

NEEDHAM PLANNING BOARD MINUTES

March 17, 2023

The Needham Planning Board meeting, held in person at the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Friday, March 17, 2023, at 9:00 a.m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does not include any public hearings and no public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Discussion of Articles for May Town Meeting

Mr. Block asked if there were any comments on Article 3 – Corrective Zoning Amendments. There were no comments.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:
VOTED: to approve Article 3: Corrective Zoning Amendments -- as drafted and send to the Warrant Committee for inclusion in the May Town Meeting Warrant and recommend to Town Meeting they adopt as drafted.

Mr. Block asked if there were any comments on Article 1 – Amend Zoning By-Law -- Accessory 3-Car Garage Use in Single Residence B, General Residence, Business and Industrial Districts. There were no comments.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:
VOTED: to send Article 1: Amend Zoning By-Law -- Accessory 3-car Garage Use in Single Residence B, General Residence, Business and Industrial Districts, to the Warrant Committee for inclusion in the Annual Town Meeting Warrant and recommend to Town Meeting it be adopted.

Mr. Block asked if there were any comments on Article 4 -- Amend Zoning By-Law – Single Residence B and General Residence Side Setback. Building Commissioner David Roche noted it now says after 32 feet there must be a 2-foot jog regardless of how far the setback is. This clears this up. He thanked the Board for this change.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:
VOTED: to send Article 4: Amend Zoning By-Law – Single Residence B and General Residence Side Setback as presently drafted, and sent to the board yesterday, for inclusion in the Annual Town Meeting Warrant and recommend to Town Meeting it be adopted.

Mr. Block asked if there were any comments on Article 2: Amend Zoning By-Law – Accessory Dwelling Units (ADUs). He noted the most recent changes are highlighted in red. Subsection 2b is allowing for adults to care for a child so caregiver is now included. Subsection 3e regards leasing the ADU or primary unit. There was a 12-month lease which has been reduced to 6 months. Ms. Espada noted the Board is trying to avoid Air BnBs. She thinks 6 months is long enough. Mr. Block noted subsection 6c has the total occupancy limited to 5 non-related family members. Mr. Alpert noted it is one bedroom and there are practical elements that are limiting. Ms. Espada stated it says occupancy of the unit and not the entire lot. Ms. McKnight noted it says 5 unrelated people in another place in the By-Law, so this is matching that.

Mr. Crocker noted a detached unit could have 5 unrelated people living in it. Mr. Alpert stated 900 square feet, and one bedroom, would be difficult for 5 people to squeeze in there. Mr. Crocker does not disagree, but this says they can do that. Ms. Espada is ok with 5 college students. Building Commissioner Roche stated the issue is parking. People could be parking on the street and the lawn. It has happened. He feels 3 is the number. He thinks 5 may be a problem. Mr. Block noted it could be limited to 3 rather than 5 in Subsection 6c. Mr. Alpert suggested adding after “owner” “, and the occupancy

of the ADU shall be limited to 3 people.” Ms. Espada is ok with that. Ms. McKnight noted in the definition of family, it says not more than 3 unrelated people, but the Zoning Board of Appeals (ZBA) can allow up to an additional 2 persons with a special permit. She feels the Board should copy that. Mr. Crocker stated the current By-Law definition of family already takes care of the main unit. They should say not more than 3 unrelated in the ADU. Mr. Crocker noted that the proposed ADU By-law says no more than 3 unrelated in the ADU only and 2 unrelated could be in the main house. He asked why they are dealing with the main house. Mr. Alpert clarified they are saying no more than 5 unrelated on the entire property. Building Commissioner Roche stated it makes sense from an enforcement issue.

Mr. Alpert asked, in Subsection 6h, if applicants really need to have floor plans for the entire house. Building Commissioner Roche noted, if in the house and adding a new bedroom, there are new regulations to be addressed such as egresses and utilities, so there would need to be a new site plan. Mr. Block noted in Subsection 8a, there could be no more than one ADU and no more than one additional structure of not more than 200 square feet. Ms. Newman noted there was no accessory building limit before, so this has been revised at the request of the Building Commissioner. Building Commissioner Roche commented, at some point, they need to look at an Accessory Structure By-Law.

Mr. Block noted in Subsection 8d, there are a couple of alternatives for ADUs in a detached structure: (1) the same dimensional regulations as for the primary building with a setback of 12 or 14 feet or (2) allow a 5-foot setback the same as other accessory buildings. He recommends a 5-foot setback. There are substantial limiting factors for building an ADU, but it makes sense to allow a person who needs that to do it. It would need a special permit through the ZBA. There is an opportunity for a public process because it is a detached structure. Ms. McKnight noted, at the recent meetings, there were 14 comments in favor of 5 feet and 5 comments against it. People were generally in favor, and she is ok with it. Ms. Espada feels it is more equitable for everyone.

Mr. Alpert commented the members have to recognize the original purpose of having ADUs is being changed. The original purpose was to allow elderly and disabled people to stay in their homes. Now that is being expanded to use ADUs to expand the housing. He has no problem with that. He originally thought of allowing detached ADUs in the Single Residence A and Rural Conservation Districts. The Board is now allowing them all over town. He has an issue with having people 5 feet across from his property line. Rentals are not limited to elderly and disabled. This is adding to the housing stock. He has a problem with 3 college students partying late at night 5 feet from his property line.

Mr. Crocker commented that this is fundamentally changing the whole town. The Board needs to vet what they are doing. This has not been fully vetted. He is in favor of doing something from making it equitable to totally changing. Many times, 5 feet will be fine but there have been no conversations if safeguards are in place. He does not approve of detached structures. Mr. Block asked if Mr. Crocker would support an ADU in a principal building with a setback of 12-14 feet and if he supports detached ADUs apart from the setback issue. Mr. Crocker stated he does not support detached. Mr. Alpert feels there will be a lively conversation at Town Meeting. He just received 2 texts from people watching on zoom who said they agree with Mr. Crocker. This will need a majority of votes to pass at Town Meeting. Ms. Espada noted detached units are by special permit.

Ms. Espada stated she understands what Mr. Alpert is saying. She asked if 2-family dwellings are restricted to 900 square feet in the rest of the town and was informed it was not. She noted, during the Housing Plan Working Group meetings, they talked about ADUs many times during public meetings. Different groups talked about it for a year. There was a plan and comments were received. Mr. Crocker feels conversations were too restricted 4 years ago when the existing ADU By-law was adopted.

Building Commissioner Roche noted the Stretch Energy Code has been adopted. Very few garages are going to be able to be up to code. Most will have to be demolished and reconstructed rather than renovated for ADU use. Mr. Block noted it is clear the Board wants to improve access to ADUs. A necessary part is substantial change. He wished there had been 2 Articles done with one attached and one detached. He asked if the members want to go with the first option for 8d or the second. He asked how many were in favor of the first option to change the setback to 12-14 feet. Mr. Alpert and Mr. Crocker are in favor of 12-14 feet. Ms. Espada, Mr. Block and Ms. McKnight are in favor of a 5-foot setback.

Ms. McKnight noted Item 8 Subsection 3.15.3.2 (f) is ambiguous as worded with any basement. There could be an ADU on the second floor and that would count toward the square footage. She feels it should count only if the basement is used

for purposes of this section. Building Inspector Roche stated habitable basement should be included. Ms. McKnight noted, for purposes of this section, any finished, habitable basement in an accessory building would count toward square footage. Mr. Alpert and Ms. Espada agree with that change.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of four of the five members present (Mr. Crocker voted in the negative):

VOTED: to send Article 2 with the changes as drafted, and with changes made today, for inclusion in the May Annual Town Meeting Warrant.

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

VOTED: to recommend to Town Meeting the adoption of Article 2 with changes made at this meeting.

Correspondence

Ms. Clee noted an email from Stephen Frail, dated 3/7/23, that came in prior to the close of the meeting. There was also general correspondence from Katy Dirks dated 3/10/23 and an email from Teresa Combs, dated 3/11/23.

Ms. Espada left the meeting.

Report from Planning Director and Board members.

There was no report.

Upon a motion made by Mr. Crocker, and seconded by Mr. Alpert, it was by a vote of the four members present unanimously:

VOTED: to adjourn the meeting at 10:30 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk