in a single family zone into 2 family homes. It is difficult to police. The Planning Board does not want to go there yet. One major issue discussed was to limit it considerably with the possibility of expanding in the future. For example, limiting the size to 850 square feet and limiting to family members and caretakers with the possibility of expanding in the future to allow leasing.

Mr. Jacobs noted the Board is looking at these as exceptions to single family homes. They are starting with single family zones with limited circumstances. Ms. Grimes stated that in order to get this passed the Board has to propose something, hold a public hearing and send a recommendation to the Board of Selectmen for them to send it back. As of now, her understanding is the Selectmen are not in favor so it is an uphill battle. Then it goes to Town Meeting where two thirds need to approve it for this to pass. That is not an easy task to do. It is easier to

do incremental changes. This is a very important step for seniors in town. She is opposed to this but feels it is not a bad way to do this and would support the Board.

Ms. Schaller stated the town has a very powerful Council on Aging. There is a large population of seniors being forced out of town. She understands the restrictions. She asked if it would be possible to see the proposal. She is concerned with the issue of removal. Her adult daughter would love to move back to Needham. She would not like to live with her daughter but with an ADU she could do that. Ms. McKnight read the paragraph that states the Building Inspector shall order the removal of the ADU. She feels it should be "may" if that paragraph stays in. Mr. Owens reminded all this is the first draft only. Mr. Alpert noted this is the first reading and there are a lot of changes to be made as the members discuss it. This proposal will not pass as it currently is.

Mr. Owens stated the scenario Ms. Schaller described is exactly what the Planning Board wants -- an accessory dwelling in a house for a family member to move in and allow a senior to stay in their home. The Board has to convince two thirds of Town Meeting to allow this. The concern with the fear of the unknown is that all of these will be converted into 2 families. It is important to take this in small steps. Everyone needs to be aware of the law of unintended consequences. The consensus so far is to get started, put in ADU's and start small. Then, if appropriate, it can be expanded or it can be added to in ways that seem to make sense. Mr. Alpert stated this is the reason there are public hearings. The Board will listen and take information into consideration.

Edward Cosgrove, of the Board of Health, stated he fully supports this. The language as read on that one paragraph is not what anyone wants. There need to be reasonable accommodations at this time. He has a problem with that one paragraph. It should state specifically what item needs to be removed. Ms. Grimes noted she is concerned with the policy of this. She asked how the Board should develop language to help the Board of Health.

David Roche, Building Inspector, stated he would like the process under a Special Permit. That would give him the policy ability to know who the owner is and who is the occupant. In the last community he worked in the Zoning Board of Appeals (ZBA) was involved. The ZBA or the Planning Board could go through the Board prior to the sale of the property. The process seemed to work ok. He noted there were maybe 3 or 4 per year. He noted he saw new construction wanting accessory units so there were not only conversions. The last community made it as difficult as possible. There were no separate utilities, water lines and such. They wanted the look of a single family home. The Board limited the ADU to 1,000 square feet after a while. He would not want to do ADUs by right. He feels it is important the abutters are notified if one of these units is going in.

Ms. McKnight stated she is thinking of reconstruction of 2 family homes being reconstructed with 2,000 square feet on each side. That is the type the abutters are angry about. She read a report of the Housing Authority and noted low income seniors are living in much less than 850 square feet. The Board could relieve concern about 2 families by maybe making this smaller to maybe 600 square feet. That may alleviate some concerns. Ms. Schaller stated it is a huge change for a senior to move to something that small with a kitchen, bath, living room and bedroom. It seems the smaller you make this the more difficult it would be for seniors.

Mr. Jacobs asked if it would be better if the Board put a restriction that ADUs would be on the first floor only. Ms. Schaller assumed it would be on one floor only. Building Inspector Roche stated he knows someone in Westwood that has an ADU on the second floor but there is a chair lift. He does not think the Board wants to limit that. Mr. Jacobs noted he is trying to keep them from turning the homes into 2 families. Mr. Alpert commented the owner may want the smaller unit for a caretaker. In that case it would be fine on the second floor.

Tiffany Zike, Public Health Nurse, noted that allowing seniors to have a caretaker would allow them to stay in their home. The assisted living cost is outrageously high. She feels this would limit the number of calls to 911 due to falls with no one around. The seniors would have someone close to assist them. She feels there are many benefits to this proposal. Mr. Jacobs stated there is nothing that prohibits a caretaker from being with someone now. This proposal is talking about a separate unit. Ms. Zike noted if a caretaker has a separate unit but in the

house it is not deemed 24 hour care and could be reimbursed by insurance. If the person lives in the house it could be considered 24 hour care and may not be reimbursed.

Ms. Newman asked for a discussion on an as of right use or a special permit use. Mr. Alpert stated he heard what the Building Inspector said and would be in favor of limiting this to special permits. Ms. Schaller agreed she does not have a problem with a special permit use. Ms. McKnight stated she has no issue with a permit use but wants input from the ZBA since they will be dealing with this. Ms. Newman will reach out to Jon Schneider of the ZBA. Mr. Alpert stated, typically, the ZBA handles residential but the proposal could be written as Planning Board approval. Ms. Grimes stated she would remove the paragraph about removal of the unit or just write the stove needs to be removed. Building Inspector Roche stated to keep in mind there are building code issues such as fire separation walls and separate egress. They need to make sure people can get out. He commented he has seen walk out basement units. In some new homes the basement and attics are roughly 5,000 to 6,000 square feet. It is important this be part of the house. He feels there needs to be language that the ADU is in the primary structure.

Ms. Newman suggested one or two Planning Board members work as a working group to move this along and bring it back to the full group. Ms. McKnight stated she would be willing to work on drafting language. Mr. Alpert stated he would encourage all 5 members to go through the proposal and mark it up. Mr. Jacobs noted the language allowing temporary absences of up to 2 years in Section 6.12.3. He asked if there were any comments as to whether this was important. Mr. Alpert feels it is important in a situation where the elderly person has a fall and is in hospital and rehab for a period of time or a long vacation. Ms. Schaller stated she could envision seniors who could afford it taking a 2 month vacation to a warmer climate. She feels the time element should be looked at.

Mr. Alpert noted the Board has drafted documents with no time limit but absences due to health issues would be temporary absences. Mr. Jacobs stated if they are allowing ADUs for caregivers then if the owner is away for up to 2 years it kind of subverts the issue. Mr. Alpert agreed the Board is looking to avoid turning it into a rental while the owner is away. Building Inspector Roche stated he lives in a 2 family with in-laws living in the apartment. He was able to rent that short term when they were away. The Board may want to put something in that prevents that. Ms. Zike cautioned against determining how families manage their lives.

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

Mr. Alpert noted in the packet was a draft of the TODD Zoning By-Law and a map. There were also comments from various citizens in support: Rob and Mardy Claus, Siobhan and Richard DiNatale, Ron and Charlotte Culgin, David McClellan and Leslie and David Miller. Sandy Silk, representative for the applicant, noted she has engaged Giles Ham of Vanesse Associates to proceed with a traffic study. She has asked him to follow up with the Planning Director to make sure they have the right scope. He is in the process of doing that.

Ms. Silk noted she has met with the Fire Department. The Fire Department does not love the site for housing but the biggest concern is a second egress to the site. In that vein, she has reached out to the Rail Trail people whom she has not heard back from. One thought is maybe to tie the 2 points together and create one access point and a rail trail also. She noted this is a process and will take time. She is asking for support from the Planning Board. She noted an alternate source would be Eversource who she has not reached out to yet. She stated sometimes projects like these create other opportunities. That is what she is hoping for.

Mr. Alpert asked how Eversource works into this. Ms. Silk stated Eversource owns the property that runs along the same alignment. She is not sure which way would be the easiest as this is very preliminary. She does not want to hold up zoning as a result of that. This will be a long project but she feels it would be great to have the zoning in place. Mr. Jacobs asked if she is talking about the possibility of using the rail trail as an egress. Ms. Silk stated possibly for emergency vehicles only. The trail may be widened to accommodate emergency vehicles. She noted the MBTA has a financial potential as an incentive.

Mr. Alpert stated the Board has had some people come to them for a zoning change, the Board has gone through the trouble of making the change, then they walk away. He assumes if Ms. Silk does not reach agreement with the MBTA then the project will go away. He is reluctant to bring this to Town Meeting unless he knows the MBTA is on board. Ms. Silk stated she is not sure his assumption is correct. She has a strong belief a project of this size is necessary and would need surface parking. The MBTA has leased the land for many years and it is logical to assume they will continue. She noted there are a lot of new employees at the MBTA and she is in discussions with them.

Ms. Newman stated there is a meeting with the School Committee and Selectmen to discuss the impact of this project. Ms. McKnight stated she has heard it would not be financially feasible at less than 5 stories. She would like to be prepared if someone at Town Meeting proposes less stories. She feels the Board should have a rationale. Ms. Newman clarified the discussion was for 6 stories. Ms. Silk stated the project would have an FAR limitation. That may become the governor on the height. Ms. Grimes stated, after seeing the drawings, it does not look like anything more than 3 or 4 stories from street level. Ms. McKnight asked why would there not be over 55 housing. Ms. Silk stated they have heard there is a need for people who are building or renovating their homes and need to have short term housing. She would expect a mix of seniors, couples downsizing and younger folks looking to move into town. She does not want to put a label on the project. She feels that once you restrict it you have a demographic problem.

Ms. McKnight stated she feels there will be an impact on the schools. She is trying to find out how many children are at Rosemary Ridge where she lives as it is not restricted. Ms. Silk noted this is covered in the impact analysis. The analysis shows maybe 15 to 20 children. That may add 1 to 2 children to a class but not an entire classroom. She added the net benefit to the town would be a minimum of \$100,000. Ms. Newman stated she feels some people are waiting to hear how many children are going to be at the Greendale Avenue project. That information may be useful to Ms. Silk. Ms. Silk stated history shows 60 to 80% will be for people with no children. She commented she appreciates the schools' struggles. Mr. Alpert stated his sense is the Board supports this project.

The meeting adjourned at 9:48 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in cursive script, appearing to read "Martin Jacobs", written in dark ink.

Martin Jacobs, Vice-Chairman and Clerk