

## *NEEDHAM PLANNING BOARD MINUTES*

April 6, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, April 6, 2021, at 7:15 p.m. with Messrs. Alpert, Jacobs, Owens and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of the Board members and staff. She noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. She reviewed the rules of conduct for zoom meetings. She noted this meeting includes a public hearing and there will be an opportunity for public comment. If any votes are taken at the meeting the vote will be conducted by roll call.

Ms. McKnight noted this is Mr. Owens last meeting. He has been on the Board for 5 years and it was a pleasure to have him on the Board. Mr. Alpert noted for 4 of the 5 years Mr. Owens was the only non-lawyer on the Board and he brought a perspective to the Board. He will be sorely missed.

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

VOTED: to automatically continue the meeting to 4/20/21 at 7:15 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight.

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

VOTED: to authorize the Vice-Chairman to continue the meeting if the Chairman has technical difficulties.

Mr. Jacobs noted an item later on the agenda will be continued to a later date. There are several people on the call for that hearing. Ms. McKnight stated the 7:50 p.m. Minor Project Site Plan Review for Needham Enterprises, LLC for property located at 1688 Central Avenue will be moved to the 5/18/21 meeting. The Board received a letter from Attorney Evans Huber requesting it be taken off the agenda for the 4/6/21 meeting. The applicant agreed the Board may have an additional 30 days after the 5/18/21 meeting to make a decision. The letter also says the applicant is aware the issue of whether the application should be considered a major project has been raised by the Board. It remains the position of the applicant this is a minor project review.

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

VOTED: to reschedule the appointment on the calendar for a minor [special permit?] review at 1688 Central Avenue to 5/18/21 at 7:30 p.m. and agree with the applicants request that the time period by which the Board needs to make a decision, by consent of the applicant, be extended to 6/17/21.

Mr. Alpert stated Attorney Huber should be notified, if it is determined this is a major project, because he will need to withdraw this request without prejudice and file a new application by 4/16/21 in order to get on the 5/18/21 meeting agenda.

### **Public Hearing:**

#### **7:20 p.m. – Article 1: Map Change to General Residence B Zoning District.**

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

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

George Giunta Jr., attorney for the applicant, noted the Board heard this request for a map zoning change last spring. This is for a series of properties along Rte.128, with 23 properties in total. All the properties are directly across the street from Single Residence B District (SRB) properties. Some parcels are larger and there are some that are less than 10,000 square feet. None comply with Single Residence A District (SRA) requirements. All the properties are nonconforming as to frontage and area. He would like the 23 properties now in SRA moved to the SRB District then most of the properties would become conforming. Most do not conform with the front yard setback for the SRA District. This zoning change would allow owners to make changes and add additions. People would be able to use their properties like the people across the street. The lots do not meet the acre requirements. He noted there is not a compelling policy reason to keep these properties in the SRA District and it penalizes people who want to add an addition.

Mr. Jacobs asked if this is a Citizen's Petition and was informed it is. He asked if the applicants want the Planning Board to recommend approval and was informed yes. Mr. Owens had no comments or questions and noted it looked reasonable. Mr. Alpert agreed. Mr. Block noted there are a lot of homes farther down Hunting Road, and down by Old Greendale Avenue, that are also in the SRA District. He asked if there were any comments from the neighbors farther down in a similar situation. Mr. Giunta Jr. stated he had not heard any comments. There are a lot of wooded areas, and north of Cheney Street is different from south of Cheney Street in the way the lots were created. Mr. Block noted that even with a map change those lots with less than 80 feet of frontage would still need to go to the Zoning Board of Appeals (ZBA) for approval of structural changes. Mr. Giunta Jr. stated only 3 lots would still be nonconforming, but 20 lots would become conforming. The structures would also become conforming. Bruno DeFazio, of 176 Hunting Road, stated he has a 20-foot setback and all other properties are in line with his. Ms. McKnight noted this hearing will be continued after she deals with the 7:50 p.m. appointment for 1688 Central Avenue.

#### **Appointment:**

#### **7:50 p.m. – Minor Project Review: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28 Needham, Massachusetts, Petitioner (Property located at 1688 Central Avenue, Needham, MA).**

Ms. McKnight informed any interested parties a vote was taken earlier in the meeting and this agenda item will be continued to the 5/18/21 meeting at 7:30 p.m. The Board will hear from the residents at that time.

#### **7:20 p.m. – Article 1: Map Change to General Residence B Zoning District—Continued.**

Ms. McKnight stated there are a number of lots developed with houses. She asked if any could be divided into 2 lots under SRB Zoning with people conveying strips of land. Mr. Giunta Jr. stated, based on conjecture, there is always the option to do that. All lots have single houses but he does not expect any more than maybe 2 or 3 new houses to go in. South of Kendrick Street the lots are too small to do anything and north of Kendrick Street are a series of lots with 100 feet of frontage. Lots would have to be combined. Mr. Block stated one issue that has come to the Board is building a house behind a house on some longer lots. He would not like to see this happen. Mr. Giunta Jr. stated that is not particularly practical. There would need to be a 40-foot wide road and a 60-foot radius. Three lots would have to be put together but that is not really marketable with 128 behind.

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

VOTED: to close the hearing.

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

VOTED: to recommend adoption of the Article to Town Meeting.

#### **Discussion and Vote of Planning Board Recommendation on Zoning Articles for Annual Town Meeting.**

Mr. Jacobs noted, for the record, that suggested amendments to Article 5 have come from 2 sources. Ms. McKnight stated she is active with Equal Justice Needham, whose members want to remove the 240-unit cap for affordable housing. She is not in favor of removing the cap but has helped them out with drafting of appropriate wording. She noted that Town Meeting Member Barry Pollack had organized opposition to the rezoning set forth in Article 5. Following the hearing on Articles 5 and 6 on 3/16/21 several changes were made to the zoning before it was finalized. This group (the Pollack group) wanted additional changes. They were put in touch with Town Counsel. She understands at the present time the Pollack group is no longer interested in pursuing any amendments.

Mr. Block stated he and Ms. McKnight and Ms. Newman met with the Finance Committee last week. Questions were asked about the fiscal impact under the existing zoning, by right zoning and special permit zoning. They are in the process of completing that for the Finance Committee. It will be submitted when it is completed. Ms. Newman stated the Finance Committee is meeting next Wednesday. She anticipates they will be asked to attend. This update of Finance Committee response will be discussed at the next Planning Board meeting. The advantage would be, if there are any other amendments, everything could be discussed together.

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

VOTED: to recommend to Town Meeting they adopt the proposed Article 5 Zoning By-Law for the creation of the Highway Commercial 1 District and adopt Article 6 for the zoning provisions (map amendment) for the Highway Commercial 1 District as set forth in the proposed Zoning Article 6.

#### **Board of Appeals – April 15, 2021**

##### **Hearst Stations Inc dba WCVB-T, applicant -- 5 TV Place**

Ms. McKnight noted there has been a helicopter pad since 1985. The applicant is going back to the old helicopter type.

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

VOTED: “No comment.”

##### **Glenn and Deborah Mulno, applicants – 40 Morton Street**

Ms. McKnight noted the applicants are adding a screen room on a nonconforming lot.

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

VOTED: “No comment.”

##### **Rachel Bright, applicant – 20 Coolidge Avenue**

It was noted there are limitation on the FAR of .38. The applicant wants to add on by going up and out to some extent. Ms. Newman noted the existing house is conforming and the present situation is at .37 FAR. The applicant is asking to create a new nonconformity and go to an FAR of .5. Arguably this could require a variance. This is not in keeping in the context of what the Planning Board sent to Town Meeting when the so-called “Large House” Zoning By-law amendments were adopted. Mr. Block noted the 7,000 square foot lot is under the 10,000 square feet required for the SRB District. Ms. McKnight stated it is important to make the position clear, since this is the first time something is being presented under the new zoning. Mr. Alpert stated there is nothing in the By-Law that allows the Zoning Board of Appeals (ZBA) to approve the creation of a new nonconformity in these nonconforming situations. He noted it is a legal question.

Mr. Owens stated he is opposed to approving this and feels the Planning Board should let the ZBA know that. Mr. Alpert commented on the hard work of the Large House Committee. There is also a question of the legal authority

to grant the requested relief without a variance. Mr. Owens stated this is exactly what the Large House zoning was trying to stop. Mr. Jacobs agreed.

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

VOTED: to notify the ZBA the Planning Board opposes approving this request after all the work the Large House Committee did and to also question the legal authority to grant the requested relief without a variance.

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

VOTED: in honor of a colleague [Mr. Owens] who has been a mentor to him and he is thankful for his guidance, to adjourn the meeting at 8:40 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

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Paul Alpert, Vice-Chairman and Clerk