

NEEDHAM PLANNING BOARD MINUTES

March 28, 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, March 28, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Mes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

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 includes two public hearings and public comment will 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.

Public Hearings:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2022-01: Needham Farmer's Market, Inc., 227 Eliot Street, Ashland, MA, 01721 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at Greene's Field, Needham, Massachusetts, shown on Assessor's Plan No 50 as Parcel 31-02, containing 108,278). Regarding request to operate a farmers' market on a portion of Greene's Field on Sundays for another season.

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

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

Jeff Friedman, President of the Needham Farmer's Market, noted he is requesting a special permit to operate on Greene's Field like last year. The Town Manager and the Park and Recreation Director approved this in 2022 under a license agreement. The application includes a market layout the same as 2022. The market cannot return to the Town Common due to ongoing construction. The market will run June 11, 2023 through November 19, 2023 and have the same hours and same limits. The live music will begin at 11:30 a.m. as requested by the First Church of Christ, Scientist. He would like the Board to include, as an option, continuing the permit through 2024 if there is a license agreement with the Parks and Recreation Director and the Town Manager. He is also requesting the fee be waived.

Mr. Block noted the following correspondence for the record: a letter, dated 2/17/23, from Jeff Friedman with exhibits; an email, dated 3/6/23, from Police Chief John Schlittler with no issues; an email, dated 3/5/23, from Fire Chief Tom Conroy with no issues; an email, dated 3/21/23, from Director of Park & Recreation Stacey Mulroy, noting it looks good; an email, dated 3/21/23, from Assistant Health Director Tara Gurge, with comments; a letter, dated 3/23/23, from Town Engineer Thomas Ryder with no comments; an email, dated 3/19/23, from Daniel Liebenrood of the First Church of Christ, Scientist, requesting the hours of the music be changed; an email, dated 3/21/23, from Jeff Friedman confirming the Market will change the hours and a letter, dated 3/23/23, from Paula Jacobson, of the YMCA, in support and allowing access to the restrooms. Mr. Block feels this is a good project and he supports extending for a 2-year term provided a license agreement is in place.

Mr. Crocker noted he is glad it is back, and it is a wonderful spot. He asked if the Town allowed it to be on the common would that be something Mr. Friedman would entertain. Mr. Friedman stated his preference is Greene's Field. There is room to expand, it is cohesive and family friendly. There are a lot of positive aspects, and he thinks it is best for the community. Ms. McKnight noted the Park and Recreation Director voted to extend the market for the 2023 season. At the end she would like to reassess for the 2024 year. It could be extended subject to approval from Park and Recreation. She also noted there was only one letter regarding bathroom access. The applicant needs 3 letters. Last year there were letters from Bagel's Best and Walgreen's also. Mr. Friedman stated, the intent was, if one agreed that would be sufficient.

They do not need all 3 to agree. Mr. Alpert noted the memo from Tara Gurge. The applicant needs updated restroom agreements from Walgreen's, Bagel's Best and the YMCA. Mr. Friedman stated it was not the intent to have all three.

Mr. Alpert noted the Board will vote that the Farmer's Market will comply with all requirements of agencies. If the Board of Health requires 3 letters the Market would need to comply. He is against formally doing anything for 2024. He feels that is the Town Managers decision. Ann Watson, of 101 Warren Street, stated it was interesting a lot of effort is going into things working out on Greene's Field. She would like some attention paid to the people who live near there. There are a lot of commendable activities, and it is a great asset. As a resident, having loud acoustical music is not good. She had to leave her house last year. This is supposed to be a Farmer's Market. Music is one thing, but acoustical music blasting is another thing. She spoke with the musician who was not willing to tone down the music. That does not have anything to do with the market. Mr. Alpert asked if it was electronic and was informed it was. Ms. McKnight noted last year's agreement says amplification would be limited and not extend beyond the site. Ms. Newman noted Section 3.11 of the decision covers this. It limits times of entertainment and start times. The Board would need to disallow amplification if it chooses to. Mr. Friedman apologized that this occurred. He was not aware of any complaints made. He asked if she spoke with the Market Manager. Ms. Watson stated she spoke with the musician. Mr. Friedman stated the Market Manager would have taken steps to turn it down. Mr. Alpert stated the Board could put in a condition there be no amplification and just acoustic or leave it as is but require it not extend beyond the site. The Market Manager would need to comply with that. Mr. Friedman stated the market has been in operation for 11 years. He went through the history of locations. He does not remember anyone complaining about the sound.

The Board members discussed options. If the music gets too loud the abutter should speak with the Manager. If she does not get satisfaction, she should call the Planning Director or Assistant Planner on Monday. Mr. Friedman noted there is a Market Manager tent in the middle of the market. He has a policy of exactly what Ms. Watson is talking about. He explained the sign-up process for musicians and the policies. He assured Ms. Watson it would not happen again. Larry Cohen, of 77 Warren Street, noted he lives just behind the play structure at Greene's Field. He supports Ms. Watson's comments. The comment from the church was very telling and it is an issue. Self-policing does not work. There needs to be a low volume. He is hearing it is imposing upon others who live there. He would like to see policing from the Board and not self-policing.

Mr. Block stated there needs to be a sign with Mr. Friedman's phone number posted in a visible location. It seems this has been an issue if the church had to request a later start time due to disruptions to the services. Mr. Friedman apologized again. He stated he would have dealt with it if he had known. He gave Ms. Watson his cell phone number. Mr. Alpert stated Ms. Watson should call the Board if she has any issues and is not getting any satisfaction. Ms. McKnight commented the Planning Board would continue to have jurisdiction to reevaluate.

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

VOTED: to close the hearing.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a 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 By-Law and under Major Project Site Plan Special Permit No. 2022-01, Section 4.2, dated April 5, 2022, a Major Project Site Plan Special Permit Amendment; (2) the requested Special Permit under Section 3.2.1 of the By-Law for a farmers market in the Single Residence B zoning district; and (3) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 (Required Parking) and 5.1.3 of the By-Law (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations that the Board spelled out in the decision.

Mr. Block reviewed the options the members had for the music including no amplification this year at this site. Mr. Alpert stated he is going to take Mr. Friedman at his word that he would deal with this. If it is still too loud, Ms. Watson should let them know and the Planning Board would deal with it. Ms. McKnight would add "free acoustic entertainment and there should be no electric instruments." Ms. Espada feels that is too limiting. The Board should put controls to review and see how the first week goes. This is the first time the Board has heard the complaint. Mr. Block stated they are going to deny the abutter relief. Mr. Alpert stated that was not true. Things have been put in place, the Board retains jurisdiction, Section

3.4 of the decision had the wording changed, they are adding music shall be at a fixed location and there will be signs with the name and cell number of the Market Manager and the President of the market. The other language is the same that sound would not extend beyond Greene's Field. In the event of a complaint jurisdiction remains with the Planning Board.

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

VOTED: to accept the decision with the changes discussed.

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

VOTED: to waive the fee for the Farmer's Market decision.

7:05 pm. ****Please note: This hearing will begin at 7:15 pm.***

920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA). Please note: this hearing has been continued from the December 19, 2022 and February 7, 2023 meetings.

Scenic Road Act and Public Shade Tree Act: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA). Please note: this hearing has been continued from the December 19, 2022 and February 7, 2023 meetings.

Mr. Block noted the following correspondence for the record: a letter, dated 3/7/23, from Attorney George Giunta Jr., representative for the applicant, with updated plans dated 2/23/23 and an email, dated 12/15/22, from Deb Anderson, Director of Conservation, with comments regarding the wetlands. Mr. Block asked if the applicant has gone to the Conservation Commission yet. Mr. Giunta Jr. stated that is the next step, but they have not gone yet. He reviewed previous discussions. This is near the intersection of Chestnut Street and located in the Rural Residential Conservation District. It was formerly the Stanley Tippet House. The house has been removed. The applicant has shown that they can do 2 conforming lots. He wants to do 2 lots but is requesting a waiver of most construction requirements. Rather than a 40-foot layout they would like a 20-foot layout with 18 feet paved. This reduces pavement and it is only serving 2 houses. It is also keeping with the character of the neighborhood. He feels it is appropriate.

The applicant would prefer a smaller circle, but the Fire Chief wanted a full circle to get in and out. The 52-foot radius is a bit smaller than regulation but allows fire trucks to go around. There will be an easement around the edge. The Fire Chief likes to have a buffer. Ms. Espada asked if the circle is all asphalt or a planter in the middle. Mr. Giunta Jr noted there is an island in the middle that will be landscaped. It is paved but the applicant may come back for revisions at some point. Ms. McKnight noted there is no updated correspondence from the Fire or Police. She asked if the easement was a 5-foot utility easement. Mr. Giunta Jr. stated this is around the circle. There may be a need for an easement at the back of the circle, but it may not be necessary.

Mr. Giunta Jr. noted the plans were revised based on comments at the last meeting. The drainage was on the west side of the property but now it is on the east side and comes down to a retention area and infiltration basin. It is roughly the same location. The biggest change is the road elevation has been dropped down 3 feet. They have tried to work with the topography and were able to stretch out the grades and have a gentler slope. Ms. Espada asked if it was a 10-foot slope from the property line. Mr. Giunta Jr. stated it is. He noted the grading changed a lot on Lot 2 and not much on Lot 1. A swale and berm have been put in. There is a 10-foot raised planting strip 12 inches high to stop any runoff and a swale to direct the water. It helps to keep it off the neighbor's property. About half the system is within the 100-foot buffer. The applicant needs to go to the Conservation Commission for that.

Mr. Crocker asked if this property was river front. Mr. Giunta Jr. stated it is well outside of that. They are trying to keep Lot 2 up on the high side and avoid the wetlands. He noted the house footprints have been added with a caveat. The locations are best guesses to design and locations, particularly on Lot 2. Lot 1 is pretty well set. Mr. Block asked if there was access to the river through Lot 2 and was informed there was. Mr. Giunta Jr. stated more information has been added. Mr. Connaughton is committed to working with the abutter for a vegetative year-round buffer. There is the same layout

and scheme with a small adjustment to the side and dropped down 3 feet for grading. Mr. Alpert asked why there was a 50 foot no disturb area at the street. Mr. Giunta Jr. noted that is part of the Scenic Road By-Law. The infiltration system in the front is just outside of that. There is a tree in that area that needs to come out.

Dr. Serguei Aliev, of 31 Marant Drive, originally raised concerns. He thanked the owner and his attorney for working with him. He is in support of this. He is pleased with the interactions and how they worked together and came to a resolution. Ms. McKnight asked the location of his house. He stated it is right next to Lot 2. Mr. Block noted the comment on NPDES waste water management requirements from the Town Engineer. Philip Silveira, of 11 Merritt Drive, asked what happens with the drainage plans when it rains and how it would impact his property. Mr. Connaughton stated Mr. Silveira's property is 12 or 14 feet higher than the roadway so it would not be affected. The 2 easements have been combined and the drainage has been moved to the other side. Mr. Silveira asked if the circle is over where the Tippet House was. Mr. Connaughton noted it is right at the edge of the roadway where the stone wall edge of the driveway is. He offered to meet with Mr. Silveira to walk him through the plans. Mr. Silveira thanked him and welcomed him to the neighborhood.

Mr. Crocker stated there was talk about the trees last time and he asked what is happening with that. Mr. Giunta Jr. noted, with the grading change, there are a few trees that will be able to remain. There will still be a lot that will be taken out, but the trees will be replaced. Mr. Alpert noted the trees along the scenic road would need to be approved for removal. Also, some scenic road work for the wall. Mr. Giunta Jr. noted the information is on the plans submitted last time. The Board discussed the trees that would need to be removed. Mr. Crocker asked what mitigation is needed. Ms. Newman noted along the scenic roads a 2 to 1 tree replacement is required. She noted the Board already commented at the earlier meeting. Mr. Giunta Jr. stated the applicant is committed to restoration. He met with the Tree Warden on site and discussed the replanting locations and species. Ms. Newman has asked the Police and Fire for comments and has not received any. She suggests holding the hearing open until next week's meeting.

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

VOTED: to continue all 3 hearings to 4/4/23 at 7:10 p.m.

Ms. Newman will follow up and get something in writing from the Tree Warden.

ANR Plan – Property Located at Map 304, Lot 4, 0 Charles River Road and Map 304, Lot 5, 0 Charles River Road (Northland Residential Corporation, 80 Beharrell Street, Concord, MA 01742, Petitioner).

Mr. Block stated the Board has received a request to withdraw without prejudice.

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

VOTED: to approve withdrawal without prejudice of the ANR Plan for property located at 0 Charles River Road, Tax Map 304, Lots 4 & 5.

Zoning Article Assignments for the Annual Town Meeting.

Mr. Alpert feels this is premature. This should be discussed after the elections and the next meeting. All agreed.

Minutes

Ms. McKnight noted on the minutes of 12/19/22, 2nd paragraph under Balfour, it says they will contribute to the Affordable Housing Trust Fund. She is not sure that was the deal. She thought it was to the Town and not the Trust Fund. It was agreed to change to the Town. On page 4, on 920 South Street, 2nd paragraph, the By-Law calls for a 50-foot road. It should be the Subdivision Rules and Regulations and not the By-Law. That was agreed. In the 4th paragraph, she noted it should be "rules" rather than "By-Law." On page 5, 3rd paragraph, it should be "Burr" Road and not "Byrd" Road.

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

VOTED: to approve the minutes of 12/19/22 with the changes discussed tonight.

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

VOTED: to approve the minutes of 12/22/22 with the changes shown.

Ms. McKnight noted on the minutes of 1/3/23, 2nd paragraph, it says “does not include any public hearings and public comment will be allowed.” It should be “not allowed.” Mr. Block noted the public was allowed to speak. It was agreed to say, “but public comment will be allowed.” Ms. McKnight stated on 888 Great Plain Avenue, 3rd paragraph, it says Mr. Giunta Jr. said the applicant wants the 12.5% affordable cap lifted. Mr. Block noted he did say that. It could be changed to “increased.” This was agreed. It should say the “Cox Building” in both places. On the bottom of page 2, it says “Ms. Espada noted they could connect to the back side like urban.” It was agreed to say, “back side of property” and remove “like urban.” On page 3, 2nd paragraph of Apt A1, strike “pre-suburban.”

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

VOTED: to approve the minutes of 1/3/23 with the changes discussed this evening.

Report from Planning Director and Board members.

Mr. Block stated the Board received a memo from the Attorney General’s Office with an obligation for the MBTA Communities saying there is more than just a penalty as to loss of grant eligibility for opting out. Mr. Alpert commented that is a threat. Ms. McKnight agreed and stated it is not helpful. Mr. Alpert thinks the Attorney General is wrong in accusing the towns that choose not to follow MBTA Communities law DHCD Guidelines as being discriminatory. He would prefer multi-family housing be by special permit rather than by right, but he was outvoted. Mr. Block noted there could be a recommendation for a greater number of units per acre but that is further down the road. Ms. Newman noted, after the election, she will set up a Chair/Vice-Chair meeting with the Select Board to set up a schedule for MBTA Communities law compliance and the creation of a committee dedicated to overseeing that work, similar to the Housing Plan Working Group. Mr. Block would like to set up a schedule and post on the website. He noted a notice from Dover with hearings to amend the Zoning By-Laws for ADUs and flood plains. Ms. Newman stated she and Mr. Block will be going to the Finance Committee tomorrow night to answer any questions on the Planning Board zoning proposals. The Finance Committee is trying to get written recommendations in the Warrant. They will also answer questions regarding the small repair grant program she hopes to be funded at \$50,000.

Ms. McKnight noted on the Select Board agenda there is a hearing tonight on storm water mitigation and assessment plans. She feels it is a positive proposal. She asked if the Board should send some communication in support of the proposal. The Board frequently deals with storm water, and she feels this is a positive thing. Mr. Alpert stated he is uncomfortable voting on something he has not seen yet. Ms. Espada and Mr. Crocker agreed. Mr. Block suggested Ms. McKnight send a note personally in support to the Select Board. Mr. Block noted there was a notice from the Town of Dedham regarding electric vehicle charging stations and multi-family zones. He would like to add electric vehicle charging stations to the list of planning priorities and ask Stephen Frail to come to a meeting next week with regard to climate action to begin drafting climate-smart zoning.

Correspondence

Mr. Block noted the following correspondence that has been received: an email from Scott, dated 3/11/23; an email from Meredith Fried, dated 3/12/23; an email from Helene Cantor, dated 3/12/23; an email from Laurie and Steve Spitz, dated 3/13/23; an email from Rachel Achituv, dated 3/13/23; an email from Andrea Dannenberg, dated 3/13/23; an email from Sean and Marina Morris, dated 3/13/23; an email from Ricki and Mark Nickel, dated 3/13/23; and an email from Joe Abruzese, dated 3/14/23. There was also correspondence from the YMCA regarding the Farmer’s Market.

Ms. Espada noted the Housing Plan Working Group has concluded. Laura Dorfman asked if the Board was doing anything regarding housing preservation. She went through the Affordable Housing Trust and some things that were recommended. The Planning Board should review these issues. There is no accountability right now. The Planning Board should take on

anything related to zoning and housing preservation. She thought at the next meeting she could put together a list of items that the Planning Board should have. She does not want things to fall through the cracks. Mr. Crocker feels the Board should revisit the work of the Large House Study Committee. Ms. Espada suggested that the Board go through the list of actionable items and see who should be dealing with them and how the Housing Plan Working Group recommendations should move forward since there is no one leading it right now. She commented she heard she was selected as one of the 50 most influential business leaders of color of 2023. She noted someone must have nominated her.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:
VOTED: to adjourn the meeting at 9:50 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk