

NEEDHAM PLANNING BOARD MINUTES

January 9, 2018

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Vice-Chairman, on Tuesday, January 9, 2018, at 7:00 p.m. with Mr. Jacobs and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman.

Mr. Alpert noted Chairman Ted Owens was not in attendance due to illness.

Discussion of Accessory Apartments

Ms. Newman noted Karen Sunnarborg, Community Housing Specialist, was ill so this discussion will be postponed.

Discussion of Zoning for the May Annual Town Meeting.

Mr. Alpert noted there are 2 zoning articles. There is a draft article for Town Meeting stating recreational marijuana will not be allowed in any residential or business districts in Needham. The other article is for the Neighborhood Business Overlay District. This is from the Route 128 overpass through to the Charles River along Central Avenue. He asked Ms. Newman what the timing was. Ms. Newman noted, ideally, she would like to hold a hearing in February. She would like to get the article to the Selectmen as quickly as possible, preferably before January 23.

Mr. Jacobs noted the recreational marijuana article was drafted at the request of the Selectmen; the Planning Board did not initiate this. Ms. McKnight responded that the Planning Board initiated it but sought the Selectmen's input. Mr. Jacobs stated the draft appears to do what the Planning Board wants it to do. Mr. Alpert asked if this was the direction the Planning Board wants to go. Ms. Grimes stated it is and she would like to move forward with this. Ms. McKnight and Mr. Jacobs agreed.

Ms. McKnight stated she has attended 3 forums on the subject and reported back to the Board. The Board considered the MA Cannabis Commission's draft regulations and it is up to the Town as to how they want to proceed. She feels a sufficient amount of work has been done to be able to move forward. Mr. Alpert stated he would like a formal opinion from the Board of Health. Ms. McKnight added the Youth Commission, also. Ms. Newman will invite the Board of Health and the Youth Commission to a hearing.

Mr. Jacobs asked what, for a point of reference, was the quantum of vote in Needham when legalizing recreational marijuana was on the referendum ballot. Ms. Newman will get the information on the actual vote. Ms. McKnight asked if the marijuana establishment definition expressly includes marijuana cultivators, craft marijuana and individual testing labs. Mr. Alpert stated the major reference is to the definition of "marijuana establishment" in the state statute. He asked if the Board wants to add express reference after Section 1. Ms. McKnight feels it is worthwhile to have that language. In the Medical Marijuana Article the Board spelled out the entire definition of medical marijuana and medical marijuana dispensary. A discussion ensued.

Mr. Jacobs noted the last sentence starting "Needham being a town..." is awkward where it is. That sentence should be at the beginning or the end. Mr. Alpert noted it was not part of the definition. Mr. Jacobs proposed that an initial section of "Whereas..." should be added at the beginning. Ms. Grimes agreed with an introductory paragraph. Mr. Jacobs suggested in the sentence that starts "Needham being a Town..." the word "against" should be changed to "on."

Mr. Alpert noted the 6th line should end at "as defined below)" and delete "which." He commented he is against the substance of this zoning article. He thinks the voters statewide have spoken against any town basically saying people have to go to other towns to purchase marijuana. He also disagrees with the concept of stating that having

a ballot question that did not specifically raise a vote on this kind of town-by-town prohibition can be used as a mechanism for a town. However, this is a democratic process and he will vote in the affirmative to send to the Selectmen to go to Town Meeting.

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the four members present unanimously:

VOTED: to move this Article to the next phase to refer to the Selectmen and have the Planning Director schedule hearings.

Ms. Newman noted Article 22 will be voted at the next meeting but she needs input from the Board. This article would allow an apartment or multi-dwelling on upper stories above a non-residential use allowed by right provided the applicant meets the density requirement of the A1 District. Mr. Alpert reviewed the process. Michael Panella, owner of the 40 Central Avenue property, introduced himself. Mr. Alpert stated he would like to give Mr. Panella's attorney a chance to look at this in case he wants something more expansive. This will be discussed at the next meeting.

Board of Appeals – January 18, 2018.

Hairuo Peng and Xiandong Nie – 141 Lexington Avenue.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:

VOTED: "No comment."

MRR Holdings, LLC – 322 Hunnewell Street.

Ms. Newman noted her understanding that this property lost its nonconformance status under Mass General Law. In 1966 a portion of the property was sold off and the applicant received Approval Not Required (ANR) endorsement of the land division plan.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by two of the four members present (Ms. Grimes and Mr. Alpert voted in the negative):

VOTED: to comment the Planning Board feels the Zoning Board of Appeals should be satisfied the 1966 sale of a portion of the land does not affect the previous existing non-conforming status.

The Planning Board was unable to provide comment because an affirmative motion could not be obtained by the four members present.

Minutes

Ms. McKnight noted on the 7/11/17 minutes, page 1, "Needham Heights Business Association" should be "Needham Heights Neighborhood Association", "their membership" should be "its membership" and correct the typo after "CEA" to "is." A new paragraph should be started at Highway Commercial 1, there is an extra space between "land" and ",", "the views of the neighbors' comments" should be "in view of the neighbors' comments" and the next paragraph should be started at "Reservoir Street." Ms. McKnight noted a new paragraph should be started at "These recommended changes" and in the second to last line close the) after "considered." In the 2nd paragraph, move the last sentence to the next paragraph, in the last paragraph add "owner" after "no business" and on page 3, "one of her concerns" should be "one of Ms. Grimes' concerns."

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the four members present unanimously:

VOTED: to accept the minutes of 7/11/17 as amended.

Mr. Jacobs noted on the minutes of 11/14/17, 1st page, 3rd paragraph, should be "increase in height" not "increase in enrollment" and on page 2, change "made" to "make."

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:

VOTED: to accept the minutes of 11/14/17 with the changes.

Correspondence

Mr. Alpert noted a copy of a legal notice from the City of Newton regarding zoning.

Report from Planning Director and Board members.

Ms. Newman noted she wanted feedback on the Normandy project. There is a tenant for the hotel and the applicant wants to change the model so it is not so much suites as individual rooms. The height will be reduced by one story. There is a slight increase in the first floor lobby space. She asked if this was going to change the parking calculations but it will not. She asked how the Board wants to process the permit. Under Section 3.9, it is to be built as shown on the plan. The applicant is concerned about a formal process and wants to come in under design guidelines.

Ms. Grimes stated she has spoken with Attorney Roy Cramer, representative for the applicant. There is no parking change, the number of rooms is the same, the floors have been lowered to one story less and the lobby is only 1,000 square feet larger. She feels this should be done as easy as possible. Mr. Jacobs stated it is a risk to the applicant either way. Mr. Alpert commented he feels a minor modification request would be fine once the Board hears everything.

Ms. Grimes stated she has pulled her papers to run for reelection.

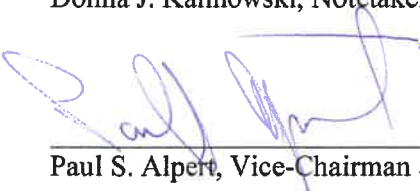
Ms. Newman stated she got signatures from the bank and owner on the Tri-partite agreement for Belle Lane.

Mr. Jacobs stated that in general he does not feel how he can be a part of a planning project that is going to likely lead to a hearing and need permits and a decision from us. This puts the Board in an awkward position, as they are already invested in it. He is always very leery about that and does not want to be put in that position. He wants the Selectmen to appreciate the potential conflict.

Upon a motion made by Mr. Jacobs, and seconded by Ms. Grimes, it was by the four members present unanimously:

VOTED: to adjourn the meeting at 8:40 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Paul S. Alpert, Vice-Chairman and Clerk