

*Minutes of the May 20, 2019 Regular Meeting of the Planning Board*

WELLESLEY PLANNING BOARD

MONDAY, MAY 20, 2019, 6:30 PM

TOWN HALL – GREAT HALL

MINUTES

*The Planning Board guides the Town of Wellesley in preserving and enhancing Wellesley's quality of life by fostering a diverse housing stock, multi-modal transportation options, valuable natural resources, resilient infrastructure, and a thriving local economy. The Planning Board achieves these goals through the creation and implementation of Zoning Bylaws, policies, long-term planning and by promoting citizen participation in the planning process.*

**Planning Board Present:** Chair Catherine Johnson, Vice-Chair Jim Roberti, Secretary Kathleen Woodward, Patricia Mallett, Frank Pinto, Associate member Sheila Olson.

**Staff Present:** Interim Planning Director Victor Panak

**1. Call to Order**

Ms. Johnson called the meeting to order at 6:30 p.m.

**2. Public Comments on Matters Not on the Agenda**

There were no public comments on matters not on the agenda.

**3. New Applications and/or Public Hearings**

*Materials distributed to, and considered by the Planning Board regarding this agenda item are retained with the official set of minutes available at the Planning Department Office.*

Present: Resident Sheila Nugent, Resident Stanley Brooks, Resident Martha Collins

- a. Public Hearing – Proposed Amendment to the Zoning Bylaw for 2020 Annual Town Meeting to Amend Section 4 by placing limits on the size of structure that may be constructed, altered, or enlarged in the General Residence District – *expected continuance without discussion to September 16, 2019 Planning Board Meeting.*

Mr. Panak stated that the Citizen's Petition presented limiting the TLAG that appears in the Large House section of the bylaws to 3,600 square feet per structures on lots greater than 10,000 square feet but less than 15,000 square feet; 4,800 square feet for lots greater than 15,000 square feet, but less than 20,000 square feet; 6,000 square feet for lots greater than 20,000 square feet or less than 30,000 square feet, and 7,200 square feet for lots greater than 30,000 square feet. The intent is to set square footage limitations on the size of buildings that can be constructed in the general residence

districts and the square footage limitations are based on the size of the lot which that structure would be placed.

Mr. Panak stated that the public hearing was being opened at this meeting and the hearing would be continued to September 16, 2019 when additional Wellesley residents would be available to attend the public hearing and voice opinions.

Ms. Johnson commented that at the recent Town Meeting, Article 37 regarding Dexter Road, prompted much concern by Town Meeting members regarding the size of house construction in the general residence district. She added that there are many neighborhoods represented on this petition and the proposed amendment will be further studied during the summer. She mentioned that the Board would not be discussing any related topics at this meeting, but did want to hear resident comments tonight.

At this time, Ms. Johnson opened the Public Hearing.

Resident Sheila Nugent, 21 Wellesley Avenue, one of the petitioners said she was one of many residents, reacting to the Dexter Road and Brook Street construction proposals for large homes.

Resident Stanley Brooks, 7 Madison Road, commented on disclosure and stated that he is an attorney who handles zoning issues and works with various Town boards. He said that he was a former member of the Planning Board and had no financial/other interest in connection with this zoning petition.

Mr. Brooks asked the Board if they agreed that the filing and notice of this petition created a de facto zoning freeze in the general residence districts. Mr. Brooks maintained that if this article passes at Town Meeting, a property owner who exceeds the prescribed proposed guidelines, could potentially have to tear down a newly constructed home. He opined that by filing this petition in April, it could force compliance.

Ms. Johnson responded that the Board has not deliberated or discussed this aspect. She stressed that the research process must start early and the purpose of starting something now would allow for the dissemination of information during the summer and suggested studying the number of lots currently involved. She noted that such data reporting requires time to assemble and the Planning Dept. is currently without a director and is losing a staff member to maternity leave.

Mr. Brooks commented that this might be a question for Town Counsel and because this is a citizen's petition, and there is an obligation to advertise and start the hearing within 60 days, otherwise there might be some repercussions.

Ms. Johnson commented that 60 days from an April filing could put the hearing into summer school vacation time. Mr. Brooks stated that he recognizes that the Board

has no control over when the petition was filed, but feels that the public should be made aware that the petition was submitted and that the public hearing had commenced..

Resident Martha Collins, 17 Rice Street, stated that she lives on a general residence lot and reiterated Mr. Brooks' comments. She affirmed that direct mailing should be the advertised mode for residents living in general residence lots, as it does affect resident's property values. Ms. Collins stressed that communication and consistency in relation to lot size on a percentage basis, is imperative.

Ms. Johnson responded that the lot size percentage was applied to Ms. Collins' property some time ago and stated that such data is what the Board needs to study in order to determine if these numbers are accurate or need amending in an appropriate fashion.

Mr. Roberti noted that the Board is reacting to this proposed article, as are the residents.

**Ms. Johnson asked for a motion. Mr. Roberti moved to continue the public hearing on the proposed amendment to the Zoning bylaw for the 2020 Town Meeting in relation to amending Section 4 by placing limits on the size of structures that may be constructed, altered or enlarged in the general residence district. The public hearing would be continued to September 16, 2019. Ms. Woodward seconded the motion. The Board voted unanimously (5-0) to support the motion.**

#### **4. Continued/Previous Applications and/or Public Hearings**

*Materials distributed to, and considered by the Planning Board regarding this agenda item are retained with the official set of minutes available at the Planning Department Office.*

- a. Consider LHR 19-01 Large House Review for 26 Oakridge Road - *Continued from 5-6-19 Meeting*

Mr. Panak explained that the applicant requested that the public hearing be continued to the June 17, 2019 meeting. The applicant confirmed and accepted that continuance would extend the application deadline to June 17, 2019.

**Mr. Roberti moved to continue LHR 19-01 Large House Review for 26 Oakridge Road to June 17, 2019 and the action deadline to be continued to June 17, 2019, as well. Ms. Woodward seconded the motion. The Board voted unanimously (5-0) to approve the motion.**

- b. Consider LHR 19-17 Large House Review for 14 Strathmore Road – *Continued from 5-6-19 Meeting*

Mr. Panak stated that the applicant is scheduled to be before the Design Review Board this week, and the Board could continue review of the project to the June 3, 2019 meeting without extension of the June 5<sup>th</sup> deadline.

**Mr. Roberti moved to continue LHR 19-17 Large House Review for 14 Strathmore Road to the June 3, 2019 meeting. Ms. Woodward seconded the motion. The Board voted unanimously (5-0) to approve the motion.**

## 5. Other Business

Present: David Gallagher and Devra Bailin, Applicants for Planning Director

### a. Planning Director Interviews

#### i. *David Gallagher*

Mr. Gallagher introduced himself and received questions from Board members:

Ms. Mallett asked about the issues that Mr. Gallagher would anticipate if he became Planning Director for Wellesley. Mr. Gallagher responded that achieving the 10% affordability goal would be the primary objective, while maintaining the character of the Town.

Mr. Roberti asked what special expertise/skills did Mr. Gallagher possess. Mr. Gallagher responded that all phases of Management within the municipal and state government assignments, exemplified his skills.

Ms. Mallett mentioned that at the Wellesley Planning Department staffing is rather thin and wondered how Mr. Gallagher would perform in that setting. Mr. Gallagher replied that he believes in leadership by example and would take on as much as the staff would be expected to do.

Ms. Johnson commented that in Wellesley, the Planning Director is the person to lead something forward and that ultimately, the Planning Director works for the Planning Board and that the Planning Board and the director may or may not agree. She asked the applicant how comfortable he felt with that type of balance. Mr. Gallagher responded that he was comfortable with that for the sole reason that he expects that in a senior management position, he would do whatever needs to be done and would build a rapport with people, which aids in getting things done.

Mr. Roberti asked the applicant if he had reviewed most of the Towns goals. Mr. Gallagher responded that he had and took a site visit around Wellesley Square and was surprised by the amount of parking. He appreciated the important goal of a vibrant downtown and stated that there are many strategies to ensure foot traffic in the Square and mentioned the concept of accessory second floor apartments as secondary usage. He stressed that he was not a believer in huge change.

Mr. Roberti stated that there is not much open land left in Wellesley and asked how the applicant regarded that fact in the historical context. Mr. Gallagher mentioned that a holistic approach is necessary with examination of Town-owned lands. He opined that such parcels could be put out to bid to add low income or affordable housing. He stated that a historical inventory of properties throughout the Town would be advised.

There was discussion of the elementary school project/s. Mr. Gallagher responded that he would likely consider traffic and safe accessibility factors in relation to any school project.

Mr. Roberti mentioned the importance of aging in place in the Town and potential housing that might allow Wellesley seniors to downsize. He queried if Mr. Gallagher had experience in this area. Mr. Gallagher questioned if there would be an appetite for smaller lot size with smaller setbacks so that a smaller-sized houses could be built.

Ms. Woodward asked about the applicant's approach in relation to working with staff to ensure that staff is growing and attaining skills for easy transition for more responsibility. Mr. Gallagher responded that working with staff is not a one-size fits all solution and monitoring/mentoring is very important.

The remainder of the questions focused on the applicant's experience with commercial development planning, rewriting/reviewing of bylaws, Town Meetings and Public Hearings, as well as, a brief discussion regarding the redevelopment of the Talby lot and the Railroad lot. Mr. Gallagher indicated that a cultural center located in the Square area, might be a worthy option.

Ms. Johnson stated that there would be a special meeting of the Planning Board later this week to discuss both applicants interviewed at this meeting.

ii. *Devra Bailin*

Ms. Bailin introduced herself to the Board and received questions from Board members.

Ms. Bailin stated that she is presently the Economic Director for the Town of Needham and has held that position for eight years. She detailed her background in legal practice, land use/zoning and litigation. She served on the Needham Planning Board for fifteen years.

Mr. Pinto asked why the applicant wanted to leave Needham and come to Wellesley, and asked how the role of Economic Development Director related to planning. Ms. Bailin responded that as the Economic Development Director, many of the projects have been completed, and the Town of Needham is considering changing some of the economic proposals by the Economic Council. She affirmed that she is seeking an opportunity for a new challenge and would

like to take on a different role. She detailed that as the Economic Director, the Town of Needham utilizes her background as a land use lawyer and her involvement in the Needham Planning Board and has drafted much of the zoning that Needham has passed. She has strong feelings regarding new business and the concept of inviting people to invest in the Town. She detailed her role and workings with the Needham Council of Economic Advisors, which is appointed by the Needham Board of Selectmen and acts as advisory to them with the goal of promoting and retaining business in Needham.

Ms. Bailin spoke of the Wellesley Office Park mixed usage opportunities and mentioned the importance of down-size housing potential in the Town.

Ms. Woodward spoke of the differences and similarities between Needham and Wellesley and that Wellesley does not have the same commercial landholdings as Needham Highland Ave. area. She emphasized that Wellesley did not want to sacrifice the character of the Town and acting as Planning Director would require a different outlook. Ms. Bailin commented that much of the preservation work she was involved with, took place within the Needham Planning Board.

Ms. Johnson asked Ms. Bailin about her feelings regarding Wellesley's advocacy for preservation, the environment, solar and photo energy sources, stormwater, and sustainability and how she would balance this aspect with development and growth for the Town. Ms. Bailin replied that the commercial aspect in Wellesley needs recharging and stressed the importance of communication between development and permitting, to ensure the character and sustainability of the Town.

Ms. Mallett spoke of the new citizen's petition regarding large houses and questioned Ms. Bailin about it. Ms. Bailin responded that she has been on both sides of that situation and reiterated the importance of open communication in this regard.

Mr. Pinto asked if there is a Design Review Board in Needham. Ms. Bailin affirmed that there was and that the role of Design Review Board was similar to that in Wellesley.

Ms. Mallett asked about community outreach efforts. Ms. Bailin responded that zoning changes/modifications did require extensive outreach.

Ms. Woodward commented that constructive dialogue would be key in Wellesley. Ms. Bailin agreed and recognized that owners have a tremendous stake. Ms. Woodward stated that the former Planning Board Director had an open door policy and maintained a healthy rapport with all and asked how the applicant felt about that. Ms. Bailin responded that unexpected interruptions are normal for her and stated that communications resulting in forms of compromise are often the best solutions.

Mr. Roberti asked the applicant's thoughts regarding the Railroad lot/Post Office area and Talby lot area. The applicant responded that housing over commercial spaces in downtown Needham has not been very successful and housing in

downtown Wellesley would be perfect for those who want direct access to the train, for those wanting to down-size and mixed use with parking and housing would be preferred.

Mr. Roberti inquired about accessory uses and sought the applicant's opinion. Ms. Bailin detailed that Needham's current situation with accessory uses makes provision for family members or caretakers, but both units could not be used as rental units.

Questions were posed to the applicant regarding the new construction of Wellesley elementary schools, her actual formal planning training and planning strategy policy updating, and the reasons for applying for the position of Planning Board Director.

Mr. Roberti asked who the applicant currently reports to. She replied that she reports to the Needham Planning Director. Mr. Roberti asked if the applicant could provide the services of economic directing as well as the Planning Director responsibilities for the Town of Wellesley. The applicant responded affirmatively.

Ms. Johnson stated that there will be a special meeting of the Planning Board later this week to discuss the applicants in relation to the Director post.

a. Continuation of 38 Windsor Road – LHR 19-08 Large House Review.

Present: Resident Marla Robinson, Owners Craig and Allie Pfannenstiehl and Landscaping Architect Rebecca Bachand.

Mr. Panak stated that the case was first reviewed by the Planning Board at the meeting on May 6, 2019 and the Board had several comments/concerns about the project at that time, including submission of the Order of Conditions as provided by the Wetlands Protection Committee. Another suggestion by the Board was to reduce the intensity and modify the lighting, especially around the garage area and replacement of light fixtures to reduce glare and elimination of proposed flood lights. The third suggestion involved updating the operating plan to include maintenance activities for the proposed pervious pavement. The Engineering Department also requested some revisions.

Mr. Panak suggested that the Board approve the Large House Review since concerns had been addressed by the applicant.

Ms. Johnson mentioned that there was comment regarding saving of trees between the driveway and the street.

Mr. Pfannenstiehl presented the screening rendering. Ms. Bachand further detailed the revised tree and planting plan.

Ms. Johnson asked about the TLAG aspect. Mr. Pfannenstiehl replied that the total TLAG is 7,211 square feet as reflected with the new TLAG. Mr. Panak provided neighborhood TLAG comparisons.

Resident Marla Robinson, 33 Windsor Road, stated that her home is directly across the street from the project and she and residents at 46 Windsor Road felt that there was extensive mass. She stated that there are only three homes with 3-car garages in the neighborhood (Abbott Road, Inverness, Lincoln and Windsor). Ms. Robinson supplied pictures of all locations. She noted that of the three homes with 3-car garages, only one of those homes has a second floor over the garage. She noted that there has never been a Large House Review in the neighborhood with the streets that she mentioned. She asked the applicant what the total living area was. Ms. Johnson provided that there was approximately 6,000 square feet of living area.

Ms. Robinson requested that the Board consider if the site location was too far down the hill. She also asked the Board to review 61 Windsor Road, which did not require Large House Review, and its appearance is less imposing. Ms. Robinson stated that she was impressed by the tree plan and requested that those trees be tagged. Ms. Johnson noted that those trees are displayed on the plan and would not be removed.

Ms. Johnson asked the applicant for explanation as to why the house wasn't positioned further up the slope. Mr. Pfannenstiehl replied that changing the position would have required removing more fill, more pavement would be needed, and a thinner vegetation plan would have been presented.

Ms. Mallett commented that although this is a large house, the developer has provided excellent screening and did address the Boards' concerns.

Mr. Roberti commented that he was still not happy with the project and if it were smaller, there would be less issues, and perhaps the garage could be flipped and he would like to see less hardscape in the front of the house. He commented that he would vote "no" on this project.

Ms. Johnson added that the Belvedere Estates represented the gilded era and the houses were classics without fencing. She noted that the challenge of wetlands abutting the rear of the property did not help in relation to the house having to be pulled forward. She felt that the proposed house had a subdivision quality to it.

Ms. Woodward noted that if the house were moved back, it would be closer to wetlands and reiterated that the house is too massive and that a 3-car garage is not necessary. She acknowledged that efforts were made to address the screening.

Ms. Johnson asked if the applicant had to go back before the Historical Commission. The applicant replied affirmatively.

Mr. Pinto mentioned that the Design Review Board approved the plan.

**Ms. Woodward moved that the LHR 19-08 Large House Review for 38 Windsor Road be approved with conditions as set forth in the staff report, as revised and dated for May 20, 2019. Ms. Mallett seconded the motion. The Board voted (4-1); four in favor and one against.**

- b. Review and Issue Recommendation for June 6, 2019 ZBA Cases

*Materials distributed to, and considered by the Planning Board regarding the agenda item are retained with the official set of minutes available at the Planning Department Office.*

*#2019-48 440 Washington Street*

Mr. Panak stated that staff recommend that ZBA grant a special permit for modifications to a pre-existing nonconforming structure. He explained that proposed AC units would require a variance.

Ms. Woodward questioned the status of a variance. Mr. Panak commented that the variance would not be easily given and the applicant would have to prove that the shape of the lot is imposing a hardship. Ms. Woodward questioned the proximity to Lee Field and setbacks. Ms. Johnson noted that Lee Field will be renovated with screening plantings.

*#2019-50 219 Washington Street*

Mr. Panak noted that this building is the Friendly Aide building which represents the renewal of a Special Permit for educational purposes. Mr. Panak recommended that ZBA renew this Special Permit.

*#2019-51 84 Whittier Road*

Mr. Panak explained that the case reflects modifications to a pre-existing nonconforming structure and recommended that ZBA grant the Special Permit.

Ms. Johnson added that this house came before the Historical Commission for a complete demolition and the applicant decided to keep the existing house and build an addition which is consistent with the existing house and its roofing. She commented that this house is a great example of Wellesley character.

*#2019-52 35 Clifford Street*

Mr. Panak explained that the project is a full demolition and rebuild and recommended that ZBA grant the Special Permit.

Ms. Johnson opined that a new structure would be more detrimental due to increased size in height, and felt that a garage could easily be added on the property.

Ms. Woodward stated that she had issues with the dormer over the garage being very heavy. Ms. Johnson added that the proposed building is "all heavy."

Ms. Mallett felt that the proposed house was huge (three times the size of the existing structure) and presents too much of a change.

Mr. Panak stated that this project will be going before the Historical Commission and opined that the necessary waiver would not be granted by the Commission and the Planning Board could recommend continuance or withdrawal without prejudice. Ms. Johnson commented that withdrawal would be the best solution.

*2019-55 42 Longfellow Road*

Mr. Panak explained that that the applicant is seeking an addition of a deck and recommended that ZBA grant a Special Permit.

Ms. Johnson cautioned against “deck creep,” where a simple deck can turn into a four-season porch.

*2019-56 9 Columbia Street*

Mr. Panak detailed that a Special Permit would be required for modifications to a pre-existing nonconforming structure and recommended that ZBA grant the Special Permit.

Ms. Johnson stated that this property does have a three-car garage and suggested that the addition might help mitigate the affect of the garage.

*2019-57 14 Wilde Road*

Mr. Panak detailed that the request involved installation of Mechanical Equipment (AC) and recommended that ZBA deny the variance since the lot is not burdened with unusual circumstances.

Ms. Johnson suggested that the applicant could install the equipment within another area on the lot.

*2019-58 30 Whiting Road*

Mr. Panak detailed that a Special Permit would be required for modifications to a pre-existing nonconforming structure and recommended that ZBA grant the Special Permit.

The Board had no issue with the addition.

## **6. Other Business (Continued)**

### b. Review and Consider Approval of FY20 Planning Board Submittal Calendar

**Mr. Roberti moved to approve the Submittal Calendar for FY 2020. Ms. Woodward seconded the motion. The Board voted unanimously (5-0) to approve the motion, as amended.**

Ms. Johnson commented that the Submittal Calendar is subordinate to the Planning Board Meeting Calendar.

### c. Discuss Addition of Planning Board Member to Planning Department Governmental Membership with the ICC (International Code Council)

Mr. Panak stated that ICC will vote later this year on a new set of building codes. He stated that he has been assigned the Planning Department/Planning Boards governmental member and is able to assign eligible individuals members or staff to be part of a panel that are able to vote on the building codes

Mr. Panak asked which members would like to have ICC voting status. Ms. Johnson commented that the vote is sometime in November. Ms. Woodward nominated Ms. Mallett since the focus is sustainability and resiliency. Ms. Mallett

responded that she would be interested in being a voting member. Ms. Woodward stated that she would be interested in being a voting member as well. Mr. Roberti stated that he would be interested also. Ms. Johnson suggested that a Planning staff member be appointed as the fourth voting member.

- d. Consider Reappointment of Members of the Denton Road NCD

**Mr. Roberti moved to reappoint Matthew Brady as the Planning Board Designee to the Denton Road Neighborhood Conservation District for a term effective July 1, 2018 and to expire on June 30, 2020. Ms. Woodward seconded the motion. The Board voted unanimously (5-0) to approve the motion.**

- e. Discuss Planning Director Candidates

Ms. Johnson suggested that the Board conduct such discussion later in the week. Mr. Panak commented that the Planning Department needs the help of a Director as soon as possible. Ms. Johnson added that there would still be an HR process, including vetting with references and a health check. Mr. Roberti stated that he would want to get a Director in place and felt that the applicants wanted an answer also. Ms. Woodward stated that it was best to move forward on this aspect, while the interviews are still fresh on the minds of the members.

Members agreed to meet on Thursday evening to discuss the Planning Director appointment.

- f. Planning Director's Report

Mr. Panak stated that MA Housing issued their approval for Site Eligibility for the Worcester Street 40B property.

Mr. Panak mentioned that the Wellesley Sports Center is looking to host some summer events, such as summer camps, swimming, and hockey. He mentioned that some conditions of significant impact have not been completed yet, which are required prior to issuance of an occupancy permit. Mr. Panak mentioned that the Sports Club is seeking a temporary occupancy permit which would require some amending of the PSI decision. He added that a likely solution might involve the Board implementing a series of conditions that would allow the Planning Director to authorize issuance of temporary issuance of occupancy, providing that the applicant provide bonding or surety of some kind. He mentioned that this topic would likely be presented at the June 17<sup>th</sup> meeting.

The Board discussed potential safety issues.

- g. Planning Chair Report

Ms. Johnson spoke of the previously discussed reappointment of Sheila Olson for another two-year term as associate member. She mentioned that a joint meeting with the Board of Selectmen would take place on June 3<sup>rd</sup> for the Gateway Initiative Presentation – the Harvard Pilgrim building on Worcester Street. Ms. Johnson

stated that the joint meeting would present a good opportunity for the appointment of Ms. Olson.

Ms. Woodward stated that she has concerns that the Gateway neighborhood has not been contacted. Ms. Johnson opined that it would be a presentation and not a discussion. Ms. Woodward reiterated that she did not want neighbors to feel that they have been excluded from a Gateway discussion.

Mr. Panak recommended sending out postcards to inform neighbors that the Board of Selectmen and Planning Board will have a joint presentation regarding possible redevelopment of the site.

## **7. Minutes**

Ms. Johnson noted that these minutes were the first sets completed by the new recording secretary, Debra Takacs.

Mr. Panak stated that he reviewed the May 6, 2019 and January 9, 2019 draft minutes and felt that he did not perform significant editing. Ms. Woodward mentioned that the minutes looked good.

Ms. Johnson suggested that member changes could be submitted to Mr. Panak by Thursday and then the Board would vote to approve the minutes.

## **8. Adjourn**

There being no other business, Ms. Johnson adjourned the meeting.

MINUTES APPROVED – JUNE 17, 2019

Catherine Johnson

Planning Board Chair