NEEDHAM PLANNING BOARD MINUTES

August 8, 2017

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Ted Owens, Chairman, on Tuesday, August 8, 2017, at 7:00 p.m. with Messrs. Jacobs and Alpert and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman, Acting Assistant Town Planner, Ms. Collins and Recording Secretary, Ms. Kalinowski.

Decision: Amendment to Major Project Site Plan Review Special Permit No. 1995-09, Highland Montrose, LLC, 159 Cambridge Street, Allston, MA 02134, Petitioner (Property located at 922-958 Highland Avenue, Needham, MA).

Mr. Owens noted there was a draft in the packet that was mailed and a new draft in tonight's packet. There were revisions to Sections 1.6 and 3.1. Mr. Cramer, the Applicant's attorney, stated he was happy with the draft as written with the changes. Mr. Jacobs noted it was not a 5-0 vote. He abstained. Ms. Newman will correct that. Ms. McKnight asked why there was a need to change Section 3.1. Ms. Newman stated she tried to capture all conditions and carry them forward. Mr. Cramer was concerned if there was an issue at Starbucks it could impact this. Mr. Cramer stated he did not want to risk any violations by other tenants that did not impact them. The Applicant is the landlord. Ms. McKnight stated she is concerned with the premises as a whole and how they are maintained.

Upon a motion made by Mr. Alpert, and seconded by Ms. Grimes, it was by four of the five members present (Mr. Jacobs abstained):
VOTED: to approve the draft decision as presented in the packet this evening.

Discussion of Decision Conditions: Cartwright Road Definitive Subdivision: Mary Stare Wilkinson and Bradley Wilkinson, 260 & 267 Cartwright Road, Needham, MA, Petitioner (Property located at 260 and 267 Cartwright Road, Needham, Norfolk County, Massachusetts, Assessors Plan No. 218 as Parcel 1).

Ms. Newman stated this agenda item has been resolved. The town was waiting for a conversation with the Town of Wellesley water department. The town had the conversation and is satisfied. The town has accepted the bond.

Discuss draft Open Space and Recreation Plan Update.

Ms. McKnight commented she had intended to look at this, but she is not prepared to talk about it tonight. Mr. Owens stated he has some comments. He asked if it was really a plan or a wish list. The action plan sometimes involves multiple parties. Sometimes it refers to plan sponsors including the Planning Board. He does not feel he has been part of the process that led to this plan. He noted the funding column is blank. This is a massive amount of work and the projects are not prioritized. There is still a fair amount of work to be done on this plan. He noted he is concerned with the strategy of assigning tasks to Boards that have not been asked. Comments are due to Park and Recreation Department Director Patty Carey by 9/1/17.

Ms. McKnight stated comments could be sent to Ms. Newman and she can do a composition and pass it along to the appropriate people. She said the first meeting of the OSRP Advisory Committee went through the status of the previous plan. The plan has not been linked with the town's Capital Plan. Mr. Owens noted that is in the draft. He feels some is controversial. There are some significant editorial comments snuck in the middle of it.

Mr. Jacobs stated there was one meeting on part of this plan to give feedback. He agrees with Mr. Owens. It seems to be a wish list. Ms. Newman noted the state has to approve the form of the plan. She believes the statute requires Planning Board approval of the plan for it to be submitted to the state.

Zoning submittal for the October 2017 Special Town Meeting.

Ms. Newman stated George Giunta Jr. communicated his request for the withdrawal of the requested zoning by-law amendment. She will keep it on the plan to look at.

Board of Appeals – August 17, 2017.

Rachael Berkowitz and Steve Conroy – 21 Norfolk Street.

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: "No comment."

Minutes

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to accept the minutes of 5/23/17.

Correspondence.

Mr. Owens noted the following general correspondence: a letter to the Chairman of the Planning Board from Town Manager Kate Fitzpatrick with follow up to a comment at the last meeting by the Public Facility Department regarding public safety projects, with a not yet completed study, noting the town may come back at some future point seeking zoning relief.

Ms. Grimes stated she is uncomfortable with these public safety project proposals. The Planning Board will be the one that stands up at Town Meeting to convince members to approve zoning bylaw amendments when we do not know what will be built. She is uneasy holding a public hearing to explain zoning the Board does not have information on. She is uncomfortable giving approval. She thinks it is too early. The Town does not know what they need.

Mr. Jacobs asked Ms. Newman if she has a sense if the applicant would be likely to have something more solid as to what they want to do before the Planning Board takes up the zoning issues at its public hearing. Ms. Newman noted the Town did the presentation with the schematic designs and the zoning compliance table. That is as far as they have taken it. She thinks the Town will present what they anticipate what the building and designs would be. That does not mean it will not change. That is for both the Chestnut Street and Highland Avenue properties.

Ms. Newman stated, in terms of the proposed rezoning of one parcel to Center Business, it is really just capturing a parcel that sits in the corner that really was just a piece that was left out. Ms. Grimes stated this is dramatically changing the scope of the parcel. She is uneasy with it. Mr. Alpert stated, as a Board, they still have obligations and rights only under Special Permits. This does not give them anything new by right, only by Special Permit. He does not feel the Board should be shy to exercise its rights under the Special Permit process. Ms. Grimes noted this increases the FAR dramatically. There will be very few things the applicants would need to ask for waivers for.

Ms. McKnight stated she agrees with Mr. Alpert's comments. It makes sense to extend some of this zoning in this district. The Board has enormous discretion in granting Special Permits. She feels the Board has all the power needed. Mr. Jacobs noted the Board does have the discretion, but if the Town comes to us with plans, and has funding, it puts us in a high pressure position. He agrees with Ms. Grimes on this. Ms. McKnight commented she has confidence in the Selectmen to come up with a design. The Board should be frank and open in their discussion with Town Meeting and the Selectmen should also. Mr. Alpert feels this will not be the only zoning request made by the Town for this project.

Mr. Owens reviewed the timeline for the public hearing and final language. Mr. Alpert asked if notice will be sent to the abutters. Ms. Newman noted the Board asked her to send notices to the abutters and she will do that. She stated there will be a public hearing on 9/5/17.

Report from Planning Director and Board members.

Mr. Owens noted correspondence from Ms. McKnight regarding the Massachusetts recreational marijuana statute amendments. Ms. McKnight stated she typed up the Recreational Marijuana Establishments information as adopted. She concluded there was a proposal that gave the Selectmen authority over whether or not to allow such establishments, but that was only a proposal and not what was adopted. Cities and towns that voted against the recreational marijuana referendum in 2016 could adopt a zoning amendment under Chapter 40B that prohibits recreational marijuana as long as it was enacted prior to 12/1/19. There would have to be a new referendum after that. She noted the Massachusetts Municipal Association commented that there may be a challenge to the validity of part of the law.

Ms. Newman stated the Selectmen discussed this at their last meeting and are asking Town Counsel for a legal opinion as to whether a second Town-wide referendum is necessary. The Selectmen may put a formal question on the ballot in November. Ms. McKnight stated a former colleague told her there may need to be a referendum for each town and a zoning amendment. He said he would recommend both a general By-Law and a zoning amendment. She will have to see what KP Law's final opinion is and let the Board know. She noted towns can prohibit pot cafes by vote at the next state election in November 2018.Mr. Alpert asked if having a referendum in the April of 2018 Town election makes more sense. There would be a higher turnout than at the November election.

Ms. Newman noted Bob Hentchell, representative for the Village Square Chestnut Street Petrini Building, wants to fix the plaza in front. There will be landscaping and tile. She asked the Board if it would be a formal amendment or a deminimous change. Ms. Grimes noted deminimous. Ms. Newman will let them know.

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 8:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk