

NEEDHAM PLANNING BOARD MINUTES

July 30, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, July 30, 2019, at 7:00 p.m. with Messrs. Alpert and Owens and Mmes. McKnight and Grimes, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Discussion of Highway Commercial 1 zoning and Accessory Dwelling Unit zoning.

Accessory Dwelling Unit zoning:

Mr. Jacobs noted Ms. Newman has put together a schedule to get Articles on the Fall Town Meeting. There are 2 items: Highway Commercial 1 Zoning and Accessory Dwelling Unit (ADU) Zoning. Article 24 was on the last warrant. He turned the discussion over to Mr. Alpert, who had submitted an email with his thoughts on ADUs. Mr. Alpert noted a draft in the packet with blue and red comments. He stated his first comment was the definition of family. It is totally different from the definition in Section 1.3 of the Zoning By-Laws. He suggested changing Section 1.3 by adding the definition of ADUs and he feels Section 1.3 should be amended to clarify family.

Mr. Alpert's suggested language would be to start with "Except as provided in Section 3.15..." and he discussed whether adoption should be added. Ms. McKnight agreed that adoption should be added in Section 1.3. She would prefer a broader family definition and asked why not use the Section 1.3 definition. Mr. Alpert feels Section 1.3 is too broad. Ms. Grimes commented the Board should concentrate on what was an issue at Town Meeting. She feels the Board was 98% there at Town Meeting. Mr. Alpert stated part of the issue at Town Meeting was there was arguing over the definition of family. He wants to move the definition to one area and define family and caregiver. Mr. Owens stated he is ok with Mr. Alpert's recommendation. Mr. Jacobs agreed that recommendation was fine.

Mr. Jacobs summarized there is a change to Section 3.15.2(c) by proposing the definition of a "person's family" rather than "family", add in "Except as provided" language in Section 3.15.2(c) and add adoption to the definition. All agreed. Devra Bailin stated the Board could provide a definition solely for this purpose. Building Inspector Roche suggested doing the definition separately at a different time. Mr. Alpert stated, in Section 3.15.1, he is trying to make the language clearer by putting in the intent and purpose. He made just a couple of minor changes by putting (a) in front of family and (b) caregivers.

Ms. McKnight stated the ADU may be lived in by the owner of the property. It does not say it could have an (a) owner of the property or (b) family or (c) caregiver. Mr. Owens asked if it was clarified that the main part of the house can only be lived in by (b) family or (c) caregiver. Mr. Alpert stated that was clarified in Section 3.15.3. Tim McDonald, of the Board of Health, noted he would say "an individual who needs assistance with daily living such as elderly, chronically ill, disabled or otherwise needs assistance with activities of daily living." Ms. Grimes agreed with that language. It was noted that nannies do not count in the ADU section.

Mr. Owens suggested taking out the limit of 3 persons in Section 3.15.3 (c). He stated he would not mention nannies as they are already covered. Ms. Grimes agreed. After a lengthy discussion regarding the definition of family it was decided the definition of family in Section 3.15.2 (c) should be "other persons who are related to an owner by blood, adoption or marriage and who are related as such owners' spouse, parent, sibling, child or a spouse of any such person." It was decided in Section 3.15.3 (b) to add the word "record" before "title" and delete everything after "nine months or less." It was suggested "nine months or less" be removed.

Mr. Alpert summarized the language of 3.15.3 (c). All members agreed it should read "Occupancy of the unit that is not owner-occupied shall be limited to a member of an Owner's family or to a "caregiver" for a member of such persons' family; provided that the total number of persons residing in the main dwelling and the ADU combined who are not related to the Owner by blood, marriage or adoption shall be limited to five." Mr. Alpert

suggested in Section 3.15.3 (g) remove the third sentence which is “Any new entrance shall be located on the side or in the rear of the building” and remove “purposes of supervision.” Mr. Jacobs asked Building Inspector Roche if there are any applicable Massachusetts State Building Codes applicable to ADUs. Building Inspector Roche noted no, just for dwelling units. Mr. Jacobs suggested taking out “accessory” before “dwelling” and the commas.

Building Inspector Roche wanted to change 3.15.3 (j) by deleting all after “Occupancy permits shall not be transferable upon a change in ownership or occupancy” but leave “unless a new special permit is issued.” Mr. Alpert noted occupancy permits are not transferable at all. Mr. Jacobs stated (k) is not clear. Building Inspector Roche suggested deleting the last sentence as it is not clear. All agreed to delete “Upon the close and approval of permits required to remove such components will return the property back to a lawful single-family dwelling.” Inspector Roche asked if anyone had spoken with the Zoning Board of Appeals (ZBA) about being the special permit authority. Ms. Newman stated the ZBA has been in the loop.

Highway Commercial 1 zoning:

Devra Bailin noted she and Ms. Newman made some changes. Most of the language has been agreed to. There are 2 special permit provisions. In Section 6 on page 4, they had a difference of opinion. There needs to be language with regard to the possible placement of buildings on Gould and Highland. She suggested making the language narrower and put in the possibility of a building on that intersection but she feels the landscape feature should not be beyond the 20%. Leave it up to the developer. She does not feel very specific language should be put in. It should be left vague or as a guideline. Ms. McKnight stated a park would imply a public facility. She commented a landscape feature would be a positive.

All members were happy with page 1 with one change. Medical Clinic should be capitalized in (g) as it is a defined term in the By-Law. On page 2, Ms. McKnight stated the Board cannot require a special permit for a public light-rail train station. It was decided to remove the word “public.” In (i), change “facilities” to “facility”, in (k) remove the last sentence and in (l) make all singular. In 4.11.1 (1), Ms. McKnight feels there should be a reference to stone bound. It is not clear where this begins and ends. Ms. Bailin noted the problem is there will be a taking there but there, will be drawings showing it. It was agreed to reference the plan with the stone bound.

Ms. Newman stated 7.4.2 should be amended to add Highway Commercial 1. All agreed. Ms. McKnight suggested taking out “by special permit” in 4.11.1 (1). She does not want the buffer area, if used for driveways, walkways and such, to be counted as part of the open space. Ms. Bailin stated only pervious spaces are counted. She feels language is not needed. On page 4, in (2), maximum lot coverage is being increased to 75% because they are combining 2 areas, as long as they abut, to have greater space for the developer. All members agreed to remove the last sentence in (5). In (3), “setback” was added and in (5) “uses” should be changed to “infrastructure.” It was agreed Section 4.11.3 is where the Planning Board approval should be.

It was clarified that TDM in (6) is Transportation Demand Management. Mr. Alpert stated that is not in the By-Law. Ms. McKnight suggested it be spelled out in small letters. Mr. Alpert stated “beyond the 20% open space requirement” should be removed. Ms. Bailin suggested it say “possible placement of buildings on Gould and Highland.” Ms. McKnight likes the idea of an urban edge but people are used to seeing the landscaping on that corner. Mr. Alpert noted there is a setback to try to discourage building directly on Gould and Highland. Ms. Bailin noted people want a park or open space there and someone may design it that way. Mr. Alpert clarified the Board is here to set broad guidelines so developers know what they can and cannot do. It was agreed to add “possible placement of buildings to enhance the corner of Gould Street and Highland Avenue” after “multiple buildings.”

After discussion it was agreed 4.11.2 (1) should be “Parking structures and surface parking shall be set back at least 100 feet from Highland Avenue and Gould Street unless, with respect to surface parking, the parking is to the side or rear of the building.” Mr. Owens commented that was broader than the whole corner. In (2) “facing a public way” should be removed and in the last sentence “safety requirements are met” not “can be met.” Mr. Jacobs asked why it is 300 feet in (4). He feels it is much too long and would reduce it to 150 feet. Ms. Bailin

feels 200 feet would be the smallest. She will check with Mike Wilcox at Bullfinch. In 4.11.3 “and” was added and also a reference to 4.11.1 (1). Ms. Bailin stated 7.4.2 should be amended to add Highway Commercial 1 to this district.

Ms. McKnight stated there is a list of 6 sections in the existing Zoning By-Law that deals with special permits. Section 3.2.5.3 speaks to a special permit for parking garage for more than 3 vehicles. This is inconsistent with the new zoning. Mr. Alpert noted this is limited to certain districts. Ms. Newman stated this refers to stand alone garages. Ms. McKnight would like the Planning Director to look at these sections to make sure there is no conflict.

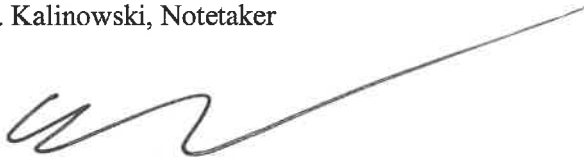
Report from Planning Director and Board members.

Ms. Newman gave the Board a heads up on a problem with a private way at 766 Chestnut Street. This is a corner lot and does not meet zoning. It will be back in front of the Board that this lot only has access on the new way. The Fire Chief wants 18 feet of paved area. There is only a 15 foot wide way. She anticipates there will be pushback on this. Ms. Bailin stated the applicant needs to comply with the subdivision control law requirements. Mr. Alpert stated the applicant would need to come in with a subdivision plan. If the applicant can show a 40 foot wide layout, then the Board can waive it down.

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

VOTED: to adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in dark ink, appearing to be 'Elizabeth Grimes', written over a horizontal line.

Elizabeth Grimes, Vice-Chairman and Clerk