NEEDHAM PLANNING BOARD MINUTES

March 11, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, March 11, 2019, at 7:00 p.m. with Messrs. Jacobs and Owens and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Discussion of Zoning Articles for the May 2019 Annual Town Meeting.

Mr. Alpert noted Accessory Dwelling Units (ADUs) which is Article 3. Ms. McKnight stated she did not remember agreeing to restrict the definition of "caregivers" on page 2. Mr. Alpert stated Mr. Jacobs did not want to include nannies and au pairs and that was agreed. It was not the intent of the Board to allow such occupants. The intent was for people to age in their homes. At the public hearing Building Inspector David Roche gave the impression he was fine with this change. Ms. McKnight commented she would go along if the rest of the Board felt strongly about it. Ms. Grimes asked why the Board cared about whether it applies to nannies. Mr. Jacobs commented it does not prohibit nannies from living with families. It prohibits nannies from living in a separate unit. He reiterated the intent was to keep the elderly in Needham in their own homes and allow for absences for hospital stays and such. The Board may open occupancy up later but he is not comfortable doing that now. Ms. Grimes agreed with Mr. Jacobs. Mr. Owens also agreed it should be tight in this first pass. It could be made looser in the future.

Mr. Jacobs stated he is in favor of allowing property owners up to a 6-month absence. Ms. McKnight is comfortable with a maximum of one year. She feels that is reasonable. After discussion it was decided to change maximum absence to 9 months or less. Mr. Alpert noted on page 2, under 3.15.3 (b), "legal resident" should be removed from (3). The Board discussed how that would be defined. The Board then decided to take it out.

Mr. Jacobs asked what the codes are that are referred to in 3.15.3 (g). Ms. Newman stated it was just a general reference. Mr. Jacobs stated the Board needs to be prepared to answer what the provisions are at Town Meeting.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by four of the five members present (Ms. Grimes voted in the negative):

VOTED: to approve Article 3 as drafted with the changes discussed to take out Section (b) in 3.15.3, correct 2 typos and change one year to 9 months, and send to the Selectmen for referral back.

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

VOTED: to recommend to Town Meeting the adoption of Article 3, Accessory Dwelling Unit By-Law, as amended as discussed in the form approved tonight.

Mr. Alpert noted Article 4, Transit Oriented Development District. Mr. Owens asked if 50% one-bedroom units is the right number. Ms. Newman stated that was proposed by the developer. Ms. McKnight stated she has a question on the 150 units. The proposals were 125 up to 200 units. Ms. Newman stated the impact analysis was 148 so she used the 150 number. Mr. Alpert noted the affordable units, stated there is no specified number of bedrooms. That is covered in the rest of the section. Ms. McKnight noted in 3.8.6 (d) the units are to be dispersed within the building and be comparable in size as the market units. Ms. Newman stated most developments done have been proportional. Mr. Owens feels it should be left to the developer to decide.

Ms. McKnight would like to see the number of affordable units to be proportional and feels the percentage of affordable units should be 10% as the Chestnut Street Overlay District is 10%. Ms. Newman stated the Board has used 12.5% in the 2 other districts. She feels 10% is low. Mr. Alpert stated all agree to leave the proportion comparable to the market rate units and to require 12.5% of units affordable. Mr. Jacobs commented Town Meeting has said they do not want 150 units. He is not sure anything should be in there about a maximum number of units. Mr. Owens noted people were concerned about height. The sentence could be taken out. People were also concerned with traffic. Mr. Jacobs noted, for parking, the Board had suggested a minimum of 1 space per unit not 1.5 spaces per unit. He would go to 1.25 spaces per dwelling unit. All agreed.

Upon a motion made by Mr. Owens, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to approve Article 4 as modified.

Upon a motion made by Mr. Owens, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to recommend Article 4 to the Selectmen.

Upon a motion made by Ms. Grimes, and seconded by Mr. Owens, it was by the five members present unanimously:
VOTED: to recommend Article 5 to the Selectmen.

Upon a motion made by Ms. Grimes, and seconded by Mr. Owens, it was by the five members present unanimously:
VOTED: to recommend Article 6 to the Selectmen.

Mr. Alpert noted Article 1, the Highway Commercial 1 Zoning District. Ms. McKnight stated she does not want to have a driveway access off Highland Avenue. Ms. Newman asked if that is a zoning issue or a site plan issue. Ms. Grimes stated she would like to see what a developer would do. If the Board goes forward she would like the article to reflect the changes in the letter from Natasha Espada, Principal of Studio Enee. Mr. Jacobs noted in 4.11.1, 'increased above the height of.." should be 42 feet not 54 feet. This was agreed. Mr. Alpert noted there were 2 different issues –the height setback could be from a new road and could be 54 feet on the new road. Mr. Jacobs suggested saying "if a new road into the site…then…" Mr. Alpert added "from any street other than Highland Avenue or Gould Street" and leave at 54 feet. This language applies to TV Place also. Ms. Newman stated the qualifier the Board wants to add exempts out other areas. The Board discussed the setback with regard to height. The Board reviewed Ms. Espada's letter.

Ms. McKnight stated she is concerned the Board not introduce a limit that is more restrictive than the current limit. Ms. Newman will ask Town Counsel David Tobin's opinion. She noted in 4.11.2 (4), Ms. Espada is not supporting or objecting. The Board needs to clarify what Ms. Espada is talking about and where the break in the layout is. Ms. Newman noted Ms. Espada's letter suggests the 50-foot buffer be increased to 150 feet before the pop up in height on Highland Avenue and the buffer be 200 feet from Gould Street, a 100 foot parking garage setback and a 20 foot setback along the highway. She asked where the point is the height setback should break along Highland Avenue of 150 feet. Mr. Alpert agreed with Ms. McKnight the break should be where the houses end.

Ms. Grimes left the meeting at 8:50 p.m. Mr. Alpert stated there should be a 42-foot height limit from Gould Street to the break. In 4.11.1 (4) the Board agreed to remove "Notwithstanding the preceding sentence…" to the end of that sentence. Add after "or service areas" ", except that walkways constructed with pervious surfaces may be part of the open space area." In (3), add "setback" after "no side or rear yard." Mr. Jacobs stated there should be a picture at the presentation. He noted in Section 5, at the end, the FAR could go up to 2.0 by Special Permit. He asked if the Board really wants that. He is not sure it is appropriate for this site and suggested taking out 2.0. Ms. McKnight agreed. Mr. Alpert noted it should not be made mandatory but the Board could allow it. Mr. Owens stated the Board does not have to grant the Special Permit.

Correspondence

Mr. Alpert noted minutes of the Council of Economic Advisors for 2/6/19 and 3/6/19 and a draft of language for the annual report.

Ms. McKnight noted the League of Women Voters Warrant meeting on 4/29/2019 and asked if it would be helpful to have a separate meeting for the Zoning Articles. It was agreed there will be a separate warrant meeting for zoning articles on 4/25/19 and Ms. Newman will make sure Devra Bailin is available.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 9:25 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Martin Jacobs, Vice-Chairman and Clerk