

# PLANNING & DEVELOPMENT BOARD MEETING MINUTES

June 4, 2018



Ruthanne Fuller  
Mayor

Barney Heath  
Director  
Planning & Development

Rachel Powers  
CD Programs Manager  
Planning & Development

Members

Scott Wolf, Chair  
Peter Doeringer, Vice Chair  
Barney Heath, *ex officio*  
Megan Meirav  
Sonia Parisca  
Chris Steele

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## Full Members Present:

Scott Wolf, Chair  
Chris Steele  
Jennifer Molinsky  
Barney Heath, *Ex Officio*

## Staff Present:

Rachel Powers, Community Development Programs Manager

1. **Minutes from the Planning and Development Board Meeting held on May 7, 2018**
2. **Board of Survey/Public Hearing: Farewell Street- VTP Associates**
3. **Discussion: #203-18 Zoning Amendment for Moratorium on Zone Changes/Construction on Washington Street**
4. **Updates for Discussion:**
  - Washington Street Vision Plan
  - Needham Street Vision Plan
  - Zoning Redesign
  - Inclusionary Zoning
  - Recreational Marijuana
  - 236 Auburn Street
  - 83-85 West Street
  - Board Training
5. **Next Meetings**

## 1. Action Item: Approval of Minutes of May 7, 2018 meeting

Chair Wolf opened the meeting at 7:31 p.m. The motion was made by Chris Steele and Seconded by Chair Wolf and approved 3-0-1, with Jennifer Molinsky abstaining, to approve the minutes of May 7, 2018.

## 2. Board of Survey/Public Hearing: Farewell Street- VTP Associates

**Roll Call (ALL MEMBERS):** Upon a motion by Chair Wolf and Chris Steele, and passed 4-0-0, the Board of Survey was opened (7:33 pm).

City Engineer and Clerk of the Planning Board acting as the Board of Survey, Mr. Taverna's Taverna, re-introduced himself and the project in a continuation of the discussion on 56 Farewell Street. Several memos were distributed by the Engineering Division. There are still outstanding items, including MWRA approval of the proposed private way and the sewer main. The other is a question of the performance bond, which is required of every subdivision request. This is a mechanism to ensure compliance. Mr. Taverna is not planning to run through every waiver but will take questions from the Board of Survey.

Mr. Taverna also introduced Engineering staff John Daghlian and project developers, Steven Vona and Joe Porter. Voting depends upon the Board's comfort with the proposed conditions.

Chair Wolf inquired if there had been changes from the last meeting. Mr. Taverna indicated that they have approved the proponent's hydraulic drainage, but it does require a waiver. He also discussed concerns related to snow plowing of the street and access to emergency vehicles. The Commission is ok with the 20 foot road, but does require a waiver. A waiver for sidewalks is also being requested.

Chair Wolf also referenced concerns relative to access to the private way. Mr. Daghlian described the autoturn. Mr. Vona illustrated plans for the proposed roadway, which is double the width that is currently there. They'll complete a turning radius to ensure maneuverability. This is not itemized as a condition currently but can be added according to Mr. Taverna.

Chair Wolf asked about those items that had not been done and whether plans were sufficient given there is no indication of the centralized grade, etc. Mr. Taverna noted their vote was subject to these items being complete. The drawings would not be drawn tonight; they would be ready in July at the earliest. There is ample time for the proponent to make all corrections.

Chair Wolf brought up the Homeowner's Association; he is concerned that the governing doc would contain specifications on parking, lien and enforcement rights; he would like a progressive penalty scheme. Mr. Taverna reiterated this would be approved later by the legal department. Chair Wolf does not like the 20-foot provision on the proposed private way and wants to ensure this is written in as a condition. This would not be enforced by the Newton Police Department. Mr. Taverna encouraged Chair Wolf to share his ideas for consideration by the legal department.

Mr. Taverna mentioned that the sewer system would be connected to the MWRA system; he approved this on behalf of the city. This is currently being circulated. This will be private and the City would have no responsibility over this system. The City Council will need to approve as a water main extension. The HOA will also need to approve.

Ms. Molinsky inquired into the tree removal and tried to obtain assurance that the trees would be replaced. Relative to the HOA, she mentioned that someone would need to take care of the grassy swail. Mr. Taverna indicated that this would need to be drafted into the HOA bylaws. This will have to be maintained, otherwise homeowners risk water draining into their properties. She also asked about street lighting, to which Mr. Taverna identified the concern as a waiver citing that street lighting would be intrusive. Each home will have its own lighting; this will need to be managed and regulated by the HOA. Mr. Steele asked if lights would be connected to a sensor; Mr. Vona's team is exploring this since it couldn't be left to the discretion of homeowners.

Mr. Vona further indicated they granted an easement to the DEP, to later connect the proposed pathways to the existing. He also spoke to the MWRA's review of the project and replacement of the sewer pipe. The replacement could impact the timing of project implementation.

#### Public Comment (7:55 p.m.)

*Paul Malloy, 1 Albermarle Road:* Mr. Malloy read the letter he sent to Director Heath, outlining project concerns such as project density and the vote taken by the Conservation Commission. They are hiring legal counsel and request that the planning board take no action until conservation issues have been determined. He brought attention to the flooding problems, wildlife impacts through the proposed tree removal and potential issues with country drainage and winter snow banks. He is concerned about snow being left in the hammerhead.

*Mia Jepsen, 43 Anthony Road:* Ms. Jepsen echoes what Mr. Malloy said. She reiterated the situation with the narrowness of the proposed private way and existing congestion. The development would exacerbate these problems.

*Philip Jepsen, 43 Anthony:* Mr. Jepsen is concerned about the amount of space available once they are dealing with snow piles and the increased pressure on his fence.

Proponent Mr. Vona outlined the buffer zone and screening that will add a natural barrier. The lack of sidewalks and reduction of roadway are due to Conservation Commission requests related to drainage and recharging of water that is collected or melts. He described 10 feet being available to collect snow, 5-6 feet of buffer on either side of the road. They proposed a cul-de-sac, but Conservation Commission didn't want them to build out that way and preferred to reduce impervious surface. Conservation Commission governs the build-out due to the Rivers Act.

Mr. Vona also explained that many trees are dying and are invasive; the planned canopy will better replace this. He indicated that his team incorporated all feedback into their designs. Further, the proposed development is 6 feet above the flood zone. They have worked with numerous engineers to fully vet plans and proportions. They are rejuvenating this property. They have also consulted Conservation Commission regarding additional parking options but are limited at this point to certain areas.

Chair Wolf asked about Mr. Daghlian's position on the drainage; the City Engineer is *recommending* the catch basin system, the City standard, though Conservation Commission would prefer country drainage. Country drainage could potentially pose an issue with older pipes. More infiltrating water could deteriorate the system. The developer is not introducing anything that would increase the percolation of water.

Ms. Molinsky asked about the concerns to surface runoff; Mr. Daghlian explained how this could be controlled and processed. Staff member Ms. Powers indicated that she would forward the Conservation Commission Order of Conditions. Mr. Taverna explained that this Order of Conditions is being appealed. A site visit is being scheduled and the issues will be re-vetted.

Chair Wolf asked several procedural questions related to the vote. Mr. Taverna indicated it's the vote that counts, not the signatures. The record of the vote is what gets filed. A "No" vote means a hold; but could a new majority vote, not having attended the public hearings, and would the decision hold? The matter might have to be discussed with the Law Department.

Mr. Steele has more questions after reading the report; Mr. Taverna further outlined the logistics of water filtration and perspective of Conservation Commission.

Ms. Molinsky also tried to clarify the role of the Board of Survey and their responsibility in considering the list of waivers. Mr. Taverna confirmed that the waivers must be approved as a part of the subdivision. Ms. Molinsky was unclear about the Board's role in conjunction with the Newton Tree Ordinance; do they need to see the tree plan as it relates to the ordinance? Mr. Taverna indicated that members were entitled to review such plans to clarify any concerns or questions. Waivers are due in part to differences in modern construction standards.

Upon a motion by Chair Wolf, seconded by Mr. Steele, and passed 4-0-0, the Board of Survey moved to close the public hearing. (8:37pm)

Chair Wolf noted the public's legitimate concerns. He is inclined to get further resolve on the project's environmental concerns, lighting, parking and drainage and how these elements get incorporated into the HOA documents.

Mr. Steele added that he would further like to understand the Conservation Commission's rationale and how it should impact the Board of Survey's process moving forward.

Upon a motion by Mr. Steele, seconded by chair wolf, and approved 3-0-1 with Dir. Heath abstaining, the Board of Survey moved to hold the matter.

Upon a motion by Chair Wolf, seconded by Mr. Steele, the motion to adjourn the Board of Survey passed 4-0-0. (8:40pm)

### **3. Discussion: #203-18 Zoning Amendment for Moratorium on Zone Changes/Construction on Washington Street**

Chair Wolf reiterated the discussion and public hearing related to the three zoning amendments; he highlighted the Board's vote and Vice Chair Doeringer's commentary on his abstention related to #203-18. ZAP is not slated to continue discussion until 6/11/18, but Dir. Heath said this meeting was an opportunity to review the appropriate language to frame the Board's decision.

Chair Wolf explained that he saw value in explaining the abstention, noting a recent Supreme Court decision that used similar methodology. Dir. Heath probed that if we include a paragraph on the dissenting opinion, that we should include a larger discussion on the majority opinion.

Chair wolf's sense was that the first two amendments, #201-18 and #202-18, didn't make sense in a development context. The issue with the third amendment, #203-18, was primarily that the MU4 zone was previously hashed out for a long time and added into the City's Comprehensive Plan. A moratorium is unnecessary because the City Council in its power could choose not to act on a special permit request. Ms. Molinsky also noted that introducing these changes in the mix of zoning reform was counterproductive.

Without a unanimous vote, Chair Wolf believes noting differing opinions is a worthwhile discussion and can influence the City Council's deliberations. Mr. Steele queried whether language should be asserted in the Planning and Development Board's decision around the power and discretion of the City Council in providing a critical checks and balance.

The consensus of the Board was to incorporate the following language in the Planning and Development Board's decision: "The Board strongly felt that the power of the City Council to exercise its Special Permit Granting Authority was a sufficient check on unfettered development along the Washington Street corridor."

Upon a motion by Mr. Steele and seconded by Ms. Molinsky, the motion to accept the letter as amended was passed 4-0-0.

### **4. Updates for Discussion:**

#### **a. Washington Street Vision Plan**

Dir. Heath noted it was a big week for the Washington Street Visioning Plan. Tuesday kicks the event series off. Topic sessions will be held Thursday, Friday and Saturday.

Sunday there is a block party scheduled to be hosted at Family Access. This event series will provide a number of opportunities for public input.

**b. Needham Street Vision Plan-**

Dir. Heath reminded the Board that the Plan would come back before ZAP on June 11<sup>th</sup>, and June 25<sup>th</sup>. It was noted that the 25<sup>th</sup> will be the joint Planning and Development Board hearing with ZAP.

**c. Zoning Redesign-**

Dir. Heath explained that this will be busy summer drafting the new Zoning Ordinance. A presentation to ZAP and Planning and Development Board is planned in the fall.

**d. Inclusionary Zoning-**

The discussion on Inclusionary Zoning still underway. The original proposal will be amended based on feedback from ZAP and RKG and represented in the fall.

**e. Recreational Marijuana-**

There will be continued discussion in June and July on this item, with public hearings anticipated in September and October. The City is in the process of identifying appropriate zoning; a moratorium is currently in place. A meeting is planned Wednesday night with City Council relative to a citizens' petition to add this matter to the ballot.

**f. 236 Auburn Street-**

Ms. Powers provided a brief overview of CAN-DO's acquisition of this property and the funding process. The project is leveraging CDBG, HOME, CPA and State FCF funding. CAN-DO/MetroWest CD received their Comprehensive Permit and closed on their CDBG, HOME and CPA funding in April. The Housing and Community Development Division hosted a ground-breaking event during CD Week at 236 Auburn Street. Project specifications were recently submitted and expected to go out to bid very shortly.

**g. 83-85 West Street-**

Ms. Powers explained how the project originated in partnership with the Newton Housing Authority. To address the property's significant public safety hazards, the Division granted CDBG funding to rehabilitate the home, closing in March. Improvements are well underway; the exterior is complete with punch list items being completing on the second floor. The project is expected to be completed during FY19.

**h. Board Training-**

Dir. Heath announced the availability of training opportunities through the Citizen Planner Training Collaborative and the variety of topics. Mr. Steele asked for information to be distributed. Chair Wolf indicated that procedural rules were a weak link and that training would be beneficial.

**5. Next Meetings**

Staff member Ms. Powers discussed the timeline for upcoming meetings and confirmed the availability of Board members. The Board decided to move their July meeting to July 9, 2018.

**6. Action Item: Adjournment**

Upon a motion by Chair Wolf, seconded by Mr. Steele, and unanimously passed 4-0-0, the meeting was adjourned at 9:03 p.m.