NEEDHAM PLANNING BOARD MINUTES

February 3, 2015

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, February 3, 2015 at 7:00 p.m. with Mr. Eisenhut and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Appointment:

7:00 p.m. – Town Manager: Discussion of Department Consolidation.

Town Manager Kate Fitzpatrick and Selectman Maurice Handel were at the meeting to discuss proposed departmental consolidation. Town Manager Fitzpatrick described the history and requested the Planning Board endorse the proposal to consolidate the Planning and Community Development function with the economic development function under a Director of Planning and Community Development. She noted in 2003 the Board of Selectmen looked at different forms of government for 2 years. They met with all the elected and appointed boards to see what their concerns were. Most of the boards' concerns were related to staffing and budget. The Selectmen drafted a charter revision by home rule petition in November 2004 which petition was voted by Town Meeting. The Massachusetts Legislature approved the Home Rule Petition in May 2005. She noted there are one elected board and 2 appointed boards in this request. All boards have to approve the people the Town Manager hires and essentially have a hiring veto.

Town Manager Fitzpatrick stated the charter provides that departments can be reorganized but the boards need to endorse this. Finance was the first department incorporated, then the Human Services Department, then Community Development. This summer Health and Human Services consolidated. This increases flexibility in all cases in terms of spending and financially as a consolidated budget enables transfers from one purpose without Town Meeting approval to another.. She sees it as an administrative matter and asked if there were any concerns or suggestions from the Board.

Selectman Maurice Handel stated he was on the Planning Board when this was first discussed. He feels this consolidation still keeps the Planning Board's independence. This makes sense to him. Mr. Eisenhut stated he does not feel they have the entire independence the Board had back then. He feels the Planning Board does not have an independent Planning Director. He feels Ms. Newman is in a different situation and has divided loyalties at times. He commented he wished the Planning Board had the resources to have an independent planning director and staff to devote to long term planning. He feels the resource problem has gotten worse.

Ms. Grimes stated she agrees with everything Mr. Eisenhut said. She feels Ms. Newman could be an amazing planner but she has not seen sufficient time devoted to long range planning. Needham has enough resources for Ms. Newman to devote the time. She feels the Planning Board needs another full time staff person.

Town Manager Fitzpatrick stated there are 2 different issues. The Planning and Community Development Department budgets are up quite a bit over the last 5 years. She appreciates what the Board members say. She stated the town had hired a 20 hour Economic Development Coordinator then were convinced to make that position full time Director position. They have hired a part-time Housing Planner and a half time administrative position. The Conservation Director is full time now. The town is trying to provide more services. She feels the town has done a lot. The Board has identified a need that she is not sure the town can meet.

Ms. Newman stated they have hired a Housing Planner who is developing a housing production plan. There is an Economic Development Coordinator and a Zoning Planner. She stated, historically, monies were appropriated through Town Meeting for planning studies. Planning work has shifted more to the economic development side and the housing side. Mr. Eisenhut stated the Board does not have a Planning Director advocating as a priority. Things are coming from the top down rather than the Planning Board making decisions and going up. Mr. Jacobs

stated the frustration is with the first step of the consolidation. It may have taken too much of Ms. Newman's time. Mr. Eisenhut agreed.

Town Manager Fitzpatrick asked how the town can help the Planning Board move forward. Mr. Jacobs stated the Planning Board does not have time to do planning. They only respond to applications before them and listen to the Council on Economic Advisors. He stated the Planning Board should have time to plan.

Ms. McKnight stated she feels they have been doing planning. She has no problem with this manner of planning. When the Board has a large issue they create a committee with members of the Board on it. She does not feel there is a new direction the Board is going to go in to devote time to specific planning studies. She feels they work as a typical board. She has not perceived any problems with the prior consolidation. She stated the issue is there are 2 different budgets and the Town wants to consolidate them. The question is, with the current budget the way it is, what if the ZBA has a 40B come up suddenly. She asked, in such a case, isn't it possible to get a transfer from reserve funds without Town Meeting approval? Town Manager Fitzpatrick stated yes, for something that comes up unexpectedly.

Mr. Jacobs stated his basic concern is he wants to make sure the planning functions are adequately budgeted for. Town Manager Fitzpatrick stated she does not disagree with the Planning Board wanting to keep their funds. She would be open to the Planning Board setting goals and will do what she can to help. Ms. Newman stated the Planning Department has increased staffing since she first came. Planning is happening but not necessarily with the Planning Board. Some is with the Conservation Commission, some with the Economic Development Department and some with the ZBA.

Mr. Eisenhut noted the memo from Town Manager Kate Fitzpatrick and Christopher Coleman, dated 1/29/15 and stated the Planning Board will not have an individual Planning Director to advocate for the elected Board. Ms. Grimes stated she does not see an issue with the consolidation and reallocation. She disagrees with Ms. Newman, however, as to sufficiency of staffing. Two Assistant Planners would be great and fully functional.

Town Manager Fitzpatrick stated she would like the Planning Board to devote some time to what they think the town needs to do in the next 3 years, what they are thinking and what they would like to do. Mr. Eisenhut agreed. He feels this is what the Board needs to do. He requested Ms. Newman put it on an agenda for discussion. Town Manager Fitzpatrick stated the Selectmen set goals in this manner, and usually have several years' worth of goals.

Mr. Eisenhut stated if what has been stated is what it actually is, then he is fine with it. He would like some assurance the Board will still continue to have advanced notification of any resource changes and the Board is dealing in this proposed consolidation only with minor administrative changes. Town Manager Fitzpatrick stated the only assurance she can give is the Planning Board is an elected Board and when the Planning Board call the Selectmen with their concerns the Selectmen will call her.

Mr. Jacobs stated he does not hear concern about this specific request but about a former decision and how Ms. Newman's time is being spent. Town Manager Fitzpatrick requested Ms. Newman speak with absent member Sam Warner. She offered to meet with him personally if he had any questions or concerns. Mr. Jacobs stated Mr. Warner should have a chance to listen to the discussion and vote at the next meeting. Mr. Eisenhut noted he would like the Planning Director to write up what the Board is voting on. He would like it to be crystal clear what they are voting on.

Correspondence

Mr. Jacobs noted a 1/29/15 article in the Needham Times regarding medical marijuana was in the packet. Ms. Clee stated the Attorney General approved the latest zoning and that was in the packet.

Discuss zoning amendments for Annual Town Meeting

Ms. Newman noted Article 3. This is dormers in the half story above the second story. She noted they looked at models and went with the Newton rule. This increases the allowed dormer width to 50% of roof length. The Board voted to advance this article to Town Meeting. Mr. Eisenhut stated the Board discussed this 12 years ago and at that time local architect Mark Gluesing thought 30% would be fine. Ms. Newman stated Mr. Gluesing thought it would work, but in reality it did not. Mr. Eisenhut stated he has no problem. He thinks it is fine. Mr. Jacobs suggested some visuals for use in presenting this to Town Meeting.

Upon a motion made by Ms. Grimes, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to refer Article 3 to the Selectmen to go on the warrant for Town Meeting.

Ms. Newman noted Article 7. She stated this was requested by local attorney George Giunta Jr. for the Chestnut Street Business District. This change mirrors what the Board did in the Center Business District and carries forward the dormer rules. Mr. Eisenhut commented he thought this was a great idea. Ms. Grimes agreed.

Upon a motion made by Ms. Grimes, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to refer Article 7 to the Selectmen to go on the warrant for Town Meeting.

Ms. Newman noted Article 10. Ms. Newman noted there is a discrepancy between the federal FEMA line and the town flood plain line. The Conservation Commission and Town Engineer are recommending using the FEMA line. This will change the zoning map. Mr. Eisenhut stated former Board member Paul Killeen raised this issue years ago. Ms. Newman stated she will do a companion article and map change.

Upon a motion made by Ms. Grimes, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to refer Article 10 and a companion article for a map change to the Selectmen to go on the warrant for Town Meeting

Ms. Newman noted Article 9. She stated this will give the town some flexibility with municipal uses on a lot. Mr. Eisenhut stated the Board needs to be clear what is behind this and be up front. Ms. Newman noted the New England Business Center (NEBC) zoning district allows this by right and in other commercial districts it is allowed by Special Permit. She noted she has written this to allow it by right. Mr. Jacobs stated he thinks this may be explosive. He thinks the Board members need to be very prepared.

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the four members present unanimously:
VOTED: to refer the proposed Article 9 to the Board of Selectmen.

Ms. Newman noted proposed Article 6 will have to wait. There are some hurdles that have not yet been cleared. She also noted proposed Article 1 for retaining walls. She commented she thought she was done with this but she got a bit of pushback by Zoning Board of Appeals chairman Jon Schneider. She noted the Zoning By-Law does not allow retaining walls now at all. Mr. Schneider felt the wall should be limited to 4 feet in height in the setback area period and above that there should be a Special Permit process. She stated she would not move forward on this article now.

Ms. Grimes stated she does not know why this needs to go back to the Large House Review Study Committee. They have looked at it exhaustively. Ms. Newman noted her concern is they need a consensus. She would not go forward if it is advertised this way.

Ms. Newman noted Article 8. She stated she will propose a redraft per comments made by the Selectmen, Board of Health and the Police Department. She noted changes recommended by the Selectmen were basically separating out medical marijuana dispensaries to create a retail component versus the component that allowed for growing and creating of products in addition to the retail component, and only allowing the retail component

along the Highland Commercial/128 corridor and the combination of uses in the Mixed Use 128 and Industrial 1 districts. They also requested there be a 500 foot setback off schools, day care centers and places where children congregate. The Board did not carry the day care and "places children congregate" proposals forward in its proposed wording. She stated there is a definitional problem with "where children congregate." Ms. McKnight stated she feels "places where children congregate" is too vague even though it is in the state regulations. Mr. Jacobs noted the police comment regarding their concern with the Mills Field area. He asked if this area is protected with the 1,000 feet. Ms. Newman stated it protects it.

Mr. Jacobs noted the police are concerned with the Section 6.10a buffer. There was a concern the language gives the Board a lot of discretion to reduce the 1,000 feet to almost nothing. He feels that is a fair comment. He suggested the Board leave that language in but add "can be reduced down but not less than 500 feet." Ms. McKnight also thinks that should be considered. She stated she wants this passed and feels it is reasonable. Ms. Grimes agreed. Mr. Eisenhut suggested putting this off to the next meeting when Mr. Warner would be there. Ms. McKnight stated she was having trouble with the language for Medical Marijuana Treatment Center and particularly the off-site dispensaries. The language is very confusing and hard to understand. It appears there needs to be a processing and cultivation center somewhere else in the town under the same control. She asked why would the Board want that? Ms. Newman commented she thinks the state regulations require that. The members will look at this and vote at the next meeting when Mr. Warner is there.

Minutes

Upon a motion made by Ms. Grimes, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to approve the minutes of 10/20/14.

Upon a motion made by Ms. Grimes, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to approve the minutes of 11/5/14.

Report from Planning Director

Ms. Newman noted she knows the Board wants to talk about streamlining. She is working on a draft for the Rockwood Lane decision and will get it out to members. Ms. Newman noted the budget. Planning and Community Development requested funds this year for add ons to the budget for planning studies. She requested $20,000 and will be getting $25,000 for professional and consulting services. She received CPA funds for a housing planner and she is requesting money to increase the hours for the Administrative Specialist from 20 to 30 hours per week for the Conservation Commission. She stated they have been winners in the funding department.

Mr. Jacobs asked, when there is competition for the money, who controls it? He would like to see that in writing. He asked what if the Council of Economic Advisors wants the money? Who decides when there is competition for the money? He wants to see how this article will be written. Ms. Newman stated it would be an independent article. It was decided it was not a good night to discuss streamlining. They should meet on a Saturday and throw ideas around and discuss goals, or a Friday afternoon. It was decided the Board would meet on March 20 at 8:30 a.m. They will allow 3 hours.

Upon a motion made by Ms. Grimes, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 9:10 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk