

**Natick Planning Board
Hybrid (In-Person and Remote)
May 24, 2023**

Chair Glen Glater called the meeting to order at 7:05 PM. Members present were Andrew Meyer, Teresa Evans, Peter Nottonson, and Douglas Landry; and associate member Chris Therrien. Also present was Community & Economic Development Director Amanda Loomis.

Public Speak: *None*

Approval Not Required (ANR)

0/15 Upland Road

Mr. Glater noted that the ANR was discussed at the Board's May 10 meeting. Ms. Loomis said the Board had received a letter from the Town Engineer, explaining that in summary, he supported the Board's endorsement of the ANR plan as presented.

Varoujan Hagopian, Connorstone Engineering, said that both of the Board's requests for modification were inscribed into the plan and the property boundary markers appeared in the latest revision. He said he had uploaded the revised plans last week via the online application portal. Mr. Glater said he had not seen new plans. While Ms. Loomis searched for the uploaded document, Mr. Meyer said the Board ought to see the newest plan before voting.

Mr. Glater said he believed that because of the 21-day time limit, if the Board did not endorse the plan, it would move forward regardless. Ms. Loomis confirmed that if the Board did not vote, the project would receive constructive approval. She explained that with an ANR, the Board was only endorsing frontage and access, but the applicant had requested a waiver for scale. Mr. Landry said the plans were acceptable and that the Registry of Deeds would have taken the plans as they were. He said that, in the interest of the deadline, the Board could approve the plan as submitted. Mr. Glater said he was comfortable with constructive approval. Ms. Loomis said it was better if the applicant had an endorsement.

Mr. Landry moved endorsement of the original ANR plan, seconded by Ms. Evans.

Ms. Evans said the Board should have documents of this kind prior to the meeting. If they were not received, staff should follow up with the applicant. Mr. Meyer said he would not vote for a plan he could not see. Mr. Landry and Ms. Evans said the endorsement was for the original plan, not the re-submitted one.

Roll call vote 5-0. MOTION PASSED

Public Hearings – Development Projects

16 Tech Circle: *(contd. from 5/10/23) 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 reuse of existing commercial space for the operations of the Marijuana Establishments, which include Delivery Courier, Delivery Operator, and Third Party Marijuana Transporters.

Ms. Loomis briefed the Board on the application. She said the applicant's counsel had provided comments on the draft decision. Mr. Glater asked for the applicant to comment. Attorney Phillip Silverman said his comments were incorporated into the decision to his satisfaction.

Mr. Meyer moved to sign the decision, seconded by Ms. Evans. Roll call vote 6-0
MOTION PASSED.

Ms. Evans moved to close the public hearing, seconded by Mr. Nottonson. Roll call vote 6-0
MOTION PASSED.

89 Union Street: *(contd. from 5/10/23) St Benedict Classical Academy, Inc. seeks approval to modify a previously approved Planning Board decision (PB-2-22) for Site Plan Review (Dover Use) 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.*

Ms. Loomis said the applicant was not represented at the meeting. She noted receipt of an email from the applicant stating that they were in favor of the decision as drafted. She noted the incorporation of language affirming that the original decision remained in force, and that this decision clarified the new conditions that were required for the modification.

Mr. Landry asked for clarification on the constraints the Dover Amendment placed on the Board, questioning how asking for routine site-related documents was regulating use. Ms. Evans cited a previous case of a Dover use where traffic was of concern, noting that Land Court had ruled against the Town. Ms. Loomis clarified what the Board could review. Mr. Landry asked whether, if a Dover project was presented that asked to connect to an at-capacity sewer, the Board could not review that portion of the site. Ms. Loomis said that would be handled at the Department of Public Works level, not site plan review.

Ms. Evans moved to approve the site plan as presented in the latest revision, seconded by Mr. Meyer. Roll call vote 6-0. MOTION PASSED

Ms. Evans moved to sign the decision, seconded by Mr. Landry. Roll call vote 6-0. MOTION PASSED

Ms. Evans moved to close the public hearing, seconded by Mr. Nottonson. Roll call vote 6-0.
MOTION PASSED

Open public hearing, 7:00 PM - 1298 Worcester St: *Application of HC Atlantic Development LP, c/o H Cohen Assoc. Inc. for modification of a previously approved Planning Board decision for Site Plan Approval per §III.A., IV.B, VI-DD, 320-329 of the Natick Zoning Bylaw.*

Document Presented: 21080.4 SP Mom's Organic Market_ PBApp24April23.pdf

Ms. Evans read the Public Hearing Notice into the record.

Representing the applicant, Peter Lewandowski, LR Designs, requested modification of a previously approved Planning Board decision for Site Plan Review per §III.A., IV.B, VI-DD, and 320-329 of the Natick Zoning Bylaw to internally subdivide space to allow for Mom's Organic Market to operate within the existing footprint. Mr. Lewandowski presented a site plan showing the approximate footprint of the store, as well as the updated façade to the right of the existing CTS entrance depicting the new entrance.

Ms. Loomis noted the receipt of letters from Town departments, noting that the project would need Natick Fire Department (NFD) review.

Mr. Glater asked if they had received a Board of Health letter regarding grease traps. Mr. Lewandowski said was only presenting the new façade, and that the store would be responsible for meeting specific requirements of Town departments. He said he was not aware of any food made on site but reiterated that the interior fit-out would have to comply with any Town requirements. He said there was already a grease trap in the rear loading area.

To Mr. Landry's question, Mr. Lewandowski said that Mom's Organic Market was a 16,500 SF retailer that planned to sell all organic food, noting that they had a store in Burlington, MA.

Mr. Landry asked if there would be signage to review. Ms. Evans said signage only required Board review if its size or setback did not comply with §V-H of the Zoning Bylaw. Mr. Lewandowski said he would represent the tenant for signage as well as façade and that a sign application would follow. Mr. Glater said the Board's goal with signage was for all the signage to be within a general sign band at a consistent height for the length of the shopping center. Mr. Lewandowski said they intended for the new sign to retain that uniformity.

Mr. Meyer expressed concern about outdoor sales, noting the history of that issue at this site. He asked if Mom's Market planned any outdoor sales. Mr. Lewandowski said they were not planning outdoor sales at that location. He noted an earlier discussion about having a working group of the Board help develop a standard for managing outdoor sales that would apply to all retail tenants in the shopping center.

Ms. Evans asked if the Sherwood Plaza was covered by a Special Permit. Mr. Lewandowski said it was covered under a 1957 variance for use in an IN-1 (Industrial-1) district.

To Mr. Nottonson's question, Mr. Lewandowski clarified details of the overhang and other architectural elements. Mr. Nottonson urged that more detailed drawings be provided.

To Ms. Loomis' question, Mr. Lewandowski said there would not be cart corrals in the parking lot, but that a space for carts was provided in front of the store as was done in Burlington. Mr. Glater raised concern about shopping carts left in the parking lot and not having spaces for carts to be easily returned. He also expressed concern about public safety, including pedestrian safety in the parking lot and crossing the drive aisle and wanted those concerns addressed.

Mr. Lewandowski reviewed the landscaped area in front of the proposed storefront. To Mr. Landry's question, Mr. Lewandowski said the curb was six inches high.

Mr. Glater said he wanted to see comments from Deputy Police Chief Lauzon and urged Mr. Lewandowski to meet with the Deputy Chief. He asked Ms. Loomis to coordinate if needed and encouraged the applicant to meet with the Deputy Chief before the Board's June 7 meeting.

Ms. Evans moved to continue the public hearing to June 7, 2023, seconded by Mr. Landry. Roll call vote 6-0. MOTION PASSED

50 Pleasant Street: *(contd. from 5/10/23) Application of Linda Valentin for Site Plan Review, Special Permit for Aquifer Protection District (APD), Scenic Roadway Modification*

Document: 05.18.2023 50 Pleasant Street Project Status.docx

Mr. Glater said the applicant had requested continuance to June 7 and that the Board had also received a letter from what appeared to be the applicant's attorney requesting continuance to July. Mr. Glater asked Ms. Loomis if the applicant had informed the Board who their legal counsel was. Ms. Loomis said she had not been told whether the writer of the second letter was the applicant's attorney. She confirmed that the applicant was copied on the email and that Brian Nelson of Metrowest Engineering was the engineer for the project.

Mr. Meyer said he had reviewed the Board's decision, pointing out that the decision required the applicant to submit all of the documents required to continue work on the project two weeks in advance of the hearing. He was concerned about the project being heard without the Board having received all of the necessary elements in a timely manner.

Ms. Loomis confirmed that the applicant was provided with dates and deadlines for materials that required Board review and consideration of a building permit a week prior to tonight's meeting. Mr. Meyer asked what would happen if the applicant did not meet the deadlines, including the requirement to submit all documents two weeks prior to the hearing. Ms. Loomis shared the document that she had provided to the applicant.

Mr. Meyer said that for the applicant to meet the two-week deadline for the June 7 Board meeting, the required information would have had to have been provided today. Ms. Loomis said the applicant had not provided a timeline for the project and had not submitted a stormwater plan. Mr. Meyer said he favored continuing the public hearing to July 19.

Ms. Evans said she appreciated Ms. Loomis' efforts to provide the applicant with dates and deadlines. She agreed with Mr. Meyer that continuation to July 19 made more sense as it allowed the applicant time to prepare the required materials.

Ms. Evans read the email from the applicant with the request for continuance into the record.

Ms. Evans moved for continuance to July 19, 2023, seconded by Mr. Landry. Roll call vote 6-0.

26, 32, 34 Union St: *(contd. from 5/10/23) 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 (§III-I.2 Independent Senior Living Overlay Option – ISLOOP). The project proposes to increase the footprint and number of units, along with modifications to previously approved amenities.*

Document Provided: 32 Union Street Project Comparison.pdf

Mr. Glater asked Ms. Loomis for an update. Ms. Loomis said there was a new set of plans for the Board and a letter submitted just prior to this meeting.

Peter Bemis, project manager for the applicant, presented a comparison between the approved 36-unit design and the proposed 40-unit modification. He discussed the changes: one additional parking space, five additional studios, three fewer one-bedroom apartments, and two additional two-bedroom apartments, and four additional affordable units, making a total of eight affordable units, within the approved building footprint and height. He said the document provided today was intended to share the methodology for accommodating veterans' units. He said the four additional affordable units would be handled the same way as the previously approved four affordable units.

Mr. Glater asked what had been removed to accommodate the additional parking space. Mr. Bemis said that an island at the rear of the building had been reduced to accommodate it.

Mr. Landry asked how the document submitted late was relevant to the project. Mr. Glater said it was simply a statement from the applicant explaining their intent to pursue veterans' housing despite the current lack of a legal instrument. Mr. Bemis said the document was meant to help articulate the applicant's objectives with the hope that the Board would share those objectives.

Mr. Meyer said that the applicant provided what he had asked for from the prior meeting and spoke favorably of the four additional affordable units. He asked the applicant to specify what would happen to those additional units until there was a veterans housing program in place. Mr. Bemis said the units would be governed by the same provisions for all affordable housing in Natick. He said Mr. Behrend, the applicant, would like the Board to understand that he would continue to pursue the idea of veterans' housing at the local and state levels. Mr. Meyer asked whether, if the affordable units were built and the hypothetical veterans housing program became real, the units would be left vacant if not filled by veterans. Mr. Bemis said that this hypothetical program would not force out current tenants. Mr. Meyer spoke in favor of the idea of veterans' housing and the idea of this project being a model for a statewide program.

Mr. Behrend said his letter had stated that the four additional affordable units would be considered identical to the existing four affordable units until a later time when a program for veterans' housing was in place.

Mr. Glater said that the fact of the matter was that the modification would have to follow a decision with clear guidelines set out in state law for affordable units. He added that, in a future where affordable units could be designated as veterans housing as part of a program, it would be possible that the units could prioritize veterans like other types of affordable units are prioritized now; but that was not currently the case. Ms. Evans said she understood these units would be affordable in perpetuity. She expressed concern that the proposal before the Board had 33% more units than what the applicant could have built by-right.

Mr. Nottonson asked for confirmation that the proposed modification did not change the gross cubic feet of the building nor would a future veterans housing program allow for the expansion of the building or reduction in the number of units. Mr. Behrend confirmed that the proposed modification used the approved 36-unit building height and footprint. Mr. Glater said it was unfair to ask the applicant what would be built under a future veterans' housing program without knowing what such a program would look like. He said the Board could not speculate on future expansions not currently before the Board.

Public Comment:

Edna Marston, 27 Union St, said she was glad the building had not increased in size. She expressed concern about the increased unit count and traffic impact.

Mr. Glater asked if the Board was in a position to vote. Ms. Loomis said she would verify the status of the application and legal ad. Mr. Glater said his concern was the accuracy of the original application versus the current request. Ms. Loomis read the legal ad for the Board.

Ms. Evans asked if this application specifically mentioned 42 units and a project description of 42 units. Mr. Glater said he was unsure whether the application needed to be amended before the Board could vote on a specific number of units. Ms. Evans said that if the number of units voted on was less than the number advertised, the lower number should be specified in the motion.

Mr. Glater asked if this application only required a simple majority vote. Ms. Loomis said she had not received anything to the contrary. Mr. Landry said the earlier decision was voted as a simple majority.

Mr. Landry moved approval of the plans revised May 12, 2023, with forty (40) units, as proposed, seconded by Mr. Meyer.

Mr. Nottonson asked if the May 12 plan was the plan that did not increase the footprint. Mr. Glater said that site plan showed the original building with one additional parking space.

Roll call vote 3-1-1 (Evans, Glater). MOTION PASSED

Ms. Evans moved for continuance to June 7, 2023, seconded by Mr. Meyer.

Mr. Glater noted that Mr. Landry would be absent from the June 7 meeting and was one of the "yes" votes. Mr. Behrend noted the vote to approve the plan was already taken. On the motion to continue, roll call vote 6-0. MOTION PASSED

Planning Board Business

Meeting Minutes

Ms. Evans moved for approval of the meeting minutes of March 29, 2023, and April 18, 2023, seconded by Mr. Nottonson. Roll call vote 6-0. MOTION PASSED

Annual Issuance of Zoning Map

Ms. Evans explained her commitment to keeping the zoning map current and accurate. She said there had been no changes from the zoning map dated 12/31/21 to the one before the Board now, dated 12/31/22.

Ms. Evans moved to approve and issue the Zoning Map with changes and edits through December 31, 2022, seconded by Mr. Meyer. Roll call vote 6-0. MOTION PASSED

Adjournment

Mr. Meyer moved to adjourn at 8:41 PM, seconded by Ms. Evans. Roll call vote 6-0. MOTION PASSED