

NEEDHAM PLANNING BOARD MINUTES

January 17, 2023

The Needham Planning Board meeting, held in person at the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, January 17, 2023, at 7:00 p.m. with Mr. Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee. Mr. Alpert arrived at 7:05 p.m.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does not include any public hearings and public comment will not be allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Decision: Amendment to Major Project Site Plan Special Permit No. 94-5: Coca-Cola Beverages Northeast, Inc., 1 Executive Park Drive, Bedford, NH, 03110, Petitioner (Property located at 9 B Street, Needham, Massachusetts). Regarding proposal to renovate the existing building by removing the existing 14,500 sf office wing, removal of 44, 985 sf of the existing Fleet Services wing, associated storage and former railroad bay to be replaced by 14, 610 sf attached new single-story Fleet Services wing and addition of 14 loading docks (see legal notice and application for more details).

Mr. Block noted the following correspondence for the record: a memo from the Design Review Board (DRB), dated 11/7/22, approving the revised landscape plan; a letter from Attorney Evans Huber, dated 1/2/23, noting a reclassification of part of the building was undertaken. 534 parking spaces will be available, and the project will need a waiver of up to 11 spaces. He noted the changes related to parking came from the Building Commissioner. There was also an email from the Building Commissioner David Roche, dated 1/4/23, noting the calculation change came from him after meeting with the site Engineer.

Mr. Alpert arrived at 7:05 p.m. Attorney Evans Huber, representative for the applicant, clarified that with the recalculation of parking spaces the building still has a small shortfall of 11 spaces. The nonconformity is being reduced but the proposed changes do not trigger the requirement for a waiver. The Building Commission supports the waiver. Mr. Alpert stated the letter, dated 1/17/23, from the Building Commission is not reflected as an Exhibit. He feels it should be added as Exhibit 11 or 14.

A motion was made to grant the requested Special Permit under Sections 5.1.1.5 and 5.1.1.7 of the Zoning By-Law to waive strict adherence to the off-street parking requirements of Sections 5.1.3 of the By-Law with respect to subsection (n) (bicycle racks), the requested Major Project Site Plan Review Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Review Special Permit No. 94-5, dated August 9, 1994, amended May 1, 1996, subject to and with the benefit of the following Plan modification, condition and limitations. Ms. McKnight noted Condition 3.21, which says "The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the source of the discharges." Condition 3.10 is almost identical. She is questioning the first sentence of 3.21. Ms. Newman noted the first sentence of 3.21 should be deleted and start it with the Street Opening Permit. Ms. McKnight noted Condition 3.24. She feels there is a word missing from "No portion of the proposed amendments shall be occupied..." Ms. Newman suggested it could be "No portion of the building being renovated..." Mr. Huber suggested "No portion of the proposed new construction..." Mr. Alpert agreed.

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

VOTED: to Grant (1) the requested Special Permit under Sections 5.1.1.5 and 5.1.1.7 of the Zoning By-Law to waive strict adherence to the off-street parking requirements of Sections 5.1.3 of the By-Law with respect to subsection (n) (bicycle racks); (2) the requested Major Project Site Plan Review Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Review Special Permit No. 94-

5, dated August 9, 1994, amended May 1, 1996, subject to and with the benefit of the following Plan modification, condition and limitations.

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

VOTED: to approve the decision with the addition to Exhibits he raised before and the 2 amendments to Section 3.21 and 3.24 which were discussed.

Decision: Major Project Site Plan Special Permit No. 2022-04: BTE Development, LLC 13 Eaton Court, Wellesley, MA 02481, Petitioner (Property located at 40 & 50 Central Avenue, Needham, MA). Regarding proposal to demolish the two existing commercial buildings and construct a new mixed-use building with retail on the first floor and 15 total residential units on the second and third floors, with associated surface parking.

Ms. McKnight noted the Police Chief's memo expressed some concern with adequate parking. She took some photos of the crosswalks. The crosswalks' brick delineates them and then white lines. Her preference is to have solid white crosswalks. Ms. Newman has not been able to speak with the Town Engineer or the Police Chief about this. Ms. McKnight noted the Town could always make improvements if they feel the need. Mr. Alpert asked if this is something the Town would take care of or the developer. If it is the Town, it should not be in the decision. Mr. Block stated the Board requested the developer improve the crosswalks at this site. George Giunta Jr., representative for the applicant, stated they are hesitant to take this on. This goes through the Select Board. He is not sure what is being asked in this case. Mr. Block stated the project will temporarily disrupt the crosswalk when building the 6 parking spaces. It would be the developer's responsibility to put it back. There is a red brick material to separate it out and he would ask the developer to continue that when it is put back.

Ms. McKnight noted the developer should be responsible for the improvement of the disturbed crosswalk. Ms. Newman noted the Town Engineer is away so not able to speak with him. He does not recommend any improvements in this area but will be back next week. Jeff Heller, of 1092 Central Avenue, stated there should be a consult with the DPW before anything is done. He spoke with Rick Merson years ago. The brick was put in because it is more visible. He did not feel it should be white. That is not how the DPW views crosswalks. Mr. Giunta Jr. stated there will be a bit of change along there, but brick would require substantial changes.

Mr. Block suggested suspending the vote tonight and speaking with the Town Engineer when he returns. He is concerned with parking and would not call this area commuter friendly. To promote public safety, it would behoove the developer to bring it in line with the brick that already exists in Central Avenue and crossing Reservoir Street. He would prefer not to vote tonight. Ms. McKnight does not feel a condition can be put in now but, given the parking spaces are being in the public way, it is reasonable to ask the developer to do the crosswalk. She feels the Town Engineer should be asked. Mr. Giunta Jr. commented he would like to wrap this up. His client has acquired the property. Mr. Block stated the Board could decide now, including conditions, or the applicant could give the Board 3 weeks and may have further revisions. Ms. McKnight asked if only the crosswalk along Central would be conditioned.

Mr. Crocker stated he could see the crosswalk go to the island and continue to the other side of the island. Mr. Block noted it would be returned to the brick condition, repainted and continue along Central Avenue past the island. Ms. McKnight stated the decision should say expressly that the crosswalk should be bricked or what the Town Engineer requests. There would be an obligation to improve the crosswalk to specifications required by the Town Engineer and the DPW. Mr. Giunta Jr. would prefer the Board decide this evening. Mr. Alpert asked if Mr. Giunta Jr. had read the decision and was informed, he had.

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

VOTED: to Grant: (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law; (2) the requested Special Permit under Section 3.2.3.2(g) of the By-Law for retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises, in a space less than two thousand (2,000) square feet (for Panella's Market); (3) the requested Special Permit under Section 3.2.3.2(h) of the By-Law for a take-out food counter as an accessory to a food retail or other non-

consumptive retail establishment (for Panella's Market); (4) the requested Special Permit under Section 3.2.3.2(j) of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of this By-Law; (5) the requested Special Permit under Section 3.2.3.2(q) of the By-Law for apartment or multi-family dwelling uses above the first floor where the first floor is used for a nonresidential use allowed in Section 3.2.3.1 or Section 3.2.3.2; (6) the requested Special Permit under Section 4.4.12(a) of the By-Law to increase the maximum floor area ratio to 0.7 and the building height to three (3) stories and forty (40) feet; (7) the requested Special Permit under Section 4.4.12(b) of the By-Law to reduce the minimum side setback adjoining a residential district to twenty (20) feet; (8) the requested Special Permit under Section 5.1.1.5 to waive strict adherence with the off-street parking requirements of Section 5.1.2 of the By-Law and the parking design requirements of Section 5.1.3 of the Zoning By-Law; (10) the requested waiver of strict compliance with the following requirements of Section 7.4.4 of the By-Law, as necessary: (1) Requirements of subparagraph (b) concerning location of structures within 100 feet of property line; and (2) Requirements of subparagraph (d) concerning cross and longitudinal views of the proposed structure(s) in relation to proposed site layout, together with an elevation line to show the relationship to the center of the street as modified by this decision; subject to and with the benefit of the following Plan modifications, conditions and limitations.

Mr. Alpert noted there are extensive plan modifications.

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

VOTED: to approve the decision as amended with the crosswalk on the south side of Central Avenue from the premises to the island and the island to the sidewalk with specifications by the Town Engineer and the DPW.

Review of Zoning Articles for the May 2023 Annual Town Meeting.

Mr. Block noted there are 2 items – to liberalize Accessory Dwelling Units (ADUs) in Section 3.15 and to allow 3 car garages by right in the Single Residence B (SRB) District. He stated there is also a request by Maggie Abruzese to amend Section 5.1.2 of the By-Law. Ms. Newman wanted to talk about the intent and what they are trying to accomplish. Currently a 3-car garage requires a special permit through the Zoning Board of Appeals (ZBA). The ZBA feels some conditions, like adding a third car bay, could be allowed as of right. If not within the parameters, it would still go to the ZBA for a permit. There are some modifications to the by-right concept proposed. She and Ms. McKnight drafted an exception so that, if the garage door is located on the side or rear façade of the house, then it could be put in. If the garage door faces the front lot line, it would be allowed if set back 5 feet from the front face of the building. In an accessory structure, it could be located behind the back wall of the principle structure.

Mr. Block introduced the Chairman of the ZBA Jon Schneider. Mr. Schneider stated that his preference is to allow 3 car garages as of right, as he does not share the view garages in front are offensive. They have been allowed in the Single Residence A (SRA) District for years. He feels this should be kept simple and not complicate it with design objectives. He would allow as of right like the SRA District. If adopting the proposal as drafted to require a 5-foot setback unless a special permit were granted, it would accomplish 70% of what he requests. He feels the homeowner should decide on the location and design. Mr. Block agrees with that. He feels this would do a dive into architectural censorship. Jeff Heller, of Central Avenue, asked if the jog in the wall comes into play with garage doors. Do you have to have a jog every 30 feet? Ms. Newman noted that 30-foot jog requirements is the side yard standard and not the front yard. Mr. Block prefers Mr. Schneider's option to keep it simple.

Mr. Crocker noted there was a decision several years ago to change the By-Law for new construction that the garage has to be set back from the front façade of the house. It has been deemed not pleasing in front. Another thing that changed was that now the setback is measured from the foundation, instead of the overhang. The house can be more attractive to allow for larger overhangs. He said these are examples of ways in which the Board deals with the way buildings look. If the garage is already set back 5 feet, he would contemplate having the additional garage the same, but if the first is not already setback, he thinks additional garages bays should be setback. Ms. McKnight agrees with Mr. Crocker's point of view. Mr. Alpert said many architects would design it 5 feet back to avoid a special permit. She feels a long straight wall to which a

third garage space would be added is unappealing. If an applicant wants a third car garage, and wants it flat to the house, they would have to go to the Zoning Board of Appeals for a special permit. Mr. Alpert noted a concern about a third garage space on the side of a house on a corner lot. He is not sure there is adequate language here. He is ok if it faces the side street or way. The Building Commissioner's interpretation is a corner lot has 2 front lot lines. He stated they can have a garage as of right without a special permit if it is a corner lot on the street and the garage is not in the front façade of the house. For purposes of Section 6.1.2, there is only one front street where the front door is. Ms. McKnight suggested where the house has its address is considered its front. Mr. Schneider stated the address may not be at the front.

Ms. Espada agrees with Mr. Crocker and Ms. McKnight. She stated there is a reason the town has setbacks and length of building. If the project is designed well the applicant would get a special permit. She feels comfortable leaving an exception to the 5 feet setback requirement for the third garage to be reviewed as a special permit. She agrees with Mr. Alpert regarding 2 faces on 2 streets. Mr. Schneider commented the Board would need to go with the front door and not the address. Ms. McKnight noted Subsection (c) should say "where the accessory building is separate from..." Mr. Schneider suggested adding "and set back at least 5 feet from the front wall of the structure." It does not have to be behind the house. All members agreed. Mr. Schneider prefers Subsection (d) be removed. Mr. Alpert, Mr. Block, Mr. Crocker and Ms. Espada are all ok with that change.

Ms. Newman summarized the changes. Oscar Mertz, of 67 Rybury Hillway, noted the reason the SRA district was a 3-car limit and the SRB was not a 3-car limit was because the frontage is smaller. He asked if it is reasonable to say to create a percentage of the front of the building you cannot eclipse like 50%. He would like a caveat that a garage cannot be longer than 50% of the front of the house. Mr. Crocker would not agree with that. Mr. Block would not agree with that. It is not the dominant feature of the house. Mr. Mertz stated more than 50% of the front of the house would be asphalt. Mr. Block stated applicants need to conform to the side setbacks of the lot and other dimensional regulations. Ms. Espada feels the limit should be set to a proportion of the house. She appreciates what Mr. Schneider is saying. She agrees with Mr. Mertz it would not hurt to have a proportion.

Ms. McKnight suggested replacing (d) with "an appropriate percentage would not result in a garage door in the front façade being more than 50% of the length of the first floor of the house." It will only come about if they meet a, b and c above. Mr. Schneider suggested putting a provision under of right and not in (d). All agreed. Ms. Newman will work with Ms. McKnight for review at the next meeting.

The Board took a 5-minute break.

Mr. Block stated that the rezoning effort 3 years ago was made to create lawful accessory dwelling units for caregivers and family members up to 850 square feet by special permit only. This is only available for resident-owners of the main structure to allow occupancy by a caregiver or a family member of the owner. The Board is now discussing allowing by right for rentals. There would be a 12-month lease with limitations. It would be allowed by right but if it is a separate structure, it would be a special permit. This helps create more affordable housing and would enable seniors to ease the financial burden. Ms. Newman stated the current proposal allows ADUs by special permit for occupancy by caregivers and family members. This expands to allow lease arrangements, allows ADUs by special permit in accessory structures and allows ADUs to be transferred to a new owner without going through the special permit process if it is an as of right unit.

Mr. Schneider noted the current ADU provision is not well used. The ZBA has allowed all that came before them with one exception. There have only been 10 requests in 3 years. The current ADU By-Law is more restrictive than necessary. This should allow unrelated tenants under a lease and liberalize ADU provisions. The definition of family should add grandparents, aunts and uncles. They are logical family members. Mr. Block agrees to the additional relations. They are a logical extension. All members are ok with adding the family members. Ms. McKnight made a distinction between the definitions of Family in this ADU Section. There is already a definition of Family in the By-Law that used a lower case (f)amily.

Mr. Alpert noted in Section 1.3, the definition subsections, he only read the subsection numbered (1). The subsection numbered (2) says no more than 5 unrelated individuals. Ms. McKnight suggested putting it in Section 1.3 "Family" (1). Mr. Schneider stated ADUs should be limited to one-bedroom units. Mr. Alpert has a problem with using the word "family" as defined in Section 1.3. He does not want to create 2 residential single-family units in the Single Residence District. He

feels they are treading close to that line. Family with a lower-case (f) turns it into a 2-family zone. He suggested taking out the sentence and any reference to family with a lower case. Ms. McKnight noted the regulations in (c), should say “member of Owners’ family or caregivers (F)amily or lessees (F)amily and keep Family capitalized in Section 3.15.3.1 (c). Mr. Alpert agreed. Mr. Schneider thinks that is fine. M. Crocker and Ms. Espada are both ok with the change.

Mr. Schneider expressed his view that the owner and family must occupy the primary residence. He is concerned about the proposal that the lessee could reside in the primary residence. This is a nightmare to regulate, and he does not think it is needed. There are 2 purposes here – let people raise some income by leasing out the ADU, and take out the requirement the primary residence can be for the lessee. Mr. Crocker clarified that the proposed zoning would allow the owner to live in the ADU and rent out the ADU. Ms. McKnight noted the definition of “Lessee” in Section 3.15.2(e). Mr. Alpert wants to prohibit subleasing. Ms. Espada added that we need to prohibit Air BnBs. Mr. Block stated that was why he wants a lease. Mr. Schneider noted Air BnBs are prohibited as it becomes a rooming house. He feels the Board should state the negative here for the benefit of the Town Meeting members. Mr. Block suggested removing € “during such time the unit shall be the primary residence of the lessee.” Mr. Alpert added “such lease shall prohibit short term rentals, subleases or assigning. Mr. Schneider added that Air BnBs should be prohibited. Mr. Block noted, by right, at any time the owner could move into the ADU and rent out the primary residence to anybody. Ms. McKnight stated that is correct. Mr. Schneider stated one of the requirements is the owner live in one of the units.

Mr. Heller, of Central Avenue, stated it is a slippery slope. He is in favor of being more inclusive and broadening the definitions. Do we allow detached garages by right? Mr. Block stated they do. Mr. Heller stated, when allowing a detached ADU by right, builders would take a loophole and run with it. Zoning is there for protection. He feels the Board should be careful around short-term rentals. He feels people should be allowed to sublet and he is concerned with that. He feels there will be unintended consequences doing away with current zoning limitations on ADU’s. Mr. Crocker asked what Mr. Heller’s concern was. Mr. Heller stated the Board needs to look at the parameters of the lot size and all the particulars. People can rent rooms by right under current zoning. Mr. Block stated the town is about to go through a heartening experience. He is concerned with unintended consequences, like asbestos and lead paint, that landlords do not know how to deal with. All of this will come up at Town Meeting and will be discussed.

Mr. Heller is concerned with a tenancy at will. Mr. Alpert stated there will be a one-year lease and no tenants at will. Mr. Heller feels the Board needs to find something that protects the neighborhood. He feels 800 feet is very limited. He would be open to increasing it. Mr. Block stated the process will be reviewed before this can go to Town Meeting. Ms. McKnight noted #3 in Mr. Schneider’s letter that says the door has to face the side street. Ms. Newman noted that is the front door issue. Ms. McKnight noted how to define the side street with regard to the front door. Mr. Schneider stated this issue needs to be addressed. He feels they can define it. Mr. Alpert has no issue with 2 entrances in the front of the house. Ms. McKnight noted Section 3.15.3(g) says where there are 2 or more existing entrances to the front façade one must appear to be the principal entrance. Mr. Alpert commented someone added “a new entrance must face the side lot line.” He does not know why. He feels the original language should be kept. Mr. Schneider stated as long as it still appears to be a single-family house. Mr. Alpert likes Ms. McKnight’s addition of “an ADU shall not detract from the single-family appearance of the property.” Ms. McKnight noted the ADU occupancy permit expires in 3 years if not renewed. Mr. Schneider stated the Building Commissioner has agreed to remove that. Ms. Newman would add language to give the Building Commissioner the right to ask, at any time, who resides in the residence and the Building Commissioner would agree to get rid of the expiration date. After discussion, it was decided to say “Before issuing an occupancy permit the Building Commissioner may consult with the DRB.” Mr. Alpert was ok with that. If the Building Commissioner says no, it is an appeal to the ZBA. He commented the phrase should be “building permit” and not “occupancy permit”.

Ms. Abruzese noted, to get a building permit, the neighbors have no notice (unlike a special permit). To say “to maintain the look of a single-family house” the neighbors have no say in it. Mr. Alpert noted that an addition could be put on the house and the neighbors do not get notice. Ms. Abruzese stated this issue of maintaining the look of a single-family house is a subjective matter that the Building Commissioner will have the discretion over. He does not have an architectural degree. The DRB at least has a hearing so the abutters can hear and have input. She wants the Board to consider the reality of subjective judgment calls and maintaining the integrity of the neighborhood and if it is appropriate to give the neighbors notice. The Planning Board should consider giving the neighbors notice this is going on. She asked if it will be clear to homeowners, they will need to continually seek the Building Commissioners approval if they keep the unit. Mr. Block noted, as written, every 3 years the applicant needs to seek permission to continue with the Building Commissioner. Mr.

Schneider suggested removing that requirement and replacing it with “the Building Commissioner can ask at any time who is there.” Ms. Abruzese commented it is taking the teeth out of the ADU if there is no check in period.

Mr. Alpert agrees that once every period of time the homeowner has to complete a form that it is still occupied by so and so, but Mr. Schneider feels that is a burden on homeowners. Ms. Abruzese would like a permanent obligation to file each year. Mr. Schneider asked what the rule would be if the ADU is vacant. Mr. Block stated there could be periods of time the ADU would be vacant and there would be the second kitchen. He stated it could be considered racist in some societies to prohibit a second kitchen such as if one kitchen needs to be kosher. Mr. Crocker does not see any racist aspect but also does not understand why there is an issue with it being vacant. Ms. McKnight stated there is nothing in the regulations that requires the stove to be removed; it is up to the Building Commissioner. Another issue raised by Mr. Schneider is that it should be made explicit that any accessory building containing an ADU must comply with all setback requirements. Mr. Alpert noted if you have an ADU over the garage it would be above 15 feet in height and would have a different setback. Mr. Schneider commented if the garage has the ADU next to it the ADU would not be over 15 feet. He thinks if someone is living there it should comply with the setback requirements for a primary residence rather than for an accessory building.

Mr. Block stated he would also make the setback for an ADU the same as required of the main building. Ms. Espada stated that a 5-foot setback seems way too close to the property line. Mr. Alpert also feels it should be the setback of the house. Ms. McKnight asked if the Board members were ok with allowing more than one accessory building on one lot. Mr. Block feels more than one accessory building should not be allowed in SRB but maybe in SRA or Rural Residential. He has not heard much support for allowing a brand-new detached structure. Mr. Crocker does not feel it should matter if it is brand new or not brand new. It should matter if the structure meets the setback requirements for a primary dwelling. Mr. Alpert agreed. Oscar Mertz, of 67 Rybury Hillway, stated an ADU should be allowed if it meets the accessory-building setback such as if someone converts the garage and is not adding a second floor. Mr. Alpert would not want someone being 5 feet from his property line. He noted they currently allow multiple accessory buildings on a lot but there can only be one ADU on a lot. Ms. Newman confirmed there are no restrictions on the number of accessory structures in the Residential Zones on a residential lot.

Mr. Schneider stated there could not be a second accessory dwelling unit. They should restrict them in accessory buildings. Mr. Alpert noted they should put in an allowance for ADU's in a separate structure and, if there is push back at the hearings, it can be taken out. Mr. Schneider feels it should not be a separate guest house but could be allowed in a garage. Mr. Alpert stated, to give direction, he would suggest “if an ADU is in a detached structure there can only be one other accessory building on the lot, and it needs to meet setback and FAR requirements.” All members are ok with that.

Mr. Block noted that Ms. Abruzese has raised a suggestion to revise the 5.1.2 parking table. Ms. Newman stated a parking study for downtown and Avery Square is being done. It makes sense to do one comprehensive package in the Fall. Zoning proposals for the 2023 Annual Town Meeting need to be finalized at the next Planning Board meeting. She feels this should be talked about in the Fall. Mr. Alpert would like to get feedback from the Building Commissioner and Mr. Schneider. Ms. Abruzese stated the changes do not affect the whole table, only the catch-all provision related to the reference to the Institute of Traffic Engineers (ITE) parking manual. the ITE manual was written in 1987 and has had several updates. If the use is not specifically listed no one is sure what the requirement is. Mr. Block stated the practice has been that, for any analogous use, if the Building Commissioner is unable to classify the use, the Planning Board recommends the parking standard. He agrees it should be updated. Ms. Newman suggested they may want to talk to parking/traffic consultants Rebecca Brown and John Diaz for standards. Mr. Alpert agreed with Ms. Abruzese that, to bring it up to date, they just need to reword the By-Law. A discussion ensued. Mr. Block suggested he and Ms. Abruzese have an offline conversation to come up with something, then he would communicate it to Ms. Newman. There should also be input from the Town Engineer, Building Commissioner and outside firms adding outside elements to this. It may be too late for the May Annual Town Meeting and we may have to do it for a Special Town Meeting. He supports trying to make an improvement but wants to do it thoughtfully and properly.

Review and Approval of Affordable Housing Plan.

Mr. Alpert commented it was clear this took an incredible amount of work. It is extremely comprehensive.

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

VOTED: to approve the Affordable Housing Plan.

Review of MBTA Communities law action plan.

Mr. Block asked what steps are needed. Ms. Newman noted there are components for the Town to answer. The most important piece is the timeline laid out. She met with Katie King and Karen Sunnarborg to come up with a plan to go to Town Meeting in May 2024, with a backup for October 2024, and submittal of zoning for to meet the December 31, 2024 to meet the deadline. Mr. Block noted the action plan talks about the first community meeting in March of 2023. There would need to be separate meetings that would need to be scheduled in the next 8 weeks to devise the Planning Board's initial proposal. There will be a fiscal impact analysis by June and also analysis on impact to other Town Departments. Ms. Newman noted that analysis will cover schools and other departments, any related cost and the net value. After discussion, Mr. Block stated he will have a conversation with Ms. Newman to chat through the fiscal impact analysis. Ms. Espada stated the impact cannot be determined until there is a project in front of them. Mr. Block noted that was not true with the Highland Commercial 1 rezoning. Ms. Espada stated that was one project and the zoning was only 2 sites. The school department is doing a whole master plan right now. Ms. Newman noted the state wants a response by the end of January. This is the framework she will use.

Minutes

Ms. McKnight noted in the minutes of 10/13/22, page 3, she was not sure what the 1,900 referred to and suggested removing it. It was just an example of a 1,900 square foot rental. The ADU size limit is 850 square feet. Mr. Block noted in the minutes of 10/18/22, page 1, after "medical marijuana products" strike "Also." Strike "also" in Section 1.3. On page 3, after "purchased from" add "could be a permanent change." It is not a question. Ms. McKnight suggested removing the sentence that says "the 4th to Section 3.2 where things are being allowed permanently." On page 4, keep in "Mr. Crocker made the point..." and in the next sentence it was a meeting and not a hearing. On the minutes of 10/24/22, page 2, there was a question about what Board Ms. McKnight was referring to. Ms. McKnight stated it was the Select Board.

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

VOTED: to accept the 4 sets of minutes, 10/13/22, 10/18/22, 10/24/22 and 11/1/22 with red line changes and changes discussed tonight.

Correspondence

Mr. Block noted 11 emails from the public related to 888 Great Plain Avenue. Some in support and others against the proposed development as presented.

Report from Planning Director and Board members

Ms. Newman is working on the MBTA Communities law Action Plan due at the end of January. Northland has a meeting tomorrow with the Select Board regarding the Foster property to discuss what they are proposing. The Select Board has a meeting scheduled for the 24th to discuss it further. Ms. McKnight heard the discussion from Mass Municipal Law Association on the MBTA Communities law today. In the Business area, we use 10,000 square foot minimum lot size rather than 20,000 square feet as required in the Apartment A-1 zone. If the standard was to be 20,000 and the lots were less, they would be from total rezoned acreage because non-compliance would mean that multi-family housing would not be allowed as-of-right on these lots. This rule was news to her, and we need to take this into account as we go forward with rezoning strategies Mr. Crocker noted he and Ms. Espada are on the Climate Action Committee. He asked if a placeholder could be put for a zoning article for the upcoming Annual Town Meeting for solar for the possibility something may be ready by then. If not, it could be pulled. Ms. Newman stated it would be too difficult. It would need to be ready by early February. The Fall 2023 schedule is more reasonable. Mr. Block asked about the possibility of a Special Town Meeting within the 2024 Annual. Ms. Newman stated it is still too tight, but she will look into it. Mr. Block is looking to call a meeting on January 24th at 7:00 p.m. to resolve language of the proposed zoning articles. Ms. Newman stated it could not be done. She

would need to do an agenda packet by Thursday. After discussion, Mr. Block stated he feels the Board should meet on the 31st. That gives staff 2 weeks to get the draft wording to the Board. Mr. Alpert stated it only gives them 8 days. Ms. Newman will talk with Mr. Block to coordinate our schedule with the Select Board schedule.

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

VOTED: to adjourn the meeting at 11:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk