



Watertown Town Council

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ELECTED OFFICIALS:

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President

Michael F. Dattoli,
Councilor At Large

Aaron P. Dushku,
Councilor At Large

Susan G. Falkoff,
Councilor At Large

Anthony Palomba,
Councilor At Large

Angeline B. Kounelis,
District A Councilor

Lisa J. Feltner,
District B Councilor

Kenneth M. Woodland,
District D Councilor

TOWN COUNCIL & PLANNING BOARD JOINT PUBLIC HEARING WEDNESDAY, MARCH 2, 2016 AT 6:00 PM WATERTOWN HIGH SCHOOL SHAW AUDITORIUM 60 COLUMBIA STREET MINUTES

1. ROLL CALL

Council President Sideris called to order the Joint Meeting of the Town Council and the Planning Board at 6:00 p.m. in the Auditorium of the Watertown High School on 60 Columbia St. Mr. Steve Magoon called the Roll. Those present for the Town Council were Councilors Michael F. Dattoli, Aaron P. Dushku, Susan G. Falkoff, Lisa J. Feltner, Angeline B. Kounelis, Anthony Palomba, Vice President Vincent J. Piccirilli, Jr., Kenneth M. Woodland, and Council President Mark S. Sideris. Those present for the Planning Board were Mr. John Hawes, Planning Board Chair, Linda Tuttle-Barletta, and Jeff Brown. Mr. Fergal Brennock arrived at 6:28 p.m.

Others present were Michael J. Driscoll, Town Manager, Steve Magoon, Assistant Town Manager and Director of Community Development and Planning, Gideon Schreiber, and Carolyn Murphy, Town Attorney.

2. REPORT OF COMMITTEES

Committee on Economic Development and Planning [Report on RMUD](#)

Councilor Falkoff moved that the minutes be accepted as written; Councilor Kounelis seconded the motion. The motion was adopted unanimously on a voice vote.

3. [JOINT PUBLIC HEARING](#)

President Sideris reopened the Public Hearing on a request for Zoning Ordinance and Map Amendments to create a new Zoning District, Regional Mixed Use District (RMUD) and to further amend the Zoning Ordinance.

PUBLIC FORUM

Steve Corbett – He stated that he was in favor of the changes, because it was consistent with the Comprehensive Plan and the Town retained control with this ordinance.

Jocelyn Tager – Requested that there be a sustainability amendment to the RMUD ordinance.

Cecilia Lenk – Supports RMUD because it will provide new opportunities for Watertown and help create new environments for the future.

Len Holt – Supports the ordinance and is happy that there will be a destination location in the community.

Janet Buck – Supports the changes and the developers who worked to develop the Hatch project.

Elodia Thomas – Thanked all those involved in making RMUD happen. She would like the Planning Board to provide more public education on the issues when such changes are made.

Chris Toomey – Attorney for Home Depot – Opposed to the creation of multi-family residential units on the Home Depot side. Residents will be subject to 24-hour activity at Home Depot and there are potential issues with residents using the parking lot for parking spaces.

David Leon – As a member of the Watertown Housing Partnership, the organization recommends increasing the Affordable Housing from 12 ½% to 15%. This is consistent with neighboring communities.

Dennis Duff – Concerned about the ordinance because it is changing the character of Watertown with a higher population density subject to the issues of urban sprawl.

Tom Wilder – Felt the ordinance was a collaborative effort and it provided a catalyst to affordable, sustainable housing for the community.

Jim Laughlin – Thanked members for their work.

Burt Greenberg – Raised concerns of having sufficient parking spaces for senior citizens in the area.

Cliff Cook – As a professional planner in Cambridge, he raised a concern about the percentage of work force units that need to be included. Often it is difficult to find people to meet the criteria of work force.

Elodia Thomas – Raised the concern of transportation for the community.

Thomas Gorman – Pleased with RMUD, a balanced document that should be passed.

President Sideris closed the Public Forum.

4. PLANNING BOARD DELIBERATION

Gideon Schreiber, Senior Planner, listed amendments that were suggested to the RMUD Ordinance:

- Seven corrections were suggested by the Town Attorney:
 - a. The Zoning Map should show RMUD as amended

- b. The dimension criteria and ensures that the Special Permit Granting Authority (SPGA) is referenced for the review of setbacks
- c. The fees for the separated parking should be defined as a number
- d. State that the planning language should be for a 10 year expiration date
- e. Make some language changes that are more consistent with Zoning language
- f. Signs facing Greenough Boulevard are not allowed
- g. Planning Board will act as the Permit Granting Authority.
- Increase the Workforce Housing section 2.5% from 12.5% to 15%
- Reinsert the requirement for two public informational meetings
- Make the Mixed Use development Silver LEED
- Certifiable

Mr. Hawes, Chairman of the Planning Board, stated that he would like to see an amendment raising the Affordable Housing from 12.5% to 15%. Ms. Tuttle-Barletta moved that Affordable Housing be increased from 12.5% to 15%; Mr. Brown seconded the motion. The motion was adopted unanimously on a voice vote. Mr. Hawes that the Workforce Housing increase was inappropriate at this time.

Ms. Tuttle-Barletta moved that version 5 of the ordinance be amended to add a provision that a Master Plan Special Permit shall include two public information meetings and shall otherwise follow the procedures set forth in §9.03. The SPGA shall not approve such a Master Plan Special Permit unless it finds that the Petitioner has satisfactorily addressed, at a conceptual level, the ten criteria listed in §9.03(c): Mr. Brennock seconded the motion. The motion was adopted unanimously on a voice vote.

Mr. Hawes took up the matter of making the Mixed Use Development Silver LEED Certified. Ms. Tuttle-Barletta moved to retain the current language as certifiable; Mr. Brown seconded the motion. The motion was adopted unanimously on a voice vote.

5. PLANNING BOARD RECOMMENDATION/VOTE

Attorney Murray stated that item 3 of the seven amendments requiring fees for parking spaces, could be challenged and may be impracticable to enforce. Ms. Tuttle-Barletta moved to adopt Version 5 of the Ordinance and items 1, 2, 4, 5, 6, and 7 of the suggested changes to the 2/5/2016 addendum of Version 5 of the Ordinance and to change in §5.18 (d) 2) by removing the word “must” in the second sentence and replacing it with the words “should, to the greatest extent practicable” and by removing the word “must” in the third sentence and replacing it with the word “should”; Mr. Brennock seconded the motion. The motion was adopted unanimously on a voice vote.

6. TOWN COUNCIL DELIBERATION

President Sideris thanked all who were involved in the preparation of the Ordinance.

Councilor Piccirilli moved to adopt the Zoning Ordinance change as amended and presented by the Planning Board; Councilor Woodland seconded the motion.

President Sideris stated that he would like the Workforce Housing portion to be referred to the Committee on Economic Development and Planning.

Councilor Falkoff thanked the Planning Board for increasing the Affordable Housing to 15% and expressed her support of the change.

Councilor Dushku was enthusiastic about the 15% Affordable Housing change. He would like to see steps taken for the benefit of those eligible for Workforce Housing.

Councilor Palomba supported the 15% change. He is also looking forward to moving 2.5% from 12.5% to 15% affordable housing across all sections of the town.

Councilor Kounelis stated that to have only one section of the community to house 15% of affordable housing is unfair; the standard should be shared throughout the community.

Councilor Woodland stated support for the 15% but stated he shared Councilor Kounelis's concerns.

Councilor Piccirilli stated he would support the 15% change. He felt it was a moral imperative, and it was moving to a standard that is used by neighboring communities.

Councilor Feltner stated it would be better to decide requirements based on master planning for projects, and decide potential tradeoffs or include incentives, but given that the zoning changes are being dealt with first and that the town concerns for affordable housing has increased, she spoke in support of the change.

Councilor Dattoli stated he supported the change. The project would create 400 units, using the new standard, the increase in the number of affordable units would be only 10 units, not a significant increase.

President Sideris mentioned that it appears that the 15% standard will be applied to other projects being built throughout the community.

Councilor Dushku spoke about the benefits of unbundled parking. He moved to reinsert the language regarding parking in the RMUD Ordinance; Councilor Palomba seconded the motion.

Councilor Woodland agreed with advice given by Town Counsel and opposed the change because the language as written could potentially conflict with the owner's contractual rights.

Councilor Kounelis stated that she opposed the motion because there is a need for residential parking.

Councilor Piccirilli stated his support of the change because

- The language does not reduce parking spaces; it requires that it be unbundled
- Almost all large complexes in Watertown are voluntarily unbundling their parking
- Other large owners within the potential district support the language

- If the language needs changes or is not permitted, the requirement can be removed.

Councilor Dattoli raised the following questions:

- Who pays the property tax for the space?
- Is the complex prevented from selling/leasing spaces outside the domain?
- Are there issues relating to sales tax?

The response was that whoever owned the parking space would be responsible for the property taxes. Also there are a number of spaces that will be allotted to the units and cannot be taken away from the development.

Councilor Feltner stated her support for the amendment based on the arguments presented.

Councilor Dushku stated any property tax would be minimal as it would be for 50 square feet. Also the extra spacing could help surrounding residents maintain a needed parking space.

Councilor Kounelis stated a method would need to be created for guests.

Councilor Woodland stated his discomfort comes from the words that the fee would be a reasonable market value. He felt the Town should not be involved in setting the fee.

President Sideris stated his support of the concept but was concerned about violating property owner rights.

Councilor Piccirilli clarified the motion to be the reinsertion of the language from the Kopelman and Paige addendum of February 5, 2016 in paragraph 3.

A roll call was taken with 4 voting in favor and 5 against. The motion failed. Those voting in favor were Councilors Dushku, Feltner, Palomba, and Piccirilli; those voting against were Councilors Dattoli, Falkoff, Kounelis, Woodland, and President Sideris.

Councilor Woodland moved to reinsert language that was removed at the January 28, 2016 RMUD meeting regarding the buffer zones in §5.18.c.7. There being no second, the motion failed.

Councilor Palomba moved to increase the sustainability requirements from LEED certifiable to the Silver LEED certifiable; Councilor Feltner seconded the motion.

Councilor Falkoff asked the Planning Board to clarify their reasons for not seeking Silver. It was pointed out by the Board that this may not guarantee a better sustainability, that it is difficult to measure at the planning stage, and that other factors may be more important such as Stormwater control.

Councilor Dushku stated he felt energy efficiency should be encouraged and that cost savings come back to the owner later.

Councilor Falkoff wanted to know if there is a downside to making the change. Mr. Magoon stated that the Town's sustainability priorities may differ from the Silver LEED priorities.

Councilor Palomba stated LEED certifiability is 1 of 10 criteria the Planning Board needs to consider and was uncertain why the Board felt that both the Silver LEED level and the Town's needs shouldn't be applicable. Chairman Hawes stated that the difficulty lies in the enforcement and the planning into a project. Mr. Magoon further added that it is challenging to verify if the sustainability meets the Silver level but it can be done.

Councilor Woodland stated the item was voted down 3-0 in Committee because an increase in points does not guarantee an increase of sustainability, a goal that all are in support of; therefore, he would not support the change.

Councilor Dushku stated that if something is required, it will be enforced. Mr. Magoon agreed.

Councilor Palomba stated that the 3-0 vote referenced previously was based on whether the project would need to be Silver certified v. Silver certifiable. He further stated that if the Town does not feel that there is more sustainability by achieving the higher points, then why is the Town using these standards.

Councilor Feltner asked for a clarification from the Planning Board. She stated that it seems as if the Planning Board would not be able to determine the difference between a LEED and Silver LEED certifiable project during their review process, and therefore it is not something they would consider a good indicator for judging sustainability. Mr. Schreiber explained that the criteria is the same but that certified requires that the project be certified by LEED upon completion while certifiable does not.

A roll call vote was taken; the motion passed with 5 voting in favor and 4 against the motion. Those voting in favor were Councilors Dattoli, Dushku, Falkoff, Feltner, and Palomba. Those voting against were Councilors Kounelis, Piccirilli, Woodland, and President Sideris.

Councilor Feltner asked if the provision requiring a periodic review of the TDM plans were included. Mr. Magoon stated that the enforcement would not be feasible to complete.

Councilor Dushku stated that there should be a method of requiring owners to adhere to the TDM goals, which should be quantifiable and measureable. President Sideris stated that there would be a referral later.

7. TOWN COUNCIL VOTE

Councilor Piccirilli amended his original motion to adopt the RMUD Ordinance as amended by the Planning Board to adopt the RMUD Ordinance as amended by the Planning Board and as further amended by the Town Council; Councilor Falkoff seconded the motion.

Councilor Kounelis supports the RMUD Ordinance for the Arsenal Project but it should not apply to the other lots along Arsenal Street; therefore, she will not support the Ordinance.

Councilor Feltner stated that the ideal situation is to not only create or identify a district but also master plan each district before zoning is written; but the realistic version is that planning is spurred on after a developer shows up, so she is happy that the RMUD zoning includes this new master plan application process. She further stated that she would like to see the town turn this process around so that it could be one step ahead or more of these development pressures, given this critical juncture and need to kick-start public master planning of Watertown and Coolidge Squares. She stated that she would work collaboratively with all stakeholders to produce planning recommendations that support well-balanced, synergistic and sustainable design, in context and which makes sense for the Watertown community as a whole.

Councilor Palomba addressed Councilor Kounelis's concerns that the language can be changed in the future if there is a need to do so.

Councilor Dushku stated his support for the Ordinance and for people's involvement in the process to improve the final language.

Councilor Dattoli raised concerns about the traffic increase and that no comprehensive traffic study was completed for Arsenal St. He also felt that there was too much responsibility being placed on the Planning Board.

Councilor Falkoff stated that this ordinance has been scrutinized closely. It may not be perfect; however, she is looking forward to seeing it implemented by the Planning Department. If there are problems, they can be reviewed while the community continues to work on the issues of transportation, solar energy, and affordable housing.

Councilor Piccirilli stated that historically zoning changes are made based on community needs and times. He stated that this was a strong community effort and should be implemented.

President Sideris thanked all of those involved in the creation of the Ordinance. A lot of work was done with the idea of what is best for the community.

Mr. Magoon called the roll. The motion passed on a vote of 7 for and 2 against. Those voting in favor of the motion were Councilors Dushku, Falkoff, Feltner, Palomba, Piccirilli, Woodland, and President Sideris; those voting against the motion were Councilors Dattoli and Kounelis. The RMUD Ordinance passed.

Councilor Piccirilli moved to refer to the full Town Council for discussion the question of how to increase Affordable Housing to 15% in the Watertown Zoning Ordinance; Councilor Feltner seconded the motion. It was adopted unanimously on a voice vote.

Councilor Piccirilli moved to refer to the Ad Hoc Transportation Committee the discussion of Town-wide Traffic Demand Management issue; Councilor Feltner seconded the motion. The motion was adopted unanimously on a voice vote.

Councilor Piccirilli moved to refer to the Economic Development and Planning Committee the discussion of how to assist and encourage small business; Councilor Dattoli seconded the motion. The motion was adopted unanimously on a voice vote.

8. ADJOURNMENT

Councilor Piccirilli moved to adjourn the meeting; Councilor Woodland seconded the motion. The motion was adopted unanimously on a voice vote. The meeting adjourned at 8:42 PM.

[ADDENDUM](#)

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted by a vote of 9 for, 0 against, 0 present on August 9, 2016.

Mark S. Sideris, Council President
s/MWP