NEEDHAM PLANNING BOARD MINUTES

April 27, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, April 27, 2021, at 8:00 p.m. with Messrs. Alpert, Jacobs and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of the Board members and staff. She noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. She reviewed the rules of conduct for Zoom meetings. She noted this meeting does not include any public hearings so there will be no opportunity for public comment. She stated all supporting materials for this meeting are posted on the website www.needhamma.gov. If any votes are taken at the meeting the vote will be conducted by roll call.

Discussion of Town Meeting articles, including possible amendments.

Ms. McKnight noted this meeting is to discuss Stephen Frail's amendment that was emailed on 4/21/21. Ms. Newman noted the Board needs to settle on a recommendation for this amendment, talk of how to manage Town Meeting and who will take the lead on which articles. Mr. Alpert asked, if Needham adopts the stretch code, would it be in the Zoning By-Law or General By-Law. Ms. Newman stated it would be in the General By-Law. Ms. McKnight stated, as to the form of Mr. Frail's proposed amendment, that "e" should be deleted in Article 5 regarding special permit criteria and insert "e" – "property development should be built to the most energy efficient building standards, eg: stretch building code, approved by the state of MA at the time the special permit is requested regardless if the town adopts the standard for town wide use." The Planning Director should check with Town Counsel. The current subsection gives developers some flexibility. Mr. Frail made the change after Town Counsel's response.

Mr. Jacobs stated he agrees with Town Counsel Christopher Heep's second paragraph. Mr. Alpert noted the Board has set out standards for the special permit process in this project and others. He asked if there is a general Special Permit By-Law that needs to be followed in all special permits. Ms. Newman stated there is. Mr. Alpert stated, considering all the amendments in front of the Board, he is reluctant to be in front of Town Meeting in favor of one amendment and not the others. He would ask Town Meeting to disapprove all amendments and vote on the Planning Board Articles without amendments. He is very sympathetic to this amendment and the affordable housing change criteria. The Board needs to have a hearing and allow all people with interests to express their views. He would like to see this town wide in all districts. He would disapprove for this Zoning By-Law at this Town Meeting but is ok with taking it up as a Planning Board. Mr. Frail's amendment envisions that the state will have proposed a stricter local-option stretch building code, but this Stretch Code would not have been adopted in Needham yet. Each town could choose to adopt it. He would like to do this town wide if it could be legally done.

Mr. Jacobs stated he agrees with Mr. Alpert and Town Counsel Heep. He feels it would be open to challenge and recommends Town Meeting not adopt the amendment. Mr. Block stated he concurs with Mr. Jacobs and generally with Mr. Alpert. He does not know if the Board wants to adopt all standards for every district across the board. They may want stronger standards in some areas. This would need to be studied in greater detail. Mr. Alpert stated they need the process to vet it to accomplish a worthy goal. Ms. McKnight commented Select Board member Marianne Cooley mentioned a focus on sustainability, but a new proposal for one area is not the way to go.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:
VOTED: to recommend not adopting Mr. Frail's proposed amendment.

Ms. Newman recommended Mr. Block be the point person for the Highway Commercial 1 (HWC1) Article. Ms. McKnight could be the lead for Article 7 and for questions on the planning consulting funds. Mr. Jacobs stated the way Mr. Block did his presentation tonight to the Select Board was very effective. He commended him and noted that type of presentation should be at Town Meeting. Mr. Block asked if the slide created for tonight could be used at Town Meeting. He would like the HWC1 link to be redirected and that can be included in that slide. Ms. McKnight stated Mr. Block can do a complete re-recording if he wants. Mr. Jacobs feels there may be another way to get the slide to Town Meeting members. He suggested live handouts. Ms. Newman will check in the morning the best way to get the information to Town Meeting members.

Ms. Clee stated Assistant Town Manager Katie King emailed regarding the Select Board votes that were taken tonight. On the HWC1 recommendation the vote was 3 in favor and one abstention, for the planning consulting funds, the vote was approved 4 to 1 and the Citizen's Petition vote was 4 to 0 not to adopt. Mr. Alpert asked if the Finance Committee has voted on the Citizen's Petition and was informed the Finance Committee voted to support it. Ms. McKnight stated the Finance Committee's role is to advise on the financial impact of the proposed By-Laws.

Ms. Newman stated Planning Board meetings are posted for Saturday and Sunday. She plans to be there on Monday but is not allowed to sit with the Board. She will have her phone and all the files. Mr. Jacobs will be available by phone.

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the four members present unanimously:
VOTED: to adjourn the meeting at 8:48 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Paul Alpert, Vice-Chairman and Clerk