

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

July 9, 2018



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Rachel Powers
CD Programs Manager
Planning & Development

Members

Peter Doeringer, Vice Chair
Barney Heath, *ex officio*
Kelley Brown, Member
Sudha Maheshwari,
Member
Jennifer Molinsky, Member
Sonia Parisca, Member
Chris Steele, Member
Kevin McCormick, Alternate
James Robertson, Alternate

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Full Members Present:

Peter Doeringer, Vice Chair
Kelley Brown, Member
Sudha Maheshwari, Member
Jennifer Molinsky, Member
Sonia Parisca, Member
Chris Steele, Member
Kevin McCormick, Alternate
Barney Heath, *Ex Officio*

Staff Present:

Rachel Powers, Community Development Programs Manager
Louis Taverna, City Engineer
John Daghljan, Associate City Engineer

1. **Minutes from the Planning and Development Board Meeting held on June 4, 2018**
2. **Board of Survey/Vote: Farewell Street- VTP Associates**
3. **Discussion/Possible Vote: #185-18 Discussion and Adoption of Needham Street Vision Plan**
4. **Updates for Discussion:**
 - **Washington Street Vision Plan**
 - **Zoning Redesign**
 - **Inclusionary Zoning**
 - **Proposed Marijuana Zoning**
 - **Economic Development Strategy Draft**
 - **Anticipated Development Projects**
 - **236 Auburn Street Affordable Housing**
5. **Next Meetings**

1. **Action Item: Approval of Minutes of June 4, 2018 meeting**

Vice Chair Doeringer opened the meeting at 7:34 p.m. The motion was made by Ms. Molinsky and Seconded by Dir. Heath and approved 2-0-4, as amended, with Vice Chair Doeringer, Ms. Maheshwari, Mr. McCormick, and Mr. Brown abstaining, to approve the minutes of June 4, 2018.

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

Roll Call (ALL MEMBERS): Upon a motion by Mr. Brown and Ms. Parisca and passed 7-0-0, the Board of Survey was opened (7:42 pm).

Vice Chair Doeringer reconstructed the recent history of the Farewell Street project. MWRA approval was still needed as of the last Board of Survey (BOS) meeting, but an approval with restrictions has since been granted and received as of July 9th meeting. He also reiterated the debate between "Country Drainage" versus "Catch Basin Drainage" for managing storm water runoff. In reviewing the June 4th meeting minutes, Vice Chair Doeringer noted DPW's recommendation of hydraulic drainage.

City Engineer, Mr. Taverna, clarified that DPW recommended a hydraulic analysis of drainage; a mathematical calculation for where the storm water would go. However, DPW will issue a recommendation for a drainage mechanism. Finally, Vice Chair Doeringer restated concerns relative to the proposed hammerhead, unrestricted parking and the road width and narrowness. Mr. Taverna indicated that engineering would address this tonight. Vice Chair Doeringer also inquired if there was a final list of waivers and progress in the handling of the HOA.

Mr. Steele arrived during this point in the discussion.

Mr. Taverna reintroduced Associate Engineer Mr. Daghlian to address neighborhood and Board concerns. For new members, he provided a quick synopsis of the project and briefly addressed the project waivers. He further noted that the proponents are working with the Law Department on the HOA issues to address concerns with parking enforcement. The proponents will need permission to expand the water main. The main will need to be taken as a public easement to be owned by the City. He noted an appeal that was heard several weeks ago heard by Conservation Agent Jennifer Steele. Staff is awaiting further conditions. Otherwise, Mr. Daghlian indicated the plan was ready for a vote this evening; he also mentioned that the proponent will need to obtain a performance bond to ensure work is completed in a timely period and described the 20-day BOS appeal period.

Mr. Taverna's staff met with Ms. Steele and the proponent to resolve (country) drainage, requested waivers, the roadway, street lighting, sidewalks and are ready to recommend approval. The waivers are outlined in members' plans and will be referenced in the final memo.

Vice Chair Doeringer recognized several lingering issues with respect to the project's controversial elements. Mr. Taverna noted that the project involved a lot of compromise between the Engineering and Conversation Commission. The narrowness of the roadway was one such compromise to ensure plenty of greenspace and drive-ability. City engineering staff does not anticipate a parking issue and discussed maneuverability of emergency personnel and vehicle traffic.

Ms. Molinsky tried to clarify the Board's role as the BOS, the compromise with the Conservation Commission and whether additional compromises could be made. Mr. Taverna indicated that compromise is essential in implementing a project. Any further changes would need to be revised in an amended Order of Conditions.

Vice Chair Doeringer acknowledged remaining issues relative to road width and drainage arrangements, which were thought to still be in consideration by the Conservation Commission; the Board felt that the roadway should be wider. DPW is in agreement with Conservation Commission's project conditions, since this was a private way. Mr. Taverna highlighted other such examples, such as Ivy Drive and Kessler Way. Environmental sensitivity was paid to the Charles River, adjacent to the Farewell Street parcel, and the reduction of impervious pavement. DPW is now comfortable with Conservation Commission's rationale.

Mr. Steele pointed to concerns related to environmental design and whether there is an ongoing dialogue to address adapting conservation processes. Mr. Taverna confirmed that regular collaboration and discussion around environmentally sound designs and engineering is ongoing amongst the Planning and Public Works Departments. Modern standards have shifted. Redesigns of public ways, such as those planned in Newtonville and West Newton, are very different and involve extensive collaboration with Planning. Mr. Steele explained that it would be helpful to remain in the loop on such dialogue.

Following up on Mr. Steele's comments, Vice Chair Doeringer noted discomfort about approving substandard design and roadway conditions, even in instances of compromise and precedence. The City should be using 21st century standards. He lives in an area with many of the problems the Farewell

neighborhood has discussed. A strong HOA doc might alleviate many of their worries. Vice Chair Doeringer would feel comfortable moving forward with a vote once that HOA document has been finalized and feels the Board should have the opportunity to review how the HOA doc will address some of these concerns.

Dir. Heath would like to identify the problem the Board is looking to resolve first and see if this will be solved through the coming agreements. If the issue is parking in conjunction with use by emergency vehicles, offer a condition that addresses the issue. Mr. Taverna further explained that it is the buyers that will need to live with enforcement enabled through the HOA. Similar subdivisions deal with this regularly, and while the HOA can be strengthened, enforcement is managed by the homeowners. He agrees with itemized conditions. On the second issue, relative to drainage, Mr. Taverna explained that country drainage would work; hydraulic calculations confirm this. Country drainage is a newer, more natural way of thinking and represents an alternate drainage design. Mr. Daghlian added that a robust maintenance plan has been developed indicating when the system will need to be cleaned and/or maintained. This will need to be spelled out and implemented out in accordance with the HOA docs.

Vice Chair Doeringer is primarily worried about the enforcement of parking and common area restrictions. Often, common areas are allowed to deteriorate; the stronger the HOA document is, the less of an issue this becomes. Mr. Taverna assured the Board that City will plow any snow and that there is plenty of area with which to catch snow. The Board's option is to either vote or defer until HOA plan is developed. The Board seeks to ensure that they've armed the homeowners appropriately. Mr. Taverna and team will work hand in hand with the Law Department to ensure strong HOA documents are created.

Mr. McCormick inquired about the introduction of penalties. Mr. Taverna deferred to the Law Department on such matters. Ms. Molinsky further wondered if the City would have to penalize the HOA over issues that arise. The HOA could seek legal contract enforcement through civil procedures. Vice Chair Doeringer continued to drill down how important this document is and further inquired about the implications of a penalty provision. The HOA provision would act as the voice for the homeowners. Mr. Taverna assured that these concerns would be addressed.

Related to concerns about the road degrading, Ms. Molinsky asked if there would be a curb installed. Staff indicated that the curb was part of the proponent's waivers and explained you wouldn't want a curb due to the recommended country drainage. Mr. Brown asked about the operations and maintenance plan; pesticides are discussed and applied but forbidden in the conservation ordinance. Conservation Commission should revise the order of conditions in order to be consistent with the ordinance. He also asked if there were existing catch basins. Mr. Taverna and John noted they were in driveways, along with water quality separators.

Vice Chair Doeringer entertained approving the proposed plan subject to Board's conditions or defer vote until the HOA plan has been developed. Mr. Taverna believes it's in the best interest of the project to move forward based on the technical work that have been completed. Vice Chair Doeringer pressed the importance of getting the Law Department's input. Dir. Heath also acknowledged the proponent's cooperation and willingness to meet all Board's requirements and recommendations. He has been a willing participant throughout. Dir. Heath would hate to see the project held up due to concerns over language in the HOA documents. The onus is on the Law Department to write a strongly worded agreement.

Mr. Brown asked for clarification on a condition which states that when obtaining the Certificate of Occupancy prior to all site work being completed, the proponent would need to post bond/bank check, but also says that all site work must be completed prior to a Certificate of Occupancy being issued. Mr. Taverna explained that partial elements are implemented at various times. This provision is a way to

ensure completion of the roadway but allow the proponent to sell homes as they are finalized. This condition may need to be reworked in the final document for clarity.

Mr. Brown also addressed the matter of completing utilities; the roadway must be built and all utilities in place before the proponent can obtain building permit and construct the house. Mr. Daghlian indicated they want to ensure that the site is stabilized before construction. This has been required of all subdivisions over the course of past 10 years. Proponent Mr. Vona discussed some of the moving parts around this project and in satisfying Conservation Commission's required mitigation. No C.O. is issued until project is in complete compliance; the Order of Conditions holds everything in place.

Ms. Molinsky asked why the Health Department was involved in the review process. Mr. Taverna stated that other subdivisions, particularly those with environmental issues, have needed the Health Commissioner's expertise. Their review is referred to in the rules and regulations.

Upon a motion by Vice Chair Doeringer, seconded by Mr. Steele, and approved 6-0-1, with Dir. Heath abstaining, the Board of Survey moved to approve the subdivision plan agreed to by the developer and Engineering Division of the Department of Public Works, subject to final approval of completion of the Home Owners' Association documents.

Mr. Taverna indicated that Mylar drawings will be available in Engineering and will communicate with Rachel when they are ready for signature. Otherwise, they can be signed at the next Planning and Development Board meeting. HOA docs are being reviewed by the Law Department and will be circulated to the Board. There is a 20-day BOS appeal period. After 20 days, the HOA document will be circulated to members, rather than holding an additional hearing/meeting. Signing drawings will be indicative of approval of subdivision and HOA.

Upon a motion by Ms. Molinsky, seconded by Ms. Maheshwari, the motion to adjourn the Board of Survey was passed 7-0-0. (8:28pm)

3. Discussion: #185-18 Discussion and Adoption of Needham Street Vision Plan/ Possible Vote

Vice Chair Doeringer moved forward with discussion on the Needham Street Vision Plan. Dir. Heath indicated that all members were forwarded a copy of the Vision Plan, which has been presented at several ZAP meetings. If passed, the Plan would be an amendment to the City's Comprehensive Plan. Such plans have also been created for Newtonville and Wells Ave. This initiative represents an extensive undertaking and more than 6 months' worth of work, involving public engagement and a committee composed of more than 20 members.

Dir. Heath provided a synopsis of the effort and various topics covered. Feedback from those meetings have been taken into consideration in developing the Plan. The Plan represents sound recommendations to guide future policy. Ms. Parisca, who represented the Planning and Development Board, noted the stakeholders' commitment, the process and topics covered, including open space, sustainability, street work, bike lanes. She feels it is a good start to master plan for the area and recommends the Board's adoption of the Vision Plan.

Ms. Parisca Made the motion to approve the plan, with Mr. Steele seconding.

Upon further discussion, Ms. Molinsky spoke to the efforts' positive outcomes, having served as a city planner. Dir. Heath also recognized the work by staff, in particular Rachel Nadkarni, who worked so hard to pull together the document. Vice Chair Doeringer asked for clarification on how this plan gets incorporated into the Comprehensive Plan and whether this will be an appendix?

Dir. Heath explained that while the Comprehensive Plan is dated and general, this effort provides a zoomed-in approach that offers focused attention on a specific area; it's a guidebook for the special permitting process, as well as a guide for public improvements. The Plan represents a priority listing of improvements and desired outcomes for area. The Mayor is a strong believer in comprehensive vision planning and engaging in such efforts with other projects. Dir. Heath foresees this being the utilized approach moving forward.

Ms. Maheshwari asked for information on one upcoming redevelopment project, the Northland Redevelopment. Dir. Heath informed the Board that the developers will be coming forward with a plan in September. The Needham Street Vision Plan document will be helpful in guiding those discussions.

Mr. Brown noted an error in the Plan's introduction, which will be corrected prior to presenting to the City Council. ZAP is taking up the matter Monday evening and may vote then or take up the matter at subsequent date. The Board's recommendation will be forwarded to the Council.

Ms. Molinsky was struck by the area's history as the first suburban business park and would like to see this commemorated. Dir. Heath referred to prior discussions around this and the interest to recognize the park's history. Vice Chair Doeringer spoke to the Plan's Mission Statement which updates by living example by way of a "forward" that anticipates these visions being part of comprehensive planning processes. Dir. Heath concurred, acknowledging that this plan represents a snapshot in time. Mr. Brown wanted clarification as to how this fits into the larger picture. Ms. Maheshwari asked when the next Comprehensive Plan was planned. Dir. Heath indicated that this is being addressed piece-by-piece, as individual elements are updated separately (i.e. the Economic Development Strategy); Some sections don't change over time, while others change more frequently.

Mr. McCormick inquired about previous amendments to the Comprehensive Plan. Vice Chair Doeringer clarified whether this adoption would be an amendment or supplement? Dir. Heath confirmed the Plan would serve as an amendment.

The motion to accept the Needham Street Vision Plan was passed 6-0-1, with Dir. Heath abstaining.

4. Updates for Discussion:

a. Washington Street Vision Plan

Dir. Heath noted it was a big week for the Washington Street Visioning Plan. There was a lot of public participation and 3 main public efforts. Information is currently being compiled. The Principal Group will present a summary at ZAP to be shared with the Planning and Development Board. There will be subsequent public hearings and an open house that is planned for October 29th to review the first draft.

b. Zoning Redesign-

Dir. Heath indicated that Zoning Redesign is also full speed ahead, outlining the timeline for changes to the zoning ordinance. A complete draft ordinance is anticipated to be presented to ZAP October 22nd. The Planning and Development Department is finishing the map and proposed districts. Deputy Director James Freas will present at future Board meetings.

c. Inclusionary Zoning-

Inclusionary Zoning had a separate track apart of changes to the form-based code aspect of the zoning ordinance. Recommendations were compiled at the end of last

year. The City then hired consultant RKG to review proposed changes to ensure the ordinance's viability and future development. The Department is taking into account their suggestions and is in the process of revisiting the original proposal. They are seeking to develop a feasible policy to ensure continued creation of affordable housing. Planning will be presenting at ZAP Monday. The information will be presented to the Board at a later point in time.

Vice Chair Doeringer would like to see how developer approaches the costs of developing housing.

d. Recreational Marijuana-

Dir. Heath indicated that draft maps have been prepared outlining 8 zoning locations fitting various marijuana establishments, including cultivation, retail, testing and manufacturing.

Vice Chair Doeringer commented that how constraints were portrayed was excellent. The likely track is that discussion will move on to ZAP this month, with public hearings anticipated in September and October.

Once retail establishment is established, Mr. Brown inquired if we needed medical facilities. Dir. Heath indicated that more clarification is needed on this. Garden Remedies is an existing medical facility; they were exempted from the moratorium. Mr. Brown asked if the referendum moves forward, will the ordinance and zoning efforts essentially be put on hold. Dir. Heath still intends to have a draft by the end of summer.

e. Economic Development Strategy-

Dir. Heath reminded the Board that the Economic Development Strategy is being updated. Camoin Associates were hired to assist in the process and have held 3 public meetings. The EDC is leading these efforts. A draft strategy was released about a month ago. Comments are being incorporated into the next draft. Planning is scheduled to go present to ZAP later in July. The memo and strategy will be circulated to Board. Dir. Heath indicated the strategy will largely involve city action steps. Economic Development Director Kathryn Ellis can come in to present further on strategy at a later meeting.

f. Anticipated Development Projects-

Dir. Heath indicated that several big projects are underway, including the Northland Redevelopment and Riverside; both require rezoning. Dir. Heath inquired if the Board wanted to move forward with a subcommittee, which was the approach taken with several such projects in the past. Vice Chair Doeringer provided some context with how the "subcommittee" mechanism came to be; it was designed to economize Board proceedings. Efforts involve representing the Board at Land-Use/Zoning and Planning Council Meetings, while reporting back to Board and representing Board interests. This seemed to be a pragmatic practice. There is a larger public turn out at City Council public hearings and can influence decisions.

g. 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 are expected to go out to bid very shortly.

5. Reorganization Discussion/Elections-

Dir. Heath introduced the Board's rules and regulations, explaining how nominations to the Board are made and how subsequent votes are treated. The Board will need to designate a chair, vice chair and CPC designee. The vote will occur at a future meeting. The CPC designee is a volunteer assignment.

Vice Chair Doeringer expressed his interest in serving in a position. Mr. Steele observed the many new members and that we should consider institutional knowledge, time and availability. Volunteers for the CPC can contact Dir. Heath. CPC Coordinator Alice Ingerson will follow-up with information about the CPC.

6. Discussion of Starting Times-

Vice Chair Doeringer noted that there were two competing times in play: 7:30 pm for regular meetings and 7pm for joint meetings. Ms. Parisca advocated for earlier meetings. Vice Chair Doeringer also supported the idea for a potential max/cap time on meetings. The Board's consensus approved of an earlier, 7pm, start time.

7. 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. The CPTC can provide onsite training in creating master plans, hosting public hearings, subdivision control law, site plan review, recreational marijuana and open meeting law. Money is budgeted during FY19 for such training.

Vice Chair Doeringer recommended trying out a single topic to test out training. Additional information is to be distributed to members.

8. Next Meetings-

The next meeting is scheduled for August 6th. It is expected to be short and concise.

9. Action Item: Adjournment

Upon a motion by Mr. Steele, seconded by Ms. Molinsky, and unanimously passed 7-0-0, the meeting was adjourned at 9:21 p.m.