

NEEDHAM PLANNING BOARD MINUTES

July 10, 2018

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, July 10, 2018, at 8:30 a.m. with Messrs. Owens and Jacobs and Mmes. McKnight and Grimes, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Discussion of Accessory Apartments.

Karen Sunnarborg, Housing Specialist, stated there have been a couple of meetings to isolate key areas to put together in the By-Law. She has reviewed Lexington's By-Law, Newton's By-Law and the Massachusetts Model By-Law and worked with the Department of Public Health and the Council on Aging (COA). There are 8 or 9 comparable communities with By-Laws. This meeting is to cut through key issues and to come to some general agreement so as to move forward. Ms. Newman stated key components have been taken from By-Laws from other communities for limits on number of units on a single site, allowances in accessory structures, what the Floor Area would look like, how many bedrooms. She wants to see where the Board sits on key issues.

Mr. Alpert stated at the last meeting this was discussed generally. The Board did not get in the weeds. He asked if the Board wanted to now and was informed they did. Ms. Grimes stated she is not in favor of accessory apartments and never has been. She will not vote in favor. Ms. McKnight stated she is interested in pursuing this. She feels it meets the need for housing for young adults and people who work in the area and need housing. She is all in favor of moving forward. Mr. Jacobs agreed and noted the devil is in the details.

Mr. Owens is willing to move forward. He has strong feelings of limits and that needs to be pursued. Mr. Alpert agreed with Ms. Grimes regarding the AirBNB issue and wants to avoid them. He wants strict limits. Ms. McKnight asked what Ms. Grimes' is against with accessory apartments. Ms. Grimes commented she does not want strangers on the property, there will be additional cars and there are a lot of colleges in the area. This is not the type of area she would like to live in with college students renting. She wants to protect property values. She is also concerned with density. How many people are we adding? The thought was to help the elderly but she thought of accessory dwellings as fixing something. There are a massive amount of apartments in Needham right now.

Mr. Alpert stated his first thought is to limit to family members and caregivers. This would allow seniors to stay in their homes. Also, renting would be financial support for seniors. The Board could put an age limit or time limit of one year. Ms. McKnight stated she was thinking more of old people who need income or family can move in to help them. The Board could allow an apartment that is occupied by family members or caregivers. She would not be in favor of an annual filing to update the permit. Ms. Grimes stated Wellesley was contemplating accessory apartments. Ms. Sunnarborg noted there were no specifics with Wellesley yet.

Ms. McKnight stated a one year lease with family members does not make sense. She feels it should be family members or caretaker or a one year lease. She had an accessory apartment and her son, then her step-daughter lived there. When she moved out she rented to people from her church. She rented only to people she knew. It is not a great difficulty to have a one-year lease. Mr. Jacobs asked if the accessory unit had its own kitchen, bath and stove. Ms. McKnight noted it was a former doctor's office which the former owner renovated. Mr. Jacobs comments he does not want accessory dwellings to turn single family homes into 2-family homes. He also does not want Air BNBS. He wants limited circumstances. He feels a definition is a good place to start. Ms. McKnight stated the stove is what makes the difference between an accessory food-prep area and an accessory kitchen dwelling unit

Mr. Jacobs asked if it was necessary to do this at all. Are people already doing this? Ms. Newman stated there is no real enforcement that it is safe and meets the building code. After discussion, the Board reviewed the

definition of dwelling units. Ms. McKnight commented she feels the Board should have the Building Inspector in to talk about this. She also noted they could have housing for developmentally disabled adults. The Charles River ARC is very important. She feels the Board may want to have someone from Charles River in to talk to them as to how their needs could be met. Mr. Alpert stated he would be in favor of separate units with a certain lot size. This is creating legal 2 families in single family districts. This is an overall planning issue the Board needs to decide if they are going to allow. Ms. Newman stated she is not sure this would be a niche that provides a benefit for a small group of people that find themselves in a narrow circumstance such as the elderly who need a caregiver or a life circumstance change. Mr. Jacobs commented he totally supports the way Ms. Newman stated the circumstances. The Board should start by speaking with the Building Inspector, noticing these circumstances and see if there is another way to get these without allowing Accessory Dwelling Units (ADUs). This may not be the best way.

Mr. Owens stated if this is about affordable housing ADUs make sense. If the unit is for a family member this may not be necessary. He asked if this is unenforceable. What is the Board actually trying to get at? Ms. Grimes stated this does include affordable housing. A lot of these are illegal as of now. If the Board is going to do ADUs, that should make them legal. This would at least be a mechanism where the Building Inspector can monitor. Ms. McKnight stated there should be recorded deed restrictions. Ms. Newman will arrange to have the Building Inspector come to the next meeting.

Discussion of Chestnut Street Corridor.

Mr. Owens stated Ms. Newman has persuaded him to look at the Hartney Greymont parcel separately. Ms. Newman feels that parcel is different from the rest of the corridor. Because of that she suggested an approach like the elder services district. They should work with the property owner as to what their concept would be, have them develop a concept plan of how the land would be redeveloped, have the Board review it, do a fiscal impact analysis, traffic analysis and when consensus is reached, zoning would be drafted to implement. She feels the big impact is the fiscal impact, kids and schools.

Mr. Owens feels the Board should be moving forward with the rest of the corridor. He does not feel the people of Maple Street have rights to control the heights on Chestnut Street. Mr. Alpert feels there should be a public policy throughout the By-Law to protect the residents from encroachment on their property. Mr. Owens noted consequences of the 50 foot setback. Petrini cannot use his whole lot because 50 feet of it cannot be used as it butts up to residential. There are 4 houses on the west side of Lincoln Street that should not even be there because it is commercial. He wants to push forward. He feels the Board needs to hold the Selectmen's feet to the fire. He wants to keep it moving forward so all are on the same track. He wants to continue discussing what to do at Hartney Greymont. He continues to believe Chestnut Street is an underutilized asset.

Ms. Newman will set up a meeting with Kerry Malone and Hartney Greymont, property owners. She feels it would be helpful to have 2 Board members with her for the meeting. Ms. McKnight stated she would like to express her understanding: Parcel 1 and Parcel 2 (otherwise known as the "triangle" parcel) are owned by the MBTA; the other parcel, 433 Chestnut Street, is owned by Hartney Greymont. Mr. Owens clarified 433 Chestnut Street is owned by Mark Tobin and is rented by Hartney Greymont. The Jefferson Apartment Group have been talking to the MBTA about buying Parcel 1 and Parcel 2 (the triangle). Mr. Owens thinks the triangle parcel may be acquired under a 99 year lease, rather than in fee. Ms. McKnight commented she has objected to going from a 25 foot setback to a 5 foot setback but looking at this particular parcel it works.

Ms. Newman stated all the rules would need to be changed. She feels this should be an overlay. Ms. McKnight commented what is really needed is over 55 condominium housing. Young people are looking for rentals but when you have older people looking to downsize they may want to reinvest in a condo. Older people also need multi-family housing with elevators.

Communication Towers

Ms. Newman noted there is a zoning article draft for communication towers. The Town would like to move this forward in October. This is a modification of an earlier draft to allow the Town to utilize a tower at the Recycling Transfer Station (RTS), a tower in the New England Business Center area and to put a tower by Special Permit at the Police/Fire Station on Chestnut Street. The Board would need to vote to advance this to the Selectmen at the meeting next week or at the meeting on August 7 in order to hold a hearing in September. Mr. Owens asked if the Town has notified the abutters near the Police/Fire Station about the tower. Ms. Newman will speak with Town Manager Kate Fitzpatrick and follow up.

Discussion of Muzi Property

Ms. Newman stated the focus is on advancing zoning for the Muzi property. Mr. Alpert stated this is not a priority for him. Ms. Newman stated the zoning framework would allow the Muzi property to be sold. Mr. Jacobs commented he is of 2 minds – 1) plan how the Board wants that access site to be developed and 2) slow down. He feels the Board should keep moving but keep in mind the town is not moving on it. Ms. Newman noted the whole Gould Street area will be rezoned. Ms. Grimes feels the Board should keep looking but it is not at the top of the list.

Reuse of Carter Building

Ms. Newman stated there is no update on the Carter Building. The nursing facility has left and the assisted living facility is vacated. This is pre-existing, nonconforming and in the Avery Square Business District. The 3 stories do not meet the FAR but it could be redeveloped.

Discussion of Permit Streamlining

Ms. Newman stated she plans, at the August meeting, to present some permit streamlining options. There is no formal action needed but just implementation. She will be meeting with Devra Bailin this week to see what can be moved forward.

Food Use at Needham Crossing

Ms. Newman noted she has no news on this. Mr. Owens stated businesses are allowing the public to use the employee cafeteria but do not advertise it. The businesses want to advertise but it seems this would discourage any public restaurant from going in there. Mr. Alpert stated he is totally against it. Mr. Jacobs feels it would not go over well with the Council of Economic Advisor people. Mr. Owens stated the public can use the cafeterias, it is just not advertised. Mr. Alpert commented the purpose of the cafeterias is to serve the business employees.

Minutes

There are no minutes.

Correspondence

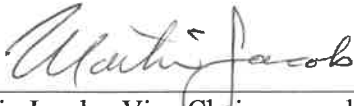
Ms. Grimes noted the Rockwood letter in the packet. She spoke with Town Counsel David Tobin when the letter came one year ago. They both agreed she never represented the developers. She has been the adversarial attorney on the other side. She ran this new letter by Town Counsel Tobin. He responded he would not be concerned as she had nothing to do with the lot the Board released. She called Gary Kaufman and told him to remove her name. Ms. Newman stated Ms. Grimes should speak with Town Counsel Tobin and ask for a formal opinion.

Mr. Alpert noted 2 newspaper articles: one from the Needham Times dated 4/26/18 and the other is an article from the Boston Globe dated 7/8/18 on property in Waltham. Ms. McKnight stated she was glad to see the

General By-Law ban on recreational marijuana facilities in Needham was approved by the Attorney General and has been published.

The Board adjourned at 10:15 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in cursive script, reading "Martin Jacobs". The signature is written in dark ink and is positioned above a horizontal line.

Martin Jacobs, Vice-Chairman and Clerk