

NEEDHAM PLANNING BOARD MINUTES

April 2, 2024

The Needham Planning Board meeting, held in person in the Charles River Room at the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, April 2, 2024, at 7:00 p.m. with Messrs. Crocker and Alpert, Ms. McKnight, Planner, Ms. Newman and Assistant Planner, Ms. Clee. Ms. Espada arrived at 7:33 p.m.

Mr. Block 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 includes two public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

Decision: Amendment to Major Project Site Plan Special Permit No. 2009-06: Needham Farmer's Market, Inc., 227 Eliot Street, Ashland, MA, 01721 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1471 Highland Avenue, Needham, Massachusetts). Regarding request to permit the operation of a farmers' market on a small portion of the Town Common and Garrity's Way.

There were no Board member comments.

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

VOTED: to grant: (1) the requested Major Project Site Plan Review Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2009-06, dated November 17, 2009, amended March 2, 2010, November 26, 2010, June 21, 2011, May 1, 2012, April 25, 2017, May 1, 2018, May 20, 2020, March 2, 2021, December 21, 2021, July 12, 2022 and May 16, 2023; (2) the requested Special Permit under Section 3.2.2 of the Needham By-Law for a farmers market in the Center Business District; (3) the requested Special Permit under Section 3.2.2 of the By-Law for more than one use on a lot; and (4) the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 (Required Parking) and 5.1.3 of the By-Law (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

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

VOTED: to approve the decision as written in packet.

Board of Appeals – April 24, 2024

315 Chestnut Street – 315 Chestnut Street Needham LLC

Ms. Newman noted the applicant wants to convert the second story office to residential. Mr. Alpert commented this is exactly the purpose the Planning Board had when rezoning to have a mixed-use. He is pleasantly surprised. All agreed.

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

VOTED: "No comment."

37 Moseley Avenue – Saybrook Construction, LLC

Ms. McKnight stated she reviewed this. Section 1.4.7.3 of the Planning Board By-Law's which precludes reconstruction of non-conforming, pre-existing if setbacks are violated. Ms. Newman noted that is why the applicant is asking for a variance.

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."

Public Hearing:

7:10 p.m. – Article 1: Citizen's Petition/Amend Zoning By-Law – Dimensional Regulations.

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 waive the reading of the public hearing notice.

Mr. Block stated this is designed to include attic space and space in the basement in the Floor Area Ratio (FAR). Mr. Block recognized Joe Matthews, of 31 Rosemary Street and Town Meeting member, who is the proponent of the Citizen's Petition. Mr. Matthews stated the current By-Laws are overly permissive and do not appropriately regulate house size. It is detrimental to the towns' goal of affordability and has negative impacts on residents. He feels the town needs to target FAR. His hope is this will restrict house sizes and disincentivize demolition of small and medium houses, which frequently happens as part of the construction of oversized houses. He showed pictures of tear downs and replacement houses. All the houses in his slides of new builds were found on Zillow with no end user and were not built for anyone. This is not isolated to Needham. There was an article in the Boston Magazine that included Wellesley which said it is all about building extra square footage. There is an issue for affordability. The Housing Working Group acknowledged replacing older homes with larger homes drives up housing prices and erodes housing options.

Mr. Matthews stated this petition would need a 2/3 vote at Town Meeting. He feels this is one way to tackle their objectives – affordability to protect median and below median housing stock, environment as tear downs frequently alter landscape, resilience as it may exacerbate the impact of flooding events, design to maintain the character of neighborhoods and to not disturb long-time residents with light and vision, and market to signal developers to focus on net addition to housing stock via the MBTA Communities. He reviewed what the Large House Review Committee did in 2014-2017. He assumes they are talking a median house of 4 beds and 3 baths. FAR is not suggested to be the overall size control. He discussed the materials from 2017. The analysis includes all finished space minus the garage as this got dropped by the end. Town Meeting in May 2017 established an FAR of 0.38 in Single Residence B (SRB) District lots of up to 12,000 square feet and 0.36 for lots of 12,000 square feet and above. This was intended to address the issue of small homes replaced by larger homes and it passed unanimously at Town Meeting. When it went to Town Meeting, Chapter 4 for Dimensional Regulations, was redefined and changed so basements, attics, half stories above the second floor, unenclosed porches and up to 600 square feet of floor area intended for parking autos were excluded.

Mr. Matthews noted the general principal is if people are living in it and walking around in it, then it counts. The trend is upward for large houses. He is only talking about SRB District. The houses are much larger in the Single Residents A (SRA) District. His takeaway from zoning in residential A is it does not control the size of houses at all. If nothing is done, he feels houses could get even bigger. He suggests swapping out the paragraph that defines FAR to include all areas in a structure with an interior ceiling height of 5 feet or above. This is only in the SRB District due to the structure of paragraph 5 in the By-Law. He stated he will submit his slide show to the Board. Mr. Block noted the following correspondence for the record: a memo from Caren and Stu Carpenter, dated 3/25/24, regarding supporting the Citizen's Petition; an email from Dan Katcher, dated 3/26/24 with comments; an email from Nick Tatar, dated 3/26/24, in support of updating the language; an email from Henry Ragin, dated 3/31/24, in support; a letter from Louis Wolfson, undated, expressing concern about the Citizen's Petition; and an email from Ed Quinlan, dated 4/2/24, regarding FAR regulations and tear downs.

Ms. Espada arrived at 7:33 p.m.

Mr. Block reviewed the procedures for public comment. John Bulian, of 86 Peacedale Road, thanked Mr. Matthews. Mr. Bulian stated that this has to be looked at. Then it should be referred back to the Planning Board to have a robust discussion regarding an issue of this magnitude. This would change the size of houses. He asked the Planning Board to take this back and have a robust public process similar to HONE. There needs to be many meetings for the public to look at it. The Planning Board needs to look at lot coverage, setbacks, height and storm water management. Massive houses being built on tiny lots has become an issue and it needs to be dealt with in a community way. Scott Livingston, of 3 Tolman Street, a former developer, understands where the petitioner is trying to go. It seems he is trying to redefine a universally acceptable definition of living area used by the American National Standard Institute. The Appraisal Institute is consistent with the American National Standard Institute. He noted it seems this is the wrong thing to do. Mr. Alpert would like more information on how FAR is defined. Mr. Livingston noted the Appraisal Institute uses gross living area, total areas of above grade living space calculated by outside perimeter of a structure and only living space. In 1996, the National Association of Home Builders noted square footage and FAR are aligned in finished space counts as useable but unfinished space does not count.

Mark Gluesing, of 48 Mackintosh Avenue, stated he was on the last study committee that proposed the conditions that are in place. There was a lot of discussion on what was the baseline of a building market rate house. There was pressure to make sure garages were big enough for storage. He does not think attic and basement were an issue. This is a very complicated issue. He gave Mr. Matthews a lot of credit for studying this as this issue needs to be looked at but much more nuanced. He would rather regulate the size and say this is how you are going to do it. Good points have been brought up. He agrees with Mr. Bulian it needs to be looked at again. What was done before can be tweaked to come up with a reasonable set of regulations. Ms. McKnight noted Mr. Gluesing said they could change dimensional factors. Mr. Gluesing discussed what counts in FAR and noted a 5-foot ceiling height cannot be finished. Ms. McKnight stated he is speaking in opposition to Mr. Matthews' proposal and commented that dimensional factors could be changed. Mr. Gluesing noted it could be changed with the same regulations and not include attic or basement.

Mr. Crocker would like Mr. Matthews to restate the purpose of the 2017 Article, what was worded and what was brought to Town Meeting. Mr. Matthews noted the Zoning By-Law amendment is intended to address concerns with demolition of existing smaller homes being replaced with larger homes in the existing neighborhood with a loss of character in the neighborhood occurring as a result of this process. It is a very clear mandate. Joni Schockett, of 174 Evelyn Road, is glad this is being discussed. Her street is mostly one or 2 story homes. A lot of houses are being built with full basements and are actually 4 stories high. A lot of landfill is being brought in to build the lots up then putting in full basements. A lot of homes have lost sunshine and have had drainage issues. No one has the right to say a person cannot build but the Board can make reasonable laws that the houses cannot be so big all the trees have to be cut down and the house blocks every bit of sunshine. People need to weigh in and maybe have a townwide vote. She thanked Mr. Matthews for doing this.

Louis Wolfson, of 29 Cimino Road, stated he has built some large homes in Needham and understands the need for them. Just because a person has a large home does not mean they are not concerned. They could have 5 kids, a home office and play space. The market dictates demand and Needham is in demand. There are about 5,200 homes that are not affected by this and about 1/3 will be affected. He feels the petition is extreme. His small cape would be penalized if he wants to expand it to make it more functional because he has a small house on a small lot. He should not be penalized. The Board needs to see how it could work for all. He suggests the word "basement" be moved and be included in the excluded section. Priscilla Cahn, of 19 Oak Knoll Terrace, supports Mr. Matthew's petition. She is disgusted with the size of houses around town. She feels 10 feet from the property line and the size is overwhelming. They are not being taxed on rooms in the attic and basement which is unfair to the rest of the townspeople.

Mary LeMay, 11 Nardone Road, agrees with the prior speaker. She stated this may not affect you, but it certainly affects your neighbors. She is seeing this on Nardone Road where houses are massive, trees are being cut down and water flies down the street during storms. She is a master gardener and is very concerned the environment is being changed in a bad way. Nick Tatare, of 14 Standish Road, supports Mr. Matthews wholeheartedly. He is vested in doing this right. He agrees with the previous speakers. They need to flush out loopholes and promote and support the idea of more meetings to get this right. The current practice will continue and he fears these changes will accelerate and the changes will be forever changes. Justin McCullen, of 22 Miller Street and Town Meeting member, urged the Board to support to refer this amendment. A significant amount of work was done but he feels it needs to be studied more. There are significant hydrology impacts being

done with the current zoning. This needs to be looked at holistically and the Tree By-Law needs to be looked at. They need to study what the impacts are and how we respond as a community.

Laura Bucci, of 144 Laurel Drive, supports the petition. She has seen the changes over recent years and this needs to be addressed holistically. She has a Real Estate license and spaces are included as to what is being sold but that needs to count toward square footage also. Oscar Mertz, of 67 Rybury Hillway, commended Mr. Matthews. He agrees with the discussion regarding looking at it holistically. His was a small house neighborhood and all but 2 were clear cut to build large homes. It changes the character of the neighborhood. There needs to be an appropriateness to scale in neighborhoods and they need to find a balance to find the correct sale price and scales of lots and overall environment. He likes the pause concept but feels it will not happen. Nothing seemed to happen from the By-Law. This needs to be looked at since the math does not work.

Don Anderson, of 31 Willow Street, stated he agrees with the petitioner. Garrett Federow, of 146 South Street, stated people do not like change. Needham used to be mostly farmland but was clear cut to build houses. What would people prefer? He agrees it needs to be looked at further. Allison Borelli, of 1175 Great Plain Avenue, asked how this impacts the Accessory Dwelling Units (ADUs) part of FAR? In SRA it is not included, and she wants to know why and wants it included. Paula Dickerman, of 20 Burnside Road, stated it is not just that the houses are big but the trees are going down and stormwater is being affected. Many of the homes being replaced are starter homes and more affordable. That is a motivating factor for doing something. She feels a variety of price points should be kept in Needham. Bill Paulson, of 111 Sutton Road, stated Town Meeting recently voted to enact specialized code for making homes more environmentally friendly. He worries there may be some homes that get caught in the middle between the rules and economics. The town needs to think carefully. He is in support of the concept to make homes smaller. They are talking an end around the product. They have a bigger problem and need to look at it more carefully. The town is doing 1% a year of new homes. Sometimes a home buyer does not want the small homes.

Mr. Crocker asked Mr. Matthews what he found out about towns around Needham, their definition of FAR and how they deal with this. Mr. Matthews stated there is no universal definition for FAR. In Wellesley it is the total livable area, and some Associations have their own definition. Most include all livable space. Needham has discounted basements and the third floor even if it is livable. Mr. Crocker stated there is some confusion on the 5-foot ceiling height. He asked why that was chosen. Mr. Matthews stated, in the definition of the 2½ stories, 5 feet is what triggers that definition, so it is for consistency. He is not entirely opposed to going higher for a roof but once you hit 7 feet it creates loopholes. Five feet could never be converted to habitable area.

Ms. McKnight stated she was a member of the Large House Committee and she seconds what Mr. Gluesing said. It was said the charge was not to reduce teardowns but to create a better design for new houses, have a concern for setbacks, encourage porches, windows and bay windows and certain designs to make new houses more attractive. That was not the concern then. This discussion is about teardowns. Mr. Block stated the Planning Board chose to have this as one of their priorities and have it on the calendar to discuss later this year. Eric Ostroff, of 89 Elder Road, stated his road has totally changed since he moved in in 1982. There were 30 ranches and they are down to maybe 12 ranch houses. Six trees next to him are gone. The other side has an 8,000 square foot house and he sees a wall from his son's room now. Ms. Schockett stated it is clear people are against developers. Many speaking have been impacted. She urges people to look at this and use common sense. Basements are now full living spaces. She feels trees should be looked at as trees are needed. She thanked Mr. Matthews for doing such a great job.

Mr. Matthews thanked all for their comments. He will send the presentation to the Planning Board. He asked how the Planning Board can reconcile the objectives of improving housing affordability in town with the weekly replacement of small and medium houses with \$3 million houses. In 2017 Town Meeting approved a policy which they were told would result in smaller new construction. The opposite has happened. Why is the town not fixing the zoning policy to match the will of Town Meeting? The town needs to go back and fix it. He asked what the consequences are of not doing anything. Mr. Alpert commented he has been on the Planning Board for 9 years. This is the best public hearing he has attended. It was well run, thoughtfully presented by the proponent and there were 100% of thoughtful comments from the public. He applauds the public for working with the Board and Mr. Matthews in bringing this forward.

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

VOTED: to close the hearing.

The Board took a 5 minute recess.

Public Hearing:

7:45 p.m. – Major Project Site Plan Special Permit No. 20094-01: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 609 Webster Street, Needham, Massachusetts). Regarding request to renovate 4 existing tennis courts, add 4 new tennis courts, install stormwater management improvements, ADA accessible walkways and landscape improvements. This hearing has been continued from the meeting of March 19, 2024.

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

VOTED: to waive the reading of the public hearing notice.

Jonathan Charwick, landscape architect at Activitas, Inc., gave an overview of the existing tennis courts. There are 4 existing courts and a large grass area. They are looking to expand the tennis courts. There is a 25-foot rear and side setback and they are staying outside the setbacks. The current courts will be reconstructed in kind. There will be post tension concrete. There will be 4 new courts just west of the original courts. All fencing will be replaced with new 12-foot chain link fence that will go down to a 4-foot chain link fence in a few areas in the middle of the court areas. All courts will have full handicap accessibility. A shade structure the town currently has will be installed. The storm water design has been reviewed by the town. Meg Buczynski, Civil Engineer at Activitas, Inc., stated there will be an increase in impervious surface with the 4 new courts and some accessible walkways going to them. All water on the courts is being collected and will drain down to a channel drain on the left with flow toward the parking lot and will be collected in the channel drain. An infiltration detention system is being proposed in the parking lot that meets all regulations for the state and local. They are reducing the volume of run off to the town system.

Mr. Charwick noted the tennis courts will be striped but there will be no pickle ball striping on any courts. Mr. Alpert asked him to explain the difference between striping for tennis and for pickle ball. They are the same sized courts. Mr. Charwick stated pickleball is a much smaller court. Each tennis court could be 2 pickleball courts. Ms. McKnight asked if lighting was part of the project and was informed it was not. There are a few lights there that will remain in place. Ms. Espada noted the tennis court elevation is lower than the new, then slopes in back toward the houses. Are there any mitigations? Mr. Charwick stated the existing courts pitch toward the parking lot and the new courts will also. They are not doing anything outside the fence line. The current retaining wall will remain in place. With the pitch of the court being improved there is no way the water could pond and go back up. Mr. Alpert asked what the area where the new courts will be in is used for now. Stacey Mulroy, Director of Park and Recreation, stated there are wellness classes and club sports for the High School.

Mr. Crocker stated there are houses next to the tennis courts now that get a lot of tennis balls in their yards. He asked if there were any plans to put up netting to prevent that. Ms. Mulroy there are no plans as of now and it is not in the budget. The 12-foot-high fences usually take the bulk of it. Mr. Crocker stated it does not need to be anything expensive. It could just be netting. Ms. Mulroy will look into that. Mr. Alpert asked if the courts are used by the public or just the schools and was informed they are open to the public after school hours. Mr. Crocker stated when he was on the CPC maintenance of the courts was a concern as they were not maintained. Ms. Mulroy stated there is a maintenance plan built into all new plans. There is no maintenance for 25 years with post tension concrete. Asphalt is 12 years. The courts would only need the painting of lines when they fade from the sun. Mr. Alpert asked why there is a need for more courts. Ms. Mulroy noted the courts at the High School are not able to be used now because of the cracking so they are using the courts at Mills Field and Newman. The 8 courts would allow them to all play together and the courts would be available to the public.

Mr. Alpert asked, if the courts are for education use, and those are protected under the Dover Amendment, why was there a special permit originally and why is one being requested now? Town Counsel Christopher Heep stated the town is asking

for an amendment to the special permit tonight. He does not know why it was a special permit originally. The town is not requesting this under the Dover Amendment. Ms. McKnight asked if it was true the High School cannot hold tournaments there now because of the courts and was informed that is true. There need to be at least 5 courts to have tournaments. Julie Dannenberg, of 36 Rosemary Street, wants to work together as she is pro tennis and pro school. She does not want any detrimental effects to the High School. She is ok with a waiver but would like a noise study. A previous study says there are no detrimental effects but she disagrees. The proponent says there are no plans for pickleball but that could change. She feels the 8 courts would eventually be pickleball and that is an unreasonable sound. Currently there are lines on a couple of the courts, and she can hear it.

Mr. Alpert asked if the High School courts are being used for pickleball now. Ms. Dannenberg stated the courts are being used for pickleball now on 2 of the 4 pickleball courts and it is a harsh loud sound. One idea is there is a minimum of 5 courts needed for tournaments and they cannot be used for pickleball. If the courts are redesigned with only one extra there would be no pickleball in the future and there would be the field space available. Students are out there every day and there is no other option for field space. Another idea would be some legal document saying there would be no pickleball on these courts that cannot be amended without abutter approval. Ms. Dannenberg spoke of water issues. She stated she does not currently have a water issue and does not want to have them. She asked, if there are issues, who would be responsible? She hopes they can all come up with a good plan together. Ms. McKnight asked if the proponent would be comfortable with a condition there would never be pickleball sponsored by the town and the lines would not be painted for pickleball. Ms. Mulroy stated the tennis courts are under the jurisdiction of the Park and Recreation Department. There is a feasibility study looking for dedicated pickleball space.

Mr. Block asked Park and Recreation Chairman Christopher Gerstel is he would be ok with a condition to never have pickleball on these tennis courts. Mr. Gerstel stated he would be on board personally but would need to speak with the Board. He feels it would be favorable. Andrew Marr, of 124 Edgewater Drive, asked if there were going to be 8 courts why not make 3 of them for pickleball. He feels the students would be more interested in pickleball. John O'Leary, of 46 Rosemary Street, has been in Needham for 50 years. He asked the Planning Board to reject the town's request and to tell them to revise the plans to provide for reasonable accommodations for abutters while allowing for construction of one or 2 new courts in a place that is respectful for abutters. The courts will be 25 feet from his hammock. It seems there is more concern for cars than abutters. He submitted a letter that there are terrible problems with pickleball and the sound. He asked why there are 4 new courts. He has not seen a study that there is this demand. He feels the town could add one or 2 new courts, not 25 feet setback. This is 25 feet setback from abutters but 35 to 40 feet from parking. He asked what sight and sound barriers have been put up other than a chain link fence. Maybe some arborvitae on the neighbor's side would be good. He requests it be sent back and have the town look into one or 2 courts. He would like a greater setback from the neighbor's property and greater sight and sound barriers. He feels the design does not seem neighborly. Mr. Crocker asked why the tennis courts are pushed to the neighbor's property and not the parking lot. Mr. Charwick noted the shade structure that is provided in that space. That is the only location it was appropriate and fit. They are trying not to disturb the memorial area and there is a grade change. Ms. Mulroy noted the shade structure is being repurposed. It does not fit where it was bought for.

Joe Matthews, of 31 Rosemary Street, stated he has the same concerns with the design. He is not sure why 8 courts are needed when only 5 are needed for matches. He showed a sketch where he did 6 courts. It is less cost, more reasonable and the field does not get used. They could host a 6 on 6 soccer game but are losing the use of the fields. The field should not be paved over if it is not necessary. There should be 5 or 6 courts and not 8 courts. The town should let retirees and work from home people use the courts during the school day. Maybe take it out of the schools' property and make a park. He echoed Mr. Crocker's comments regarding the shade structure. A tree is being taken down to put a shade structure. He stated pickleball is going to happen and it would be good to have a plan.

Kristin Collins, of 217 Edgewater Drive, stated designs should not be made to protect a mistake made on another project. This should go back and a different shade structure should be considered. Barbara Fitzgerald, of 30 Rosemary Street, stated she has 2 concerns. One is why 8 courts. The High School is not a public park and this should serve the High School primarily. Where do other clubs and teams practice if the field is taken? There is open space, and it is nice. As Mr. Matthews said the project could do 5 courts and still have open space. There is potential water to flow to her yard. She feels this is unnecessary. Ellen Dudley, of 567 Webster Street, is a 20-year resident. She stated there was a parking lot for teachers and kids, then tennis courts were built. She has suffered through mice and water and looks at a chain link fence.

She would appreciate some kind of barrier. She has dozens of tennis balls in her yard all summer and people come in to retrieve them. It is completely inconvenient. She likes the idea of moving it to the other part of the lot.

Julia Salomone, of 18 Rosemary Street, stated she is a 4th generation resident. She echoes her neighbors. She is looking to be collaborative. She wants to make sure all options come to the table. They need to use resources as best as possible. The town needs 5 courts for tournaments. She wants all to remember this is a residential area. There needs to be open dialogue with the abutters, and they need to preserve true green grass spaces. Jeff Heller, of 1092 Central Avenue, is a tennis player and has played at the High School. He sympathizes with the neighbors. The number of courts being created struck him. The courts are cockeyed and seem odd. He feels the courts should be oriented the same way and adding 2 more courts could be a better compromise. Do not fit the courts to the shade structure. He feels the proponent should think about the neighbors. The commitment to no pickleball should stay. Nancy O'Leary, of 46 Rosemary Street, noted the proponent stated there are no light concerns. She asked how they know with no changes in 10 to 15 years. She heard about the no pickleball but how will that be enforced. Who do they call if lines are put up? In her opinion they are over building courts. Town Counsel Heep stated if lights were ever proposed it would need to come back to the Board and be noticed to the abutters. Enforcement would be by the Planning Board and Park and Recreation. Mr. Block stated if the Planning Board received complaints, they would bring in the proponent and have a conversation. If the Board finds a violation the applicant has to come back into compliance and some activities have to cease and desist.

Ms. O'Leary asked if there could be signs that say no pickleball. Mr. Alpert asked if fines were imposed for people who play pickleball or do the Town By-Laws need to be revised to allow fines and enforcement of it? If people had to pay fines, they may think about it. Mr. Block stated he has heard no compelling reason from the Town on the necessity of those number of courts. Maybe the 5 plus one. He asked why 8 courts are required. Ms. Mulroy stated there is no requirement for 8 courts but a desire for 8 courts if it could be fit. Mr. Alpert stated no one has heard from the Athletic Department. Green space is being taken away and he is concerned with preserving some of that space. It seems the High School students are using it from time to time. Ms. Mulroy had a conversation, and the schools were comfortable with losing some green space for tennis courts. Ms. Buczynski stated she could provide the numbers of how many teams who are now playing off site could come back. All Board members felt that would be helpful.

Park and Recreation Chairman Christopher Gerstel, of 184 Maple Street, stated they have a park ranger. If they find unauthorized users using the space that are not supposed to, they would be kicked off. Also, he would pull permits for groups that do not follow the rules. Ms. O'Leary commented she has never seen a town car there. Mr. Gerstel stated the ranger works Tuesday through Saturday. He has asked for a second ranger so it would be 7 days per week. Jeremy Chao, of 96 Maple Street, participated in the working committee for this. He likes the compromise of 6 courts rather than 8. He is concerned with taking away parking spaces from the High School with the new design. The Athletic Director stated he could find alternate space on the High School grounds for the users of that field. In terms of the use of athletic spaces, the Director felt he could reallocate to other parts of the grounds.

Linda Colbert Peterson, of 24 Rosemary Street, appreciated all the thoughtfulness and consideration being shown. She is concerned with the schools during the day and Park and Rec at night. How are all the pieces being kept in mind? She finds the High School to be a good neighbor. There is pickleball. It is in the High School curriculum, and it is on evenings and weekends. There are bright security lights on the High School, so it makes people feel the courts are lit. She does not know how late the park ranger works. It is also all summer dawn to dark. They need to think about all uses. Mr. Alpert stated he would like to seriously consider fewer than 8 courts. He asked how many tennis teams the High School has and was informed there were 6 teams. Mr. Alpert commented with 8 courts the Varsity and JV teams could practice together or another combination. Ms. McKnight asked if they wanted to see the shade structure and say parking would not be affected. Mr. Block stated, if the Board does not want 8 courts, they would want them farther away from the abutters and closer to parking. The shade structure is secondary to the placement of the courts. He appreciates the repurposing of it but would like it relocated to another area. Mr. Crocker agreed.

Mr. Alpert asked if 6 courts were enough for 2 teams to practice together. He is not opposed to the idea of 8 but wants to know how many are actually needed. Mr. Block needs to understand the full impact if reduced from 8 courts to 6 courts. Mr. Heep stated they will take the comments into consideration. They are here tonight for the schools and Park and Recreation with a request for 8 courts. He will not commit to coming back in 2 weeks with less. The committee, including the Athletic Director, determined 8 courts was needed. He would suggest the Board approve an amendment in some form

as a way of addressing the pickleball issue. There is no condition as of now for that. The team is happy to live with a condition there would be no pickleball. They are here to permit the 8 courts there appears to be a need for. Mr. Crocker commented the town needs to show the need for 8 courts. Ms. Espada asked the timeline. Mr. Charwick stated a cost estimate needs to be put together and then get the money from Town Meeting. They hope to move as soon as possible.

Ms. McKnight stated at the last CPC meeting this was approved to be recommended to Town Meeting. Mr. Alpert stated he was not told this was a CPC Article that was already approved, and a Warrant Article already drafted. Ms. McKnight asked if there is any request for additional fencing. Mr. Block noted they were talking about netting. What type of structure is needed to hold additional netting? The Board discussed the timing and the CPC. Ms. Mulroy noted the CPC has approved 8 courts. Mr. Alpert stated it was not the Planning Board's fault the proponent went through the CPC process and is now coming to the Planning Board. CPC applications were due last Fall. This was discussed at CPC last December and the applicant is only coming now this late in the game. He would like to see a plan with 6 courts, but the applicant can show a need for 8 courts. Mr. Crocker echoed what Mr. Alpert said. This is the first time the neighbors are just speaking up now. He cannot make a decision when the neighbors have not heard and had a chance to speak. The proponent has had this a long time and the abutters have heard it tonight. A discussion ensued.

Mr. Heep stated he wants to get on the agenda for the next scheduled meeting. They have agreed to any condition regarding pickleball. The application has been carefully engineered for storm water. He understands the public hearing is when people hear and can respond. He felt they had a plan that was good for all. Mr. Block stated he wants to understand the actual programs and programs to be axed. He wants this as far away from abutters and as close to parking as possible and the shade structure is secondary to the courts.

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

VOTED: to continue the hearing to 4/24/24 at 7:30 p.m.

Planning Board Recommendation:

Article 18: Amend Zoning By-Law – Affordable Housing District.

Ms. Newman stated the language was changed in paragraph 4 and she wanted to codify it.

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

VOTED: to change the language in paragraph 4, Article 4, in the way the Planning Director has redrafted it.

Vote to change HONE composition: Convert Planning Board member designation to Planning Board appointee designation.

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

VOTED: to change the composition of HONE from a Planning Board member to a Planning Board appointee.

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

VOTED: to appoint Ms. McKnight as the Planning Board appointee to HONE.

Report from Planning Director and Board members.

Ms. Newman stated she is going tomorrow night to the Finance Committee and would like Ms. McKnight and Ms. Espada to join her if possible. Mr. Block stated Ms. Espada will let them know. He wants to chat with the Planning Director tomorrow.

Correspondence

Mr. Block noted the following correspondence for the record: a memo from Diana Babson, of 21 Mellen Street, dated 3/28/24; a legal notice from the City of Newton; an email from Janet Ferreira, of 62 North Hill Avenue, dated 3/26/24; an email from Marianne Cooley, dated 4/2/24, regarding 100 West Street and HONE; and a notice from the League of Women Voters regarding warrant meetings 4/29/24 at 7:30 p.m. The Board discussed who would represent each precinct.

Mr. Block spoke of Ms. McKnight and noted he was honored to have worked with her. Mr. Alpert stated he has worked with Ms. McKnight for 9 years. They are friends and he will miss her, her humor, her municipal law expertise and her passion for what this Board has done. She has served this town well. Ms. McKnight stated she has had a pleasure serving this Board.

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

VOTED: to adjourn the meeting at 10:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk