

NEEDHAM PLANNING BOARD MINUTES

December 7, 2017

The special meeting of the Planning Board held in the Webster Room, Public Services Administration Building, was called to order by Ted Owens, Chairman, on Thursday, December 7, 2017, at 8:30 a.m. with Messrs. Jacobs and Alpert and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman.

Accessory Apartments

Mr. Owens noted there was an article in the Boston Globe this morning regarding accessory apartments. A copy is in the packet. Karen Sunnarborg, Community Housing Specialist, stated she has worked with the Planning Director on various projects since 2004. Always part of such planning was the potential for using accessory apartments to meet some local needs. Ms. Newman noted it started in 2004 with the Community Development Plan, then the Affordable Housing Plan. Accessory apartments were always discussed but some voiced their concerns. People felt that these units might change the character of Needham's neighborhoods.

Ms. Sunnarborg noted the town received a Healthy Aging Grant a couple of years ago to research housing and transportation issues for seniors. This included a survey of seniors as part of the public process as well as other special meetings and interviews. From this work came a number of recommendations including the potential for allowing accessory dwelling units (ADU) in local zoning. This Study effectively opened the door for a real conversation around accessory apartments.

This Healthy Agent Grant was followed by additional research on the part of Needham's Department of Public Health and Council on Aging to explore the impacts of accessory unit zoning in other comparable communities. This study found that such units did not create adverse impacts and recommended that the Town adopt such zoning under certain general criteria.

Ms. Sunnarborg has also provided information over the years on how Needham residents might benefit from such zoning including good models in other communities. She analyzed 3 other ADU By-Laws/Ordinances – Lexington, Newton and Scituate. These communities recently enacted amendments to their zoning in an effort to better promote such units.

Ms. Sunnarborg stated that in Needham people who were interested in creating an accessory unit have had to be told that they are not allowed under current zoning. There are also illegal accessory apartments in the community that could pose health and safety hazards.

The goal of this meeting was to have a further discussion on potential new zoning for accessory apartments and next steps. Ms. Newman stated the Selectmen are also looking to the Planning Board to see how they feel about accessory apartments and what parameters the Board would prefer. What would the rules and goals be under zoning? Should the provisions be limited to family members or be more expansive?

Ms. Sunnarborg noted that on page 11 of the Needham Public Health Division Study there is a summary of conclusions and recommendations. Mr. Owens asked how the Board members felt about the concept. He noted these are just preliminary thoughts. He indicated that he supports the concept and believes it is a good idea. It is obvious there are housing issues in Needham that are not currently being addressed. There are 2 ends of the scale – new college graduates and empty nesters. Small ranches are being torn down and large houses built. He finds accessory apartments to be an attractive concept that the Planning Board should further explore.

Mr. Jacobs stated he is very much in agreement. He feels the Board should spend a couple of minutes later on the definition. Ms. McKnight stated she is in favor of moving forward. She had an accessory apartment at her former house. It was mainly lived in by her adult children or church people who needed housing. The only complaint she ever had came from abutters concerning the number of cars, but there are no limits on single family homes, driveways and number of cars. That may be the only issue though the Board cannot control parking at homes.

She feels one car per unit would be fine for accessory apartments. She noted she does not see why there should be any Special Permit process for people who have a current illegal unit. She feels all accessory apartments should be by Special Permit or all should be allowed by right. The Planning Board should consult with the Zoning Board of Appeals as to the issue of whether accessory apartments should be allowed by Special Permit. She feels limiting it to family members would be a huge enforcement issue and should not even be tried.

Mr. Alpert stated he is wholeheartedly in favor of allowing accessory units. He lives in the Single Residence A district. An abutter has almost 2 acres and would like to build a separate unit for his in-law. His original thought was to allow only family members and caregivers. After reading the material he feels it would be a benefit for the elderly to stay in Needham with the supplemental income of a rental unit. He noted there is one issue. He does not want the Board to allow an Airbnb concept. He loves the accessory apartment concept and would like it to be presented at Town Meeting in the spring. He wants to get it moving.

Ms. Grimes stated she is totally opposed. She feels it creates a plethora of problems including housing problems. She also has a huge issue with Airbnbs. The Board needs to be really firm and not allow any Airbnbs. She feels this will create a massive influx of people renting to college kids. There are a ridiculous amount of apartments being built. She would only agree if this was limited to relatives or caregivers.

Mr. Jacobs asked about the definition of an accessory apartment. What does it mean by self-contained in the 10/11/17 memo? Is it separate entrances, at least one bath and a fully equipped kitchen? Ms. Grimes stated it means all that. Ms. McKnight stated a stove creates the unit so it is only an accessory unit if it contains a stove. She asked if an accessory apartment needs 2 egresses. Ms. Newman thinks it needs 2 egresses but that would be a building code issue. Ms. McKnight stated she is opposed to separate structures. That is creating a brand new building. Mr. Alpert stated he disagrees and that it should be all Special Permit or all as of right.

Mr. Owens stated the Board should identify all the negatives. Issues discussed have been parking, college students, Airbnbs, size and number of bedrooms. He noted the Board did not specifically talk about number of people. He feels the Board needs to identify all potential obstacles before zoning language can be drafted. Ms. Sunnarborg noted some of the typical concerns are discussed in the memo she drafted that was part of the Planning Board packet for this meeting. There are good zoning models to refer to that provide conditions that will greatly control potential negative impacts in the neighborhoods and help insure that ADU's do not change the character of the community. Mr. Owens stated there is a need for a permit for the stove and second egress. Those are 2 safety concerns.

Ms. Sunnarborg noted that the Lexington By-Law is a good place to start when considering new zoning as the community is relatively comparable to Needham and has had a good experience with accessory apartments, including recently amended language in its bylaw. She likes the 2 tier approach that includes by right and Special Permit permitting. Lexington currently has about 200 accessory units, most from when the bylaw was adopted back in the 1980s. There are no restrictions in terms of affordability. Mr. Jacobs stated that accessory units should be owner-occupied and primary residences.

Ms. Sunnarborg stated that some communities allow 2 bedrooms in an accessory unit but most limit them to one bedroom. Wellesley is also looking into adopting an ADU bylaw. Mr. Jacobs asked if the purpose is to help cash poor but equity rich seniors to stay in Needham and was informed it was. Mr. Owens stated he would like to see the Lexington By-Law in detail. He would be happy to work with Ms. Sunnarborg on a list of pros and cons. He added that he appreciated Ms. Grimes' point of view as such zoning may be more controversial than anticipated. He feels the Board needs to be realistic from the get go.

Ms. McKnight informed the Board the Nursing home at Avery is closing the entire building. This is an FYI. She feels it will be a concern with a new use of that building.

Discussion of Industrial Zoning: Follow Up on Meeting with Board of Selectmen.

Mr. Owens stated the Selectmen want the Planning Board to address the issue of zoning within the layout of the highway. The Selectmen are not sure of how much development they want on the south side of 128. Three separate sections are being looked at – Muzi, adjacent to Muzi, and Reservoir. He sees no reason not to change the highway zoning. Ms. McKnight stated she had hoped the Planning Board would go forward with the Muzi site. She would leave Reservoir alone.

Ms. Grimes stated she had discussions with some of the Selectmen after the meeting. She likes moving forward with the Muzi section. Her concern was the proposal was 6 stories high. That was a concern for the Selectmen also. Her impression of the Selectmen was that the proposal should be toned down a little. That was also her thought. Also she supports adding mixed use. Mr. Owens stated he would support that. Mr. Jacobs commented the corner where Muzi is is the true entrance to Needham and should be seriously considered. Ms. Newman summarized that the focus should be on the Muzi side, modify the scale and look at more mixed use. Mr. Owens noted there are 4 zones. The highway layout zoning will move forward; Muzi will be discussed and the other 2 will be deferred for now. Ms. McKnight stated the Board should look at the zoning districts on the northerly side of the highway and see if there is a zone that would fit rather than create a new zone.

Minutes

Ms. McKnight noted on page 3 of the 7/25/17 minutes, the sentence regarding Mr. Jacobs not being concerned with the Fire Chief comments should be removed.

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

VOTED: to approve the minutes of 7/25/17 with the change discussed.

Ms. McKnight noted on page 3 of the 8/8/17 minutes, it should say “K-P Law” not “Kopelman & Paige” as the law firm has changed its name.

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

VOTED: to approve the minutes of 8/8/17 with the change discussed.

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

VOTED: to approve the minutes of 9/5/17.

Ms. McKnight noted at the bottom of page 2 of the 9/26/17 minutes there is a reference to out of town parking. “An additional 35 spaces out of town” should be added.

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

VOTED: to approve the minutes of 9/26/17 with the change discussed.

The Board members handed in revisions to the 11/14/17 minutes.

Correspondence

Ms. Newman informed the Board there was a Scenic Road permit granted on 898 South Street, which is the Reginald Foster land. The project is not moving forward quickly. The applicant is asking for a couple of changes. There is another hemlock tree that is dead and will be taken down. This has changed the location of the fence now. They are also asking the town for overnight parking during construction. She has revised the

agreement to provide that. The key aspect is the applicant wants to put a gravel area back in the South Street right of way and the DPW will not allow that. She asked if the Board has a problem with the general form of this. All agreed it was fine.

Mr. Owens asked if there were any revisions to the draft letter to the Town's legislature regarding Senate Bill No. 8. There were no changes. Mr. Owens signed the letter.

Mr. Owens asked about the VFW Hall. Ms. Newman stated the hospital will be leasing land from the VFW for 48 parking spaces. This is not part of the original permit and was not disclosed in the parking and traffic study. The hospital indicated they were leasing 10 spaces that would be discontinued. This does not affect the hospital permit but will affect the Junction Street permit. This allows the VFW to occupy space at the Junction and lease out some spaces. She asked Mr. Cramer, representative for the hospital, and his response was to say take it up with the VFW. She asked what the Board wants her to do with this.

Mr. Alpert noted if only the tenant of the parking area owned by the VFW is being changed it should not concern the Board. The only issue would be if 48 spaces affect traffic and he is hearing it does not. The 1989 lease says MBTA parking can only take place during specified hours. He feels the Board should ask the VFW if their lease conforms to the Special Permit or ask for a copy of their lease. Ms. McKnight and Mr. Jacobs agreed. Ms. Grimes and Mr. Owens do not agree.

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

VOTED: to send a letter to the VFW asking them to supply a copy of their lease to the Planning Board.

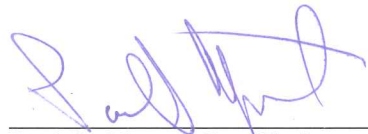
Ms. McKnight stated she would like the Planning Director to review the plans of the parking area to make sure it was built in conformance to the plans. Mr. Jacobs feels the Building Inspector should be asked

Mr. Jacobs noted he spoke with Devra Bailin and she wanted 3 things. The first is a further meeting to move the streamlining along. This was agreed. The second was she feels it would be useful among the developers to have a comparative use table because the Needham use table seems difficult. He will send along a letter regarding the discussion. The third issue was Monica Tibbett, of the 128 Business Council, spoke with Ms. Bailin. She is known as a transportation maven and is pushing for a rapid transit line from Newton to the Wexford Street area. She thinks things are lining up for approval for a rapid transit bus line from Newton Highlands. He would like to know if there is anything they could do as a Board. He wanted the Board to be aware.

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

VOTED: to adjourn the meeting at 9:50 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Paul S. Alpert, Vice-Chairman and Clerk