

PLANNING BOARD MEETING

Minutes, September 28, 2004

Selectmen's Meeting Room

Members present: Joseph Barrell, Deborah Emello, Karl Haglund, James Heigham, and Andrew McClurg

Also present: Tim Higgins - Senior Planner, Jeffrey Wheeler – Planning Coordinator

7:00 p.m. There being a quorum Chairman Barrell opened the meeting.

General Business

- a. The minutes from August 31, 2004 were unanimously approved.
- b. Tim Higgins provided an update on the McLean Hospital development:
 1. A deed has been recorded for the tower site conveying the land to Belmont
 2. Base installed for tower – expect antennas to be installed by the end of October
 3. The Town is holding three (3) building permits and will not issue them until Northland to fulfill its responsibilities per the MOA and Design & Site Plan Review approval.
- c. Reviewed a letter from a concerned abutter regarding the construction of a new two-family home on Common Street – the lot is being subdivided from a larger parcel.

7:10 p.m.– Zoning Public Hearing on Creating a New Multi-Family Use

James Heigham read the public hearing notice.

Tim Higgins reviewed the background of the proposal to allow multi-family uses in the LB I zoning district “by-right”. This proposal is an outgrowth of the recommendations of the Waverley Square Fire Station Re-Use Committee for a seven unit condominium complex at the fire station. The Corridor Study recommended increasing the residential density in the business districts so the proposal includes that recommendation. He reviewed the text of the proposal and emphasized that this would only apply in the Local Business I (LBI) Districts. He reviewed the changes to the zoning map that the Planning Board had previously recommended - extending the Local Business I district to include five properties, four on the south side of Trapelo Road and the Fire Station. Tim also reviewed Town Counsel’s comments on the proposed language specifically mentioning that zoning language cannot dictate the type of ownership for the fire station (re: condominium).

James Heigham clarified that the new draft reflects input from Town Counsel and the Planning Board.

Deborah Emello questioned an apparent conflict between multi-family and apartment house uses and asked that this be reconciled. (Staff will investigate this issue.) She also clarified that the Planning Board is recommending extending LBI to avoid Spot Zoning. She also noted that LBI districts do not require lot coverage or open space. Ms. Emello cautioned the Board to be mindful that this by-law might encourage teardowns because it allows a use not previously allowed.

Andy McClurg cautioned about how the density requirement is written – currently proposed at 1,600 square feet, reducing to 1,500 square feet actually increases density, it does not decrease density.

Tim Higgins reviewed how this number was derived. Joe Barrell added that building size also includes common area.

Audience Comments

1. **Shelia Flewelling** stated that the recommendation from the Waverley Square Fire Station Re-Use Committee was for the Fire Station only, not the LBI districts. She mentioned that the Town could use an Overlay Zoning District for the Fire Station without extending the LBI district. With respect to parking, she stated that the Committee recommended two (2) spaces per unit and wondered if this requirement could be decreased by the Planning Board.

Andy McClurg responded that developers are not going to do less than required. Tim Higgins said that the staff recommends reducing the parking requirements in order to take advantage of existing public transportation and to maintain the limited green area on the parcel. Joe Barrell requested that this discussion be kept open as he would like to require 2 parking spaces.

2. **Michael Sullivan** stated that the Committee had two thoughts about parking – if you require more parking you might lose green space; if you require it under the building, you might lose revenue. Ultimately, the Committee wanted to preserve open space, since it thought that this would be better for the building and the neighborhood.

Karl Haglund concurred and added that loss of open space will also impact the tax revenue from the Fire Station and the surrounding properties.

3. **Sue Bass** questioned the legality of the current public hearing as it does not mention the proposed zoning map changes. Tim Higgins explained that the zoning map changes were covered

under a different public hearing, which the Planning Board closed at its last meeting.

Joe Barrell reviewed the reasons for the re-zoning, adding that this is a logical extension for the Fire Station and will follow the property lines of those properties involved.

4. **John Greene** questioned extending the LBI district since one of these properties also fronts onto Sycamore Street and is located across the street from the Butler Elementary school.

On a motion made by James Heigham, the Board unanimously voted to continue the public hearing on the proposed amendment to October 26, 2004.

7:55 p.m.- Public Hearing on Response to Demolition Moratorium

James Heigham read this public hearing notice.

Tim Higgins opened the discussion by summarizing the Office of Community Development's memo (August 29, 2004) on the building moratorium. In it, he recommends that the issues surrounding "building height" are the most logical areas for amendment to address the concerns of the authors of the Moratorium. He noted that slide show has been produced to present information for decisions to be made by the Planning Board citizens and eventually Town Meeting.

Jeffrey Wheeler then presented a detailed power-point presentation. It keyed on the interpretation of the term "height" (as it appears on the zoning by-laws) as the primary issue in the concern over the size of current building. He then discussed front yard parking, its definition and interpretation and the impacts on new housing development.

Andy McClurg stated that the difference between mansard roofs and others was not clear. They are becoming more popular now along with “hip” roofs that allow for greater ½ stories.

Comments from the Audience

1. **Meg O’Brien** liked the August 19, 2004 memo but believes the building set-backs need to be pursued further.
2. **Marion Cote** questioned open space issues. Tim Higgins explained the position of Office of Community Development on this and that pre-existing lots are too numerous (85%) w/in the General Residence zoning district. More would be created if maximum lot coverage were decreased. She complained about front-yard parking violations and the failure of Office of Community Development to enforce current regulations. Unfortunately, the parking problem occurs at night when there is no money for enforcement.
3. **Jim Dunn** had a question on “attached” garages versus garages under the house? Has Town Counsel been contacted on this about a case? No, this has not been done. However, parking under houses has clearly become a problem. It was adopted in 1988.
4. **Sue Bass** observed that the intent of the By-Law was to preserve “green areas” and has been abused.
5. **Angelo Firenze** wanted to know if the Board had a position on this. It was noted that the intent of the provision has been lost. He believes that the Town needs stronger enforcement.
6. **Marty Cohen** spoke about front yard parking. It has been a problem for a long time.

7. **Joe White** believes the problem is parking in the basement not in “attached” garages. We have many such houses today. Is an underground garage a cellar?

8. **David Webster** believes setback and footprints are the main issues along with front yard parking.

9. **Henry Kazarian** believes corner lots create problems for front yard parking. (2 front yards).

On a motion made by James Heigham, the Board unanimously voted to continue the public hearing on the responses to the Demolition Moratorium to October 26, 2004. The Board acknowledged that recommendations will not be ready for the November 29 Special Town Meeting.

8:45 p.m. - Discussion on Potential Side and Rear Setback Amendments

Marty Cohen came before the Board (as a private citizen) to discuss a proposed amendment changing the rear yard setback back to the 2003 requirement. Mr. Richard Betts also sat in on the discussion. According to Mr. Cohen, Mr. Paulsen made a floor amendment at the April 2003 Annual Town Meeting that affected the front and side yard requirements in the LBII and LBIII districts. The amendment referred to buildings that were previously built as a residence but it was only supposed to affect the side yard setback. The Zoning Board of Appeals now has to address the issue. Mr. Paulsen has no problem changing it back. Staff was asked to get an amendment together for it to go to the November 29, 2004 Special Town Meeting and wait a contact from Mr. Paulsen. A notice would have to be placed in the newspaper this Friday October 1, 2004. Therefore, Mr. Paulsen needs to notify

Office of Community Development by Thursday for the Public Hearing to be scheduled for October 26, 2004.

Several present noted the problem with floor amendments (Mr. {Paulsen also made one this past Annual Town Meeting to the revised Section 1.5) to zoning articles and the problems they can cause.

9:00 p.m. There being no further business, the meeting was adjourned.

The next scheduled Planning Board meeting is scheduled for October 26, 2004 in the Board of Selectmen's Meeting Room.