

NEEDHAM PLANNING BOARD MINUTES

May 1, 2018

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Ted Owens, Chairman, on Tuesday, May 1, 2018, at 7:00 p.m. with Messrs. Owens and Jacobs and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Decision: De Minimus Change: Major Project Site Plan Special Permit No. 2009-06: Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1471 Highland Avenue, Needham, MA).

Mr. Owens noted this is a request to allow an alternate electricity use rather than batteries in the trucks. The applicant would like to plug into the electricity at Town Hall. On page 1, after "so approved by the Town" add "Manager." Ms. Newman suggested adding "during the market's business hours." This was agreed. Mr. Jacobs noted he was not here and did not vote. The unanimous vote should be changed to 4-0.

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

VOTED: to approve the decision as modified.

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

Mr. Owens noted this is a minor modification. Mr. Jacobs stated he had the same comment. He was not at the meeting so the unanimous vote should be changed to 4-0. Mr. Owens noted correspondence from the Police Department noting no safety concerns.

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

VOTED: to approve the amendment to the Normandy Real Estate Partners Special Permit as presented and so modified.

Public Hearing:

7:00 P.M. -- Article 3PB: Amend Zoning By-Law – Dimensional and Use Regulations In The Lower Chestnut Street Overlay District

Article 4PB: Amend Zoning By-Law – Map Change to Lower Chestnut Street Overlay District

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

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

Mr. Owens stated in the public notice these were noticed as Article 3PB and 4PB. These articles have been renumbered to Articles 12 and 13 in the draft Warrant for the Special Town Meeting.

Heidi Frail, Town Meeting member in Precinct G, stated she is concerned with the proposed height. This proposal is out of proportion with the rest of the town. She is also concerned with the minimum front setback of 5 feet. She feels this will leave big hulking buildings right on the street. She noted she did not receive notice of this

meeting and only found out about this last night. It seems to her this is a rush. Serge Zdanovich stated he has been a resident for 30 years. The maximum height used to be 2½ stories. You could see the sky. Now the hospital construction is removing his view. This would tower over his 1½ story cape. He stated he went through the proposal and made an amendment to keep the height down and the setback at the right of way. He feels 40 feet is reasonable. The limits for multi-family should not be different. This should not be any different than the Business District. He removed some wording he felt was not needed. He agrees with the idea of more of a vibrant downtown and more of a cross section of public there in terms of housing. The town needs more affordable housing. He would like affordable units to be 50%. He gave a copy of his draft to the Board members and reviewed the changes. He stated 4 stories and 40 feet is good. His real concern is height and appropriateness. Roy Cramer stated this was a good article and he supports it. He noted Chestnut Street is underutilized. There is a shortage of multi-family housing. The proximity to public transportation makes it attractive. He feels the Board should rethink 6 stories down to 5 stories.

Elizabeth Handler, Town Meeting Member Precinct H, stated she also has a concern with the height. She feels 5 or 6 stories is too high. She encouraged the Board to confer with the School Committee regarding the impact on the schools. Nancy Irwin, of Grant Street, asked where the proposed building is. Mr. Owens noted there is no building proposed. This is a rezoning of the Overlay District from the railroad tracks to Keith Place on the west and School Street on the east -- from the Police Station to the Junction. Andrea Wizer, of Precinct E, stated she lives up the street from this Overlay District. She avoids downtown as it is quite a crowded area. This reads to her like someone wants to put something there which is why it is changing. She wants a range of housing available in town and a range of economic levels available. She stated frequently the affordable units are the ones along the highway and identifiable.

Ms. McKnight noted the new building on Dedham Avenue across from the Unitarian Church. That building has 2 affordable units and a total of about 8 units. Ms. Newman clarified there was only one affordable unit. Ms. McKnight asked, in that case, does Ms. Wizer think that building says affordable housing. Ms. Wizer stated she was talking about the development on West Street and the new one going in on Greendale Avenue. She heard the affordable units are along 128 in the back.

Ms. Grimes stated she and Mr. Owens have been looking at Chestnut Street zoning for 3 years. Mr. Owens stated Chestnut Street is an underutilized asset. There is a hodge podge of different small buildings. It is not pedestrian friendly and not mixed use. The Planning Board wants to incentivize developers. He noted the proposed zoning provisions such as height limit can always be scaled back but they cannot be increased. The Board is hearing 6 stories is too high but 2 stories is not economically feasible. Everything has to be in perspective. Six stories is not the objective. The objective is to get the public involved and let them know about this. The Planning Board wants to look at Chestnut Street, make it mixed use and more attractive. He noted the town would want 1 bedroom and maybe some 2 bedroom units. The goal is housing options for empty nesters and recent graduates.

Ginny Stevens, Precinct E, asked about 433 Chestnut Street, which is the Hartney Greymont property. Mr. Owens stated if Hartney Greymont wanted to build they would have to come to the Board with a plan and access. Ms. Wizer stated this area is not pedestrian friendly. No one looks before crossing Chestnut Street. Bob Hentschel stated Hartney Greymont is zoned Single Residence B. Mr. Owens noted it is in this Overlay District. He added the MBTA parcel is not in this district. The Board wants to add it to the Overlay District. Ms. Irwin commented 6 stories is a mistake but developers will be upset if it is denied. Mr. Owens stated the By-Law says 4 stories and an additional 2 stories can be added by Special Permit.

Jim Murphy, of Lincoln Street, stated he is aware of the Medical Overlay. He is not aware of an Overlay District in place. He is concerned with a 4 story building and feels six stories would be ludicrous. He appreciates the need and want to develop Chestnut Street but this will adversely impinge on his property. Joy Smith, of Lincoln Street, is concerned if this goes in. This is what happened when the hospital overlay district went in and there is now a 4 story building overshadowing the neighborhood. She is in favor of development but there should be

consideration for traffic and homeowners. She feels if the Board puts in that 6 stories is ok there will be pushback for 6 stories. This should be manageable for the abutters.

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

VOTED: to close the public hearing.

Ms. McKnight stated she reviewed this and is very concerned with changing the setbacks along the railroad right of way. There is a proposed minimal setback. She is sensitive to the concerns of people who enjoy living near the shops but need some buffer. The town needs to take care of the boundary between commercial uses and residents along the railroad right of way. She does not feel the Board should mess with the setback, to protect people. The other concern she has is that she is against changing the residential district setback and wants to keep it what it is now.

Mr. Alpert stated there was a lot of feedback at the League of Women Voters Warrant Meetings held the evening prior. People feel there is not enough time to review this and respond. They have not really had a lot of time to discuss this in open meetings. Concerns have been raised and he feels the Board should postpone bringing it to Town Meeting. He would like to bring it in the Fall. There should be more discussions in open meetings and the Board should get more feedback. Ms. McKnight stated if the Board decides to go forward she would have several amendments. She agrees it should be postponed.

Ms. Grimes stated she agrees with Mr. Alpert. She feels strongly it should be moved forward in some form. There are a lot of small parcels and this will take a long time. She agrees if they offer 6 stories the developers will take it. She wants to put it on the Fall warrant but would like to have discussions now. Mr. Jacobs noted this got people's attention. He likes the idea of improving along Chestnut Street. Build out analyses have not been done, nor traffic studies or school studies. He feels the Board should do that and then pursue it. He is in favor of withdrawing it, but does not agree that it must be brought forward to Town Meeting this fall necessarily.

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

VOTED: to withdraw Warrant Article 12.

Mr. Alpert stated he was confused with Article 13. There are 3 different scenarios depicted on maps in the packet. Ms. Newman stated she had been asked to look at the effect that two existing zoning requirements, namely the 25 foot setback from the MBTA right of way and the 50-foot setback from a residential zone line, would have on the size of the building envelope that would be available for development. In all three scenarios (described below), the impact of the noted setback requirements is shown.

The first scenario looked at the impact of the above-noted setbacks on the current property owned by Hartney Greymont, which is known as 433 Chestnut Street (Assessors Map 45 as Parcel 6). In this case, the ownership of the MBTA right-of-way abutting the subject lot remains with the MBTA. Under this scenario the setback for 433 Chestnut Street would be 25 feet from the MBTA right-of-way and 50 feet from the abutting MBTA property (Assessors Map 45 as Parcel 2), commonly referred to as "the triangle".

The second scenario looked at the impact of the above-noted setbacks when the Hartney Greymont property (Assessors Map 45 as Parcel 6) is merged with the abutting property owned by the MBTA, "the triangle" (Assessors Map 45 as Parcel 2). In this case, the ownership of the MBTA right-of-way abutting the subject lot remains with the MBTA. Under this scenario, the setback for the combination of 433 Chestnut Street and Parcel 2 would be 25 feet from the MBTA right-of-way, which now borders the entirety of the combined parcels with the exception of the Chestnut Street frontage.

The third scenario looked at the impact of the above-noted setbacks when the Hartney Greymont property (Assessors Map 45 as Parcel 6) is merged with the abutting property owned by the MBTA, "the triangle" (Assessors Map 45 as Parcel 2). In this case, the ownership of a portion of the MBTA right-of-way located to the north of the merged lot, and identified as Parcel 1 on Assessors Map 45, is removed from MBTA ownership. Under this scenario the setback for the combination of 433 Chestnut Street and Parcel 2 would be 25 feet from the MBTA right-of-way owned by the MBTA and 50 feet from the MBTA right-of-way no longer under MBTA ownership (Parcel 1).

Mr. Alpert stated he does not believe residents on Maple Street and Chambers Street have been made aware of this. He asked if they have had an opportunity to see this and give their thoughts. He is inclined to withdraw this article, also, so the neighbors will have an opportunity to see this is happening and be able to respond to it.

A motion was made to withdraw Article 13. Ms. Grimes noted she would add that it is just odd that the triangle was left out of the overlay. She feels it was a mistake along the line.

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

VOTED: to withdraw Warrant Article 13.

Discussion of Zoning for the May Annual and Special Town Meeting.

Mr. Owens noted there was nothing left to discuss for the Annual Town Meeting. Ms. Newman stated the Board voted to recommend Articles 23, 24, 43 and 25. She asked the Board to sign. Ms. Newman noted she had a question on Article 23 relative to the language that specifically deals with the density bonus. The intent was to allow 2 additional units – one regular and one affordable. The language is not clear. The language that is causing the problem is "for each one affordable unit." This needs to be deleted. Ms. Grimes commented she feels the Board should take the language the Planning Director has suggested.

Ms. McKnight is not clear on what is being proposed. She asked for an example of a number of units and the number of affordables required and the bonus. Ms. Newman noted if there were 30 units 4 would be affordable. Mr. Alpert noted the Neighborhood Business District and asked if this affects just the Neighborhood Business District abutting Route 128 or does it affect all 3 of the Neighborhood Business districts. He also asked if it was even possible to have a 30 unit building or are the requirements such, in terms of height and setback, that it is not possible. Ms. Grimes noted it was probably not possible. Ms. Newman stated it may not be possible or even a practical problem but the language says it can be done. Mr. Owens stated the Board should take out the 5 words.

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

VOTED: to amend Article 23 to remove "for each one affordable unit" in paragraph 3B.

Mr. Jacobs asked if there was anything like a build out analysis and was informed there was not. He asked how many acres are affected by this? Ms. Newman has that information and will let him know the total acreage in the district, how many lots are in the district, how many lots are conforming and what their sizes are. Mr. Jacobs stated he would do a parcel map with all the lots and have the information available. His sense is the School Committee is nervous about adding residential housing with kids. Mr. Alpert commented they are talking about a very few number of units with very small parcels. Ms. McKnight stated the Board was provided recently with a MAPC study that has statistics the Board should have for people.

Mr. Alpert stated a question was raised last night as to where people were going to park with these new apartments and units. He responded the Board will make sure there is adequate parking during the Special Permit process. Mr. Grimes commented there are minimum parking requirements. Mr. Owens stated people will still

have to apply for a permit and go through the process. Ms. McKnight noted this district abuts the highway on the north side of Reservoir Street. The concern was expressed last night that you would not want residences immediately abutting the highway. Ms. Newman noted the Neighborhood Business District is going to a zero setback on the sides and rear if it does not abut a residential district. If it abuts a residential district it is a 50 foot setback. Mr. Jacobs stated if a developer wants to build with a zero setback let him try it. Ms. Newman noted the Industrial 1 District and the Neighborhood District are the only places the highway setback problem exists.

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

VOTED: to recommend Article 23 as now worded by the amendment.

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

VOTED: to recommend Article 23 as reworded.

Mr. Alpert noted Article 43 and commented the Board now believes the Selectmen are going to ask Town Meeting to vote against 43. The Finance Committee has voted against both Articles 43 and 44. He would like to take a vote where there is an option to recommend, a second option to reject and a third option to take no position. Mr. Owens stated he is not sure this Board knows what the Selectmen are planning. Mr. Alpert would like to give the option. Ms. Grimes stated she was made aware last night that Town Counsel has written a letter suggesting the Planning Board needs to do both and that the Town should approve both the General and Special. Mr. Alpert withdrew his request. Ms. Grimes requested the Planning Director get a copy of the letter.

Board of Appeals – May 17, 2018.

There were no Board of Appeals cases.

Report from Planning Director and Board members.

Mr. Owens thanked all for their patience on the Special Town Meeting Articles and engagement tonight. The Board has accomplished the goal of getting everyone's attention. Ms. Clee noted the schedule in the packet. The green is the changed dates from the 2nd and 4th Tuesdays to the 1st and 3rd Tuesdays. Mr. Alpert noted 9/4/18 is an election day. It was decided to stay with the current schedule through September and move to the new schedule in October. Ms. Newman noted she is working on visuals for the Town Meeting such as where the Neighborhood District is located and the Commercial District along 128.

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

VOTED: to adjourn the meeting at 8:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Paul S. Alpert, Vice-Chairman and Clerk