NEEDHAM PLANNING BOARD MINUTES

June 6, 2023

The Needham Planning Board meeting, held in person at the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, June 6, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Ms. McKnight and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in a hybrid manner per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does not include any public hearings and public comment will not be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Decision: Special Permit Amendment No. 2017-01: Sira Naturals, Inc., d/b/a Ayr, of 300 Trade Center, Suite 7750, Woburn, MA 01801, Petitioner (Property located at 29-37 Franklin Street, Needham, MA). Regarding proposal to eliminate the "appointment-only" operational requirement for the facility.

Mr. Block stated, in section 3.4, he would like to have a name and phone number posted on a sign outside the building. The purpose is to be able to reach the person-in-charge if any issues arise. Robert Smart, the applicant's attorney, stated signage inside only should be fine. Mr. Alpert suggested the sign be posted right inside when people walk in. Ms. McKnight noted pages 2 and 3, Section 1.3 refers to "By amendment decision." She thinks it should be "amendment to decision." Also, the same change should be made in Section 3.1. She clarified that in Section 3.4 the only change would be to insert "and phone number." Mr. Block noted Section 4.1 and asked if it should be eliminated. Ms. Newman stated it is a standard condition, but not applicable here, and thus could be eliminated.

Mr. Alpert noted Section 3.3. The Board got comments from neighbors about people still smoking outside the facility. He suggested taking out "on site" after "trash" and add "and on the sidewalk and street parking spaces adjacent to the site." Mr. Block stated the question is does the boundary of the property include the on-site spaces. Mr. Smart stated there are a number of on-site spaces. No more than half the spaces on site are used. It is burdensome for his client to monitor spaces on the street. Mr. Crocker stated there is a problem having the applicant police the public roadway. Mr. Alpert noted the spaces assigned are adjacent to the applicant's property. Mr. Smart does not think there are any on-street spaces adjacent to the property.

Ms. McKnight stated Section 1.1 describes "subject property" and includes a parking easement at 55 Franklin Street. She feels "subject property" should be used rather than "site" so it says "will include all spaces on site and on easement…" This was agreed. In Section 3.3, it should say "The Petitioner will continue to walk the entire subject property daily to ensure that there is no trash or smoking on the subject property and on the sidewalk and parking spaces adjacent to the subject property." All agreed. Mr. Block noted Section 3.3 was there twice.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the four members present unanimously:

VOTED: to GRANT the following requested amendment to Special Permit No. 2017-01, dated June 13, 2017, amended October 18, 2022; permission to eliminate the "appointment-only" operational requirement for the facility permanently; subject to and with the benefit of the following Plan modifications, conditions and limitations.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the four members present unanimously:

VOTED: to approve the decision as modified by the discussion tonight.

Discussion of Planning Board Goals & Priorities, Planning for October Special Town Meeting.

Mr. Block feels this discussion should be suspended until Ms. Espada is able to participate. It will be rescheduled for the next meeting.

Sign Agreement: Belle Lane Definitive Subdivision: Annemarie von de Goltz, Trustee, 634 Charles River Street Realty Trust, 420 Lakeside Ave., Marlborough, MA, Petitioner (Property located at Map 305, Lot 23, off of Charles River Street, Needham, MA).

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a vote of the four members present unanimously:
VOTED: to agree to, and sign, the Belle Lane Agreement Amendment as presented in the packet this evening.

Board of Appeals – June 15, 2023

72 School Street – 72 School Street, LLC, applicant

Mr. Block noted the applicant is adding a second floor over a day care center. Mr. Alpert stated that is as of right due to the Dover Amendment. The Board of Appeal application is only for parking.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the four members present unanimously:
VOTED: "No comment."

Minutes

Upon a motion made by Mr. Crocker, and seconded by Mr. Alpert, it was by a vote of the four members present unanimously:
VOTED: to approve the minutes of 3/3/23 as in the packet.

Ms. McKnight noted on the minutes of 3/7/23, on page 1, the word "demonstration" is in front of "pub". Mr. Alpert suggested looking at the plans and see if there is another word there. Ms. McKnight noted if no other word is there it should just say "pub." On page 6, in the discussion regarding ADUs, Heidi Frail said, "she is against what they originally want to do." She does not know what this means and proposes deleting the sentence. Mr. Block thinks she was referring to the higher number of homes with smaller lots, but it can be removed. Ms. Clee noted the plan calls it a pub. The word "demonstration" will be removed. Ms. McKnight noted on page 7, after the close of the hearing, at the end she did a lot of editing. The members reviewed the edits.

Mr. Alpert noted typos with the red lining. He added with the sentence for FAR and lot coverage "He realized that…" should be added. Mr. Block stated the next paragraph should be modified. The building code cannot be changed but the By-Law can be changed in October. After "He would be ok with a detached ADU not compliant with setbacks" he suggested adding "for primary dwellings."

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a vote of the four members present unanimously:
VOTED: to accept the minutes of 3/7/23 with red line changes previously submitted and further changes as discussed this evening.

Report from Planning Director and Board members.

Ms. Newman stated she is working with Katie King to get an application into the state for funding for a consultant for the MBTA Communities law compliance effort. The request is for $100,000. If their request is approved, only $15,000 of the $50,000 planning department money would need to be used. Ms. Clee stated they should know in the next 30 days. Ms. Newman noted they have applied for this to cover consultant costs.

Correspondence

Mr. Block noted the following correspondence for the record: a letter, dated 5/26/23, from Climate Action Planning Committee Chair and Vice-Chair Stephen Frail and Nicholas Hill; and a series of correspondence regarding 888 Great Plain Avenue including an email, dated 6/1/23, from Jeremy Dies; an email, dated 6/1/23, from Kimberly McCollum; an email, dated 6/1/23, from Glenn Mulno and an email, dated 6/1/23, from Rebecca Keller Scholl.

Vote to adopt the charge and the composition of the Housing Needham (HONE) Advisory Group.

Mr. Block noted there will be an ad hoc committee established to achieve Town compliance with MGL Chapter 40A, Section 3A (the MBTA Communities law). There will be 9 voting members for a 2023-2024 term with the expectation to send articles to Town Meeting to the October 2024 Special Town Meeting, rather than the May 2024 Annual Town Meeting as previously discussed. The members of the committee will be regarded as special municipal employees and will be dealing with school, public works, public safety and other town departments. There will be a member of the Select Board and of the Planning Board who will be co-chairs; and additional members who will be a second Select Board member and a second Planning Board member, a member of the Finance Committee, and a tenant and a committee member at large to be appointed by the Select Board. The Planning Board will appoint 2 additional residents as members, and he would modify it to say, "an architect, land use planner, land use attorney or Real Estate developer" and have any two of those. Mr. Alpert assumes the appointees must be residents. Ms. Newman stated that is correct. Mr. Alpert feels there may be a problem finding a land use planner or land use attorney. An attorney would not be able to represent in front of the ZBA as a special appointee. Mr. Block stated he wrote the composition of the change, and the Select Board will do the same. At the next meeting the designees will be voted. Ms. Newman stated people will apply and the Planning Board will vote once that is done. Mr. Alpert feels this will probably not be ready to vote on appointments until the July meeting. He would like to see 2 separate occupations rather than, for example, 2 architects or 2 land use planners. All agreed but would need to see who applies. Ms. McKnight's preference would be to keep separate bullet points and add one real estate developer or one real estate attorney to be appointed by the Planning Board. Mr. Alpert suggested just saying 2 out of the 4 and see who applies.

Mr. Alpert asked where, in the committee charge, "including but not limited to inclusionary zoning (affordable housing requirements) and parking requirements" came from. Mr. Block noted the language came from Assistant Town Manager Katie King. Mr. Alpert stated that the MBTA Communities law requires multi-family housing to be a use as of right. He is not sure the parking minimums could be limited. Mr. Block noted it was a valid question. As part of the public policy, it will bear out what would be allowed by right and what would be by special permit above that. Mr. Alpert stated the use would be as of right but it would have site plan review.

Mr. Block stated the committee will update the Finance Committee, the Planning Board and the Select Board throughout the process with deliberations and community feedback. With the Housing Plan Working Group, feedback was not given to Working Group members Ms. Espada or Ms. McKnight to take back to the Group. The Committee will recommend draft zoning to the Select Board and Planning Board to submit to Town Meeting and DHCD. Mr. Crocker stated it is perfectly reasonable to have the MA Department of Housing and Community Development (DHCD) involved in the process as proposed. Ms. McKnight noted September to March would be community engagement, then the rezoning proposal would be submitted to DHCD for review. It does not require DHCD advice prior to Town Meeting action, but it seems to be good to take advantage of it during the process rather than waiting until the end of 2024 when the final rezoning must be submitted to DHCD for approval. Mr. Alpert noted the timeline is very tight. DHCD requires 90 days for review. He does not want to give the community the impression the Planning Board has already made a decision. He feels it may give that impression with this timeline.

Mr. Crocker suggested starting in September with public meetings. He does not see how that would be perceived as premature decision-making. Mr. Block stated this timeline is a draft and any suggestions should be sent along. Ms. McKnight stated she would like to serve on this committee. She spent 450 hours on the Housing Working Group from October 2021 through the end of 2022. She is willing to put that kind of effort on this. She stated she will not be running again in April 2023 for the Planning Board. She could say most of the work would be done by the end of March or she could be named as an off-board Planning Board designee if she is already off the Board before the committee work is done. She feels they could say "Planning Board member or designee." Mr. Alpert stated something needs to get out for people to submit applications for this committee. Ms. McKnight noted the Planning Board member who is appointed co-chair should be a member. Where it says Planning Board member she feels "or designee" could be added.

Mr. Alpert noted there will be substantial work to be done after the 2024 Town election and the zoning language will probably not be done by then. He is questioning the feasibility of Ms. McKnight serving due to the timing. Ms. McKnight commented if it says "designee" she could continue. Mr. Alpert stated that language could be added at a later time, but a vote should be taken tonight and presented to the Select Board and he feels that is a substantial change that has not been discussed with Assistant Town Manager Katie King or the Select Board. If this were coming from the Select Board to them with this substantial change the Planning Board members would be upset. Mr. Crocker sees no issue with Ms. McKnight continuing after the election serving in an advisory manner after she is off the Board. Ms. McKnight stated they could make any necessary changes in April when the time comes.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the four members present unanimously:
VOTED: to approve the composition and charge of the HONE committee with the one change made of combining and adding the real estate land use attorney or developer alternative.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the four members present unanimously:
VOTED: to adjourn the meeting at 8:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Jeanne S. McKnight, Vice-Chairman and Clerk