

NEEDHAM PLANNING BOARD MINUTES

April 9, 2018

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Ted Owens, Chairman, on Tuesday, April 9, 2018, at 8:00 p.m. with Messrs. Alpert and Jacobs and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Public Hearing:

8:15 p.m. – Article 1: Amend Zoning By-Law – Wireless Communication Facilities

Article 2: Amend Zoning By-Law – Height Limitation Exceptions in the Business, Apartment, Industrial and Industrial-1 Districts

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

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

Mr. Owens gave an introduction. He noted Article 1 holds the Town to the same standard as private citizens. The Board of Selectmen came to the Planning Board and asked for zoning relief to build wireless technology. Mr. Owens explained the process. The Board of Selectmen asked for the Articles, the Planning Board prepared the Articles and are holding the hearings. The Selectmen just requested the Planning Board withdraw this Article. Since this is the public hearing, and all are here, the Planning Board would like to hear comments.

Selectman Marianne Cooley noted the Selectmen are requesting to withdraw the Articles for reconsideration. The Selectmen had a subsequent discussion last week with residents. They also heard from many at a meeting on Saturday morning with about 100-120 people in attendance. There was a lot of feedback. The recommendation needs further consideration. This needs to be right for Needham and people need to understand the basis for the decision. The Selectmen need to go back and review the whole picture so they can come back with the right proposal. This needs to be done quickly so it can be on the Fall Town Meeting. People understand there needs to be a communication system for the Town. One question was why it could not be in the industrial area. She stated everyone needs to remember our industrial area is home to hundreds of apartments and hotels. The Board hopes to find a proposal that works for all.

Amy Brown, of Birds Hill, stated the Selectmen mentioned they would post the feasibility study that showed the options or alternatives that were looked at. This was not posted. Selectman Cooley stated the study was done but she has not seen it yet. The study online is based on a single solution. The raw data is not there. She will make sure it is compiled and put online. People will be notified when new materials are posted online. Natalie Gilchrist asked what the notice requirements were. Ms. Newman stated zoning article requirements are a legal notice in the local paper. It has to run 2 consecutive weeks in a row, the first notice at least 14 days prior to the hearing. The town has to, by law, notify all abutting towns and certain state agencies. There is no legal requirement to notify abutters on zoning articles unless a request has been formally made by a particular taxpayer. With this article, however, abutters around the towers were notified.

Mr. Owens commented that at the time the Selectmen brought this proposed zoning relief to the Planning Board the Planning Board encouraged the Selectmen to have meetings. Time seems to have gotten away from the Board of Selectmen. Selectman Cooley agrees with that statement. The Board of Selectmen will hold full public hearings and give more time and notice. Mr. Owens noted it is challenging for local town government to communicate with citizens through the media in this day and age. He feels there is very little news in the 2 Needham papers.

Jonathan Yale, of the Dunster Road/Dartmouth Avenue area, (name as heard by Note Taker), asked if the Selectmen saw the feasibility study before they proposed these zoning changes to the Planning Board. Selectman Cooley stated it was fair to say the Selectmen saw components of the study and made a decision based on those components. Mr. Yale asked if the components had options such as using existing towers and was informed yes. He asked if the Selectmen know who owns the towers. Selectman Cooley stated she did not know but the Town does. Mr. Yale asked if the Selectmen asked anyone to see how much it would cost to rent space in the existing towers. Selectman Cooley understood that discussions have been had with some owners. Mr. Yale stated he was disappointed that Thursday night was the first notice he received and he is an abutter. Needham Crossing may not be called Industrial but there are 4 giant towers within a 25 mile sight line. He spoke with tower owners who said no one from Needham has approached them about renting. He is disappointed an easy option is not being considered.

Mr. Alpert explained the different roles between the Planning Board and the Selectmen. He stated the Board of Selectmen came to the Planning Board and said they needed to revamp the public communication system. The zoning was looked at and needed to be changed. The sole function of the Planning Board is to provide the wording for zoning amendments and make recommendations on zoning changes. The Planning Board does not determine the location of towers but put together a townwide zoning amendment that would allow the Town to put towers pretty much anywhere in Town.

Ms. McKnight commented on the process the Planning Board went through. The Planning Board had a meeting with the Selectmen, Town officials and consultants and she asked if alternatives had been looked at. The report she was given had no text on this, but she was assured that alternatives had been looked at and studied. She was told the tower space rental alternative would be much more expensive and would not be able to protect data.

Ellen Fine noted she lives near the Tower Hill location. She appreciates the difficult process. She stated the US Postal Service could be used to get the word out. She feels public health and public safety need to be adequately looked at. There is a history of Needham bypassing the concern of public health. There was dumping of pesticides near the Hoover Road Water Tower in the past. This can be a serious public health concern. She would like the Planning Board and the Selectmen to have meetings with, and interact with, the Board of Health.

Bennett Strofsky, of 56 Morningside Road, stated he needs to know the process. Mr. Owens explained how this came to the Planning Board. The project could not go forward under existing zoning. The Selectmen came to the Planning Board to change the zoning to allow towers. The Planning Board drafted the article and, subject to the Planning Board hearing, will decide if it will go forward to Town Meeting. That will take care of the zoning issue of the project. A separate process will be the project coming to the Planning Board for a Special Permit.

Mr. Strofsky stated he has a petition with 350 online signatures and 150 paper petitions with signatures asking the Planning Board to approve withdrawing the article. Mr. Owens commented he believes at the end of the hearing the Planning Board will vote to withdraw the Article per the request of the Selectmen. Antonia Nedder, of the Dunster Road neighborhood, noted a very small amount of abutters were directly notified. There is a depth of commitment to object the zoning change as shown by the large amount of people here. She is very concerned.

Ms. Grimes stated they have always had an issue with notifying people. She has actually started posting on the Needham Facebook page to get to more people. She commends the neighborhoods for coming out. She commented this Board takes this seriously.

Sandy Smith, of Birds Hill, thanked all involved with this and those who came to the meetings. She feels it does not make sense to put the tower where it is planned. She asked if the information from the Saturday meeting with the Selectmen would be part of the record. There was a lot of information shared and discussed. Mr. Owens noted the meeting was filmed and he has watched it. He will make sure the film is part of the record. Mr. Alpert noted 2 members of the Planning Board were there. Ms. Smith asked if they could present their petition and was informed they could.

Dennis Roseck, of Tower Avenue, (name as heard by Note Taker), would like to understand the Planning Board process and the criteria used to make a decision. Mr. Owens stated the charge of the Board is to create and enforce the Zoning By-Laws to maintain the character of Needham. The Board takes all factors into consideration and all other factors presented by the applicants. It is a balancing act to find a consensus in the middle of diversity. He understands the Selectmen's objective but the Planning Board objective is a little different. All factors go into the decision making process.

Debbie Bryson noted she lives 3 houses from the Hoover Road water tower. She stated she was not notified of the meeting. She found out last night by text. She agreed there were residents living in the Industrial area but also in all other areas of Needham. There is no school in the Industrial area and no water source. She feels the public safety of children is a very important consideration. A cell tower should not be put in a residential area without known knowledge of no health issues. Courtney Olson lives close to the Bird's Hills water tower. She is concerned with the health effects. She does not know if there is a definite report on the health effects of towers or if that is unknown. She feels the health consequences of towers are very high. She does not know what the energy level will be. She commented the Board should be careful with what they are thinking of doing.

Lois Sockol stated she will not be impacted but she lives in Needham. She is concerned for the people of Needham. She sees it as a wellbeing issue for all areas if there is the slightest question it does not belong in residential areas. Greg Rye, of 176 Hillcrest Road across from the water tank, (name as heard by Note Taker), stated his main concern is this is bundled together with 2 fire stations and the police station and the applicant threw in the communication system. He learned about this only 4 days ago. Allison Brierley stated she is concerned with health concerns but wants to talk about property values. She lives right next to the tower on Birds Hill. She is already impacted by the existence of the water tower. A significant number of trees were cut down a couple of years ago and not replaced. All she sees is the water tower. She does not feel the abutters can absorb the financial impact on their property.

Steve Mortimer, of Dunster Road, wants the Board to deny the zoning change as to the residential section. The perceived risk is all that matters and that will impact property values. He discussed the decrease in property values. Cindy Landau, of Pine Street, stated she is affected by the RTS tower. She feels these towers are cumulative. She went on the FCC website. There are huge variations on the power that goes through them. Height also makes a difference and safety was unknown on the FCC website. There are 4 new cell towers going north on Central Avenue. She feels the aesthetics will change. The country aspects of Needham will change. That needs to be taken into account.

Chris Jantzen, of 55 Dunster Road, thanked Ms. Newman for her work. He noted there is a flaw in the proposed article. Precincts I and J are being affected by the proposal as they are located in the 128 area. Under Section 6.7.3.3(i) the proposal is for 199 feet. The Board should consider a restriction in Precincts I and J. That would protect those neighborhoods. Monopoles should not be in neighborhood districts but particularly in Precincts I and J. He commented the poles must be maintained. Ice could fall from the poles onto the children walking to Mitchell School. He thanked all the members of the Planning Board.

Mr. Rye asked if it is commonplace to write an article so broad that a structure can be put anywhere. He is surprised it is that broad. Mr. Alpert stated that is part of the process for tonight. He walked away from the Saturday meeting with the knowledge that, if going forward with the warrant article to Town Meeting, it should be amended to delete residential districts totally, possibly more restrictive and making it only in the Chestnut Street Business District, where the police station is, and the Wireless Communication Overlay Districts.

Doug Fox, of Precinct F, stated the town does very much need an improved emergency communication system. There has been a lot of recent discussion about health related things. He wants the decision based on science experts and on real risks not perceived risks. Felix Zemel stated it does need to be based on science. There needs to be evidence based focus. Science is not fully there yet. He feels the Board needs to make the decision based on best available science. He wants to applaud the Selectmen for listening to the residents asking to withdraw this

Article. He commented the residents who live in the Industrial District already had towers there when they moved in.

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

VOTED: to close the hearing.

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

VOTED: to accept the request from the Selectmen to withdraw the article.

Mr. Owens noted the Board would have a 10 minute recess.

Determination of Proposed Use – Animal Care, Grooming, Sitting, Training and/or Boarding (Property located at 178 Crescent Road, Needham, MA).

Louis Wolfson stated he wants a determination on use. He has property in the Industrial Zone -- Crescent Road Mixed Use. He has an industrial building used for manufacturing over the years. He would like the allowed veterinary use. He has been approached for a dog care and dog sitting facility. He stated pet day care is similar to veterinary, and there is a special permit for veterinary under 3.2.1. There is no specific By-Law for day care of pets. He understands he will still need a special permit. He noted there is ample parking. It is a quiet location at the end of the street with conservation land behind.

Ms. McKnight noted she understands this will include boarding. Ms. Newman stated that would be an ancillary use similar to what is in the 128 area. Mr. Wolfson stated he has 66,000 square feet of land with another 77,000 square feet of land that abuts it, then conservation land. It is directly behind Brookline Oriental Rug. Ms. Newman asked if the Board would consider a veterinary use similar to a doggy day care use. The Board specifically called it out in the 128 District.

Mr. Jacobs asked Mr. Wolfson to describe how it is similar in kind and similar in impact to a veterinary facility. Mr. Wolfson stated it is the care of pets. People feel their pets are their kids. Mr. Jacobs asked if he would be the operator. Mr. Wolfson noted he would be the landlord. Mr. Jacobs stated caring for pets sounds like a veterinarians office. His concerns is, process wise, there is no user in mind. He cannot say what the use is going to be without a plan. This exception process was set up to bring forth a particular proposed use. Mr. Alpert stated it makes sense to have a tenant with a lease to come forward. He does not feel doggy dates is similar. With a vet all is done indoors. Doggy dates has dogs running around outside.

Ms. McKnight stated the Board has a provision for doggy day care type of uses. It is allowed in Mixed Use 128. It is not like a veterinary. The Planning Board specifically defined it. She walked down Crescent Street and up Andrea Circle. Doggy day care is not similar in impact or similar in kind to veterinary. This is a completely different impact. She does not think there is enough information as to the use and the impact. She would be ok if the applicant came back in with more information. Ms. Grimes commented she is hearing doggy dates is not similar to veterinary services and hearing that members are concerned. Mr. Owens stated the discussion would continue at another time.

Minutes

Ms. McKnight noted on the 1/23/18 minutes, on page 4, middle paragraph, it should say "there is no such affordability segregation" rather than "there is affordability segregation." On page 5, close the " on the fourth line.

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

VOTED: to approve the minutes of 1/23/18 as amended.

Correspondence

Mr. Owens noted the following correspondence for the record: a 3/29/18 email from Hank Haff with responses to questions; another email from Hank Haff regarding the use of the roadway at the Sunita Williams Elementary School and comments from Citizens regarding the public hearing.

Report from Planning Director and Board members.

Ms. Newman asked if the Board would like to make a decision on the Town Meeting presentations. She wants feedback on the Special Town Meeting Warrant. Mr. Owens stated he would get back to her on Chestnut Street. The Board members discussed who would present which Articles. Mr. Jacobs noted at the last Council of Economic Advisors (CEA) meeting people wanted to know why the cafeteria at Shark Ninja was not advertised. Ms. Newman noted the cafeteria was ancillary to the use. The permit did not anticipate a restaurant opening and the applicant did not request a Special Permit for a restaurant. The use is there as of right. Mr. Jacobs stated the CEA wanted to know if the Planning Board wants a letter of support for the Neighborhood Business District Article. Ms. McKnight stated it appears the Selectmen may be making a negative decision on the Storm Water By-Law based on the minutes of their public hearing. She is concerned. She hopes the Planning Board would make a recommendation to Town Meeting that this be adopted. Ms. Grimes commented she spoke with Roy Cramer today. He pointed out a few issues with the By-Law. The Selectmen have asked him and Robert Smart to help revise it.

The Board members chose the precinct rooms they would like to be in for the League of Women Voters warrant meeting.

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

VOTED: to adjourn the meeting at 10:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Paul S. Alpert, Vice-Chairman and Clerk