

NEEDHAM PLANNING BOARD MINUTES

January 29, 2019

The regular meeting of the Planning Board held in Powers Hall, Needham Town Hall, was called to order by Paul Alpert, Chairman, on Tuesday, January 29, 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.

Decision: Amendment to Major Project Site Plan Special Permit No. 2015-05: Normandy Real Estate Partners, 99 Summer Street, Boston, MA. Petitioner (Property is located at 89 A Street (formerly 77 A Street), 156 B Street, 189 B Street & 0 A Street, Needham, MA 02494).

Ms. Newman noted there is a typo in the Normandy decision in Section 1.4. It talks about the total amounts. The actual total fee is \$323,440. Ms. McKnight noted on page 9 it talks about the First Amendment. She asked if that is correct to call this the First Amendment. Mr. Alpert suggested taking out the word "First." All agreed. Roy Cramer, representative for the applicant, stated he has reviewed the decision and is satisfied.

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

VOTED: to grant: (1) the requested Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Sections 4.1 and 4.2 of Major Project Site Plan Special Permit No. 2015-05, dated November 30, 2015, as amended: and (2) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with requirements of Section 5.1.2 (Required parking) and Section 5.1.3 (Parking Plan and Design Requirements): subject to the following plan modifications, conditions and limitations.

Correspondence

Mr. Alpert noted the following correspondence for the record: a letter from Robert Smart, Esquire, with comments regarding the Accessory Dwelling Unit (ADU) Zoning By-Law amendment; an email from Roy Cramer, Esquire, with comments regarding the proposed zoning amendments on Highland Commercial 1 and Accessory Dwelling Units (ADUs); an email from Assistant Town Engineer Thomas Ryder with comments that have been incorporated in the Normandy decision; a letter from Valentina Akyol regarding 1056 Great Plain Avenue and communication from the Town of Wellesley with its Zoning Article for the 2019 Annual Town Meeting. Ms. Newman noted 1056 Great Plain Avenue has been formally scheduled for the next meeting.

Report from Planning Director and Board members.

Ms. Newman noted there are 3 public hearings scheduled for the next meeting.

Public Hearings:

7:15 p.m. – Zoning Articles

- (1) Amend Zoning By-Law – Highway Commercial 1 Zoning District**
- (2) Amend Zoning By-Law – Map Change to Highway Commercial 1**
- (3) Amend Zoning By-Law – Accessory Dwelling Unit**

Mr. Alpert explained the Articles to be discussed. He noted there are 2 different groups. The second group is the Transit Oriented Development District.

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

VOTED: to waive the reading of the public hearing notice.

Mr. Alpert noted this is a new district called the Highway Commercial 1 Zoning District. He explained the process and purpose. He noted the Board is there to answer questions and listen to comments. He stated the Board is not there to debate your opinions. The Articles are proposed and they may or may not be changed before Town Meeting. He stated the Board is not voting tonight. All comments will be taken into account and there will be further discussion, and a vote, on 2/19/19. Devra Bailin noted the need to increase the commercial economic tax base. The town needs to make areas economically viable especially along 128. She gave an overview of the needs and noted the area will be renamed to the Highland Commercial 1 District. She reviewed the use table and dimensional requirement changes and noted greater retail will be allowed by right and Special Permit. She clarified medical services will be allowed by right and by Special Permit, laboratory uses have been clearly defined and this changes amusement from as of right to Special Permit.

Ms. Bailin noted this will preclude single family homes and indoor theaters. She described the dimensional changes and noted a new dimensional requirement will be created for this area. She described the topography of the lots here. The Board will engage services of an architect to gauge the maximum build out. She noted the CEA has obtained drawings. She used Modera as an example of using topography. The consultant has suggested a signal at Gould and Central. The potential expansion under the current zoning is zero. In time she feels this could attract high level development.

Armen DerMarderosian, of 800 South Street, asked what kind of changes will there be to existing houses. Mr. Alpert noted there are no houses on this property. Phillip Zymaris, of 590 Highland Avenue, asked if this change would stabilize taxes or lower taxes. Would the property value of houses in that area go down? Ms. Bailin stated redevelopment should be respectful to a neighborhood. This will increase the value of the property more than it is today. She added a respectful planning process will improve values around the area.

Artie Crocker, of 17 Fairlawn Street, stated the question is what do we do there? There would be a wall looking over this neighborhood. Is it necessary to be that close to the highway? There is no positive impact to the community as a whole. He feels the height will have a negative impact on the neighborhood around it. Going down Highland Avenue it is all you would see if it is a big building. This has an impact. He asked if it is necessary to be that tall. He feels it should be moved back. He stated, we as a town, failed on Greendale Avenue and we can do better here. He suggested moving buildings back 100 feet from Highland Avenue or have parking in front. He thinks something different should be done and it would be better for the neighborhood. He noted Wingate is 24 feet high and this is more than twice that and then some. Wingate is home for many people and having a 54 foot tall building across the street would take 1.5 hours less sunlight for them. This is not necessary.

David Tocci, of Tocci Management Company, stated he owns property in that area. The sun rises in the east and sets in the west and will not have an impact on Wingate. He is in favor of these By-Laws as many in that neighborhood are. There are a lot of old buildings there. He feels this would be good for the town and the tax base. He noted it is hard with commercial and residential. Things need to change. He is for it and feels the Board should consider his area as well.

Adam Block, of 848 Central Avenue, noted he is the Chairman of the CEA. He stated the CEA advises the Select Board. As Needham grows, demand is increasing for infrastructure. Commercial is taxed at twice the rate of residential. Commercial revenue is higher but costs to the Town are less. He sees this as a way to revitalize an area that could make a contribution to the Town. The Town is not looking to have dozens of small retail businesses. He does not envision a Legacy Place type of development nor massive towers. He noted the Planning Board has a limited scope of development. This is a benefit to local employees and local residents. It is impossible at this point to know what would be built. He noted the initial process could take years and would be impacted by economic conditions. The plans would need to be submitted so there would be a lot of time for input. He stated new business will drive new tax revenue, infrastructure improvements to the area and additional amenities for local citizens. He noted the CEA is in support.

Joseph Leghorn, of 40 Linden Street, stated, if allowed by right there would be no need for a special permit. Wayfair or Amazon could do a wholesale warehouse by right. He noted there would be 18 wheelers going up and down Gould Street. He stated Section 4.11.14 is impenetrable. He cannot figure that out. Section 4.11.3 is a

Special Permit. He asked what is the intent and purpose of the By-Law? The only intent tonight is to raise income. He asked if the Board has given any thought to the worst case.

Doug Fox, of 43 Marked Tree Road, stated he likes what Artie Crocker said. This is the gateway to Needham. It is an eyesore now. The town needs to consider what they want there. Why not a park or a field? Dina Creigir, of 7 Utica Road, lives at the corner of Utica and Highland. This will affect her view and property values. She is concerned with the height and how close to the street it can be. She asked what the criteria are that the Board thinks about when considering 50 feet versus 500 feet setback from the street and what are the financial implications. Ms. Bailin stated the Planning Department will be providing further detail. On 128 there is a significant downward drop in elevation. The value of commercial property is so high they can really only redevelop. She hopes to provide sketches and 3 dimensional drawings.

Larry Pelletier, of 107 Gould Street, thanked the Board for their time. He is in favor of rezoning this land but there are functional issues. In Section 2(d) and 2(l) he is concerned with any type of manufacturing. It does not really tie with (d) but (l) seems to tie it all. In 2(m) there are issues with telecommunications and noise. There will be tractor trailer sized generators running 24 hours a day. Understanding the types of hotels will be valuable here; full service or limited services have different impacts. He noted veterinary kennels are very noisy. He stated (k) is off-street parking and he asked what is the intent of parking. Mr. Alpert noted he is more for building parking garages for employees and customers of establishments in this area. The ones Mr. Pelletier mentioned are Special Permits so the applicant would need to come to the Board. Mr. Pelletier stated it would be nice to have a parking ratio imbedded here and which FAR triggers the parking ratio. Mr. Alpert explained that a parking table exists already and corresponds to use. He is concerned a developer would try to maximize the lot and that it could create the picture Mr. Crocker suggested.

Ben Daniels, of 5 Sachem Road, stated he is directly behind the stockade fence. He is in favor of getting better use out of the land. He feels there should be happy medium between what is currently there and the scale of what is proposed. He would like to see what could go there. He gets skeptical when he hears about traffic studies. He takes the exit every day. There are going to be cars backed up. He is not opposed to changing the zoning but he feels this is too big.

Ms. Creigir stated she lives right across from Wingate. She hears plows constantly with back up alarms. She would like consideration and is concerned with what may be built. Edward Bayietes, of David Road, said he sees Muzi's big red letters. He is concerned Highland Avenue is controlled by Mass DOT. How much input will the Town have to potential changes developers may want to do? Ms. Bailin noted Highland Avenue is state controlled. It would be under construction sometime in the Fall of 2019. She noted the Town coordinated with the state on the Wingate project.

Mr. Alpert made the presentation for Accessory Dwelling Units (ADUs). This is an amendment to the Zoning By-Law. He noted ADUs are a separate unit with its own bedroom, cooking facilities and bathroom. The suggestion for larger lots, to allow a separate unit, (i.e. in a separate building) was rejected by the Planning Board. He noted the purpose is to allow Needham residents to stay in their homes because they can have caregivers living in their homes with their own facilities. This amendment is limiting the use to family members and caregivers. The Board has rejected a leasing-out use. He reviewed key regulations and noted there can be one ADU per lot. The ADU will need a separate egress that will need to be on the side of the house. There will be an interior door for access and all stairways will be inside the house. The ADUs will need to comply with all regulations. Off-street parking will be provided with appropriate screening and an applicant will need to go to the Zoning Board of Appeals (ZBA) for a Special Permit. Permits are non-transferable and the Building Inspector will enforce violations. Mr. Alpert described where ADUs would be allowed and noted, basically they will be allowed anywhere single family homes are allowed.

Teresa Combs, of 7 Utica Road, stated she is a Social Worker and practices in Needham and Wellesley. She loves this idea. Her concern is that most would be borrowing against their homes to build this unit and after 3 years may need to take it out. Once the parent is deceased it is a concern that the unit cannot be used. Joseph Leghorn, of 40 Linden Street, noted Section 3.15.1, and noted the caregiver could be a relative or caregiver. He suggested

Planning Board Minutes January 29, 2019

the Board may want to expand the language to specifically include “employees” to be consistent with other parts. Jeff Heller, of 1092 Central Avenue and a Town Meeting member, stated he is very supportive of this. He is seriously concerned with the potential for abuse. There need to be rules, accountability and enforcement. He is also concerned with internet advertisements. He asked what kind of controls are there to prevent AirBnbs and short term rentals. This will change the neighborhood. He also thinks 3 years is too long. He suggests it is an easy thing to have the units renewed once a year. He feels there is a great risk for abuse and the Board should consider changing it to one year.

Armen DerMarderosian, of 800 South Street, stated he has lived in Needham since he was 2 years old and is 82 now. He asked if some of his children come to live with him and he dies can the Town kick them out. Mr. Alpert stated the children will have to discontinue the use of the ADU unit. Ann DerMarderosian, of 800 South Street, stated she supports this article to allow a caregiver to allow seniors to stay in their homes. She has confidence the Planning Board will study this and present it in a way that will fulfill that intent. She is grateful for all the work the Planning Board puts into Needham.

Sarah Fleet, of 203 High Rock Street, noted au pairs and nannies are considered employees. Would it be used for an au pair or nanny? That should be addressed in the By-Law. Mr. Alpert thanked her for her comment and noted the Board has not discussed nannies. Paul Dawson, of 46 Wachusett Road, echoed Mr. Heller’s comments and noted the devil is in the details. He asked if unrelated people could own the house together and was informed they could. He noted he is in the development business and some owners wanted Airbnb type units. The Board needs to be thoughtful in this. This amendment needs to be clearly defined. He is all for the intent.

Tim McDonald, Director of Health & Human Services, stated the Board of Health and Council on Aging want this. He wants to remind the Board of the two studies sent to them: Assessment of Housing and Transit Options for Needham Seniors and the Public Health Division’s ADU report based on interviews with the Planning and community development staff in nine Massachusetts communities. The Board should take these into consideration. He feels he would like a clear path for amnesty. He also feels defining “family” is a mistake. Families can be different, and as written, it would not allow a nephew, niece, godparents or godchildren. He feels the town should not define it. Mr. Alpert noted in that situation they would be the caregivers. Mr. McDonald asked what if the person does not need a caregiver. Mr. Alpert stated this does not allow for families to just move in if there is no infirmity. He stated he appreciates the comments. Mr. McDonald noted the week before Thanksgiving 27 homes were rented as Airbnbs. That is a fairly small percent at .02 of 1 percent.

Colleen Schaller, Chair of Council of Aging, stated this is such a small section of what needs to be done for the elderly to stay in their homes. She hopes this is widely supported. She appreciates the work the Board is doing. David Roche, Building Commissioner, stated he worked in 2 communities prior to Needham that had ADU By-Laws. The intent was that the home was bought by one family for a family use. He feels this should be a Special Permit to the owner/occupant of the property. It is important to have a Special Permit process to track this. The town needs to know how many are out there and who is in there. People need to think long and hard before putting the money into an ADU. If circumstances change, and it has to go back to a single family home, one of the components would have to go such as the kitchen, bedroom or bathroom, so it does not function as a separate unit. He feels there is still work to do on this.

Artie Crocker, of 17 Fairlawn Street, stated he is in favor of this and feels the Town will benefit. He has a question about only one entrance in the front. He seems to see 2 of them often in the front of houses. A single family home can have more than one entrance facing the street. He asked why this is being restricted. Mr. Alpert stated that is a good point. Mr. Crocker asked if a stove is what really defines an ADU. Building Inspector Roche stated there could be 2 kitchens. There just cannot be all the components together. Adam Block, of 848 Central Avenue, thinks this should be pursued. It is a very appealing proposition for older folks. It would be a benefit to sell to a young family with an au pair. He would caution about too many restrictions.

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

VOTED: to close the hearing.

The Board had a brief recess.

8:00 p.m. – Zoning Articles

- (1) Amend Zoning By-Law – Dimensional And Use Regulations For the Transit Oriented Development Sub-District Of the Lower Chestnut Street Overlay District.**
- (2) Amend Zoning By-Law – Map Change to Chestnut Street Business District and Lower Chestnut Street Overlay District.**
- (3) Amend Zoning By-Law – Map Change to Transit Oriented Development Sub-District of Lower Chestnut Street Overlay District.**

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

VOTED: to waive the reading of the public hearing notice.

Mr. Owens presented the 3 Articles for the Transit Oriented Development District (TODD). He noted this is an overlay district over the overlay. He explained the change. He noted the minimum frontage will go from 100 feet to 50 feet under this district. The maximum building height is up to 6 stories, whereas the current maximum is 3 plus one. The front setback is changing from a maximum of 15 feet to a maximum of 150 feet. There will be a basic off-street parking requirement. He described where the proposal is, which is the triangle between the railroad tracks. Currently this is in 2 separate districts. The first step is to put it all together in one district, then to change it to the new district. He noted the Board is doing this as they are trying to address the issue of housing. We do not have housing for people who want to sell their homes and down-size so they can stay in Needham. He noted there has been some recent development but not in the center of town. The Board wants to create a New England Village on Chestnut Street. He noted that Chestnut Street needs to be pedestrian friendly; it needs retail; it should be mixed use and it needs housing.

Mr. Owens stated the value of the commercial properties needs to be improved. Chestnut Street is an underutilized asset. The Board would like to encourage development there. This is an unusual parcel. It is surrounded by railroad tracks and what is proposed is a transit oriented development. The front of the property is where Hartney Greymont is today and the back is owned by the MBTA. He showed renderings. He stated there is no project now before the Planning Board, but the renderings will give some ideas of what the developer is thinking about. He noted some of the site is wetland and not buildable. The railroad tracks are on a 20 foot berm and the site is in a depression. Some initial analysis has been done on the fiscal impact and some analysis was done for traffic. He noted the impact is very small. This would replace the Hartney Greymont trucks going in and out now with cars. The developer is looking at a building with one and two bedroom units and empty nesters. The impact would be 15 to 20 children spread out over 12 grades. This is the most expansive change possible. The Board may scale it back based on feedback.

John Rufo, of 33 Emerson Place, stated he is pleased it is being discussed. He has no comments about the dimensional requirements. He feels it is critical to think about. He thinks this is a good area for this kind of density. It is a really strange site. It is hard to imagine how to develop it for any other uses. If there is a viable proposal it is probably the best use for this site. This seems like a good thing to him. Barry Sloane, of 45 Stonecrest Drive, stated he moved to Needham because it had not lost its character. Greendale Avenue has been destroyed and he does not want to destroy this part of town. This developer does very large structures. Those buildings do not belong here. He thinks this is a mistake and quite inappropriate.

Heather Goodrow, of Needham Housing Authority, asked why an empty nester would want to move to a large apartment building surrounded by retail. She would rather see over 55 and market rate with affordable units. She has spoken with a member of the Select Board and was told there is no retail. Mr. Alpert stated there is no retail here. This Article is taking away that requirement here. The Board does not feel retail on this site is viable. Ms. Goodrow stated no one wants apartments. Why not put a 55B [sic] and affordable/market rate? Mr. Alpert commented all the Board is doing is changing the zoning to allow for residential in this area. This does not

preclude someone from proposing a 55B [sic]. It is not allowed currently. Ms. Goodrow asked why the Planning Board is not more interested in 55Bs [sic]. She added she feels the Planning Board has chosen a developer already.

Stacy Shapiro, of 12 Pine Grove Street, noted this would allow a building, by Special Permit, to go up to 80 feet. Mr. Alpert clarified 6 stories. Ms. Shapiro asked if there are any other properties around town that are allowed to be 80 feet that abut residential properties. This abuts Maple Street. Mr. Alpert stated what is proposed tonight is 80 feet and that is the outer limits. Ms. Shapiro would prefer to see a proposal that does not allow 80 feet. She is concerned with parking and traffic. A proposal of 150 units would need parking for 225 autos. She questions the traffic issues. Erik Bailey, of 64 Hillside Avenue, stated he is in support. Needham needs higher density units. He is leery of the maximum height. He feels this is the right approach for this town.

Andy Weizer, of 7 Emerson Road, stated she is concerned with the height and special permits. Is there a way to put in how high it can be this far from the road? She would encourage affordable units. Mr. Alpert stated this does include 10% affordable units. Ms. Weizer stated 225 cars is a lot. This does not promote bicycles there. The sidewalk ends there. There is a lot of work to be done to make our town pedestrian friendly. There is the potential for children but they will not be able to walk with no crosswalks or sidewalks. Mr. Alpert thanked her for her comments. He noted the Board should perhaps require more in the way of bikes. He stated the Board had the developer speak with people from the Rail Trail about the possibility of putting it through here.

Robert Claus, of 1480 Great Plain Avenue, noted he is a life-long resident and is in favor of this. Chestnut Street has not changed much in 50 years. He feels this is a revitalization of the Town. This could be a really beautiful street. Doug Fox, of 43 Marked Tree Road, thanked Mr. Owens for the detailed explanation. He came to the meeting negative but is not opposed now. The TODD is using density but not the benefits such as walking and biking. This needs to look at bigger issues than just density. He feels this is a good area for this. Jeff Heller, of 1092 Central Avenue, does not think people are against residential there but the size of it. People on the 6th floor would overlook Roche Bros. and the electric station. This is a very congested area. People do not want things of that scale anywhere in Needham. Braham Rockwood, of 29 Emerson Place, stated he is opposed to this. There is a great deal of traffic there that gets backed up. The Hartney Greymont trucks go in and out a few times a day. This would be worse with all the cars. It should specifically be for empty nesters. He feels there should also be another access way out of the property.

Sarah Fleet, of 203 High Rock Street, stated her back yard faces over Emerson Place. She requested the Board reconsider the maximum heights. She also has traffic concerns. People come to Needham for the schools. She thinks this is short sighted to think there would be no children. Michael O'Brien, Precinct C Town Meeting Member, appreciated the clarity provided. He noted the photos and stated there should be photos during winter and specifically winter photo from the Maple Street side. He noted there will be a lot of visitors going in and out. He asked what the parking would look like.

Serge Zdanovich, of 32 Oak Street, stated he has been here for 32 years. This would be a good proposal for Allston or Lynn but not Needham. Nothing should be over 4 stories. He likes the 2 1/2 story limit now. He could see maybe 4 stories but he would not be happy with it. He sees an issue with traffic and parking. This would not be a net benefit to the town. This would just increase our taxes and there would be more kids in the schools. Empty nesters would not be taking the trains to work. He noted the trains are running mostly empty now. He feels the town should try to keep everything at a human scale and keep Needham Needham.

Marianne Hewitt, of Lincoln Street, thanked the Board for all the hard work. Her concern is with the trend toward much higher buildings in town. She regrets the town is going in this direction. She supports the Board in their efforts but hope there is another way to move forward with this. Kurt Mullen of 11 Aldrich Road, asked what other buildings are 6 stories high for a frame of reference. Ms. Grimes stated TripAdvisor is 6 stories high. Tom Soisson, of 128 Maple Street, stated he proposed the first Chestnut Street District 20 years ago as a Citizen's Petition. He thinks a lot has actually happened on Chestnut Street and noted the medical offices are an asset. He takes issue that the area in question is not suitable for retail. He does not know why the focus is on residential.

He would not want to live that close to the railroad. It seems it would be more suitable for retail. He commented he does not want people to think the Planning Board has their zoning written by developers.

Peter Cohenno, of 481 Chestnut Street, stated he lives 2 houses down and it is hard to get out of his driveway in the morning. This will increase that. The size of the building is a concern. He came for the school system. He would like any development to be 55 and over to alleviate more children and the impact on the school system. Mr. Alpert clarified this does not preclude retail. The proposed zoning amendment is not taking away retail but adding another possible use. Keith LaFace, of 504 Chestnut Street, stated the congestion is bad in this area and it is not pedestrian friendly. The train is busy every day. Cars go too fast in this area and there are too many of them. This should be addressed before the project is done.

Stephen Speed, of 502 Chestnut Street, commented the presentation was one sided with studies provided by the developer. There is really no benefit to living on this street with 200 plus more people. He asked if the studies were provided by the developer and was told they were. Mr. Alpert stated, if zoning passed and this developer comes before the Board, the Board would want updated traffic and fiscal analysis. The Board may even require an independent traffic study of our own. Mr. LaFace stated the empty nester trends are kids are coming back and staying longer. Mark Rubin, of 4 Woodworth Road, stated he would like to see independent studies done before the Special Permit process.

Mr. Alpert noted the following correspondence for the record: an email from Barry Sloane in opposition; an email from Lance Brown with suggested language changes; an email from Braham and Susan Rockwood in opposition; an email from Jeffrey Havsy suggesting the town slow down; an email from Anne Hayek with comments; letters of support from David McManus, 2 letters from Andrew Mingle, Jay Roche, Rob and Mardy Clause, David McClellan, Scott G. C. Levingston, Siobhan and Richard DiNatale, Ron and Charlotte Culgin, Leslie and David Miller, and Kara Gilbert.

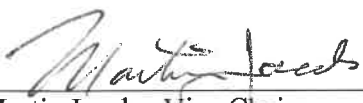
Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to close the hearing.

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

VOTED: to adjourn the meeting at 10:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Martin Jacobs, Vice-Chairman and Clerk