NEEDHAM PLANNING BOARD MINUTES

August 16, 2022

The Needham Planning Board hybrid meeting, held in person at Powers Hall, Needham Town Hall and using Zoom, was called to order by Adam Block, Chairman, on Tuesday, August 16, 2022, at 7:00 p.m. with Messrs. Alpert and Crocker and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely per state guidelines. He reviewed the rules of conduct for zoom meetings. He noted this meeting does include two public hearings and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Public Hearing:

7:00 p.m. – Major Project Site Plan Special Permit No. 2022-03: WELL Balfour Needham Landlord LLC, 4500 Dorr Street, Toledo, Ohio 43615, Petitioner (Property located at 100-110 West Street, Needham, MA). Regarding proposal to redevelop the property to include 155 units of senior housing, consisting of 127 Assisted Living apartments and 29 Alzheimer's/Memory Care units.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Evans Huber, representative for the applicant, noted this proposal is for a 155-unit facility with assisted living and 28 memory care/Alzheimer's units. This is owned by Welltower, Inc, which owns the property through HCRI Massachusetts Properties Trust II ("Welltower") and will be run by WELL Balfour Needham Landlord LLC, a joint venture between Balfour Senior Living, LLC and Welltower ("Balfour"). He noted it is the same team as the previous application, though Welltower and LCB are no longer business partners and will not be going forward with the previous project. Welltower has now partnered with Balfour, who are highly regarded operators. He reviewed the relief being requested: a special permit for a major project; a special permit for a non-conforming building; a special permit waiving strict compliance with the parking requirements and he said that they may or may not need a special permit for this use. He said these are the same permits that were granted last time. He noted the applicant has been in extensive discussion with the Select Board to review the issues the Planning Board had raised. The concern is that what is proposed now is all assisted living and no independent living. The applicant has met with the abutters to get thoughts and concerns. People are not happy there are no independent living or affordable units. The applicant is prepared to make a substantial donation to the town of $1.9 million. The Select Board is in favor of that and there is an agreement in principle.

Michael Schonbrun, CEO of Balfour Senior Living, LLC, gave a background of the company. He noted they take a lot of pride in being medically competent and having an appropriate setting for seniors. Julie Nash, Chief Operating Officer, gave her background. She noted this will be a life enriching experience. They look at the community in which they operate. There will be art classes, musical concerts and travel. There will be culinary experiences with an executive chef and a sous chef who create fresh menus by season. Transportation is provided. They have a fleet of Teslas and drivers that take people to appointments and visits. A continuum of care is offered. Balfour works with ancillary providers. They are committed to high quality designs to create a home-like essence with beautiful interiors. She noted the communities need to be sustainable. This project will be LEED Gold Certified. She showed pictures of other Balfour communities.

Elizabeth Peabody, of the Architectural Team, stated there are some key differences from the previous project. All the amenity space that elimination of the independent leaving creates would be for all residents in the assisted living. They will have double the amenity space. The entry has been upgraded by being enclosed and enlarged a bit, so it is not directly confronted by the elevator. There will be a large entry space with a wide corridor and a view across the hallway. It will have a light and airy atmosphere. There will be a direct connect to a lifestyle courtyard. The memory care is on the bar? portion of the building, and they have consolidated the memory spaces. There is direct indoor and outdoor access to the courtyard. They feel this is a big improvement.

Ms. Peabody noted the upstairs is open to below with a library and core amenity spaces for the residents. There will be an arts and crafts studio. The average unit size is 830 square feet. The assisted living units all have full kitchens and private washers and dryers. The residents can do their own cooking and laundry if they wish but those amenities are also on site. On the third level there is a commercial kitchen, private dining, family dining spaces and gathering spaces. On the fourth level a penthouse is being added. This is the biggest change with the elimination of the amenity penthouse. There will be 11 units each with their own terraces. The massing impact has been reduced. There are similar elevations as before. The same materials are being used but there are some color changes.

Ms. Peabody noted the windows will be replaced with casement windows that are double hung to get that mill look. They are much higher performing windows and will be high STC rated. The windows will be acoustically sound to help prevent railroad noise. A couple of at grade patios on Highland Avenue have been removed. There is an upgraded entry with the existing overhang removed. The entry will be extended and replaced with a vestibule. Large double height windows will help differentiate different spaces. Some patios have been moved around on the south side due to some units being moved around. She noted there is almost no visual access to the fourth floor from Highland Avenue and West Street.

Ms. McKnight asked if the entrance off Highland Avenue could be shown. She assumes the assisted living residents will enter there. Ms. Peabody does not feel it will be the primary entrance. Ms. McKnight asked what the basic charge would include. She asked if it includes meals and fitness and pool or if that is extra. Mr. Schonbrun stated meals and most amenities are included. After discussion it was noted the regulatory requirement is that one meal per day must be included. Mr. Schonbrun clarified 3 meals per day are prepared and one is included in the basic charge. There will also be meal plans residents can choose. The residents can choose to cook their own meals or can add to the basic charge if they want more than one meal per day prepared for them. Mr. Crocker asked if the difference between assisted living and independent living is the one meal a day. Mr. Schonbrun stated the difference is the care. If a resident in an independent living unit needed care, they would need to bring that care in from outside. If a resident is in a licensed assisted living unit, care is there on site for them. She said Balfour will not be licensed to provide assistance to someone in an independent living unit.

Mr. Crocker asked where the entrance to the memory care unit is. Ms. Peabody noted the main entrance to the property is at the roundabout and there is also an entrance on West Street. Mr. Crocker asked how the windows open in the memory care unit. Ms. Nash believes there is a 3-inch stopper in memory care, but she will check the Massachusetts regulations. Mr. Crocker asked if there will be solar panels. Ms. Peabody stated solar is not in the scope at this point. She feels the structure would need to be substantially reinforced.

Ben LaFrance, of Hawk Design, stated the plant palette is consistent with the previous application. There are small adjustments throughout the property. There are minor changes on the Highland Avenue façade and the south parking area. Some plantings have been filled in. There is a lush setting along Highland Avenue with street trees and low ground shrubs and grasses. At the north end of the building, the memory care courtyard is being removed and pushed farther in. The 8-foot fence has been removed and more landscaping has been put in. The landscape treatment will be continued and there will be a small seating terrace. There are no changes to the plantings on the south side. There is a meandering pathway with a few seating areas. The walkway connects both entrances. The courtyard has an 8-foot-high cedar fence to enclose the memory care space. There will be a landscape buffer with all non-toxic plants. The "jockey club" with a fireplace is flanked by 2 shade structures with several seating areas. The lighting plan shows all new fixtures on the property. The number of fixtures will be reduced from 31 to 26. All are LED fixtures and are dark sky compliant. The fixtures have been reduced from 16 feet to 14 feet in height and the light bollards have been reduced from 28 to 15 due to a reconfiguration of the courtyards.

Erin Fredette, of McMahon Associates, did an updated traffic assessment. A full traffic impact study was done for the LCB project. She wanted to do a comparison. Trip generation was nearly identical with 30 trips in the a.m. and 35 trips in the p.m. The project will provide 145 parking spaces on site. The peak demand is 60 spaces. There is no change to the site access. She feels there is not a significant impact.

Mr. Block noted the following correspondence for the record: an email from Building Commissioner David Roche, dated 7/15/22, noting he is satisfied; an email from Town Engineer Thomas Ryder, dated 8/10/22, regarding storm water recharge on site, noting it is not required but would be advantageous; an email from Assistant Health Director Tara Gurge, dated

8/10/22, with comments regarding necessary permits and an email from Fire Chief Tom Conroy, dated 8/11/22, noting he is satisfied. Mr. Alpert noted Ms. Gurge's email. She stated the dumpsters must be placed near the kitchen areas but that will be difficult with the kitchen on the third floor. Ms. Pearson stated the service elevator has direct access to the kitchen. Mr. Alpert would like to see something from Ms. Gurge that she is ok with this. Mr. Block noted an email from Police Chief John Schlittler, dated 8/12/22, noting no issues and a memo from the Design Review Board (DRB) noting no further issues.

Mr. Block noted there will be 127 assisted living units. He asked if some residents will be admitted who can live entirely independently and was informed they would. Mr. Block asked if there is any idea how many of the 127 units will be held for such independent residents. Mr. Schonbrun stated they do not hold them but there would be somewhere around 30%. Ms. Nash stated, in Connecticut, there are 68 units and 24 are occupied by residents who are independent. Mr. Block asked if there is an ability to accommodate some affordability here. Mr. Schonbrun stated that is not the proposal here. The average time of transitioning from independent living to assisted living is roughly 18 months. He feels there is an advantage to this program as the residents can just stay in their units and not have to move to a different wing. Mr. Huber stated that if "affordable" units were to be required, the day would come when a person needs care and cannot afford it because they are there on an affordability basis and would have to move out. Mr. Block feels until such time as they need the services there should be some affordability basis. Mr. Huber commented the applicant is making a donation to the Affordable Housing Trust of $1.9 million. There is no requirement to have affordable units, but the town can use the funds however they want. If the town wants to, the Town can subsidize residents.

Patrick Bennett, of Welltower, stated 30% is fluctuating. It is hard to predict when residents would require care. Mr. Alpert commented he is getting confused about how the structure works. He asked if all assisted living residents pay the same fee. Mr. Schonbrun stated the assisted living care is being paid for by the resident who needs such care, in addition to the basic charge. There are 3 levels of care and the affordability depends on the care the resident needs. Mr. Alpert noted they want to stay below the threshold of a 40B. The Board can regulate or ask the applicant to agree to some sort of subsidy for affordable but technically there are no affordable units. This would not go toward Needham's affordable count. Mr. Block stated there is a period of time that roughly 30% of the units are being licensed as assisted living units but have residents living independently. Mr. Alpert commented he has seen business models where part is to have some sort of subsidy for people who cannot afford it. That is not the business model here. Is Mr. Block asking them to change to a different business model? Mr. Alpert noted that the applicant is making a substantial contribution to the town's affordable housing trust and he looks forward to seeing the final compensation payment agreement.

Mr. Crocker asked what is being done to shroud the lights entering the building. Mr. LaFrance stated a predominance of lighting is away from the residents. The lights are lower than the second-floor windows and units will have window treatments. Mr. Crocker asked what allowance is there for residents' cars. Mr. Schonbrun noted residents are welcome to have cars but there is a robust transportation system with cars and drivers. One quarter to one half bring cars and half usually never use them or get rid of the car. Mr. Crocker asked if all residents are allowed to have cars and was informed they are. Mr. Crocker asked about rainwater reuse. David Kelly, of Kelly Engineering, stated it has not been discussed. There is no appropriate way to deal with gray water here. He just heard the comment from Town Engineer Ryder tonight on the recharge request. The project complies with storm water regulations. He will look at ways to enhance recharge, but it is not easy on this site.

Ms. McKnight noted the applicant stated assisted living is a use by right, but she disagrees with that interpretation. "Convalescent facility" is what is in the By-Law. Mr. Huber asserted that the definition of assisted living is a subset of convalescent in the By-Law. Ms. McKnight noted the traffic report indicates a high level of accidents at West and Hillside. She knows the Town will be addressing that with improvements. She wants to know the timeline of that. She noted the fiscal impact report said 35-40% of residents will be people who formerly resided in their own homes in Needham. They may have smaller homes that could be sold to families with young kids, which will have an impact on the schools. She appreciates the cost structure discussion they have had. She would prefer to see 5 affordable units on site rather than the compensation payment. She noted the 5 units is approximately half of the penthouse units. She added the Board does not have to allow the fourth floor and the penthouse units.

Ms. McKnight noted she could not find a legend with colors and sizes of the landscaping. Mr. LaFrance noted that information was on sheet LD-1, the plant schedule with quantities and sizes. Ms. McKnight commented she was pleased the Design Review Board reviewed the landscaping and the DRB is satisfied. Mr. Block noted the following correspondence for the record: an email from Andrea Okerholm Huttlin, dated 8/9/22, with comments regarding a preference for independent units; an email from the Village Club Board of Directors, dated 8/12/22, in support and a note from Joe Abruzese, dated 8/8/22, opposing the change in the program.

Mr. Block noted it was well over the start time of the next hearing and asked for a motion to continue the hearing. A motion was made to continue the hearing to 9/20/22 at 7:45 p.m. Mr. Crocker disagreed with continuing the hearing at this point. He feels there should be 15 minutes of public comment and then continue it. He does not feel it is fair to the residents who turned out to wait this long only to be put off. He feels they should have their turn to be heard. Ms. McKnight stated it is not a waste of time for the public to hear the presentation and the comments. She feels they must be fair to the other applicant on the agenda. There needs to be a substantial amount of time set aside for public comments. Mr. Alpert noted anyone who is not available on 9/20/22 should send comments in writing. All comments are read into the record and considered.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of three of the four members present (Mr. Crocker voted in the negative):
VOTED: to continue the hearing to 9/20/22 at 7:45 p.m.

The Board took a 5-minute break.

7:45 p.m. – Amendment to Major Project Site Plan Special Permit No. 2012-04: Needham Bank, 1063 Great Plain Avenue, Needham MA, Petitioner (Property located at 1063 Great Plain Avenue, Needham, MA). Regarding proposal to convert the existing bank building mezzanine space into 1,325 SF for executive offices, as well as demolish the existing drive-thru free-standing automatic teller machine (ATM) and to construct a 321 SF drive-up teller building with an ATM.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a roll call vote of the four members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Peter Zahka, Attorney for the applicant, noted this is 45,000 square feet of land with a 34,580 square foot building and free-standing drive-up ATM. This project will increase the FAR just under 1,700 square feet. The existing mezzanine will be converted to 1,365 square feet of executive office and the free-standing ATM will be removed. A 320 square foot drive up teller building with a drive-up ATM will be added. He stated Needham Bank has a history of modernizing and updating customer services. Previously in 2012 the bank added 1,200 square feet to the building and a drive-up ATM. They keep improving for the customer experience. He noted more people are banking electronically since Covid. People are not banking like they used to and there is a decrease in the number of people coming to the bank. Most employees are still working remotely at least part time. He noted they met with the DRB and it went well.

Derek Redgate, Civil Engineer for Highpoint Engineering, noted there have been complaints with the existing drive-up ATM with the curbing. It is not well designed. The ATM there is an old ATM and going out of service. There is new technology, and it is imperative the ATMs be replaced. They are proposing to construct a new structure a little bigger than a parking space. It will be one story and there is no change in grade. The new building is located where the single drive-up ATM is currently. There is a one-way entrance, and 5 parking spaces will be eliminated. The bank wanted to provide landscaping and maintain the walkway. The second curb cut remains with a 2-way in and out. The site circulation is something they take very seriously. There will be additional signage and additional stop conditions.

Ronald Stuko, architect with Studio Q Architecture, noted there will be a first and second floor. This is at the corner of Garden Street and Great Plain Avenue. Today the space is double height. They will take advantage of that space and add an intermediate floor. There will be 2 offices with some support space area for coffee, conference rooms and opening to the floor below. The 2-story entry stays, and this is just to the left of that. Mr. Block noted the following correspondence for the record: an email from Fire Chief Tom Conroy, dated 8/2/22, with no issues; an email from Assistant Health Director Tara Gurge, dated 8/10/22, with no issues; an email from Town Engineer Thomas Ryder, dated 8/10/22, with no issues and a note from the DRB, dated 8/8/22, with approval. The police chief had no comment.

Mr. Crocker asked if there was an increase in the impervious area. Mr. Redgate noted there is a small increase of maybe 200 square feet in impervious area due to a bit of moving around. Ms. McKnight stated the adjacent Needham Bank building built a few years ago is a wonderful building and fits in well with the neighborhood. She recalls the neighbors were concerned with trees and shrubs screening the parking lot. She does not see any plantings. The landscape plan has a note that the existing honey locusts are to be relocated. She asked if there are existing trees that separate this area from Garden Street, or will there be. Mr. Stuko stated the landscape plans supersede these drawings. The landscaping is not on these plans, only the building. Mr. Redgate noted Sheet L100 has quite a robust landscape plan with screening between Garden Street and the lot. Some honey locusts are so big they will remain and will be supplemented. Five parking spaces are being removed but landscaping is being added.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a roll call vote of the four members present unanimously:
VOTED: to close the hearing.

Ms. Newman noted there will be a draft decision at the 9/7/22 meeting.

Request to release bond: Hutter Ridge Road – 1135 Webster Street Definitive Subdivision.

Mr. Block noted the following correspondence for the record: a letter from Town Engineer Thomas Ryder, dated 4/5/22, noting they anticipate going to Town Meeting for acceptance of the road; a letter from Town Engineer Thomas Ryder, dated 8/10/22, noting the work is complete and the road has been accepted and a letter from John Connolly, dated 7/25/22, requesting release of the bond.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a roll call vote of the four members present unanimously:
VOTED: to release the $10,000 Performance Bond for the Hutter Ridge Road Subdivision Plan at 1135 Webster Street and retain the Off-Street Drainage Bond.

Minutes

Ms. McKnight noted, on the 6/7/22 minutes, bottom of page 2, she does not know what "the visual length of Highland Avenue has been reduced by 35 feet" means. She would suggest deleting it. Mr. Crocker believes it is a cut out in the building that gives a visual separation, but he is ok with deleting it. Ms. McKnight asked if they should add "the visual length of the building on the Highland Avenue frontage…" This was agreed. Ms. McKnight noted the misspelling on page 3 of "linden and locust" trees. On page 6, 3rd paragraph from the bottom, it says "at .7." It should be "0.7 FAR." On page 7, Mr. Crocker stated the commuter bicyclists already bike with cars. Mr. Crocker and Mr. Block are fine with this. Mr. Crocker stated they could add "already bike on roadways with bikes." On page 4, 2nd paragraph, it says "sidewalks would be rebuilt from Gould to Noanett." It should be from "the Gould and Highland intersection."

Upon a motion made by Ms. McKnight, and seconded by Mr. Crocker, it was by a roll call vote of the four members present unanimously:
VOTED: to accept the minutes of 6/7/22 with the changes discussed tonight as redlined.

Ms. McKnight has not yet read the 6/21/22 minutes. These will be deferred to the next meeting.

Discussion of December meeting dates

Ms. Newman noted a conflict with the December dates. The Select Board and School Committee have changed their dates, so the Planning Board needs to find alternate dates. After discussion, it was decided 12/5 at 7:00 p.m. and 12/19 at 7:30 p.m.

Report from Planning Director and Board members.

Ms. Newman stated she sent all members the final DHCD Guidelines for the MBTA Communities. They are currently being reviewed for implications for the town. Needham has been classified as a commuter rail community. The total number of units has been reduced from 2,300 to 1,700 and the deadline for compliance has been extended from 12/2023 to 12/2024. This has been shared with the Select Board and the Housing Working Group.

She noted the draft environmental report related to the development of 557 Highland Avenue came out. They are reviewing it to make sure the Town comments have been addressed. She is coordinating with the Town Managers' office for a response.

Ms. Newman noted there will be a continued hearing on 12/7/22 on the Highland Science Center. She received revised plans today and they will be reviewed by GPI and staff. There is also a hearing on breweries on that date. There is a meeting of the Housing Working Group on 9/8/22. Community Housing Specialist Karen Sunnarborg is putting together the draft housing plan. Ms. McKnight asked if the new plans show the new layout of Highland Avenue for the Highland Science Center. Ms. Newman noted the revised plans came in today and she has not looked at them yet.

Correspondence

Mr. Block noted the following correspondence for the record: a letter from Director of Planning and Community Development Lee Newman to Town Manager Kate Fitzpatrick, dated 7/1/22, acknowledging support of some of the Select Board's goals; an email from David Lazarus, dated 8/1/22, regarding 484 Charles River Street and an email from Cindy and Bill Kettyle, dated 8/2/22, regarding 484 Charles River Street. Ms. McKnight noted 484 Charles River Street is a very large parcel that the heirs of the original owners want to sell. The Town wants to acquire some of it for conservation land. Mr. Alpert noted it was around 24 or 25 acres. He said the Town is in discussions with the Foster family and he heard the Town is partnering with a developer.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:
VOTED: to adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Jeanne S. McKnight, Vice-Chairman and Clerk