NEEDHAM PLANNING BOARD MINUTES

March 10, 2015

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building was called to order by Martin Jacobs, Chairman, on Tuesday, March 10, 2015 at 7:00 p.m. with Mr. Eisenhut and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Correspondence

Mr. Jacobs noted the following correspondence for the record: a memo to Town Manager Kate Fitzpatrick, dated 3/4/15, from Planning Director Lee Newman regarding the budget consolidation; an article from Mr. James Hugh Powers regarding home values, property taxes and Millennials in the Suburbs and a new meeting schedule.

Request for Renewal: Amendment to Major Project Site Plan Special Permit No. 2012-04: Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Needham Bank, 1063 Great Plain Avenue, Needham, MA and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1055 & 1063 Great Plain Avenue, Needham, MA 02492).

Mr. Jacobs noted a letter from Jeffrey Friedman, President of the Needham Farmers Market. Mr. Friedman stated he has a license agreement dated 2/15/15. This is a request for renewal of a Special Permit. He noted the Farmers Market operated with no problems or complaints on the parking lot at the bank. He would like to renew the permit again on the parking lot. The 2015 agreement is exclusive to the parking lot and not the plaza area. He noted a couple of minor changes. The Market will operate from 5/24/15 through 11/22/15 and eliminate the alternative hours. In 2014 the hours were 12:00 to 4:00 and in 2015 the hours will be 1:00 to 5:00. The agreement is otherwise the same.

Mr. Eisenhut asked if the Farmers Market has to renew every year. Ms. Newman stated they do have to. Ms. Clee noted the ZBA does the Christmas Tree renewal each year with a letter and a vote but no presentation.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to follow the same policy as the ZBA and approve this renewal.

Mr. Friedman asked if the market could get a 2 year agreement like they had with the Parish Church. Ms. McKnight suggested the market request a 2 year agreement next year.

Public Hearing:

7:00 p.m. -- Article 1PB: Amend Zoning By-Law – Definition of Half-Story

Ms. Newman noted Mark Gluesing helped draft this article. The Board had a large house issue study in the 1990s. She wanted to create a tool to allow the half story usage allowed for dormers as long as not 30% more of the eave length. This was changed so you can go up to 50% and dormers did not exceed 20 feet in length. This is what this is designed to do. Mr. Jacobs stated it is confusing. It appears the underlined portion is new language and in Section 1 just the 50% has been changed. That is correct.

Mark Gluesing stated the goal was to encourage the use of renovation work. He felt the 30% number is consistently too small. The builders were constantly tripped up by every little jog. The builders use up too much for an 8 foot stairway. This increases the percentage high enough to allow a large portion of the roof. He thinks this will be sufficient. This allows flexibility on the first and second floors. He believes this will allow more flexibility. He feels it is an improvement. Mr. Jacobs asked if there was any downside that Mr. Gluesing saw. Mr. Gluesing stated he saw no downside.

Mr. Eisenhut stated he remembered there was a discussion in 1999 regarding legal and illegal human habitation. Mr. Gluesing stated there needs to be sufficient height to meet the building code. The Building Inspector wouldn't allow an unfinished space to be finished unless it meets the building code. Mr. Eisenhut asked for clarification about whether this would increase the potential for habitable space. Mr. Gluesing responded that it could increase it if the roof is already high enough. Mr. Eisenhut noted back in 1999 people were opposed to full 3-story homes. He feels it will be a concern. Ms. McKnight stated this applies to 2 family and multi-family homes also where they allow the half story. She wants to encourage apartments and shops on the first floor of mixed-use buildings.

Mr. Jacobs asked what the strongest argument was to discourage teardowns. Mr. Gluesing stated this is the way to get into larger existing houses that would be torn down. Builders can get in and have more space which will be huge on renovation projects. Most houses get torn down because they are decrepit. This will be helpful to preserve houses if they are not decrepit. Ms. McKnight noted it meets peoples' needs so they can stay in their homes. Mr. Jacobs stated this is not going to be easy to explain at Town Meeting. He stated he hopes Mr. Gluesing can help. Mr. Gluesing stated he will help and will do some diagrams.

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to support Article 1 and recommend adoption at Town Meeting.

<u>Article 2PB: Amend Zoning By-Law – Definition of Half-Story and Dimensional Requirements for the Chestnut Street Business District</u>

Ms. Newman noted this is similar to the Center Business at Great Plain Avenue and Maple Street. This will allow residents to use the outside overlay and allows dormers in the half story spaces. This extends to the Chestnut Street Business District and adjusts the percentage of the half story. Mr. Jacobs stated the Board needs to note this is dependent upon Article 1 passing. Ms. Newman stated she was going to do Article 1 first and if Article 1 does not pass there will be an amendment that will go back to the original form. Mr. Eisenhut stated this makes perfect sense.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to recommend adoption of Article 2 to Town Meeting.

<u>Article 3PB: Amend Zoning By-Law – Allowing More than One Municipal Building and/or use on a Lot</u>

Mr. Eisenhut asked if there are any specific plans or what properties might be impacted. Ms. Newman noted the High School is a possibility. This is extending the right to municipal properties in residential districts. Mr. Eisenhut stated Town Meeting would want to know what this is about. Ms. McKnight stated there is a report on the town's website and it has recommendations for new buildings. Options and different ideas are in there too. Mr. Eisenhut stated the Board should reference that and give specific examples. It is the only way he will support this article. Ms. Newman noted they will need some examples.

Ms. Grimes agreed with Mr. Eisenhut. She feels it could be perceived as being a little sneaky on behalf of the town. She feels it would be helpful to put it out there. Ms. Newman stated she drafted this as an as of right use when it could be a Special Permit. She could show some examples from the Facilities Master Plan about concepts that have been explored that could be helped by this flexibility and of where this could possibly be done.

Upon a motion made by Ms. McKnight, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to recommend adoption of Article 3.

Article 4PB: Amend Zoning By-Law – Description of Flood Plain Overlay District
Article 5PB: Amend Zoning By-Law – Map Change to Flood Plain Overlay District

Ms. Newman stated she will represent this graphically so people can see the changes designed. There is not as much data as to when the flood plains were set. This article amends the zoning map to honor the FEMA line and makes the FEMA line the town flood plain line. Off Standish Road, by the RTS, is the biggest change. Mr. Eisenhut commented generally the FEMA line is narrower. Ms. Newman agreed. Mr. Eisenhut stated the question is if the Board adopts the FEMA line is there going to be potential for developers where there is none now. Ms. Newman stated there is an escape valve. The developers need to show they would have no flooding.

Mr. Jacobs noted the area across Central Avenue from West Street. Ms. Newman stated the developer would need to show there will be no flooding, then it is developable. Mr. Jacobs noted the Board has identified Central at West Street and a fringe around the RTS. He asked where else. Mr. Warner noted by Cutler Lake the town line is a little different.

Mr. Eisenhut stated it makes obvious sense but the Board needs to be up front and show where it may pertain to. Ms. Newman noted Fox Hill Road, Wildwood, Southwood and a small area near Oxbow Road. Ms. McKnight stated there is a difference between the flood plain and the wetlands. Mr. Jacobs stated he agrees with Mr. Eisenhut that the Board needs to be transparent.

Ms. McKnight asked if the new line expands the flood plain in any areas. Ms. Newman noted a couple of places like along Hamlin Lane. Mr. Warner stated the changes are improvements and reflect the contours.

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

VOTED: to recommend adoption of Article 4 -- Description of Flood Plan Overlay District and Article 5 – Map Change to Flood Plain Overlay District.

Article: Amend Zoning By-Law -- Retaining Walls

Ms. Newman noted the current regulations are less than 100 feet in area and less than 8 feet high which is more restrictive. This change allows for smaller walls to proceed as of right if they are 4 feet or less in height, exempt from a building permit and allowed anywhere on a lot as of right. Over 4 feet would require 2 levels of review. Over 4 feet but less than 12 feet would need a building permit and review by the Design Review Board. Over 12 feet would need a Special Permit, a building permit and a review. Mr. Eisenhut stated there is nothing about width.

Mr. Gluesing stated the walls would not be considered structures. He wanted to allow walls and terrace walls. These are not allowed now. He stated it is not a wall if it is 8 feet wide. That would be a patio. Mr. Jacobs stated "at any point" language should be added. On page 2 (b) "more than" should be removed. It is not needed. Ms. Grimes stated the Zoning Board of Appeals hears all these requests and approves them all.

Mr. Eisenhut asked where this came from. Ms. Newman stated she copied it from Wellesley to some extent. Mr. Eisenhut stated it is a little ambiguous. Ms. Newman stated it is a draft. She could advertise it. Mr. Gluesing noted this proposes some restrictions. Mr. Jacobs noted Section 6.11.3(c) on page 2 where it says "no retaining wall with a face greater than 12 feet shall be built." "On any lot" should be removed.

Ms. McKnight noted Section (e) says 4 foot retaining wall in front and 4 feet behind it. She asked if, within the front yard setback, applicants could put in another 4 foot wall? Ms. Newman stated they could. Mr. Warner stated the Board could say this is about drainage when explaining it to Town Meeting. Ms. Newman noted she wants to get it ready for advertisement.

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

VOTED: to refer this article to the Selectmen for the purpose of referral back to the Planning Board for a hearing with the changes discussed.

8:00 p.m. – Oak Street Definitive Subdivision: Oak Street LLC, 235 Billerica Road, Chelmsford, MA 01824, Petitioner (Property located at 66 Oak Street, Needham, MA). ***Please note: This hearing has been continued from the September 16, 2014, November 5, 2014, December 2, 2014, January 6, 2015, February 10, 2015 and February 24, 2015 meetings of the Planning Board.***

Ms. Newman noted she has a letter from George Giunta Jr. requesting a continuance to 3/24/15 and a continuance of the action deadline to 6/12/15. She noted she has a letter dated 3/10/15 from the Fire Chief with concerns.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to extend the action deadline as requested and to continue the hearing for 2 weeks to 3/24/15 at 7:30 p.m.

Correspondence

Mr. Jacobs noted a letter from the DPW regarding the Farmers Market.

Discuss zoning amendments and Town Meeting Articles for the upcoming Town Meeting.

Mr. Jacobs noted the quiet zone study support letter was drafted by Alex Clee and was approved unanimously by the Board members.

Minutes

Mr. Jacobs noted the 12/15/14 minutes with changes should be given to Ms. Clee.

Board of Appeals – March 26, 2015.

Mr. Jacobs noted there are no Board of Appeals cases to review for this meeting.

Report from the Planning Director and Board Members.

Ms. Newman noted the Council of Economic Advisors is studying the concept of bringing residential use to the Mixed Use 128 District. There was a 2001 recommendation to increase residential along the river but there was opposition from the business community at the time so that component was dropped. The CEA is now looking at this use combined with commercial uses. John Connery, who was the consultant on the Goody Clancy Study, has been retained to assist this Board. At the last CEA meeting Mr. Connery had done fiscal analysis with a mix of 250 units and looked at whether it would be economically revenue neutral. It appeared to be fiscally neutral. The CEA is looking at what an appropriate number of units for that district should be, if there should be a cap, the locations and lot size requirements. She suggests the Board participate with the CEA in discussions.

Mr. Jacobs noted the CEA is appointed by the Selectmen. The CEA is working to recommend to the Board of Selectmen then the Selectmen will recommend to the Planning Board. He noted Ms. Newman is correct. The Board needs to get involved. He feels the whole Board should be attending all presentations and meetings. Ms. Grimes stated she needs to get a feel from the Board if the members feel it is important to do ourselves.

Mr. Warner noted Charles River Landing has 350 units and Normandy is proposing close to 400 units. There will be children and there needs to be a school for these people. He noted there could be a green walkway along the Charles River created. Ms. Newman stated it will be built within the next year. Mr. Warner stated the Board needs to think of some place for kids to play and a good place for a school. He asked if that should be in the discussion.

Ms. Grimes stated the fiscal profile tells how many kids at Charles River Landing. She noted 33 children would be enough to warrant a school. Mr. Warner stated he thinks the School Committee should be a part of this. Mr. Jacobs agreed the School Committee needs to be consulted and the Board needs to get their thoughts. Mr. Eisenhut stated he would like to see this done sooner rather than later. There are very successful apartment units on the Charles River across the line in Newton.

Ms. McKnight commented it was unfortunate there is no public transportation here. It is not transit oriented. She stated she would like to see what initiatives Newton has for transportation. Mr. Jacobs stated the Board needs to look at what traffic would look like in this area. He wants everyone on the Board to know what is going on. The CEA does not deal with the same kinds of concerns as the Planning Board.

Ms. Newman stated Normandy has conceptual drawings. She has had meetings with Justin Krebs of Normandy. He showed her an exciting plan with housing and a mix of uses. The drawing the Board is seeing now moves away from this form. There are 3 parking garages without a mix of uses. It is important to pay attention and push back a little on the site plan to create that form. Mr. Jacobs commented he totally agrees. He is not aware of the changes. He asked if the Board of Selectmen were encouraging the changes. Ms. Newman noted originally it was going to be a new street that intersected around Fourth Avenue with a streetscape, one large parking garage, office/retail mix and creating a street edge. The garage was hidden. The placement of the 3 parking garages was at the end with a path going through moving away from the streetscapes.

Mr. Jacobs noted the applicant could have retail on the ground floor of the garage. A nice green area along the River Way is a nice new feature. Ms. Newman suggested the Board ask the developer what they could do to design a plan to connect the streets. The 3 garages are dead space and there is no connection creating a tunnel between 2 parking structures. Something should be done on the first floor of the garages. Ms. McKnight suggested even a coffee shop. Ms. Newman noted the garages should be more hidden like Charles River Landing.

Ms. Grimes suggested the Board inform the Town Manager and the Board of Selectman the Planning Board had a wonderful vision of this area and would like to keep this vision and see it brought forward. She is in favor of a vision more similar to what the Board saw the first time. All Board members agreed.

Ms. Newman stated she has received an inquiry from the New Garden Restaurant. The restaurant wants to change the drainage. She is not sure it would work. The restaurant wants to have the drainage all go to a grass swail. She would like feedback. Would this be an amendment or a deminimus change? She commented it may not go anywhere. Mr. Eisenhut stated it should be an amendment. All agreed.

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

VOTED: to adjourn the meeting at 9:20 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk