

NEEDHAM PLANNING BOARD MINUTES

August 26, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Wednesday, August 26, 2020, at 7:30 p.m. with Messrs. Jacobs, Alpert, Owens and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of people expected to be on the agenda. She noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. She reviewed the rules of conduct for zoom meetings. This meeting will include no scheduled public hearings and will not allow public comment. She noted if any votes are taken at the meeting the vote will be conducted by roll call.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to automatically continue the meeting to 9/8/20 at 7:30 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight.

Planning Board Recommendation on Zoning Articles for October 2020 Special Town Meeting.

Article 1: Amend Zoning By-Law – Avery Square Overlay District

Article 2: Amend Zoning By-Law – Map Change to Avery Square Overlay District

Ms. McKnight noted the amended Articles have been circulated to the Board members. She reviewed the changes that were made. In Article 1, page 2, Section 3.15.3.1, correction of a typo to capitalize Accessory and on page 3, Section 3.15.3.2(d), Special Permit uses has been reworded. In Section 3.15.4.1, building height, the Overlay allows a 4th story with limitations. If the use changes, the 4th story would not be allowed to be used. Mr. Jacobs noted in Subsection (b), it should remain unoccupied "for such use." Evans Huber stated that is intended if the independent, assisted and memory care units are not in there. If LCB went out of business and office went in there the 4th floor could not be used. It does not have to be removed but it cannot be used. Mr. Jacobs has no objection to changing "such" to "any."

Mr. Huber recognizes the concern but changing "such" to "any" creates an ambiguity. It implies it can never be used again for any use. Mr. Alpert noted it can be used with a Special Permit. Mr. Block asked if the intent of the language is to allow the 4th floor use only for the Senior Living use. Mr. Huber stated only for the Senior Living use or in the future by Special Permit if a Special Permit is granted. Mr. Block sought clarification as to whether, if LCB is no longer in business they may be able to use the 4th floor if a Special Permit is approved by the Planning Board. He asked if Town Counsel was ok with the language. Ms. Newman stated the language represents the final language for the Warrant. A motion was made to change the word "such" in Section 3.15.4.1(b) to "any." Mr. Block asked for clarity as to whether this is Mr. Huber's understanding. Mr. Huber stated they are on the same page in terms of what the goal is. His only concern with the change is this creates an ambiguity. It says the 4th story would remain unoccupied for any use. He asked if that would be for perpetuity. Mr. Owens suggested instead of changing "such" to "any" add "different use" after "such." Mr. Jacobs amended his motion to say "for any use without a Special Permit."

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to change the language in Section 3.15.4.1(b) to state "for any use without a Special Permit."

Mr. Alpert explained that the zoning amendment allows the 4th floor to be increased in height and to allow an increase in FAR to allow a 1.1 FAR. Ms. McKnight noted on page 4, delete the word "existing." In Section 3.15.4.2, remove "such as are" per the Acting Town Counsel. Ms. Newman noted on page 5, revisions were done

to allow for a reduction in percentage of affordable units below 12.5%. Section 1.3 allows for a reduction in number of affordable units, if allowed, for people with lower incomes (at or below 50% of the median income).

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the changes to wording in Article 1 with the amendment to the wording approved earlier.

Ms. McKnight stated at the bottom of page 8 an explanation was added regarding the previous discussion regarding use of the 4th floor. Ms. Newman noted the additional change in the 2nd paragraph. Ms. McKnight suggested adding the word “proposed” after 55 and 28 (referring to assisted living units and memory care units).

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to add the word “proposed” after 55 and 28.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to adopt the 2 major changes to the text document.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to recommend to Town Meeting the adoption of Article 1 with the changes voted tonight and Article 2 unchanged from the prior drafts.

ANR Plan – 770 Chestnut Street LLC, Petitioner (Property located at 770 Chestnut Street, Needham, MA).

Ms. Newman stated she received an email from the proponent with the intent to withdraw the application without prejudice. There is no formal letter yet. A motion was made to accept the applicants request to withdraw without prejudice in the event the letter is received and if no letter is received the application will be denied. It was suggested the letter be received by a specific date. Ms. Newman suggested 9/2/20. Mr. Block asked the purpose of the application and the purpose of the withdrawal. Ms. Newman noted the applicant wants to subdivide his lot into 2 lots with access off Heather Lane. Heather Lane is not created yet. The applicant will resubmit after the road is constructed.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the applicants request to withdraw without prejudice in the event the letter is received by 9/2/20 and if no letter is received the application will be denied.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 8:38 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk