

NEEDHAM PLANNING BOARD MINUTES

June 4, 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, June 4, 2024, at 7:00 p.m. with Messrs. Alpert, Crocker and McCullen, Ms. Espada, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

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.

Reorganization

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 elect Ms. Espada as Chairman and Mr. Crocker as Vice-Chairman.

Ms. Espada thanked Mr. Block for an amazing job and his leadership over the last 2 years.

Public Hearing:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2005-05: Blue on Highland Restaurant, LLC, 882-886 Highland Avenue, Needham, Massachusetts, Petitioner (Property is located at 882-886 Highland Avenue, Needham, Massachusetts). Regarding request to expand the existing restaurant (located at 882-886 Highland Avenue) by 650 square feet into the adjoining commercial space, formerly a nail salon at 890 Highland Avenue.

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

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

Thomas Miller, Attorney for the applicant, noted the applicant would like to expand into the vacant, adjoining nail salon. The Board previously granted a permit for the old Heights Pharmacy for a restaurant. This will allow additional seating on the busy Friday and Saturday nights and small private function space separate from the dining facilities. This will not impact surrounding neighbors or the community. The renovation of the façade will benefit and enhance this main thoroughfare. The plan is to add 40 seats in the 650 square feet and expand the cooking facilities. The current bathroom in that space will be renovated. The basement will be for storage only. The entrance for the nail salon will be closed off and the façade will match the existing restaurant. There will be minimal impact.

Ms. Espada noted the following correspondence for the record: an email from Police Chief John Schlittler, dated 5/15/24, with no issues; an email from Assistant Town Engineer Justin Savignano, dated 5/29/24, with no issues; an email from Assistant Public Health Director Tara Gurge, dated 5/30/23, with comments and an email from Building Commissioner Joseph Prondak, dated 5/31/24, with comments. There were no comments from the Fire Department. Mr. Block asked if the applicant had reviewed the comments from the Board of Health. Scott Drago, COO and Operating Partner, stated he had reviewed the comments. Trash pickup is currently Monday, Wednesday, Friday and Saturday. He noted extra chairs may be put in the basement but no food. There is pest control currently. Mr. Block asked if Mr. Drago would accept all the requirements and was informed he would.

Mr. Crocker commented that this is a great restaurant and he is glad the applicant is able to expand. He asked if there was a back exit and was informed there was. Mr. Alpert had no comments. Mr. McCullen would like to see what comments the Fire Department has. Ms. Espada stated the windowsill does not seem to meet the same elevation as the current. Mr. Drago noted the existing windows are wood and the new windows will be metal type vinyl. He would like, at some point, to replace the old windows with new ones and align them. Mr. McCullen asked for the timeline for Part 1 and Part 2. Mr. Drago would like to do this as soon as possible. After Part 1 is done he would then do Part 2 as the old windows are drafty. Ms. Newman would like the Design Review Board (DRB) to sign off on the change. She noted this should have gone to the DRB for a change of window style. There was a huge conversation when the windows originally went in. There is a history there that needs to be respected. She asked the applicant to go to the DRB and see if they would approve this and the change to the existing windows. Mr. Drago stated it would be beneficial to get approval all at one time. Mr. Alpert asked if the owner was prepared to go to the DRB next week. Mr. Drago stated he was prepared for at least this project. There were no public comments.

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 continue the hearing to 6/18/24 at 7:40 p.m.

Decision: Amendment to Major Project Site Plan Special Permit No. 2007-10: Beth Israel Deaconess Hospital-Needham, Inc., 148 Chestnut Street, Needham, MA, Petitioner (Property is located at 148 Chestnut Street, Needham, MA 02492). Regarding request to construct a temporary addition to the Hospital at the former emergency room entrance on Lincoln Street to house medical imaging services during the renovation of the nuclear medicine suite.

Mr. Alpert noted in Section 3.17, “Building Inspector” should be “Building Commissioner.” Ms. Newman stated all issues have been addressed. The applicants’ Attorney has reviewed and has no issues.

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

VOTED: to Grant: (1) the requested Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2007-10, dated November 13, 2007, revised July 28, 2009, July 12, 2011, September 20, 2011, December 4, 2012, October 24, 2017, March 5, 2019 and May 20, 2020; and (2) the requested Special Permit under Section 1.4.6 of the By-Law for the structural alteration, enlargement and/or reconstruction of a non-conforming structure, subject to the following plan modifications, conditions and limitations.

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

VOTED: to accept the decision as drafted with the one correction pointed out.

Correspondence

Ms. Espada noted the following correspondence for the record: a memo from Joe Matthews, undated, regarding Large Houses and an email from Kay Cahill, dated 5/28/24 regarding Large House Review. Ms. Newman noted a notice from the County of Norfolk Registry of Deeds, dated 5/20/24, regarding Community Preservation funds received by the Town.

Public Hearing

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 2004-01: 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. Note: This hearing has been continued from the Planning Board meetings of March 19, 2024 and April 2, 2024, and May 14, 2024.

Ms. Espada asked the applicant to review the project. Jonathan Charwick, of Activitas Landscape Architects, reviewed the existing conditions. He noted the existing gate location and the healthy stand of vegetation by the gate that is there now. That vegetation will not change and will be added to. The project is staying outside of the 25-foot setback with the exception of some plantings. For the drainage, the contours have all water going toward the parking lot. There is a slight swale on the northeast side within the 25-foot setback. Anything within the 25-foot setback will be maintained as it is today. The furthest west court has been shifted 6-feet toward the parking lot. There is just under a 10-foot pinch point from the walkway to the parking lot. It cannot be squeezed any closer. The orientation of the courts remains the same. The middle court is 38 feet at the closest pinch point and 67 feet at the furthest. There will be 33 new evergreens, 5 to 8 feet tall during installation with the final locations to be determined. The trees will be planted along the edge. The project is keeping the open strip of lawn space for access as needed and will be maintaining the lawn space.

Mr. Charwick stated the courts will be post tension concrete and will last about 50 years. They do not want to put utilities under the courts. All drainage from the courts is tied into drainpipes that go into the lawn areas then into the new infiltration system in the parking lot. There will be a 12-foot chain link fence that will go to 14 feet. The fence will be 12 feet along the endlines for the courts with 4-foot chain link fence in the middle and 12 feet around the edge of the courts. The berm will be built out a little bit between the grade difference and the courts and the slope is being built up a little so all the drainage will continue to go to the courts.

Mr. Heep reviewed the requirements from last time and the fence height was evaluated. The courts have been moved as close to the parking lot as possible, there is a vegetative buffer, dimensional site plan, hours of operation and concerns about pickleball. These have all been addressed by Mr. Charwick. The applicant is proposing a 2-foot higher fence, and the court has been moved while still allowing pedestrian access. There will be a solid line of new evergreens. Park and Recreation has considered the hours of operation and would like 7:00 a.m. to 8:00 p.m. Monday through Sunday for the new courts. The applicant would agree to tennis only and no pickleball. He feels all the issues have been resolved.

Ms. Espada noted the following correspondence for the record: an email from Justin Savignano, dated 5/30/24, with no comments or objections; an email from Jeremy Chao, dated 4/24/24, in support; an email from Alexandra Etscovitz, dated 4/29/24, in support of 5-6 courts; an email from Jessie Cawley, dated 4/30/24, with comments; an email from Julie and Ross Dananberg, dated 4/29/24, with comments; an email from Nicole Hagler, dated 6/4/24, with comments and an email from Natalie Spring, dated 6/4/24, with comments regarding green space. Mr. Block commented that this is a significant improvement. It addresses compromise and balance and the installation of new courts. He noted a number of municipal programs will no longer be on site. How are those programs going to be accommodated? Park and Recreation Director Stacey Mulroy stated all High School programs have been able to find alternate space. The Recreation program will use the football field and archery can be located in another location. This will enhance the summer programs and other programs. Mr. Block is glad this plan set has the additional information that was sought.

Mr. Crocker asked the distance between the courts. Mr. Charwick stated there is 13 feet from the center of the fence to the outer fence. They are trying to maintain 12 feet for emergency vehicles. Mr. Crocker asked if the courts drain toward the parking lot and was informed they do. He asked about the retaining wall and handicap access. Mr. Charwick noted there is an 18-inch retaining wall. It is a tight area. There is a handicap accessible sidewalk along the parking lot, which will mimic what is there today. Mr. Crocker asked where the archery is going. Ms. Mulroy feels ideally it would be on the softball field. Mr. Crocker noted it is light after 8:00 p.m. in the summer. Mr. Charwick stated the hours were chosen with the neighbors in mind. Mr. Alpert asked how the hours would be enforced in the summer and asked if the gates are locked? Ms. Mulroy stated the Recreation Department relies on the public now and the park ranger that works 12:00 p.m. to 8:00 p.m. There will be very frequent pass-bys at the

beginning. She is hoping to get another park ranger in the future to cover additional hours. The pool is open just as late so there will be more staff working.

Mr. Heep stated the conditions will be enforceable by the park ranger but there would be a condition so it would be enforceable by the Building Commissioner also. It would be possible for the Building Commissioner to take an earlier drive by than the ranger. Mr. Block stated if there are complaints, and a violation of the special permit, the public could reach out to the Planning Director and Building Commissioner. The Town could be brought in if there is a violation. Mr. Alpert asked if the applicant is confident a 14-foot fence will keep balls from the neighbor's property. Mr. Charwick feels it will help but there is no assurance the fence will catch all the balls. Typically fences are 10 feet. These are currently 12 feet and going to 14 feet. Mr. Alpert noted the courts are 35 feet away from the property line so he does not think balls will go into yards. Mr. McCullen stated the new plans do address a lot of subsequent concerns. Ms. Espada noted there were a lot of abutter comments related to 6 courts rather than 8 courts. She asked if the applicants were able to verify 8 courts are needed. Mr. Heep confirmed with the Athletic Director that 8 courts are essential to optimize the program. This is a critical investment in student athletes. Ms. Espada opened the hearing to public comment. She reviewed the rules for public comments.

John O'Leary, of 46 Rosemary Street, expressed gratitude for the changes to plantings, shifting of courts and no pickleball, which are all positives. He would like to trade the 7:00 a.m. for 8:00 a.m. and allow tennis to go until dusk. He feels 7:00 or 7:15 Saturday morning could be disruptive. He does not care if people are out there until dusk. He would like signage for no pickleball and hours of operation. He can go out and tell people to look at the sign if there are issues. He appreciates the plantings but is concerned with tree health. Sometimes the plantings do not take. He would like plant health included as a condition. He feels if 8 courts are necessary this is ok but he still feels 6 courts would give enough and leave open green space. He feels this is overbalanced toward tennis and concrete as opposed to green space. He would like the hearing continued as this is the first time the abutters have seen this. They need time to study it.

Julie Dananberg, of 36 Rosemary Street, agrees with Mr. O'Leary. The field is used daily. She has heard the applicant will have other spaces but at the last meeting it was other spaces in the town. This is prioritizing tennis over everything else. She heard Mr. Crocker ask for a plan for 6 courts. That was not done at the last meeting and was brushed off. The big thing is getting rid of the field with green space. There is so little green space in Needham. Julia Salamone, of 18 Rosemary Street, echoed her neighbors. There is an environmental impact. There is no other place on this property with that type of space. It is unfortunate. This is being developed for one purpose and not multiple purposes. They were told 5 to 6 courts would meet the needs of the High School. Then the applicant asked for 8 for the Recreation camp needs. It is unclear if this is a High School need or a camp need. She has not heard that the applicant has looked at other areas in town for 8 courts. She appreciates the consideration to small details but most concerning is the loss of green space. If sports are moved to the turf field that field will not be open for public use anymore. This needs to be considered for multi-purpose use and not just one sport for one season.

Mohamed Moazam, of 573 Webster Street, noted the fence is being raised to 14 feet. He had an in-law hit with a ball in his back yard. He asked if it was possible to have a retractable net at the top to prevent balls from coming onto his property. Mr. Heep noted the fence has been raised 2 feet in height to provide greater protection. It is a balancing act and they do not want to go too high for other impacts. Mr. Moazam asked if it is possible to have retractable nets over the courts. Mr. Charwick would not recommend that for maintenance purposes. Lynn Dudley, of 567 Webster Street, thanked the applicant for the improvements. She and Mr. Moazam feel it is much better. She is concerned because her home is 11 feet from the property line and not 35 feet. It should have been 25 feet at the beginning but was only 11 feet. She would like signage with the hours and to not bother the neighbors. She disagrees with Mr. O'Leary regarding the hours. She enjoys her backyard in the evening. Mr. Block stated when the Board deliberates signage should be talked about. He wants a thoughtful conversation. He is looking to satisfy as much as they can as well as satisfy statutory obligations. Ms. Espada stated communication and enforcement are critical issues.

Ms. Dudley agrees with her neighbors. She really likes the grass area. Mr. Heep stated a sign could be added with the ground rules. He will commit to that. Ms. Mulroy noted there will be sufficient and numerous signs. Park and Recreation is currently updating the signs at the other courts. Linda Keller Pike, of 24 Rosemary Street, appreciated

the applicant's efforts but echoes the others. She longs for the green space. There need to be multiple signs and with a 4-foot-high section it will be harder to enforce. She wants clarification to understand the plan of existing courts. Her take is the courts are edging closer north than the existing pad. Mr. Charwick stated they are maintaining the existing fence to the existing property line. The courts are being shifted slightly north and a 9-foot path is being put between them to get access between the courts and better access to the back courts. Ms. Keller Pike noted the project is getting closer to her property. She wanted on the record it is not the existing pad.

Ross Dananberg, of 36 Rosemary Street, wanted to highlight one point. Six courts versus 8 courts and they are giving away green space. Programs are being displaced. There are 8 sports at the High School, but they are being moved around for one sport and the original green space can't be taken back. He would like consideration for 6 courts. The applicant is trying to accommodate one sport. The project should save green space. There would still be an expansion and money would be saved.

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

VOTED: to close the hearing.

This will be discussed on 6/18/24 and a vote will be taken at the 7/11/24 meeting.

Request to review and approve Landscaping Plan: 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).

Ms. Espada noted a subdivision plan was approved with conditions. The Board asked for a landscape plan. The plan has not been received and work has begun. Ms. Espada noted the following correspondence for the record: a letter from Attorney Barry Fogel, dated 5/6/24, with comments and an email from Serguei Aliev, dated 5/29/24, with comments and concerns. Brian Connaughton, of 920 South Street, showed the landscape plan. There were 11 trees on the buffer originally and that has been increased to 15 Cupressina (Norway Spruce) which he feels is the best option. There is 50 feet planted now to the buffer with a couple of species in the island and a water feature.

Ms. Newman stated the Planning Board required landscape in the strip along the abutters property and an island within the cul-de-sac and a plan was needed. The subdivision plan is pretty much done with a couple of outstanding issues including the landscape plan. Mr. Block asked if Tree Warden Ed Olsen had reviewed the plan. Ms. Newman noted he had reviewed the plans and is ok with them. Mr. Block noted the Board received correspondence from an abutter requesting an increase in the number of trees beyond 15 and concerns with site mitigation measures regarding adverse impact to his property. Mr. Connaughton stated erosion controls are in place. There is no water to the site as he has not been able to hook up to the main. There is not much dust. There is one person running an excavator at a time. They are working on the other side of the property which is mostly ledge. If there was dust he could get a fire detail but, with the rain, he has not seen any dust issues.

Ms. Newman checked with the Board of Health. They visited the property and did not witness any dust. The abutter was told if there is dust the Town could mitigate it by requiring water. Mr. Block asked how long will there be no access to water? Mr. Connaughton stated he is at the mercy of the DPW and Engineering. The Town has awarded the contract and he hopes to have water soon. He cannot apply for water and utilities. Ms. Newman stated a lot of construction has been done already but approval is needed from the Planning Board. She explained the procedure. More sitework was done than anticipated. The plan needs to get approved and the documents on record. Mr. Connaughton stated he has permits with the DPW and has only started sewer and drainage. This is family property and he can work on it at his own risk.

Mr. Crocker stated one picture shows substantial work being done without protection. Mr. Connaughton stated there are erosion controls and there have been pre-site visits with the Conservation Commission. Everything is to their liking. Mr. Crocker noted there is a high mountain of dirt as compared to the driveway. He wants to make sure the property is being taken care of before and after. Mr. Connaughton stated all will be used as backfill for sewer and grading. Mr. Block would like more information on the planting plan. Mr. Connaughton noted 80 feet

will be screened between the houses. Some existing vegetation and trees are being left. He is planning to plant 15 trees for 180 feet of coverage that is now 150 feet. He was able to track down 6 to 8 foot trees with about a 3 foot base to start. Ms. Espada asked the purpose of the chain link fence. Mr. Connaughton stated he has 3 kids and 2 dogs. There are a lot of coyotes daily. He plans to fence the entire property or at least the rear of the property. The swale is already in and there will be double coverage where the houses are the closest.

Mr. Alpert stated the applicant presented a proposed planting plan and the abutter made some changes. He asked if the applicant has reviewed and is ok with the proposed changes. George Giunta Jr., Attorney for the applicant, stated he is not aware of any proposed changes to the restrictions. Mr. Alpert asked the applicant to review and get back to the Board. Mr. Giunta Jr. stated the last he heard it was alleged the plan was not submitted but it was. Ms. Newman noted the Tree Warden would prefer a mix of different species but is ok with the plan. Mr. Alpert would like something in writing by the Tree Warden with his thoughts on both suggestions. Mr. Connaughton stated he wants to screen as much as anyone. He wants his privacy.

Barry Fogel, Attorney for the abutter, stated he had previously communicated with Mr. Giunta Jr. and has not heard anything back. The intent is a covenant which would run with the land in perpetuity and not just a couple of years. He appreciates the Planning Board having the Town Arborist look at it and the landscaping being staggered. He hopes the Arborist will look at that. He would like the Planning Board to see the fence. He would like it on the owner's side of the landscaping and not the abutters' side. He hopes the Planning Board will be aggressive on nuisance control with regard to dust. Some deadlines should be put in as this has gone on further than expected. Dr. Serguei Aliev, of 31 Marant Drive, noted the applicant said he would increase the trees from 11 to 15. There was 60 feet and now he is talking 150 feet. The applicant did not increase the number of trees. He just stretched this out. There needs to be much more trees for a buffer. He collected 4 bids from landscapers and all the information was forwarded to Mr. Connaughton and the developer. He appreciates the Planning Board would like a written response from the Arborist. He would like an increase in the number of trees. He noted the developer is not a landscaper and not a professional. A professional landscaper would put trees 5 feet apart and not 10 feet apart. The trees should be staggered. He agrees with Mr. Fogel regarding the fence. He asks the Planning Board to reject the proposal for the fence. There are no fences in their neighborhood. If there is a fence it could be behind the swail. Mr. Alpert commented that the Board does not have the authority to prevent someone from putting a fence on their property.

Mr. Crocker asked if there has been a landscape architect on record for this. Ms. Newman stated there is no landscape architect plan. Mr. Crocker suggested the applicant get a landscape architect so there are no questions. It is a small but important part of the project to hear what the landscape architect says. Mr. Fogel showed his property where an abutter planted 2 rows of some trees staggered. It is possible to do a double row, staggered. Mr. Connaughton stated those are arborvitae which are different plantings. Mr. Block asked if the applicant is moving any segment of the mountains of earth prior to the installation of water and utilities. Mr. Connaughton stated he may for some backfill. Mr. Block stated moving may cause an adverse impact on the neighbors. He asked if it is possible to not move until he can mitigate and control measures.

Ms. Newman stated the problem is the construction is happening out of order. Mr. Giunta Jr. respectfully disagreed. They would not necessarily have water connections. Typically, there is not a lot of water unless there is a noticeable dust issue. There is not a noticeable dust condition. It may not be different even if it was done by the book. Robert Place, of 914 South Street, stated the development is directly across the street. Five homes have been developed and they all have water off the street. He does not understand why there is no water. There is a huge amount of dirt moving around the property and a tremendous amount of dust that is not being mitigated. It is inappropriate for this type of construction. There are 5 major piles of rock and dirt on the property. He disagrees that this is just normal. The work for the water capture is already done and the water lines need to be completed. The applicant could have remediated the area, but no action was taken. The applicant has made representation he will keep the buffer on his line but took down almost everything. He had privacy before but now he sees the Aliev property on the other side of this property. He has been forced to provide visual protection for his property. The visual impacts have been totally cut down. They want their privacy. He has been severely and detrimentally impacted by this. The applicant is just building one house, but this is 15 months old, no utilities are in and the water is not in. The Conservation Commission plan associated with impacts at 50 feet and 100 feet will need to be reviewed.

Ms. Newman stated the Conservation Commission approved a plan that was submitted. She is not sure if there have been any violations. She stated the Board has never had a 2-lot subdivision with as many issues as this one. Ms. Espada asked what the building department has to say. Ms. Newman noted the applicant has not applied for a building permit as they have not gone through the process. Mr. Block stated there is quite a bit of frustration in all areas. They need to hit a reset button and make sure all is in order going forward. More construction has taken place outside the process. Ms. Newman noted it is important to agree on mitigation for landscaping to get that closed out and have conversations on how the site is being managed, including the Board of Health who were out there last week and on Monday. Mr. Block feels there should be no earth moving until there is a plan.

Mr. Giunta Jr. stated there should be a street opening permit in place overseen by the DPW. There are aspect of construction not usually overseen by anyone and are generally not a process. The DPW has oversight over the street opening permit and the Board of Health has oversight if there is an issue. Moving dirt around and sitework is not generally overseen. The real issue is dust that would have to be addressed. Any issues would go to the Board of Health and the DPW. Mr. Crocker noted they are talking about the east side of the property but should be talking about the west side also. Mr. Alpert stated it was not raised before and is not part of the decision. Mr. Fogel stated the Planning Board has acted under subdivision regulations. He feels the Planning Board has ample authority to hit the reset button, set some deadlines and impose some restrictions. Mr. Connaughton would like someone to come out and see when the excavator is working. He does not think the dust is bad. Ms. Espada feels that is reasonable but there needs to be a timeline for landscaping and when it will be done.

Ms. Newman noted it is important to get the landscape plan approved to get it on record. Mr. Connaughton commented he has been waiting since September for comments from Planning. Ms. Newman was waiting for the landscape plan to close it out. The protocol is to get a landscape plan stamped by a landscape architect. They should have it by the next meeting. Ms. Espada stated this cannot proceed without the landscape plan. There are 2 things needed – a landscape plan and the Tree Warden to review it. They need to make sure the DPW is ok with the work done so far. Mr. Connaughton stated he is happy to work with anyone. Both abutters have his phone number. He has made changes for Mr. Aliev that have cost him a lot of money. Mr. Alpert feels if the Tree Warden approved of what the Board has that should be fine. The Board has not required a landscape architect stamp. There may not be a need for a landscape architect if the Tree Warden is ok with what they have.

Request to Release Surety: Definitive Subdivision Amendment: Whittenton Management, LLC, 823 Newton Street, Chestnut Hill, MA, Petitioner (250 Cedar Street Realty, LLC, Dennis Paul, Manager, former Petitioner). (Property located at 250 Cedar Street in Needham, MA).

Ms. Newman noted this is an off-street drainage bond. The house has been built and has sat for 2 years. The Board of Health recommends the drainage is fine and the bond can be released.

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

VOTED: to authorize release of the \$7,000 Off-Street Drainage Bond for the 2 lots.

Discussion of & Vote to Adopt Code of Conduct.

Ms. Espada stated, at the last meeting, she handed out the Code of Conduct created by NUARI and adopted by some of the other Board's. The members need to review it and see if there are questions. Mr. Alpert commented he had an issue. At Section 3.7 it says, "conflict of interest actual or perceived would be disclosed to other members and the public." He has a perceived conflict coming up. He called Town Counsel Chris Heep and he agreed it could be perceived and gave him a form to complete and file, which he did. He asked if he should make an announcement and Mr. Heep said no. This section says an announcement should be made. Mr. Heep will look at that and has changes for the whole. Mr. Alpert noted Section 2.4 says "if permitted by Planning Board Member Remote Participation." That is a Select Board policy. Section 2.4 should say "Member Remote Participation." In Section 3.6, this was adopted by the Select Board before the Supreme Judicial Court ruled on the Baron Decision. He feels 3.6 should come out and all agreed.

Mr. Block stated the Board needs to manage their own conduct. Multiple times over the last few years conduct among the Board members has been vulgar. That is the reason the incoming Chair Ms. Espada felt there needed to be rules of conduct. Specifically suggesting incorporating in specific tactics such as the gavel to stop the behavior or they could recess for 5 minutes. Mr. Alpert looked at Section 3.2. He asked if that needed to be revised. Section 3.6 is about the public. He reread the Baron Decision. The Board is already asking the public to limit their remarks to 3 minutes and the Board can hold them to that. He suggests not changing Section 3.7. He went to the MA.gov website and read the Planning Board section. It is strongly recommended he disclose to the public so he will. Ms. Espada sees no problem with saying it.

Mr. Alpert noted in Section 4.3, the annual stipend is Select Board not Planning Board member. In Section 4.4, Mr. Heep had a problem and suggested saying “When the Board as a body is asked questions the Chair may place the question on an agenda for a Board meeting or the Chair may asked the Director of Planning and Community Development to respond” and take out “on behalf of the Board.” Ms. Espada suggested taking out Section 5.1 as that is for the Select Board. All agreed. Ms. Espada asked, in Section 6.1, can members talk directly to Town Counsel or does it go through the Chair? Ms. Newman noted all members can speak with Town Counsel. Mr. Block would like to see some specific addition between members so that no member shall disparage or impugn another member during a meeting, which has happened. Also, outside of meetings no member shall disparage or impugn another member in public, online or social media platform and will refrain from casting aspersions and promoting unfounded claims against another member. Ms. Espada asked Mr. Block to write it up and the members would look at it. Mr. Block will add sections and underline for members to see. Members should give their comments in advance.

Board of Appeals – June 20, 2024

Boston Swim School, LLC (d/b/a Goldfish Swim School) – 45 Fourth Avenue.

Adam Dangelo – 315 Chestnut Street.

Needbobocon, Inc. – 1257 Highland Avenue.

Ms. Espada has reviewed and has no comments on any of the agenda items. Mr. Alpert agreed.

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

VOTED: to make “No Comment” on all 3 items.

Planning Board Appointment to Community Preservation Committee.

Mr. Block suggested appointing Mr. Alpert as the Planning Board member to the Community Preservation Committee (CPC). Mr. Alpert noted he is only on this Board for one more year and the CPC appointment is a 3-year term. He is fine with Mr. Block doing it.

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

VOTED: to appoint Mr. Block as the Planning Board representative for the CPC.

Minutes

Mr. Alpert noted on the minutes of 4/2/24, page 2, first paragraph, he thought Mr. Block stated this is designed to include attic space... It is not clear if it was Mr. Block or Mr. Matthews. In the first line, before Mr. Matthews, it should say Mr. Block recognized Mr. Matthews, of 31 Rosemary Street, who is the proponent. Then “Mr. Matthew stated...” In the last paragraph, 3 lines down, it should be “zoning in Residential A as it does not control the size of houses at all.” Mr. Alpert noted on page 3, 2nd paragraph, insert “Mr. Bulian stated that this needs to be looked

at again.” “Uses gross living area size factors” should be “dimensional factors.” Take out “reduce FAR.” It should be “5-foot ceiling height” not “space.” Mr. Matthews proposed “dimensional factors could change.” Ms. Espada asked on page 4, 1st paragraph, what is the pause concept? Mr. Crocker noted it was to temporarily put on a hold. Ms. Espada noted on page 5, Ms. Espada noted tennis court “elevation” is lower. On page 6, 3rd paragraph, “submitted a letter with legal.” Ms. Espada noted to take off “with legal.” He was identifying a problem with pickleball.

Upon a motion made by Mr. Crocker, and seconded by Mr. Block, it was by a vote four of the five members present (Mr. McCullen abstained):

VOTED: to approve the minutes for 4/2/24 as amended.

On the minutes of 4/24/24, page 2, “it could be disclosed” should be “it should be disclosed” and “it was felt it would not be a conflict” should be removed and put in “the individual felt it could be perceived as a conflict” and change “it” to “the Board.” Ms. Espada noted on page 5, 2nd sentence, should be “if they have the budget” not “as they have the budget.”

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote four of the five members present (Mr. Crocker abstained):

VOTED: to approve the minutes of 4/24/24 as amended.

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

VOTED: to accept the minutes of 4/30/24.

Report from Planning Director and Board members.

Ms. Newman submitted the HONE guidelines into the state and the zoning was recently submitted to the Attorney General’s Office. They are looking at the language of the zoning. The Board should get comments back within 30 days. GPI has been retained to look at traffic impacts from the base scenario and the neighborhood housing plan. She should have that by the end of this month. If changes are needed by the Attorney General’s Office the Board will discuss. There should be a discussion regarding changes to 100 West Street. That will be on the agenda for the next meeting. Ms. Newman noted there was a preliminary meeting with the Housing Authority that is moving forward and they will be filing in August. There may be the need for an extra meeting in September to accommodate the Housing Authority proposal. She was thinking 9/10/24. The regular meetings will be 9/5/24 and 9/17/24. She had 9/24/24 as a hold as they may need 4 meetings in September.

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

VOTED: to adjourn the meeting at 10:43 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk