NEEDHAM PLANNING BOARD MINUTES

December 5, 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 Monday, December 5, 2022, at 7:00 p.m. with Messrs. Alpert and Crocker and Mmes. McKnight and Espada, 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 in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. He noted this meeting does include one public hearing 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:

7:05 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. *Please note: this hearing has been continued from the November 15, 2022 meeting of the Planning Board.*

Mr. Block noted an anonymous letter, dated 11/28/22, regarding the project; a letter from George Giunta Jr., dated 12/1/22, with comments; a letter from Town Engineer Thomas Ryder, dated 12/5/22, with comments and an email from Police Chief John Schlittler, dated 12/5/22, with comments. Mr. Giunta Jr., attorney representing the applicant, stated he has submitted a letter with 2 additional authorities from the proper applicant parties. It is the same people but in different capacities. He noted Jason Trombi, the nephew, has no interest so all the proper parties have signed off. He also submitted a revised landscape plan with some minor changes to the boundary area, with an adjacent residential fence added. There have been some species changes to incorporate the comments of the Design Review Board (DRB) and a couple of steps have been added to facilitate access and help with the grade change. The handicap spaces could not be moved due to the grade change. They feel the spaces were in the best location for easiest access.

Ms. McKnight asked why not put a ramp instead of a staircase. Mr. Giunta Jr. noted there would need to be a redesign and take out a chunk of land. There is a 3-foot difference, and the ramp would need to be where the walkway is in front and the beginning of the ramp would be where the steps are. The ramp would start in the parking area. Trevor O'Leary stated the maximum slope is a 1:12 slope. This would require a 36-foot ramp and would need a 5-foot landing for that length. Mr. Crocker asked if the other handicap spots are at grade and was informed, they are. Ms. McKnight asked which the best spot is to park in if a person were handicapped and lived in the residences. Mr. O'Leary stated there is a second entrance in the rear. Mr. Giunta Jr. noted the Board of Health mentioned additional trash receptacles for the grocery market. Additional trash receptacles have been added and the location of the transformer has been reconfigured. There are now 2 enclosures for 2 additional trash receptacles. He noted these are not near any residences. The distance from the dumpster to the nearest house is 61.5 feet.

Mr. Block noted there are a number of full trees at the southern boundary and no other trees. Mr. O'Leary feels the trees are right over the boundary line on the other property. It appears a couple of the closest trees are on this lot. Mr. Giunta Jr. noted an interior bike storage area has been added on the plan inside the lobby. There is a commitment to sustainability with solar on the roof, the buildings will be all electric, there will be electric charging stations for up to 8 cars, LED lights, low flow fixtures, high efficiency heat pumps and high-density efficient insulation. Mr. Block asked for clarification as to whether there will be LEED certification and was informed there will not be. Mr. Crocker asked what kind of insulation. There will be close cell spray foam.

Mr. Giunta Jr. stated a canvas of on-street parking was done. Both Central Avenue and Reservoir Street have on-street parking except for Central on the southerly side during specific hours. On Reservoir Street, parking is allowed on both sides. There are approximately 12 to 14 spaces on the right side going up Reservoir Street on the other side of Central

Avenue, stopping at the Aqueduct, and 6 to 8 spaces on the left side. 60 to 70% of the spaces were open. On the other side of Reservoir from the project, there is room for an additional 2 to 3 spaces in the area where the project is putting 6 new spaces. He noted there would need to be permission from the adjacent landowner to add more spaces at that location. Farther down Reservoir there is room for a couple of on-street vehicles. He noted the impact of commercial users is a valid point. There will be 3 commercial tenants that will be allotted one on-site parking space for employees. There would need to be a parking plan for off-site if there are more than 2 employees for any tenant. The By-Law requires 1½ spaces per unit and one space for the affordable units. Mr. Block stated there was a comment from the Police regarding parking. The approval of 6 on-street parking spots would help. It the spots are not approved the Board would need to look at this again.

Mr. Crocker noted all the electric is above ground on Reservoir Street. He asked what the plan is for the parking area. Mr. Giunta Jr. stated all the existing electric-supply infrastructure will be installed underground if on the property. Mr. Crocker noted the telephone pole is right in the middle of the parking spots. Mr. Giunta Jr. stated the pole would have to be moved and that will be coordinated with the electric company. Mr. Crocker stated he likes the plan. It is a great plan, and a lot of thought has been put into it. Ms. Espada and Mr. Alpert had no comments. Ms. McKnight noted the landscape plan has been changed in response to the DRB comments. She asked if the locations are the same. Mr. Giunta Jr. stated the location and number have not changed but some of the species have changed. Ms. McKnight asked for an example of the species change. Ben Carnicelli, landscape architect, noted originally there were going to be Japanese Dogwoods, but the DRB suggested adding Florida Dogwoods. Ms. McKnight asked if the landscaping would comply with the DRB's recommendations and was informed it would.

Mr. Block noted the anonymous email that was received. The applicant commented the traffic demand system was comprehensive but only the bike storage and bus line brochure were included. He asked how the applicant could facilitate transportation to this location. Mr. Giunta Jr. stated alternate transport is always a challenge, but the bus stop is right there. Mr. Block stated the Number 59 bus is not a frequent bus. He noted this site has challenges with parking. Ms. McKnight stated she does not like anonymous comments. She asked the start time for construction. Ms. Newman noted the start time has been varied. Some have gone later in the neighborhoods, but she will check. Ms. McKnight noted Hunnewell Street would be a good comparison. Ms. Clee noted the hours for construction at Hunnewell Street were 7:00 a.m. to 5:00 p.m., Monday through Saturday. Mr. Crocker stated more people have electric bikes and asked if there will be outlets. There will be outlets for bikes. He asked if the heat pump units would be on the side or the roof. Mr. O'Leary noted the units would be on the roof. There will be a small parapet near the elevator shaft in the back so it would not be seen from the street.

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

<u>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).</u>

Mr. Block noted an email from Town Engineer Thomas Ryder, dated 11/15/22, regarding the sewer flow in response to questions. He confirmed the sewer flows in the opposite direction from Noanett Road. Mr. Block noted his comments were non-substantive. The applicant said they would have LEED Gold status, but we have LEED Silver. He noted if any members have any non-substantive comments, they should be sent directly to the Planning Director. Mr. Alpert and Mr. Crocker had no comments on the draft. Ms. Espada stated the applicant needs to revise the roof top screen on Highland Avenue and Gould Street, then the garage screening to have some depth.

Ms. McKnight was expecting to see precise data on the landscaped open space. There needs to be 25% of the total lot area as open space. The application said more than 25%. She would like to see the actual square footage of the open space. Ms. Newman had asked and has been provided with the numbers. The open space is 30%, which is higher than required. The information will be added to the decision. Ms. McKnight noted the post-construction landscape architectural plan should include what the landscape architect says – that it exceeds so much percentage in the As-Built. Mr. Block noted screening for the main building then the garage. Ms. Newman noted in the plan modification, Section 2, beginning on page 26, paragraph A, she called out the revisions presented on 9/7/22 and 10/3/22. The plans will be revised to call out the revisions presented.

Ms. Espada is concerned with a flat wall for the garage with just material. The screen is a straight line for a full façade. The applicant needs to look at materiality and depth. The material could have a thickness to it. She would like a depth change in material and would like more information on the detailing of the screen. Tim Sullivan, Attorney for the applicant, stated they intend to do that. Ms. Espada noted the decision should articulate "a roof screen with depth and materiality not in a single plane." All members are ok with that. Ms. McKnight noted the developer will work with the Board to address garage height. The developer has been very responsive, but the decision does not include those changes. Mr. Block noted the Board received clarification today, via email, the applicant is prepared to work with the Board. They agree the height of the garage closest to Gould would be reduced from 55 feet to 48 feet. That is 4 levels above ground with the same number of spaces by digging another level below grade. The spaces will be restriped, and the space layout will be reconfigured. The project will retain 1,093 spaces.

Mr. Crocker wanted to clarify it is 48 feet to the top of the wall. Mr. Block noted the parapet is not included in the calculations in the By-Law. Mr. Crocker asked where the 48 feet go to – the top of the parapet or the top of the wall. Mr. Block noted the calculation of height is consistent with all similar structures. Ms. Newman stated the Building Commissioner's view of the wall on the garage is it is a parapet and, if it does not exceed the 5-foot limit, it would comply. The wall is somewhere between 3.6 feet and 4 feet tall. Ms. McKnight noted without a special permit it is allowed to be 44 feet plus a parapet not more than 5 feet. The application was for 55 feet. The Board asked for a compromise and the applicant is agreeable. Mr. Sullivan stated the applicant is resubmitting a modified plan with a level of detail on it. There will be a 7-foot difference.

Ms. McKnight noted the letter from Mr. Sullivan is a little vague. It says the garage closest to Gould would be reduced. Recognizing closest to the highway could remain, where do you draw the line? Mr. Block commented the Board does not have an issue with the perspective of the garage from the 128 off-ramp. Ms. McKnight stated the condition should be clarified so it is clear what the revised plan has to show. Mr. Sullivan stated he does not know where the line would be yet. They know, with design guidelines, the intent is to soften the view from Gould. Mr. Block noted the screening will be a mix of methods such as landscaping, mature trees, vegetation, lines of trees, metal tubing and mesh screening. He asked if the Planning Director has what she needs to incorporate this into the decision. Ms. Newman noted she did. Also, the additional parking must be underground, should maintain the level that was originally proposed and there will be a rearrangement of the additional parking.

Mr. Crocker stated it sounds like the height of the Gould Street garage is staying higher because of what the applicant wants to accomplish on the highway side. He feels it is being reduced less than one story. Ms. Espada noted, as of right, is 44 feet and this is only 4 feet more than that. Mr. Crocker noted the parapet is still 3½ feet more. The project is 7 feet less and not one story less. Mr. Block stated there will be 4 levels from Gould rather than 5 levels. Ms. McKnight noted Section 3.16, page 29, lighting, does not clearly address the garage lighting. It says the garage and building lights shall be set at low levels. The first and last sentence particularly call out garage lighting.

Mr. Crocker noted there was talk about solar and he feels the Board should say the project needs to have solar. Ms. Espada commented the Board could say it needs to be solar ready. Mr. Block stated the applicant started at one standard and the Board raised that. To go from silver to gold would be substantive changes he feels would require the hearing to be reopened. Mr. Crocker noted the parking garage could easily have solar. There could be some mechanical requirements, but he feels there should be solar. Ms. McKnight likes the idea that if the applicant wants solar in the future, they would need to come back and the people would be able to comment. Ms. Espada likes having the building solar ready. Mr. Crocker feels it should be structurally solar ready. The applicant has indicated their intent to do that. Ms. Newman stated the applicant was just putting in a statement of their intent. Mr. Alpert agrees with Mr. Crocker if that is what the applicant represented. It should not be a problem putting in a condition the building should be solar ready for panels. That should be added to the Findings. He feels the Board should get the revised drawing and see if Mr. Crocker is satisfied with it. Mr. Crocker wants one floor gone from the garage. It appears 7 feet will be removed. Mr. Sullivan stated they will submit a revised plan to address the screening and visual impact from Gould Street. The applicant could agree to a condition that requires them to make modifications to the screening and the reduction and bring it back to the DRB prior to a building permit issuance.

Ms. Newman noted there will be a final draft decision on the 19th. She has sent the plans to the DPW and Engineering. There is one issue and that is how to manage the retail and restaurant by special permit. The Board needs to think through how to manage this. This is the first time without an end user identified. Conditions could be created or modified after but there is nothing in the decision that addresses how that will be managed. Mr. Alpert suggested saying "the use is permitted by special permit and the applicant will have to come back for a special permit." He would not like to establish base conditions now. He would like the public to be able to comment. Mr. Block asked if there would be approval for the special permit use but not the operations. Ms. Newman stated she would indicate the Board is amenable for retail or restaurant use and when a specific end user is found the applicant would need to come in for a special permit.

Mr. Sullivan noted the applicant proposed that area be retail and restaurant. He suggested granting the relief and request some subsequent submittal for restaurant use prior to opening. Mr. Alpert thinks Mr. Sullivan is asking for a special permit grant for retail and restaurant without having to come back. Procedurally it would be an amendment to a special permit and essentially the same as the special permit process. Mr. Block summarized the Board would grant relief for a single retail tenant and restaurant use and have a condition that the retailer and restaurant need to come back for an amendment.

Request to abandon special permit rights: Amendment to Major Project Site Plan Special Permit No. 2005-07: Carbon Health Medical Group of Florida, PA, 300 California St. (Suite 700), San Francisco, CA and Needham Gateway LLC, 66 Cranberry Lane, Needham, Massachusetts, Petitioners (Property located at 100 and 120 Highland Avenue, Needham, MA.

Mr. Block noted the Board received a request, dated 10/26/22, from the Petitioner to abandon its rights, dated 4/25/22. Ms. Newman noted the use is not going forward and the owner wants to implement another use.

Upon a motion made by Ms. McKnight, and seconded by Mr. Crocker, it was by a roll call vote of the five members present unanimously:
VOTED: to consent to abandoning the special permit rights conveyed to the Petitioner under the amendment dated 4/25/22.

Transfer of Permit: Major Project Site Plan Special Permit No. 1991-01: TDRG, Inc., Paul Turano, President, d/b/a Cook Needham, 63 Kings Road, Canton, MA 02021, to Ceed Corp, d/b/a Cook Restaurant, 15 Nell Road, Revere, MA 02151, Petitioner (Property located at 101-105 Chapel Street, Needham, Massachusetts).

Ms. Newman noted the Petitioner is not here. She feels it is important for them to be here so it should be taken up at the 12/19/22 meeting.

Request to release Off-Street Drainage bond: Hutter Ridge Road – 1135 Webster Street Definitive Subdivision. Report from Planning Director and Board members.

Mr. Block noted the Petrini Corporation requested release of the bond. There is a memo from the Health Department, dated 11/28/22, approving the release of all the lots.

Upon a motion made by Mr. Crocker, and seconded by Ms. Espada, it was by a roll call vote of the five members present unanimously:
VOTED: to release the Off-Street Drainage Bond in the amount of $24,000 to the Petrini Corporation.

Committee Appointment – Design Review Board.

Mr. Block noted he and Ms. Espada met with Mark Gluesing and interviewed 3 candidates. They were almost set to recommend one tonight, but that candidate withdrew tonight. Ms. Espada stated they had 2 great candidates. Mr. Block noted Steve Dornbusch is a great candidate. He is a former creative art director and very interesting.

Upon a motion made by Ms. Espada, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:
VOTED: to appoint Steve Dornbusch as the Planning Board representative to the Design Review Board.

Planning Board Review and Comments of Draft Affordable Housing Plan.

Mr. Block noted Ms. McKnight and Ms. Espada did an excellent job over the last year. The Committee has identified a long list of initiatives, short term and long-term. He commends them both for a job well done. He noted the Board needs to discuss how to implement. He is looking forward to going through the report. He would like to set up a plan to go over these initiatives. He was hoping to see more on the impact on other parts of the infrastructure, such as the school system and Health Department, but that was not the goal. It did say further analysis was needed. Ms. Espada stated she was with the capacity subgroup. One thing discussed was that the school is doing a master impact study plan and until that comes out some of these things cannot be done. She noted ADUs generally do not cause a lot of change in capacity. Other developments are based on a specific development. Smaller units could be occupied by the elderly or singles and site plan review is project based.

Ms. McKnight stated, at the time of rezoning, the possible impacts would need to be addressed. She noted towns are supposed to zone for an equivalent of 15% of the housing units the town already has. They will be taking already developed areas and rezoning for multi-family. Ms. Espada stated the zoning was changed in some areas and there were no housing developments. Ms. Newman stated, when they changed the zoning, they tried to project. The total build-out needs to be adjusted for the market build-out-how quickly changes are made are based on the market build-out. Mr. Block noted reasonable assumptions can be made. He feels the Needham Center area is where they would like to include multi-family housing. Ms. McKnight stated the MBTA Communities Act cannot allow only Mixed-Use housing. She does not want to change the zoning for the Center; thus, the zoning will continue to have mixed-use only in the Center. Ms. Espada stated the Affordable Housing Trust is the opportunity. They could fund grants and such. The money is there but there needs to be the right group of expertise to help grow it. Ms. McKnight noted there needs to be more emphasis on implementation. The Housing Plan needs to be stronger on impacts and implementation. Mr. Block stated he has been saying that with greater residential density would come a greater mix of retail. He agrees the working group needs to make by-right density, but it should not preclude mixed-use. Ms. McKnight stated it does not preclude it as there is a density bonus for mixed-use where you can go up to 4 stories. They are copying the Apartment A-1 Zone.

Mr. Block stated he would like to see one story of retail and 3 stories of housing on Highland Avenue between May and Rosemary Streets. Mr. Crocker would like to see what is on the other side of the railroad tracks on Garden Street that may be impacted - that needs to be taken into consideration. Mr. Block stated there was an article in today's Boston Globe about the implementation of the MBTA communities. He asked Ms. Clee to put a link to the article for the Housing Plan Working Group. He noted there is a good amount of information there.

Mr. Block wants to continue the planning phase and plan out 2023 and 2024. Ms. Espada noted the Climate Action Group may have some low-hanging fruit the Board could deal with. It was sent to everyone. They have identified 5 things that are priorities. Mr. Block stated he would like to get the Tree Working Group back together. He asked Ms. Newman to reach out to the Select Board. He would like one or 2 members of the Planning Board and Select Board, maybe the Tree Warden or arborist and maybe one from the Finance Committee if there is a financial impact.

Minutes

Ms. McKnight noted on the minutes of 9/7/22, page 1, it should be "redevelopment;" on page 2, it should be TDM for Transportation Demand Management; on page 4, it should say "he feels a 1:300 count accounts for people working remotely and a percentage of people commuting to and from work via public transportation;" on page 6, it should be Mr. Wolfson; and on page 8, the State Board is the State Ethics Commission.

Upon a motion made by Ms. McKnight, and seconded by Mr. Crocker, it was by a roll call vote of the five members present unanimously:
VOTED: to accept the minutes of 9/7/22, with the changes discussed and as redlined.

Report from Planning Director and Board members.

Ms. Newman noted the Housing Plan Working Group meeting is this Thursday. She is hoping to get through any modifications from this Board and the community. There will be one more meeting after that to ratify the draft by the end of the year. She will have the Action Plan by the end of January to the DHCD. It will be presented informally to the Planning Board and Select Board prior to submitting it. She noted she is hoping to have 100 West Street back at the next meeting with a revised proposal. Ms. Clee reminded the members the meeting on the 19th will begin at 7:30 p.m.

Correspondence

There is no correspondence.

Upon a motion made by Mr. Crocker, and seconded by Ms. Espada, it was by a roll call vote of the five members present unanimously:
VOTED: to adjourn the meeting at 9:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

____
Jeanne S. McKnight, Vice-Chairman and Clerk