

NEEDHAM PLANNING BOARD MINUTES

March 18, 2008

The regular meeting of the Planning Board, held in the Selectmen's Meeting Room at the Needham Town Hall, was called to order by Devra Bailin, Chairman, on Tuesday, March 18, 2008 at 7:30 p.m. with Messrs. Eisenhut, Handel and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

7:30 p.m. – Amendment to Zoning By-Law, Dimensional Regulations for Single Residence A District.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Roy Cramer, representative for the applicant, introduced Chris Barker of 84 Wildwood Drive. There is a pond on the residence and another lot where Cecilia Kettman lives. Ms. Kettman cannot access her property due to the pond. She wants to sell parcel A to the Barkers. There is a narrow corridor with sinkholes next to the pond. They want to subdivide but there is a zoning problem. Ms. Kettman's house is 15.9 feet to the sideline. The minimum is 25 feet but with a house built before 1986 it is only 15 feet. If Ms. Kettman creates a new lot she loses the grandfather status and if Mr. Barker bought her house it would no longer be conforming. They have looked at a variety of possibilities. They are proposing language for 4.2.2.1 (g) to allow them to convey out and still retain the side line setback provided it is not new development. The goal is to have the Board support the effort. He noted this would not create something. Mr. Barker noted the purpose is not to create any new lots. Mr. Cramer stated they cannot create any additional building lots. They could be creating an infill parcel. Ms. Bailin noted they want to say "neither the grantor lot nor the grantee lot could be subdivided." Mr. Cramer stated if they do not have the ability to create a second lot now he does not see them ever being able to. Ms. Bailin commented she could envision a circumstance where someone could create an infill lot or create another lot. She is willing to support this particular transaction but only with the understanding the end result does not have the effect in some other circumstance of allowing an infill lot or the creation of any additional lots. Ms. Bailin added she feels the language Ms. McKnight drafted was good. Ms. McKnight stated she wanted to comment on this 300 acre situation. She does not think this applies in this situation because it states "the creation of an additional building lot as a result of such conveyance." If an additional building lot could be created that was not as a result of this conveyance it would not apply. Mr. Cramer stated they are happy with the proposed amended language. Ms. McKnight noted this restriction that is spoken of would be enforceable by one lot owner to another lot owner. She does not see it enforceable by the town anywhere. It says the deed would contain the restriction. That is a private deed between 2 private parties. Mr. Eisenhut noted they are not enforcing the restriction but enforcing the obligation to create a restriction. Mr. Cramer stated he would assume the ANR would have some note on it. Ms. Bailin clarified the ANR plan is where it would have to be carried. Mr. Handel asked why not do a permanent easement. Mr. Cramer noted there is no substitute for owning land. It is not clean and the owner still has taxes, etc. George Giunta noted he has been pushing for this kind of change for a long time. He feels this language may be what makes it go. It seems to solve the problem and he is in favor. Robert Murphy, of 227 Fox Hill Road, stated he is wholeheartedly in favor. He asked why there is a presumption creating a new conforming lot is a bad thing. Ms. Bailin noted there is no presumption. They do not want to encourage infill and do not want left over protection to the existing lot applied to the new lot.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to close the hearing.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs it was by the five members present unanimously:
VOTED: to recommend to Town Meeting the adoption of the amendment to the By-Law for the Dimensional Regulation for Single Resident A with the amendment offered by Ms. McKnight.

7:45 p.m. – Major Project Site Plan Review No. 2008-01: Frozen Custard New England, LLC d/b/a Abbotts Frozen Custard, 2 Thoroughbred Lane, Sherbourne, MA, Petitioner (Property located at 934 Great Plain Avenue, Needham, MA).

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Ms. Bailin explained the process and procedures. Roy Cramer, representative for the applicant, noted this is where Flueckiger Realty was. There is 532 square feet on the first floor and 598 square feet in the basement. They want to put in an Abbotts frozen custard shop. There will be no seats, no tables and a service window where the window is now. The maximum number of employees would be 3 and the hours would be 11:00 a.m. to midnight. He feels it is the perfect situation. There are a number of restaurants and this would create a pedestrian environment. There is no down side. They have gone to the Design Review Board and received approval. He reviewed the relief and noted there is no change in footprint. The only exterior changes will be color, the window, signage and an awning. The town engineer was not sure about the setback. He has a concern people would block the sidewalk. The building has been there 100 years. The 1924 assessors map has a setback of 3 feet. They would put a sign "line forms here" along the wall so people are not on the sidewalk. The plumbing inspector thinks there needs to be a handicap accessible bathroom. The architect disagrees. The inspector says this is from the plumbing code. All agree it is fine in a public space but there is no legal obligation under the code to have a handicap bathroom. He noted they will either have to convince him he is wrong or consult with Town Counsel. They would not like a condition in the decision regarding this. They will remove the existing signage and replace the window with the same size. They will paint the brick, add an awning and 3 gooseneck lights for an old fashioned look. Mr. Eisenhut asked if there would be a trash receptacle outside. There will be receptacles on the street and a dumpster out back. The stairs will be relocated to the back of the store and brought into compliance. Mr. Jacobs asked if there would be access from the back and was informed there would not be. It would be an emergency exit only. Mr. Eisenhut asked the number of cash registers. There will be one for now with the potential to add. Mr. Cramer noted there is a 6 yard dumpster now that they will take over. The town engineer would like it covered and locked. They have no problem with this. Mr. Jacobs stated he would like something in the decision that the receptacle be kept up. This was agreed. Ms. McKnight noted she was concerned with the midnight closing. She feels that is late staying open. She lives across from a convenience store that is open until 11:00 p.m. It can be quite noisy and she is concerned they are creating a situation where the use will have people standing on the sidewalk until midnight talking. She would like to see an 11:00 p.m. close. Mr. Cramer stated they would like to have a successful downtown.

Ms. Bailin noted the following correspondence for the record: a memo from the Board of Health, dated 3/13/08, regarding the need for a dumpster; a memo from the Fire Department noting no problems; a memo from Lt. Kraemer of the Police Department noting no problems; a memo from Dan Walsh, dated 3/14/08, with plumbing issues; and a memo from Tony DelGaizo, dated 3/13/08, noting the need for a lock for the dumpster and the disposal of trash. Mr. Cramer stated the decision should say a line should be directed along the side of the building. They should add "along the building on the property." Ms. McKnight added "on the subject's property." Ms. Bailin noted Sweet Basil's hours are 5:00 p.m. to 11:00 p.m. and 5:00 p.m. to midnight Friday and Saturday.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to close the hearing.

Mr. Eisenhut noted the draft decision needs to be amended and the discussion incorporated. Mr. Cramer proposed the following changes to the draft. In Section 1.7 the parking waiver should be increased to 23. Section 2.1 states plan modification but this is not a plan modification. Ms. Bailin agreed and noted it should be taken out. In Section 3.2 add "take out" and "on the subject property along the front of the building." The hours are to be consistent with those of Sweet Basil and they should add a trash receptacle. Mr. Cramer noted they are willing to donate a trash receptacle if the town accepts it but they would not like this as a condition. Mr. Jacobs asked if the timing of the dumpster pickup was ok in Section 3.10. Mr. Cramer noted it is one time per week.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to grant the requested Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to grant a Special Permit under Section 3.2.2 of the By-Law for the retail sale of ice cream, frozen yogurt and similar products for consumption on or off the premises in the Center Business District.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:

VOTED: to grant a Special Permit under Section 3.2.2. of the By-Law for more than one non-residential use on a lot.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:

VOTED: to grant a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements).

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:

VOTED: to grant a Special Permit under Section 1.4.6 of the By-Law for the alteration of a non-conforming structure.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:

VOTED: to adopt the decision of 3/18/08 as amended and prepared by the Planning Director.

8:15 p.m. – Amendment to Zoning By-Law, Map Change to Single Residence B.

Ms. Bailin explained the process and procedures.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the five members present unanimously:

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

Mr. Cramer introduced Tom Trudeau, owner of Duncan Drive. He noted the proposal is to rezone a strip of land between 128 and Greendale/Hunting from Single Residence A to Single Residence B. This was a series of roads. In 1952 the town rezoned and made east of the highway toward Dedham and the Newton border Single Residence A and to the west Single Residence B. Most of the area to the east was undeveloped. The area in the middle did not change and the zoning map was not changed. The boundary line has been the circumferential highway. A Board of Appeals case in 1961 asked for a variance. There are about 800 acres east of Greendale/Hunting that is mostly undeveloped. The decision outlines of the 800 acres show about 780 disappeared with the industrial park, etc. While the road moved over the zoning line stayed the same. There are 45 parcels in the area. Some are town owned. Thirty five are non-conforming lots with less than one acre or less than 150 feet of frontage. All are developed. They feel this is an advantage to people. Most of the non-conforming would become conforming and only a few will remain non-conforming. It makes sense to eliminate as many non-conforming lots as you can. The impact for Duncan Drive is currently it can have a 4 lot subdivision but with the change you could do a 14 lot subdivision. There could be about 5 additional lots in this area without Mr. Trudeau's property and without the Boris property. The Boris family has stated if this passes they would develop and not pursue a 40B process. He noted density is a point of view. What they could get would be less than what a 40B could get on one parcel. The town land would provide some type of buffer. Ms. McKnight asked what other lots have potential. She was informed 906 Greendale Avenue could get one additional lot with an ANR and 2 additional lots with a subdivision. 894 Greendale could get 3 additional lots with a subdivision, and 802 Greendale is oddly configured and could get no additional lots. There are 24 lots containing 20,000 square feet or more. They believe the zoning map should have shown the change when they moved the line. Mr. Jacobs asked Mr. Cramer to clarify. Are they asking the Board to take action, make a recommendation or just to air comments. Mr. Cramer noted it would be a citizen's petition. They are asking the Board to make a positive recommendation to Town Meeting.

Ms. Bailin noted the letter from the Board of Selectmen. She commented she was surprised the Board of Selectmen took a stand before the public hearing and noted the Board would make a recommendation based on the information tonight. Mr. Handel stated the rationale may have changed but the zoning has been in place for many years and people have expectations. Mr. Cramer stated the change resulting from the rezoning is not significant as most lots have houses already. Mr. Jacobs suggested he talk about the type of housing proposed. Mr. Trudeau noted he would like to do cluster zoning, which would leave more open space. There will be over 2 acres of open space of the 4 ½ acres. There will be small houses with a bedroom on the first floor and a guest room on the second floor. It will be great for empty nesters. He noted the town needs this. A few trees will be taken down but there will be one less lot than a conventional subdivision. Mr. Eisenhut asked the restriction of the Boris land and what would be legally enforceable. Mr. Cramer noted they would do a restriction for the town. It will be restricted to 14 lots with a written restriction granting rights to the town. He would work with Town Counsel. He clarified the restriction would be on the number of lots not on the type of housing. James Houhoulis, of 15 Lois Lane, stated he was unclear, if successful, how many additional houses could be built. Mr. Cramer noted 10 more on Duncan Drive and 5 on all the rest with a net gain of 28. Jean Pages, of 7

Broadmeadow Road, asked if the legal purpose was to create conforming lots out of the non-conforming. Mr. Cramer stated the purpose is to change from Single Residence A to Single Residence B. He added a benefit is the non-conforming will become conforming. Mr. Boris noted there will be a net reduction of lots. With the 40B application he could have between 24 and 32 lots. This would be 15 lots. Greg Stoller, of 6 Kenney Street, stated he wanted the original dollar amount from Mr. Trudeau to understand where he is coming from. Ms. Bailin stated financials are not applicable but she would leave it to Mr. Trudeau if he wants to answer. Mr. Stoller asked if this is for maximum profit or more houses to be built. Mr. Cramer noted it depends on the market but they would like to make a profit. Graham Lubie, of 875 Greendale Avenue, clarified he is proposing 4 houses to 14. This is correct. Martha-Ann Fitzgerald, of 18 Kenney Street, asked if the green area on the map was town owned and would not be developed. Mr. Cramer noted this was correct. Shirley Young, of 894 Greendale Avenue, noted the map was incorrect. Her property goes to the town land. Mr. Trudeau explained she was looking at the wrong parcel. Mr. Boris stated he was in favor of the zoning change.

Lois Sockol, of 611 Greendale Avenue, stated the zoning does change. She offered there is no other part in town that has the assault of 128. She noted this part is uniquely different. It affects the quality of life. There will be an increase in noise and carbon monoxide. She added she feels this was not rezoned because someone realized what that strip meant by being there. She is a homeowner there and this is too big a price to pay to come into conformance. The quality of life will be affected for all in the room. Mr. Stoller noted he has been in the real estate business for a decade. He personally believes they are not following the spirit of the law but maybe the letter of the law. He feels the additional houses are more motivated by money but they need a balance between realities. He feels this would create more havoc than not. Belinda Carroll-Krawiecki, of 664 Greendale Avenue, gave a handout to the Board members and read a letter she had written. Mr. Pages noted he has had epidemiological and respiratory studies. Within a 400 meter radius of the interstate the particulates are devastating. He quoted from the Harvard Health Study regarding drops in cognitive scores. He noted 170,000 cars pass by Needham each day and being next to the interstate was worse than smoking. This is the number one air pollutant in the country. He requests they keep it as Single Residence B. Ms. Sockol noted she supports Mr. Pages. The trees suck up the carbon monoxide. She feels they are putting people at risk cutting trees down. It is also a barrier to the noise. Sue Bonaiuto, of 906 Greendale Avenue, asked if this fails what happens next. Ms. Bailin noted they could apply for a subdivision or a 40B. Ms. McKnight asked if this was an approved subdivision that has lapsed and was informed yes. She asked if the infrastructure was put in. It has been. She asked if it was still usable for the development. Mr. Trudeau noted if he could go to cluster zoning. He added there is less tree cutting with a cluster. Mr. Cramer stated a cluster would use the roadway that is there. Ms. McKnight asked if the area is serviced by public water and sewer. It is. She noted this restricts parcels from development under 40B but is in full compliance with zoning. She asked if there could be a restriction the applicant would apply for cluster housing. Mr. Trudeau stated he would be willing to do that. Mr. Cramer added it should be encouraged.

Mr. Eisenhut asked how far the nearest house was from the highway. Mr. Cramer noted there are 237 acres of town land. He is not sure how far the nearest house is but would find out. Ms. Bailin clarified open space refers to town owned land only, not privately owned land. Mr. Jacobs asked if this goes through is it their belief there would be a less intensive development and more trees would be saved. Mr. Trudeau noted this was his belief. Kathleen Kelly, of 883 Greendale Avenue, stated she is concerned with traffic. Getting onto Greendale Avenue early in the morning or late in the afternoon is difficult. Mr. Jacobs clarified there would be a reduction in the number of lots between Mr. Boris and Mr. Trudeau's properties. Ms. Bonaiuto noted they have offered the idea of a restriction. Would the Planning Board be able to counter with a less dense restriction. Ms. Bailin stated Mr. Trudeau is offering less dense than allowed by zoning. They can make a recommendation but do not feel they can tell them what to do. The issue is to recommend rezoning of the lots to Town Meeting or not. They can only make a recommendation. Mr. Handel noted Town Meeting has to approve by a 2/3 vote. Ms. Sockol stated a 2/3 vote is easier to get if the Planning Board recommends approval. Mr. Handel agreed it gives it some weight. Ms. Sockol stated she feels they are being threatened – do this or we will do a 40B. Mr. Jacobs stated he did not hear that threat but people need to understand the various possibilities. It is not a threat. Mr. Stoller asked if it is possible for Mr. Trudeau to sell a portion of his land to the town at some point. Mr. Cramer stated they have had some experience in the past with this. The town is not interested in purchasing open space land. Bob Thorpe, of 35 Cheney Street, asked if there is a single benefit to anyone other than Mr. Trudeau or Mr. Boris. Mr. Eisenhut stated there are benefits to the town to have moderate type cluster housing. Mr. Cramer reiterated it would make a number of non-conforming lots conforming. Ms. Bailin stated the question is whether this strip was left behind and should have been the same as across the street. She would recommend deliberating at the next hearing so the members can review the material. Ms. McKnight asked if Mr. Boris' 40B permit was still in effect. Mr. Boris noted it has lapsed but Steve Bird is prepared to renew at the state level at any time. Ms. McKnight asked if the Boris property lends itself to cluster type zoning and would he be prepared to do that. Mr. Boris noted it is a possibility and he would look at it.

Upon a motion made by Mr. Handel, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to close the hearing.

Ms. Bailin informed the public they would deliberate on 4/1/08.

Review and Endorsement of Definitive Subdivision Plan: Standish Farm Realty LLC (Property located on Brewster Drive, Needham, MA).

The Board endorsed the plan.

Discussion – Parking Fund Article.

Ms. Bailin noted the article was ok but was worded such that Town Meeting would be precluded. Mr. Jacobs noted he does not agree with the deletion. Ms. McKnight stated she would like to go forward with it with the Board of Selectmen cooperation. She does not see it as a major change. Ms. Bailin stated this fund is driven by permits the Planning Board grants. This way there is no input into the process. Ms. McKnight noted the Board of Selectmen could make a recommendation to Town Meeting. Ms. Bailin stated she is not going to vote but wanted to comment it is inconsistent with a fund that is being established through permits the Planning Board grants. Ms. Newman explained the rationale behind the article and noted, with the traffic mitigation fund, they did have that control. Mr. Handel noted putting the language back in does not limit the Selectmen's ability to recommend, it only gives the Planning Board the ability to recommend. He feels the removal of this language means it is a clear indication it is an attempt to limit the authority of a town board in favor of a centralized and much more policy Board of Selectmen. He moved the Board recommend adoption of this article with the text they originally submitted included. Mr. Jacobs suggested they amend the motion by recommending it be in the rationale they do not want to lose the link between what they decide and with how the money is spent. All agreed.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by three of the five members present (Ms. McKnight voted in the negative and Ms. Bailin abstained):

VOTED: to recommend adoption of this article with the text originally submitted included with the rationale they do not want to lose the link between what they decide and with how the money is spent.

Review and approval of revised floor plan for certificate of occupancy issuance for Fast Research, Inc., lessee: Major Project Site Plan Special Permit No. 2000-02, Sentinel Properties, Needham, LLC, c/o Rose Associates, One Financial Center, Boston, MA, Petitioner (Property located at 128 First Avenue and 72 A Street, Needham, MA).

Ms. Newman noted they would like to change from one floor plan to another.

Upon a motion made by Mr. Handel, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to approve the revised floor plan.

Temporary Occupancy Permit Extension for all Phases of Major Project Site Plan Special Permit No. 2006-02: Needham Cooperative Bank, 1063 Great Plain Avenue, Needham, MA, Petitioner (Property located at 1055-1063 Great Plain Avenue, Needham, MA).

Ms. Newman explained the bank would like an extension to upgrade the striping and plants when the weather is better.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:

VOTED: to extend the Temporary Occupancy Permit through 4/30/08.

Board of Appeals Applications – March 20, 2008.

Spiga, LLC, 18 Highland Circle, Needham, MA – 18 Highland Circle.

This has already been done.

The Suites of Needham, LLC, 100 Galen Street, Watertown, MA – 797 Highland Avenue.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: “No comment.”

Stephen Fitzmaurice, 36 Rosemary Street, Needham, MA – 36 Rosemary Street.

Ms. Bailin noted you cannot amend a variance. Mr. Eisenhut stated the variance was actually for the second floor addition and now they want to put a floor on top of that and amend the variance. Ms. Bailin noted there are 2 things they need to make clear. They need to comment there is no procedure for amending a variance. They would need to grant a new variance which they cannot do as it does not meet the statutory requirements. Nor can it be justified as a modification of a pre-existing, non-conforming because a variance is not a non-conforming entity and therefore the application should be denied.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to comment there is no procedure for amending a variance. They would need to grant a new variance which they cannot do as it does not meet the statutory requirements. Nor can it be justified as a modification of a pre-existing, non-conforming because a variance is not a non-conforming entity and therefore the application should be denied.

MetroPCS Massachusetts LLC, 205 Billerica Road, Chelmsford, MA – 141 Cabot Street.

It was noted they just have to comply with the By-Law.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: “No comment.”

MetroPCS Massachusetts LLC, 205 Billerica Road, Chelmsford, MA – 1555 Central Street.

This also has to comply with the By-Law.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: “No comment.”

Minutes

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to adopt the minutes of 2/12/08.

Ms. Bailin left the meeting.

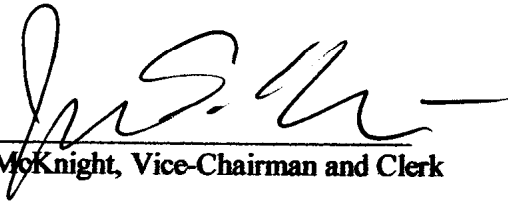
Joyce Moss – Informal discussion about 43D expedited permitting.

Mr. Jacobs asked how and why it is this was coming before the Board now. Ms. Moss noted she came in in September and brought materials to several Economic Development Council meetings. In October or November she spoke with Jack Cogswell and reserved a space on the warrant. The Board of Selectmen just given her permission to discuss this with the other Boards. There are grant monies attached to this. Mr. Eisenhut noted he is concerned that they are just hearing about this now. Mr. Handel clarified if Town Meeting adopts this it only applies to one site. Ms. Moss noted this was correct and for other sites the Board of Selectmen would have to go to Town Meeting. Mr. Eisenhut noted it is convoluted and a poorly drafted law. He has a lot of questions. He feels there are a lot of flaws and it is moving too fast. Mr. Jacobs asked if language has been drafted. Ms. Newman confirmed it has been drafted to adopt 43D for that one site. Mr. Eisenhut stated the Board of Selectmen can then designate other sites. It takes the Planning Board out of the process. He thinks it is premature. He is not necessarily opposed to the idea but not for this May Town Meeting. They need to study it more and get more input. Ms. Moss stated they are pushing it because if they have a chance to get the money they would need to expedite it. They are in a better position to get grants. The overwhelming feeling was the towns were doing it to get access to the money. Mr. Handel noted they went through this process and it changed nothing. They had an outside

consultant and focus groups. Ms. Newman clarified they got something on the residential side but nothing on the commercial side. Mr. Handel commented the mindset is there. They need more time to study it. Mr. Eisenhut stated the law is if they implement they have 120 days to implement it. They have a whole boat load of work to do. Ms. McKnight noted it would only pertain to priority sites. Ms. Newman noted the Board of Appeals would have no authority unless a variance was needed. Mark Resicott noted they need to designate a single point of contact and need to set down on paper a process used to evaluate that site. Ms. McKnight noted the statute is unclear. The town only accepts the statute and then the Selectmen determine the site. She noted in Section 2.05 it states "for each priority development site approved." She asked if they have to accept a 43D each time. Ms. Newman clarified they do. That is what she has been told. There are jurisdictional issues here. Mr. Jacobs noted they should not use the word abrogation. It is more of an infringement. Mr. Handel stated it is not an issue if it was limited to the one site. Mr. Jacobs asked if Needham was perceived as anti-business so we need this. Ms. Moss stated they are. They are perceived as one of the worst towns to try to develop in. They would have the ability as outside people coming in to look at the processes of all departments. Ms. Newman noted it provides a resource to document the process. Ms. McKnight asked if they have to make a decision tonight. Mr. Eisenhut stated it was way too soon. Mr. Jacobs commented he agreed with Mr. Eisenhut. Mr. Handel noted his initial reaction is that it is very risky. They need to make an effort to understand. Ms. Newman stated it creates a framework going forward. Mr. Handel added he would like information on the role of the Planning Board of the towns that have gone through this more than once. Ms. McKnight noted there no towns that have gone through it more than once. Mr. Handel suggested they take it up at the next meeting. Mr. Jacobs noted if questioned tonight he would have to oppose it due to absent information. Mr. Handel agreed. He cannot make a recommendation without more information.

**Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 11:35 p.m.**

**Respectfully submitted,
Donna J. Kalinowski, Notetaker**


Jeanne McKnight, Vice-Chairman and Clerk