NEEDHAM PLANNING BOARD MINUTES

September 15, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Wednesday, September 15, 2021, at 8:30 a.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He 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. He reviewed the rules of conduct for zoom meetings. He noted this meeting does not include any public hearings so there will be no public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials are posted on the town's website.

Appointment:

8:30 a.m. – Robert Schlager: Discussion of Route 128 Shuttle requirement: 117 Kendrick Street and 250 First Avenue.

Mr. Alpert noted there is a requirement in the special permit that requires participation in the 128 Business Council Shuttle Service. Ms. Newman noted the Board invited Mr. Schlager in to discuss the condition requiring shuttle service be provided between the buildings and public transportation from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. at both locations. All permits issued have this condition. Mr. Schlager has been invited in due to not providing the shuttle service. The Board wants to know why. Robert Schlager, representative from Bulfinch Group, stated 250 First Avenue was developed and constructed in 1997 and opened in 1998. They have been a great neighbor in the community and have complied with all conditions.

Mr. Schlager stated, with Covid, the building was vacant all of 2020 and is only occupied 20% to 30% now. There are 11 to 30 parking spaces a day occupied. Most employees are working remotely or working on skeleton crews so the shuttle service was suspended. Bulfinch participated and paid the first year with no occupants so they withdrew from the 128-shuttle service. Bulfinch has suggested to tenants they will provide UBER services to employees at their expense. He would like an interim waiver until things return to normalcy. He thought it would be back to normal Labor Day but that is not the case. He noted 117 Kendrick Street was permitted in 1996-1997. Bulfinch is a 30-year veteran of the 128 Business Council Shuttle. The cost is $50,000 per year. Participation is a little higher now with approximately 100 vehicles per day in the 700 parking spots. Occupancy is around 10%. He is asking for guidance. He noted a café is offered at this building. He stated there is generally about 15% average occupancy for both buildings.

Mr. Block suggested getting a sense of occupancy from the rest of the landlords to see what else is happening in the area. Mr. Alpert asked if the 128 shuttle is the only shuttle available and if Ms. Newman has been in touch to see how it has changed in the last year. Ms. Newman noted this is the only shuttle service. She understands the other businesses are all participating and providing services. Mr. Block asked if the special permit says Bulfinch is required to register for this or just provide service. Mr. Alpert noted they shall provide van shuttle service. It is not required they use any particular service. Mr. Block noted, as an alternative, Bulfinch is paying for tenant's costs. Mr. Schlager stated, presently, he has suggested to those that have asked if the shuttle will return, with a receipt, they will reimburse them to the Newton Highland T stop. They are happy to continue with the UBER subsidies for the time being until it makes financial sense. They are happy to rejoin if there is a participation level.

Ms. Newman stated the purpose was convenience for the employees but mainly to remove single use cars and bring down traffic on the roads. Using UBER is putting single cars back on the roads. Mr. Schlager stated traffic is no where near what it was. Ms. Espada clarified Mr. Schlager is asking to not participate for the next year because of a lack of demand. That is correct. Ms. Espada noted, if capacity increases, how will people know they can get an UBER. What is the communication to let people know the shuttle is not going? Mr. Schlager stated he needs to think about it. At some occupancy level he will restart service or provide a substitute service. He would like a temporary substitution of utilization of UBER to be monitored and reported to Ms. Newman monthly. Perhaps if there are more than 10 requests per day for UBER they will resume the shuttle bus service. Mr. Block noted everybody should be informed of the alternative. He feels what is being asked is reasonable but there is not enough of a plan. A year is a long time and a monthly report would be good but he would like to agree on a plan. Ms. Newman stated a lot of businesses have the same issues. People worked hard to put the shuttle service in place.

Mr. Schlager noted he continued the shuttle service for a year at a cost of $70,000 for the 2 buildings but the bus sat and idled and no one used it. They were not able to come up with a compromise. It is a challenge paying for something no one uses. He is happy to pay for it if the people are there. He is also happy to make a minimal donation to help out. Mr. Jacobs stated he understands Mr. Schlager's point of view but it cannot be up to him. They need to keep the system running. Mr. Schlager stated Bulfinch could withdraw and run their own van but they want to be a good neighbor. Ms. McKnight stated there are 2 issues in the shuttle service. One could be insufficient parking but this was adequate. The second issue is traffic. Traffic studies were done and she assumes the shuttle service requirement was taken into account. It is important to preserve this as a condition in the permit. Granting a 6-month waiver seems reasonable under the circumstances. She noted Mr. Schlager stated he has told those who have asked. She feels the Board should set 2 requirements. Express communication to employees and employers that they may use services such as UBER and copy the Planning Board. There has to be communication to the employees. Mr. Schlager would report monthly the number of people doing this. If a reasonable donation per month is made then we can revisit in 6 months.

Mr. Alpert stated he was thinking the same thing. There would be communication from Bulfinch to the tenants requesting they share it with their employees. He would like to see something in there that somebody is encouraging the use of public transportation. When demand reaches a certain level the shuttle will be reinstated. Ms. McKnight stated it should be made clear the cap is the cost to the Highland T stop or the commuter rail. Mr. Jacobs stated he would add a step. He would like to hear from Monica Tibbets of the 128 Business Council on what the result would be and the impact of similar requests if the Board does that. Also the viability of the service continuing. He does not think Mr. Schlager is being unreasonable at all. He thinks he is legitimately trying in good faith. Ms. Newman noted the decision would need to be modified. Mr. Alpert stated this is an informal discussion. He sees no harm in contacting Ms. Tibbets, letting her know about the discussion and ask for input.

Mr. Schlager stated he would not like a formal vote per se. He would like to address it informally between Ms. Newman and Bulfinch. They have worked together for 30 years and have always been fair to each other. He will do the communication as Ms. McKnight asked and will speak with Ms. Tibbets. Mr. Block noted Mr. Schlager was going to ask for an alternative pricing 6 months ago and asked if he ever heard. Mr. Schlager stated he did not hear back but a couple of shuttle stops were added to help out but some are still out. When occupancy increases the cost is justifiable. He would not be here if it was $10,000 per property but the cost went up.

Ms. Newman suggested she have a conversation with Ms. Tibbets, put in writing what the plan is and what the terms are. This could be done as a deminimus change. Mr. Schlager will write a letter to Ms. Newman to summarize the discussion of the short-term interim approach. He is happy to work with the Board. Ms. McKnight commented, with outdoor seating, the Board chose to defer enforcement of the special permit for a limited period of time. She asked if that could be an approach. Mr. Alpert agrees but feels they are not there yet. He noted this discussion could be continued at another meeting,

<u>Review of application received for two at-large appointment for the Housing Plan 2021 and vote to appoint.</u>

Mr. Alpert noted they received 14 applications. He noted Laura Dorfman submitted an application because they did not know if the Community Preservation Committee (CPC) would have a seat. She will be the CPC representative. Andrew Cohen was on the Housing Authority for 6 years. He will be on the committee as a member at large representative. He noted there will be 2 members at large. Ms. Newman wants to move this along. Potential dates for the first meeting are 10/7/21 or 10/12/21. She wants to set up the first meeting. Ms. Espada would like to be on this committee and the environmental committee.

Mr. Block noted Stephen Frail is one of the applicants. He asked if the Board should reach out to him to see if he has a preference which committee he would like to be on. Ms. McKnight agreed. She noted she wants to be on the Housing

Committee. Mr. Alpert stated the Chair of the committee should be a Planning Board member. Ms. McKnight and Ms. Espada will discuss among themselves who will Chair the committee. Mr. Block stated he had reached out to School Committee and will need to follow up. He will let them know there will be one spot for them. Mr. Alpert noted this will be deferred to another meeting so other members have a chance to review the resumes.

Review of Citizens Petition for Fall Special Town Meeting regarding "a non-binding resolution concerning the amendment of the current Accessory Dwelling Units (ADUs) by-law."

Mr. Alpert noted this is an amendment to allow people to be able to lease out their Accessory Dwelling Units (ADUs). He feels the Planning Board should not make any recommendation at this time. He is not inclined to amend the ADUs until they see how it is working. This will be dealt with in October.

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:
VOTED: to accept the minutes of 6/14/21.

Correspondence

Mr. Alpert noted correspondence from the Attorney General approving the Zoning By-Law change for the Highway Commercial 1 District.

Report from Planning Director and Board members.

Ms. McKnight noted Kim Marie Nichols correspondence. She asked if the Planning Board would be willing to offer a break out session on housing. Mr. Alpert stated he is not inclined to do that as they are already forming the housing committee. Ms. McKnight and Ms. Espada will decide what to do with this. Ms. Espada feels it is a great idea to hear what the community thinks. It is a great way to let people participate.

Upon a motion made by Mr. Block, and seconded by Ms. Espada, it was by a roll call vote of the five members present unanimously:
VOTED: to adjourn the meeting at 9:54 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Adam Block, Vice-Chairman and Clerk