

**Natick Planning Board  
Hybrid (In-Person and Remote)  
Edward Dlott Meeting Room  
Natick Town Hall  
May 10, 2023**

*Broadcast Live on Natick Pegasus*

Chair Glen Glater called the meeting to order at 7:03 PM. Members present were Andrew Meyer, Teresa Evans, Peter Nottonson, Douglas Landry and associate member Chris Therrien. Also present was Community & Economic Development Director Amanda Loomis.

**Public Speak:** *None*

**Public Hearings – Development Projects**

**3 Appleton Rd/ 9 Yorkshire Drive:** *(contd. from 4/26/23) Application of Chris D' Antonio for Definitive Subdivision Review for plans titled The Meadows Definitive Plan of Plan, Appleton Rd, Natick, MA. The project will include re-division of land to create four lots, to allow for the construction of three new homes, construction of a new roadway, and installation of associated infrastructure and landscaping.*

Ms. Evans read an email dated May 10, 2023, from the applicant's attorney regarding a request for Withdrawal Without Prejudice into the record.

Mr. Meyer moved to allow the application to be withdrawn without prejudice, seconded by Ms. Evans.

Mr. Glater explained to the public that allowing this application to be withdrawn without prejudice meant that there would no longer be an application before the Planning Board and that the applicant could refile the application.

Roll call vote 5-0. MOTION PASSED

**50 Pleasant Street:** *(contd. from 2/16/23) Application of Linda Valentin for Site Plan Review, Special Permit for Aquifer Protection District (APD), Scenic Roadway Modification*

Mr. Glater asked if there was any information from Town staff on the project. Ms. Loomis said was an email from the applicant requesting a continuance without testimony to May 24, 2023.

Ms. Evans read the email dated April 28, 2023, requesting a continuance without testimony to May 24, 2023, into the record.

Mr. Meyer, moved for a continuance to May 24, 2023, seconded by Ms. Evans.

Roll call vote 5-0. MOTION PASSED

Patricia Polimeno, 11 Dover Rd, asked why 50 Pleasant St was still on the agenda for tonight's meeting. Mr. Glater said items remain on the agenda until a motion for continuance is voted.

## **Approval Not Required (ANR)**

### **0/15 Upland Road** (*Map 15, Lots 182B and 182D*)

Document: *Plan of Land Upland Road 11.14.2022.pdf*

Representing the applicant, surveyor Varoujan Hagopian (Connorstone Engineering) reviewed the land transfers that led to the proposed ANR plan. He said the goal was to combine the land in Natick with land in Wellesley and that the plan shows adequate area, depth, and frontage.

Ms. Loomis confirmed that the lot had adequate frontage and said the Board had received comments from the Conservation Agent but not the Town Engineer. She said the parcel had registered and recorded land, which meant it would need to go to Land Court. One waiver was requested: the plan was drawn in the ratio of 1":30' when a ratio of 1":40' was required.

#### **Board Discussion:**

Ms. Evans said that, if approved by the Board, the requested waiver should be inscribed onto the mylar of the plan, citing per the ANR Handbook.

Mr. Hagopian said that the 1":30' scale was drafted for readability. He said that revising it to 1":40' was possible but would impact readability.

Mr. Landry asked if the application would be coming back to the Planning Board with an endorsed plan from Land Court. Mr. Hagopian said they were not modifying any parcels on registered land, and that this lot would comprise registered and recorded land.

Mr. Meyer said he could not identify much that had changed from the lot that existed previously. Mr. Hagopian said that the combination of two parcels changed the ownership of the land. Noting Ms. Loomis' comment that the Board had not received comments from the Town Engineer, Mr. Meyer said he would defer to a recommendation the Board might receive from him.

Mr. Hagopian said the plan could be modified to meet the Board's request. Mr. Meyer asked if taking this up at the May 24 meeting allowed enough time to prepare an updated plan. Mr. Landry said an ANR plan was as an instrument recorded at the Registry of Deeds confirming frontage, lot area, and adequate access, the only factors in the Board's purview.

Mr. Hagopian asked if the Board could condition its approval on receipt of an updated mylar with the requested documentation inscribed. Mr. Glater said the Board was waiting for a letter from the Town Engineer.

Ms. Loomis said that ANR plans had a 21-day approval period, after which the plan would receive constructive approval. The May 24 meeting would be Day 20.

Mr. Hagopian said he could accommodate the requests by May 24. Mr. Glater said this matter would be on the May 24 agenda.

## **Public Hearings – Development Projects (resumed)**

**16 Tech Circle:** (cont. from 4/26/23) *Dris Corporation seeks approval of special permits for three Marijuana Establishment Uses (Delivery Courier, Delivery Operator, and Third-Party Marijuana Transporters) per § 111-K and VI.DD, and site plan review per § VI.DD of the Natick Zoning Bylaws. The project will include the reuse of an existing commercial space for the operations of the Marijuana Establishments, which include Delivery Courier, Delivery Operator, and Third Party Marijuana Transporters)*

Document: *Dris Corp. – Attachment Site Plan.pdf*

Ms. Loomis said the applicant had requested a waiver for the security plan to be submitted later to the Natick Police (NPD). She said the Natick Police Chief approved the waiver request for a deferred submittal via a letter from Deputy Chief Lauzon.

Attorney Phillip Silverman said that four of the seven requested waivers had been dealt with. He said a summary of the security plan had been submitted but that the Police Chief had wanted to inspect cameras and access controls with a site visit. He agreed to have the Certificate of Occupancy withheld until the Natick Police had signed off on the security plan.

Attorney Silverman presented project plans, including a site plan, floor plan, GPS images, and photos of the parking lot and building. He said the site plan was used two years earlier for a different applicant on the same floor. He said the site plan would not change. He said the floor plan addressed Board questions on access and egress and showed the condition of the parking lot and building elevations. He confirmed that the distance between the front door of the building to the front doors of educational facilities nearby met the 500 ft. state buffer requirement for cannabis facilities from K-12 education. He said The Learning Center was not a K-12 school, but its front door was 533 ft. away, and that the front door of the Brandon School was 1,293 ft. away. He said the applicant was requesting waivers for the traffic impact study, drainage assessment, and line-queue plan, as this was not a retail site.

Mr. Glater reviewed the requested waivers and asked if they still requested a waiver for a locus plan. Attorney Silverman said the GPS images met the need for a locus plan. Mr. Glater asked about the dimensional table. Attorney Silverman said that was not a part of his presentation and the waiver was requested.

Mr. Nottonson said the height of the building waiver was resolved by the submission of pictures of the building and site. Mr. Glater said the photos were not the same as elevations but met the need concerning building height.

Ms. Evans moved approval of the Special Permit as presented, including waivers for a traffic impact statement, drainage assessment, dimensional table, and line-queue plan; seconded by Mr. Meyer. Roll call vote 6-0. MOTION PASSED

To Mr. Glater's question, Attorney Silverman said the business would open in 3-4 months.

Ms. Loomis said a draft decision would be ready for the meeting of May 24, 2023.

Ms. Evans moved for continuance to May 24, 2023, seconded by Mr. Landry. Roll call vote 6-0. MOTION PASSED

**89 Union Street:** *(contd. from 4/26/23) St Benedict Classical Academy, Inc. seeks approval to modify a previously approved Planning Board decision (PB-2-22) for Site Plan Review (Dover Use Amendment) per § III-A.2, IV.B, and VI-DD of the Natick Zoning Bylaw. The project will include expansion of the previously approved structure for the construction of two additions and associated site improvements.*

Documents: *SBCA\_0504c\_01.jpg; SBCA\_0504c\_02.jpg; SBCA\_0504c\_03.jpg; SBCA\_0504c\_04.jpg; Presentation PHASE 1B\_SP\_01\_R1\_COLOR2.pdf; 89 Union revised site review.pdf*

Attorney Brian Grossman and engineers Rob Gemma and Chris Canton (Metrowest Engineering) were present on behalf of the applicant.

Ms. Loomis said the applicant had been working with the Conservation Agent on a site visit.

Attorney Grossman said that Ben Finnegan, a member of the project building committee and school board of trustees, met the Conservation Agent on site and walked the trail at the west of the property and discussed issues such as brush and fences and possible solutions. He said an effort was planned for September or October to work with Conservation on the trail.

#### **Board Comments:**

Ms. Evans asked who had attended on behalf of the Town to the trail walk, noting the Board's request that Martin Kessel, Chair of the Open Space Advisory Committee (OSAC) attend. Attorney Grossman said that when he reached out to Ms. Loomis and Conservation Agent Claire Rundelli on the matter of the best representative from OSAC for the walk-through, Town staff deferred to Ms. Rundelli. Ms. Evans said the best representative for OSAC was its chair. Attorney Grossman said the timeline for a walk-through including the OSAC chair had not elapsed and could still take place.

Mr. Glater asked about the arrangements for the site walk. Ms. Loomis said she and Ms. Rundelli received an email on the matter from Mr. Finnegan and that Ms. Rundelli responded. Ms. Evans asked if the Conservation Agent was aware of the request in the prior decision that the OSAC chair be part of the walk. Ms. Loomis said she believed the decision language referenced "and/or" Conservation Agent and the OSAC chair. Mr. Glater said that the "or" did not exclude the OSAC chair and requested his inclusion in future walk-throughs. He said he appreciated Attorney Grossman's effort to organize another walk-through. Ms. Evans said she would follow up with Mr. Kessel.

Mr. Glater asked if the Conservation Agent had commented on clearing and maintenance of the trails. Attorney Grossman said she had. He reiterated that time had not elapsed for the walk-throughs required prior to the issuance of a Certificate of Occupancy. Mr. Glater said scheduling this would avoid future delays for the project.

Project engineer Rob Gemma reviewed the stormwater management system and said the Conservation Commission had approved the stormwater management plan as part of the original decision. Attorney Grossman said the plan had not changed with the current proposal.

Mr. Gemma said he had addressed the question raised by the Town Engineer regarding whether the groundwater level was higher than the basement floor and spoke about the

proposed gravity drain. Mr. Glater said that to follow the official process they would need something in writing from the current Director of Public Health.

Attorney Grossman presented renderings of the building to address a concern expressed by Mr. Nottonson. Mr. Nottonson said previous depictions did not adequately convey the scale of the buildings in the context of abutting properties, and that he was satisfied with these renderings.

Sheila Prince, 7 Nokomis Way, expressed concern about the location of the generator fuel tanks and the choice of fuel. Attorney Grossman said the tank was outside the 100 ft. wetland buffer.

Ms. Prince asked if changes to the lighting plan would increase light pollution. Attorney Grossman said they would not, adding that the changes removed fixtures that were not needed. Mr. Glater noted language in the Zoning Bylaws that addressed light pollution.

Ms. Prince raised concerns about stormwater runoff. Mr. Gemma reviewed the capacity of the stormwater runoff basins.

Gail Weston-Roberts, 26 Western Ave, said she was speaking as a Natick resident, not as a congregant at the church adjoining the property. She asked how the 20 ft. setback from the property line was measured from the existing stone wall. Mr. Glater said the property line, not the wall, was the boundary, and that a registered land surveyor had provided measurements. Mr. Gemma said parking lot lines would run parallel to the property line at a distance of 20 ft.

Mr. Meyer thanked the applicant for being forthcoming with information despite the constraints of what the Board could request under the Dover Amendment.

Mr. Meyer asked if approval of the project by the Board and the meeting with the chair of the OSAC could happen concurrently. Ms. Evans said the Board could condition issuance of the Certificate of Occupancy on the site walk on the OSAC chair having taken place. Mr. Glater suggested using the language from the previous decision, removing the problematic "or" reference so that both the Conservation agent and OSAC chair would be included.

Mr. Meyer moved for approval of Phase B of the project as submitted with conditions, seconded by Mr. Landry. Roll call vote 6-0. MOTION PASSED

Ms. Loomis said she would prepare a decision for the Board's May 24 meeting.

Mr. Meyer moved for continuance to May 24, 2023, seconded by Mr. Landry. Roll call vote 6-0. MOTION PASSED

**26, 32, 34 Union St:** *(cont. from 4/26/23) Application of 26A Union Street, LLC for modifications to a previously approved Planning Board decision (7-2022) for Site Plan Review (§VI-DD), Special Permit for Use (§111-1.2 Independent Senior Living Overlay Option -ISLOOP). The project proposed to increase the footprint and number of units, along with modifications to previously approved amenities.*

Documents: *32 Union Street Comparison 5.2.2023.pdf; 32 UNION STREET SITE PLAN - 40 UNITS PLAN SET (5-2-23).pdf*

Applicant Dean Behrend and engineer Peter Bemis were in attendance. Mr. Bemis presented a project comparison for different unit counts with data on approved and proposed parking

spaces, unit breakdown, building length, building height, square footage, building coverage, and open space. Mr. Bemis reiterated that the objective of the project, though not currently a legal instrument, was to create affordable housing for veterans. He shared a table with the number and size of units, as well as parking spaces, building height and length, and other project data.

Mr. Bemis presented the updated 40-unit site plan that showed a rectangular building as opposed to the approved 36-unit L-shaped building. He said the updated site plan was fully compliant with front setbacks, provided a less congested parking plan under the building, and created a building that would appear smaller than the one the Board had approved previously.

Mr. Glater asked how a larger building could appear smaller than the previously approved building. Mr. Bemis explained how removing the “L” portion made the building read as smaller, even though it was slightly longer.

#### **Board Comments:**

Mr. Nottonson said he did not want to make the building larger. Instead, he would prefer that an additional four of the existing 36 units be converted to affordable units. He said he was still eager to hear from Paul Carew, Director of Veterans Services, about the proposed modification.

Ms. Evans said she did not understand how someone would see a reduction in depth and an increase in length as smaller when depth was often invisible to someone looking at the building head-on.

Ms. Evans asked whether the 42-unit proposal and the 36-unit approved plan were 10% affordable, and if the proposed 40 units were 20% affordable. Mr. Bemis confirmed that was the case and that the number of studio units had increased.

Ms. Evans said the increased number of studio units would affect the ratio for the number of affordable units of each unit type. She said the number of affordable units had to be distributed among all different unit types in a way consistent with market-rate units. Mr. Bemis said he believed only 10% of the affordable units were regulated, and that the additional 10% designated as a commitment by the applicant, but not regulated as such by Bylaw. Ms. Evans said that in the absence of an instrument to regulate the additional affordable units, she would prefer that regulatory mechanism be the existing affordable housing Bylaw.

Mr. Meyer said the project boiled down to whether the Town wanted more affordable units and a larger building to accommodate more units. He said he did not feel additional units were urgent for him. He said the approved project was not favored by the public and that he remained a “no” vote on expansion of the building footprint. He felt the Board ought to take a vote tonight to provide clarity for the applicant on the current feelings of the Board for the modification.

Mr. Glater said the building was still too large and “affordable” units were still not affordable. He said he appreciated the efforts to try and bring the units into a more affordable range.

Mr. Landry reiterated the comments and concerns from Mr. Meyer and said that after the letters from the public he would vote similarly to Mr. Meyer.

Mr. Behrend said that the reorganized floor plan included seven studio units. He said he had tried to accommodate additional affordable units in the approved 36-unit building, but doing so needed more room. He said certain veterans qualified for up to \$3,261 in living expense aid a month, citing service date ranges for veterans who qualified for this aid. He said the decision for more studios at an affordable range was influenced by this information, which he felt answered the question as to whether a veteran could afford a unit. He said the project had been delayed by six months in order to pursue additional affordable units. He said he had spoken with Randy Johnson of the Affordable Housing Trust and Veterans' Agent Paul Carew, and that they were in favor of more affordable housing. He said his own financial backing for the project spoke to his commitment to the idea, noting that additional affordable units were not a financial benefit to him. He said he had been patient with the Board process but was ready for action on the modification. He asked if the Board would be in favor of an additional four affordable units if it were within the approved 36-unit footprint.

Mr. Bemis said he added the studios based on Board comments. He said the Bylaw guided the first 10% of affordable units and felt that the Board had discretion for the additional 10%.

Mr. Meyer spoke in favor of the approved 36-unit building footprint reworked to accommodate 40 units, granted that parking allowed for it. Ms. Evans said she was not in favor of affordable units without a mechanism in place to govern them. She said that the affordable units needed to be evenly spread throughout unit types.

Mr. Meyer said there must be a solution to regulating the additional 10% affordable units. Ms. Evans asked what mechanism controlled the affordable units and how they would be priced below market rate. Mr. Meyer said the onus was on the applicant to show how that would work. He said the Board would want precise and binding decision language to guarantee the affordability of the additional four units. Mr. Meyer asked the applicant to confirm they had offered to design a 40-unit floor plan in the approved 36-unit footprint.

Mr. Behrend said he believed the Housing Authority in Natick could monitor the additional four units. He said that in order to fit more units into the approved 36-unit footprint, more than the normal ratio of units would have to be studios. Mr. Glater said with no mechanism in place to provide veterans' housing, the units must be treated as affordable units.

Ms. Loomis said the cost of affordable units was not under the Board's jurisdiction, adding that there had to be a mix of unit types. Mr. Glater asked if that was still true when affordable units above the mandatory number were volunteered. Ms. Loomis said if they planned to use the Local Initiative Program (LIP) they would have had to abide by its guidelines. Designation of affordable units in a building must be floating, not fixed to specific identified dwelling units.

Jan Phlegar, 11 Malden St, reiterated concerns about building size and location and the number of units. She said the project was originally 32 units and approved for 36 under the Open Space Public Amenity bonus density provision of the Zoning Bylaw. She reiterated her belief that the modification ought to be limited to the approved 36-unit footprint.

Edna Marston, 27 Union St, said neighbors had been consistent in their concerns and had attended the hearings. As an abutter, she wanted a building that fit with the neighborhood. She encouraged the Board not to approve a modification of the approved 36-unit project.

Mr. Glater suggested a straw poll to see if the Board would support a larger building. He asked who was in favor of a larger building by a show of hands. Mr. Meyer asked if the poll included an alternative for a 40-unit building within the approved 36-unit footprint. Mr. Glater said that was not an option for this straw poll. Mr. Glater said he did not see any hands raised in support.

Mr. Glater asked who was in favor, by show of hands, of a 40-unit building in the approved 36-unit footprint with 20% affordable units under the same mechanism that mandated the 10% affordable units. Ms. Evans said she wanted to know more about the mechanism for the additional 10% affordable units. Mr. Landry said he was for more affordable units in any configuration in the existing footprint. Mr. Glater agreed with Mr. Landry but said the building remained too large. Mr. Nottonson said he was in favor. Ms. Therrien agreed with Mr. Landry.

Mr. Glater encouraged the applicant to pursue a 40-unit building using the approved 36-unit footprint and encouraged the applicant to work with Ms. Loomis.

Ms. Evans moved for a continuance to May 24, 2023, seconded by Mr. Landry. Roll call vote 6-0. MOTION PASSED

### **Planning Board Business:**

Ms. Evans said that all of the zoning articles that were heard at the 2023 Spring Annual Town Meeting had passed. She congratulated Ms. Loomis on the excellent presentations.

### *Meeting Minutes*

Ms. Evans moved for approval of the meeting minutes of March 15, 2023, seconded by Mr. Meyer. Roll call vote 6-0. MOTION PASSED

### *Other Business*

Ms. Loomis briefed the Board on grant opportunities, including one that meant that the Town was able to commission artists to paint Adirondack chairs for public spaces in Natick Center.

Ms. Loomis said that a SOOFA information sign was installed on Main St with news about trains, weather, and events. The Town Communications Director and Athena Pandolf of Natick Center Cultural District manage the sign. The grant covered sign maintenance for a three-year trial.

Ms. Loomis told the Board that the Town had received a grant with the help of the Sustainability Director, Town Engineer, and Mark Coviello. The objective was to provide roughly 50% of the funds required for the installation of lights for pedestrians who walked from the West Natick train station after dark.

Mr. Glater asked if information on the SOOFA sign would be on the Town website. Ms. Loomis said the Communications Director's responsibilities included including the website.

### **Adjournment**

Mr. Nottonson moved to adjourn at 9:27 PM, seconded by Ms. Evans. Roll call vote 6-0. MOTION PASSED