

NEEDHAM PLANNING BOARD MINUTES

November 15, 2022

The Needham Planning Board hybrid meeting, held in person at the Charles River Room of the Public Services Administration Building and Virtual using Zoom, was called to order by Adam Block, Chairman, on Tuesday, November 15, 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. Ms. Espada arrived at 7:10 p.m.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all 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 Hearings:

7:00 p.m. – Major Project Site Plan Special Permit No. 2002-03: 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 28 Alzheimer's/Memory Care units. Please note: this hearing has been continued from the August 16, 2022, September 20, 2022 and October 18, 2022 meetings of the Planning Board. The Petitioner has requested that this hearing be further continued.

Mr. Block noted the Board received a letter requesting a continuance for 30 days.

Upon a motion made by Mr. Crocker, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:

VOTED: to continue the hearing to 12/19/22 at 7:30 p.m.

Deliberation: Major Project Site Plan Special Permit No. 2022-02: 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, MA, Petitioner (Property located at 557 Highland Avenue, Needham Massachusetts). Regarding proposal to redevelop the Property with approximately 496,694 square feet of office, laboratory and research and development uses. The proposal also includes construction of one-level of below grade parking under each building and a separate stand-alone parking garage, as well as approximately 10,000 square feet of retail and restaurant uses. (See legal notice and application for more details).

Ms. Espada arrived. Mr. Block stated the applicant is requesting a parking waiver of 288 spaces and a height of 55 feet. Ms. Espada wanted one floor of the parking garage removed. The applicant responded at the last hearing a parking demand study was done and the 1,300 spaces are needed. There is no testimony from any engineer suggesting parking should be reduced. The garage is set back 200 feet and is set in the lower-elevation bowl. Ms. McKnight stated she looked at the plans again. The Board was told that it was set in the bowl, but she could not see an elevation lower than Gould Street. The elevation of Gould Street is 138 and the garage at the front corner is around 138. She is not seeing a considerably lower elevation than Gould Street. Mr. Alpert noted Gould Street is at 139 and the side of the garage is at 133. There is only a 6-foot difference.

Ms. McKnight noted the garage is 6 stories – 5 stories and the roof parking. Two additional stories are below ground. She feels it is higher than 55 feet above ground. Mr. Block asked where the height of the garage is measured from. Ms. Newman noted the average grade is used when measuring. The applicant is saying it is 55 feet up to Level 6. Mr. Block noted an average height of 55 feet would be compliant and asked what the tallest point is. Ms. Newman stated per the By-Law it is the highest point of the structure. Mr. Block noted the average grade for the garage is 130 feet. The garage roof is 198.6 feet at the top of the elevator and 184.6 to the floor but not the top of the wall. He asked that the Planning Director consult with the applicant to verify that the numbers have not been updated and check with the Building Commissioner where the 55 feet is measured from – the floor or the top of the wall. It would not be allowed if in violation of the By-Law. Mr. Alpert

stated, with the numbers on Sheet AG 211, the height is 54.6 feet. Mr. Block noted the wall structure is higher and asked if that was included in the height.

Ms. Espada stated the By-Law requires more parking than the applicants are doing, and the special permit height is 55 feet. The applicant did the maximum height of the special permit and the maximum footprint for the garage. If the height is maximum, then it needs better screening if another story cannot be added underground. There are different ways of screening. Wellesley College has a façade that does not make it look like a garage. Coming from Gould Street it is the first thing you see. She would like screening from Gould Street and treatment of the side such as mesh with vines growing up or a tube pattern. The 2 sides need a material change or texture. The garage could be transformed with material. She commented she does understand why the parking is needed. Mr. Alpert asked if there would be enough parking if the Board asked the applicant to take a floor down. He does not want cars parking on Gould Street. Ms. McKnight noted the Goulston & Storrs letter recommended the waiver of parking. She noted the roof has 108 spaces. She does not see any letter from Engineering saying this much parking is needed. A discussion ensued. Mr. Alpert would rather require screening than lose parking if the garage is compliant as to height.

Mr. Crocker noted the open space requirement may include pervious pavement for walkways and sidewalks but does not allow for access roads. Setbacks are specifically for green space. He asked how an access road fits the By-Law. Ms. McKnight stated she is very concerned about this also. Keeping a 50-foot landscape setback was important. Modifications made to the original emergency access way include a permeable 10 feet then structures to allow grass to grow. She met with the police about this and does not feel this violates the provisions. She commented that other Bulfinch properties in Needham are kept up with landscaping. She is satisfied with a 50-foot setback and that it meets the By-Law. She added this is only available to public service emergency vehicles. Mr. Crocker stated permeable pavers are not green space. Section 4.11.1 says the setback may not be covered with any kind of access streets/ways. Ms. McKnight responded that emergency access is not a street or way.

Mr. Block took a poll of the members regarding the special permits. Mr. Crocker is not ok with a 1.21 FAR. The other members are ok with a 1.21 FAR but feel it is contingent on parking. All members are ok with a restaurant use, a single retail tenant up to 10,000 square feet, a major project site plan special permit and a deviation from the design requirements for a retaining wall.

8:15 p.m. – Major Project Site Plan Special Permit No. 2022-04: BTE Development, LLC 13 Eaton Court, Wellesley, MA 02481, Petitioner (Property located at 40 & 50 Central Avenue, Needham, MA). Regarding proposal to demolish the two existing commercial buildings and construct a new mixed-use building with retail on the first floor and 15 total residential units on the second and third floors, with associated surface parking.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a roll call vote of the five members present unanimously:

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

George Giunta Jr., representative for the applicant, noted this is 2 properties at the corner of Central Avenue and Reservoir Street. There is a small unoccupied commercial building at 40 Central Avenue and a 2-story building with Panella's Market on the first floor and office space on the second floor at 50 Central Avenue. The 2 properties are 32,058 square feet with 170 feet of frontage on Central and 197 feet of frontage on Reservoir. Both conform with the By-Law as to area and frontage. The applicant will demolish both buildings and will overhaul the complete site. The properties are in the Neighborhood Business District. It is a funky commercial district with general retail not allowed -- only specific retail. There will be one new building with 3 stories and 20,000 square feet with 3 commercial spaces of roughly 700 square feet each. Panella's Market will be in one space. There will be 15 residential units on the top 2 floors. There will be 3 affordable units with two 1-bedroom units and one 2-bedroom unit. There will be no 3-bedroom or above units. The remaining units will be eight 2-bedroom units and seven 1-bedroom units. They will be smaller units aimed at non-families.

Mr. Giunta Jr. noted portions of the 2nd and 3rd floors jet out, or overhang, from the commercial space on the 1st floor. In back it overhangs the driveway and parking spaces. The colors are red brick, charcoal gray and off white. He feels the design team did a good job. The Design Review Board (DRB) has approved and it ties in with the neighborhood. Paul Bevilaqua, of BTE Development, noted the building will be red brick and cement board substrate on the other 2 colors. Mr.

Giunta Jr. stated there will be a mix with respect to balconies. There will be some Juliette balconies in front and usable balconies in the back. Mr. Crocker commented there is a lot more green space than currently. Mr. Giunta Jr. stated currently the properties are all paved or gravel with only green in the back. This complies with the requirements of the By-Law.

Mr. Giunta Jr. noted there will be a special permit for floor area ratio (FAR), height and side yard setback. The FAR is .5 in the District and up to .7 with a special permit. This project is at .63 FAR without open space with the drive and at .69 FAR including that. It is 39 feet high to the top point of the elevator shaft but most elevation is 35 feet. The Planning Board can grant up to 40 feet by special permit. The base zoning allows 2 stories and 3 by special permit. For landscaping, there is a 50-foot setback if it borders residential under the base zoning but can be waived to 20 feet. This is at 27.2 feet at the narrowest. The project is proposing substantial landscaping. There will be some garden space for residents if they want to garden.

Mr. Giunta Jr. noted there will be a wide landscape area in front. The applicant is ok with the DRB suggestions. There will be a patio on the Reservoir Street side and an outdoor area for residents. A restaurant is not allowed but there can be food retail and take out. There are trees on the Central and Reservoir sides. The slope on the Reservoir side will have a 4-foot retaining wall to deal with it. There will be a landscape area between the wall and the parking area. There are 28 parking spaces on site and there will be 6 spaces added on Reservoir after discussions with the Building Department. Those spaces will help Panella's at lunch. Ms. McKnight asked if those will be spaces built by the developer in the public way and was informed yes. Mr. Giunta Jr. stated the applicant will work with the Select Board and Engineering. The 6 spaces cannot be counted per the By-Law. The total parking demand is 31. If you add Panella's it bumps it to 41 spaces for the take-out requirement. Mr. Crocker asked if the spaces would be reserved for tenants and marked. Mr. Giunta Jr. noted there is no plan on reserving spaces. The spaces will be on a first come first service basis. He commented this is right on the public transportation (bus) line. A traffic study has been done but Engineering has not looked at it yet. There is a very minor increase of projected traffic assuming full use of the building.

Mr. Alpert stated he is concerned with parking. With the residents and employees, they are already at 29 spaces. Mr. Giunta Jr. stated there need to be users in there that complement each other. Ms. McKnight asked if there will be storage for bicycles as well as bike racks. Mr. Giunta Jr. noted the plan shows where there could be storage for bikes. Ms. Espada asked if the applicant considered underground parking. Mr. Giunta Jr. stated the cost is high and the few spaces that would be gained are not worth it. Also, the By-Law does not incentivize it, since it counts in the FAR. He noted this is a pretty constrained district. Mr. Block noted the Board is waiting for outstanding comments from Town Departments.

Ms. McKnight feels this is wonderful. She was hoping for this type of development. It is a terrific location and a great use of the site. She hopes it is a successful project. Mr. Crocker asked about the landscape buffer along the residential side. He was informed there will be a mix of trees, shrubs and ground cover. There will be a community planting area. Mr. Crocker asked if there was any thought to solar. There is plenty of roof space and there will be a common meter in the building. Mr. Bevilaqua stated they plan on doing solar and will have electric car charging stations. Trevor O'Leary noted there will be 4 stations under the covered area so 8 cars can be charged. Mr. Crocker stated he loves the project and appreciates the affordable units. Ms. Espada agrees with Ms. McKnight and Mr. Crocker. She asked if there are any other sustainable features. Mr. Bevilaqua stated the units will be all electric. They are not doing LEED.

Ms. Espada asked if there is equity on the team. Mr. Bevilaqua stated the architect firm is owned by a woman. Mr. Alpert likes the project. He is concerned about parking. The Health Department will need space for dumpsters if a retail food establishment is approved. Mr. Giunta Jr. stated there is a dumpster there currently. Mr. Alpert is concerned that dumpster is not going to meet the requirements for Panella's Market. He requested the applicant work with the Health Department for the requirements. He noted 2 trusts own these properties and there is an estate involved on 40 Central Avenue. The children will have to sign as owners and not trustees. He would like something in the file signed by the children. Mr. Giunta Jr. stated this is the first time this issue came up after 2 title examinations. He will have to look at it.

Mr. Block stated he likes the personal aesthetic. There is a mix of materials and it breaks up the massing. He likes the landscaping and the mixed-use idea in this area. On street parking is being created. He likes the project very much. He noted there are three handicap accessible spaces with two close to the building but one is near the exit to Central Avenue. He encourages them to bring it closer to the building. Ms. McKnight stated it is close to the entrance to the apartments. Mr. Block encouraged more thought on that. He noted the traffic-demand report says it is comprehensive, but he does not

feel it is comprehensive. He is concerned with the parking demand. He understands it is on the bus route but is not sure how much it will be utilized. He asked, where trash is proposed, what is the distance from the trash enclosure to the closest house. He noted there have been complaints in other areas because of pest problems. He would like to condition an ongoing pest management program be in place.

Mr. Block noted the following correspondence for the record: an email from the Fire Department, dated 11/9/22, with no issues; an email from the Assistant Public Health Director, dated 10/26/22, with comments; a memo from the DRB, dated 11/7/22, with comments and a letter from the Building Inspector, dated 11/17/22, with comments. He opened the hearing to the public. Dave Case, of 36 Central Avenue, stated the plans and landscaping look good. He asked if there will be any privacy fence. Mr. Giunta Jr. stated a privacy fence could be put up on that side.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a roll call vote of the five members present unanimously:

VOTED: to continue the hearing to 12/5/22 at 7:05 p.m.

The Board took a 5-minute recess.

Decision: Amendment to Major Project Site Plan Special Permit No. 99-2: BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA, Petitioner (Property located at 140 Kendrick Street, Needham, MA). Regarding proposal for solar array canopy.

Mr. Block noted a memo from the Building Department, dated 12/10/22, regarding storm water runoff. He noted paragraph 1.5 of the draft decision, as to DRB approval, strike “approval” from the first line; in Section 3.3, add “beyond those permitted by this decision,” and in Section 3.12(b) the condition should be contingent upon approval by the different boards. Mr. Alpert stated that is a standard condition before the building permit is issued. Ms. Espada stated she is part of the Climate Action Plan Committee (CAPC) and they have been discussing storm water management in general. The systems are compromised with the infrastructure. She greatly appreciates having storm water recharge on site. The Board should keep this in mind with other projects.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a roll call vote of the five members present unanimously:

VOTED: to Grant: (1) a Major Project Site Plan Review Special Permit amendment under Section 7.4 of the Needham Zoning By-Law and Section 3.2 of Major Project Site Plan Review Special Permit No. 99-2, subject to and with the benefit of the following Plan modifications and limitations being set forth in the Board’s decision.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to adopt the decision as presented with the changes presented by Mr. Block this evening.

Report from Planning Director and Board members

Mr. Block noted there will be a Housing Plan Working Group community meeting in Powers Hall tomorrow night from 7:00 p.m. to 9:00 p.m. There will be a presentation with an emphasis on questions and comments on the draft housing plan. The members will discuss all comments at the 12/8/22 meeting of the Housing Plan Working Group. Ms. Espada thanked all members of the Group. They worked together a year and worked well together. She noted she is the Chair with Oscar Mertz of the Smart Zoning and Permitting subcommittee of the CAPC. They are looking at 3 to 5 action items to pitch forward to the larger group. There will be public meetings the first Friday in December and January, then they will meet with the larger group.

Correspondence

Mr. Block noted a memo from the Select Board and Town Manager, dated 11/8/22, sharing the Select Board goals with the Planning Board. There is interest in including the Tree By-Law. There was also a memo from Jesse Kaddy, dated 11/2/22,

with comments on 557 Highland Avenue and a memo from Holly Charbonnier, dated 11/14/22, with comments regarding the Fitness Path at 557 Highland Avenue.

Committee Appointment – Design Review Board.

Ms. Newman discussed the process. Steve Tanner has resigned as the Planning Board's representative, so they need to appoint a new Planning Board representative to the Design Review Board. The person should be a graphic artist or someone with expertise in the design field. She stated the Select Board has the Chair and Vice-Chair interview applicants and she feels that is the framework the Planning Board should follow. Ms. McKnight noted, with Ms. Espada's background as an architect, she would rather she do the interviews than herself as Vice-Chair. Mr. Alpert asked that the resumes for the 3 applicants be sent to all members. Ms. Espada will need to look at the composition of the DRB for broader representation.

Mr. Block wants members to be prepared to continue deliberations for 555 Highland Avenue at the next meeting.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 10:05 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk