

NEEDHAM
ZONING BOARD OF APPEALS
MINUTES
THURSDAY June 15, 2023– 7:30 PM
Approved July 20, 2023

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 869-6475-7241 https://us02web.zoom.us/j/86964757241
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Pursuant to notice published at least 48 hours prior to this date, a hybrid meeting of the Needham Board of Appeals was held at the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham and remotely on Zoom on Thursday, June 15, 2023 at 7:30 p.m. Jon D. Schneider, Chair, presided and the following members were present: Jonathan D. Tamkin, Vice-Chair; Howard S. Goldman, and Peter Friedenber. Absent: Nik Ligris. Mr. Schneider opened the meeting at 7:30 p.m.

Minutes - Mr. Tamkin motioned to approve the minutes of May 18, 2023. Mr. Goldman seconded the motion. The motion was unanimously approved.

Case #1 **72 School Street** **Approved**

ZBA Decision Process - Discussion

After discussing the matter with Town Counsel, Mr. Schneider suggested the following ZBA Decision Process:

- The Decision author sends the draft to staff only;
- Staff circulates the draft Decision to the Board;
- Members to review the Decision and submit any comments within 48 hours;
- Any member comments are to be sent directly to staff without sharing comments with members. The submitted comment is to be identify as mechanical or substantive.
- If the change is mechanical staff will revise the draft and indicate that the Decision is ready for signature;
- The Chair will come to the Zoning Office to proofread and sign; and will gather the remaining signatures.
- If the change is substantive, or identified by staff as substantive, the Decision will be held and scheduled for the next meeting to be discussed and finalized at an open public meeting. Staff will prepare a redlined draft identifying the changes and distribute the draft at the next hearing. Copies will be available for the public at the meeting. Copies will not be available prior to the meeting.

Mr. Schneider noted that Town Counsel was concerned that the distribution of a draft with a substantive change may be perceived to be deliberations.

Mr. Tamkin was supportive of the Decision process. However, he thought the 48-hour review time was aggressive when working full time. As a Decision author what day of the week he receives the Decision influences when he could get to it; and he required Facts in order to write a Decision. His timeline is for a

Decision to be filed before the next meeting. He thought that Board members writing Decisions was unusual.

Mr. Tamkin thought some applicants with representation familiar with the Board could be assigned to draft the Decision within a week of the close of the hearing.

Mr. Friedenbergs was flexible on the timeline of Decision production. However, he questioned whether having applicant attorneys draft Decisions would save time especially with the editing involved.

Mr. Goldman thought having applicant representatives draft Decisions would expedite the process.

Mr. Tamkin would like to test this option. However, he would not accept a Decision submitted prior to the public hearing. There was agreement that the Facts cannot be done ahead of time, and Conditions are unique to each case.

Mr. Friedenbergs was concerned that Conditions may be omitted or inaccurate when drafted outside of the Board's control. He thought that having the applicant's representative draft the Decision invites renegotiation.

It was agreed, that when an applicant's attorney is asked to draft a Decision, they will be responsible for drafting the Findings and Decision sections within a week of the close of hearing. Staff will prepare and add the Facts section. An assigned Board member will edit the Decision.

No non-lawyer applicants and only select attorneys familiar to the Board would be considered for this option.

Mr. Schneider asked how this new option will be introduced to the public. He wondered who would sign up to do it. Mr. Goldman thought applicant attorneys would be interested in this option for the time efficiency and the additional billable hours.

Mr. Tamkin found Memos of Support included with some applications to be helpful in drafting Decisions.

Mr. Friedenbergs was concerned that professional representatives (engineers, architects) might be challenged by the technical aspects of drafting a Decision. Mr. Tamkin felt the option would be limited to a select few who would be invited to participate.

Mr. Tamkin wanted to test the option for possible efficiency and would like the selection/invitation be based on the case, the applicant, the applicant's representative and made at the meeting.

Mr. Schneider deferred to the Board member author to determine who to offer the draft Decision option. He felt that out of 25 Decisions a year about 10% could be considered for this option.

2023 ZBA Schedule – Discussion

The ZBA Meetings will continue in person in the Charles River Room with Zoom livestream.

The meeting adjourned at 8:48 p.m.

A summary of the discussions on each subject, a list of the documents and other exhibits used at the meeting, the decisions made, and the actions taken at each meeting, including a record of all votes, are set forth in a detailed decision signed by the members voting on the subject and filed with the Town Clerk.

The hearings can be viewed at <http://www.needhamchannel.org/watch-programs/> and <https://www.youtube.com/@TownofNeedhamMA/videos>