March 6, 2020

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, March 6, 2020, at 8:32 a.m. with Messrs. Owens, Alpert and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

**ANR Plan – Rami Assaad and Rania Assaad, 348 West Street, Needham, MA, Petitioner (Property located at 348 West Street, Needham, MA).**

Evans Huber, Counsel for the applicant, stated his clients own 2 pieces of property. The small unimproved lot is 10,000 square feet. The larger lot is L-shaped and has an existing 2 family house. This application will reconfigure the lots so a section behind the smaller lot becomes part of the smaller lot. The effect will be the now smaller lot would become larger and be better suited to building a house. This would allow the house to be set farther back from the street. Both lots are conforming as to size requirements. He noted the exiting house and garage are staying.

Mr. Jacobs clarified there is a note on the plan that says the endorsement is not a determination as to conformance with zoning regulations. He noted the following correspondence for the record: a letter, dated 1/3/20, from Town Counsel David Tobin regarding 12 & 18 Brookside Road and a letter, dated 2/28/20, from Town Counsel David Tobin regarding this property. Both letters say ANR endorsement is appropriate. He commented the front porch is within the 14 foot setback of the side lot line and he added comments. Mr. Alpert noted, for full disclosure, he represented the prior owner of this property. The existing house is pre-existing, nonconforming due to its 2 family status. Town Counsel Tobin's letter concludes that the ANR does not affect the pre-existing, nonconformity.

Ms. McKnight stated she is concerned that if the pre-existing, nonconformity is preserved the owner could go to the Zoning Board of Appeals (ZBA) with a proposal for reconstruction of the 2 family house. Could there be a condition? Mr. Alpert noted that, if an application were made, the ZBA needs to find the proposed 2 family is not more detrimental and the Planning Board would have input. Mr. Eisenhut stated he would defer to Town Counsel. Attorney Huber stated he understands the concern but Town Counsel has made his determination and the applicant has no further plans.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to accept the application for the Approval Not Required plan.

**Minutes**

Mr. Jacobs noted there were 3 sets of draft minutes. If the members had any changes the changes should be passed to Ms. Clee.

**Correspondence**

Mr. Jacobs noted a copy of a letter from Planning Director Lee Newman to Assistant Town Manager Dave Davison regarding the Gift from Children's Hospital to the Town to cover the cost of a Parking and Trip Generation Evaluation for Children's Hospital, Founder's Park. Ms. Newman stated she has the check and has contacted BETA. Beta has begun a peer review traffic study. Technically she is waiting the Town's acceptance of the gift, which will be approved next Tuesday.

Ms. Newman stated she attended a meeting with Town Manager Kate Fitzpatrick, and the attorneys representing the Town, who recommended the Planning Board include a condition that links the Special Permit to the Terms of the Pilot Agreement. They feel it is important to run with the land and be perpetual in nature with a 30 year time line. That is the goal and the Town Manager wanted to know if the Planning Board is ok with that. Mr. Jacobs asked if Children's Hospital is aware of that condition. Ms. Newman stated Children's is not aware of the details. They understand what is trying to be accomplished but there has not been a meeting yet. All members of the Board are in favor that this should be a condition of the permit. Ms. McKnight stated she would like another means to have at least a 30 year enforcement in case there is an issue with that. Mr. Eisenhut noted it should be 30 years or as may be extended. All agree. Mr. Jacobs noted a memo to Rachel Glisper, Director of Human Resources for Needham, from Town Manager Kate Fitzpatrick, regarding the Economic Development Manager posting.

Mr. Jacobs noted a copy of the proposed ADU-ZBA Special Permit Application. Ms. Newman stated Daphne Collins is working with Building Inspector David Roche to get all the information up front, specifically how the relationship issue has been handled. She would like the Board members to review and give her any comments by next week. Mr. Jacobs noted a copy of the By-Laws as approved by the Attorney General.

**<u>Report from Planning Director and Board members.</u>**

Ms. Newman stated she met with Jeff Friedman, of the Farmer's Market. He would like to expand the Farmer's Market onto the common and increase the number of vendors by four. This would be an amendment to the special permit. They also want to do some unloading on Highland Avenue and start unloading an hour earlier. She asked if this would be a deminimus change or a full amendment. She feels it could be deminimus. The DPW is reviewing the off loading. Mr. Jacobs stated the applicant would need to negotiate the additional space with the Town. Ms. Newman noted it is being done concurrently. There needs to be a new agreement with the Town and the Special Permit needs to be changed. This is only being done for one year, then the common will be renovated and the market will be displaced. The Board members had no issue with this as a deminimus change.

Adam Block stated loading and unloading on the common could have a detrimental effect on the landscape. He asked if there is a responsibility on the part of the applicant to preserve and if they do not that they would be financially responsible to the Town. Mr. Jacobs stated that would have to be negotiated with the Town in its agreement with the Select Board but he expects the Town will have that as a condition in their agreement. Ms. Newman stated there have already been some conversations held regarding where the tables would be and the customers would be on the walkways. .

Ms. Newman noted NBC has offered tours of the facility. She asked if any members would be interested. Ms. McKnight and Mr. Jacobs would like to tour the facility. Mornings are best for all members. Ms. Clee will schedule a date and time and notify the Board members.

Ms. McKnight noted an article in the Needham Times regarding the train quiet zone. There is a group of people, led by Carlos Rodriguez and his wife, Sara, who began a website to encourage people to get in touch with the Select Board members and their state representative. This was on the Select Board agenda and basically the Town's goal of working toward a quiet zone was ended. She noted there are 2 ways to improve this – median barriers which the Select Board vetoed. The other way is 4 way gates which is more costly. The cost was $1.3 million when it was discussed previously. The Select Board has now closed the door. She is receiving a lot of calls and there is a lot of upset in the town. She would like to know what the Board members feelings are on this. She feels this is a health issue for a lot of people as they cannot sleep through the horns that blast first thing in the morning and very late at night. She is surprised by the Select Board's resistance and wants guidance from the Planning Board.

Mr. Eisenhut stated the hope is to connect the Rail Trail to the Newton line using the right of way as a pedestrian and cycle path. The train from Needham Heights through Needham Center would have to be discontinued. This is in the back of the Select Board members' minds. Mr. Alpert stated the intersections at Oak Street and Great Plain Avenue are very loud. Ms. McKnight noted the Needham Times article has information from the MBTA who say they have no plans for train service changes. Mr. Jacobs stated the Planning Board is already on record as being in favor of pursuing the quiet zone. Guidelines for doing this are already in place. There is a question of doing it. Chances of it happening are slim in his view.

Mr. Block stated he met with Mr. Rodriguez and others who are strong advocates to form and implement a movement. They feel they have been aggrieved by the process. It would make sense to do an updated study. He attended the Select Board meeting. There was a discussion and then a vote to take no action. It may be a misperception on the part of the group that the Select Board voted to kill the issue in finality. Ms. McKnight noted Town Manager Kate Fitzpatrick informed her the Select Board voted to take no action. Mr. Block thought it was to take no action at this time. The residents feel particularly aggrieved and are not getting any satisfaction from the town. Mr. Jacobs stated the question is, as a Board, do they want to take a position? He asked if there is time to get this on the 3/17 or 4/7 agenda to discuss. It will be put on the 4/7/20 agenda for discussion. Mr. Block will reach out to Mr. Rodriguez. Ms. Newman will also reach out and plan it.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 9:15 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Jeanne S. McKnight, Vice-Chairman and Clerk