NEEDHAM PLANNING BOARD MINUTES

February 28, 2023

The Needham Planning Board meeting, held in person at the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, February 28, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took 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. This meeting includes two public hearings and public comment will be 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:

7:05 p.m. – Amendment to Major Project Site Plan Special Permit No. 2014-11: French Press LLC d/b/a French Press Bakery and Café, Petitioner (Property located at 74 Chapel Street, Needham, MA). Regarding request to permit 22 outdoor seats by French Press Bakery and Café, as well as a pergola to cover the seating.

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 waive the reading of the public hearing notice.

Mr. Block noted correspondence from the Building Commissioner, the Fire Department, Police Department, Engineering, DPW and the Health Department. The plans were modified to incorporate all comments. He noted the Design Review Board (DRB) has approved. Raji (Jay) Spencer, Owner, showed the renderings, current and future, from the door through to the right side to add 22 seats to the patio. The left side was approved with 10 seats by the Select Board in 2019. The pergola will be extruded aluminum and will be powder coated black paint. LED lighting of French Press will be mounted on the pergola. The original application was for 28 seats inside that are currently not being used. There are 10 seats outside and he would like the Board to approve 22 additional seats under the pergola. The pergola will be attached to the building with a beam, with additional footers on each post out front, and gutters to shift the water away. There is a 4-foot clear path on the sidewalk.

Mr. Block asked if the pergola was on private property and was informed it was. He asked if the bench and parklet were on public property. Mr. Spencer stated the bench and parklet are on public property. He is going to the Select Board to continue the use and noted the parklet was seasonal. Ms. Clee clarified it is 4 feet 11 inches from the sidewalk to the seats and 5 feet 10 inches to the pergola structure. It meets ADA requirements in the summer. The DPW wanted 5 feet of clearance for snow and the applicant has that if the furniture is moved. Mr. Spencer stated the summer table would not be there in the winter. Mr. Block asked if they would still have some outdoor seating in the winter. Mr. Spencer stated it will be similar to the layout now. He would also put heaters in during the colder times. There are 28 seats inside. This application is for 22 new seats under the pergola. Ten seats were previously approved, and they are requesting an additional 18 seats on the bench for a total of 78 seats inside and outside.

Mr. Block noted the Health Department has a number of conditions and requirements. He asked if Mr. Spencer had reviewed them. Mr. Spencer stated he had. He added he has operated the patio for the last 2 years with no violations. He has always done monthly outdoor pest control abatements and frequent clean ups and monitoring. Mr. Block asked if there would be a floating floor on the street. Mr. Spencer stated the parklet would need a ramp for ADA access. He will adhere to all requirements the DPW set out. Mr. Crocker asked if the pergola would be hanging over public property and was informed it will be entirely on private property. Mr. Crocker asked if the parklet flooring would be open slats. Mr. Spencer noted that is to be determined by the DPW for the requirements they want.

Ms. Espada asked where the property line is with regard to the sidewalk. Mr. Spencer noted it is 10 feet 1 inch from the front of the building at the longest and 10 feet at the shortest. The pergola is 6 feet 8 inches from the building. There is an additional 2 feet beyond the property line. Ms. Espada asked if there is any reason the previously approved seating area and pergola are not aligned. Mr. Spencer stated the pergola has been deemed permanent, so he needs to follow the setback rules, which is 6 feet 8 inches. Tables are under a different regulation because they are semi-permanent. His request includes a sunscreen under the pergola that he wants to install instead of umbrellas. Ms. Espada asked if it would be motorized and was informed it would be. Ms. Espada asked if the columns are aluminum or steel. Mr. Spencer noted extruded aluminum. Ms. Espada commented he should think about bringing up the foundation, so it does not corrode from salt. Mr. Spencer expects to put some kind of covering around the bottom. Ms. McKnight commented she does not see precisely where the public way ends, and the private property begins. She wants to see that on a plan and would like a separate winter plan. She wants exact distances shown on both plans. Mr. Spencer noted the plan was done by a certified surveyor and the information is on the plan. The private property extends to 10 feet from the building and there is a small amount of public property. Most of the sidewalk is owned by the abutting private property owner. Ms. McKnight asked for clarification as to whether the DPW wants 4 feet to be kept clear on the private property. Mr. Spencer stated it is 4 feet from the curb that needs to be kept clear. Ms. McKnight feels that should be explained more clearly in the conditions. Mr. Spencer noted the DPW has approved. Ms. Clee stated the Building Commissioner wanted the dimensions of the curb to seats shown and that information is on the plans. Mr. Alpert clarified that page 33 shows the dimensions.

Paul Good, Chair of the Revitalization Trust Fund, stated he worked with Mr. Spencer to design the parklet. This is the perfect place to do this. It is groundbreaking and a great opportunity to expand this way. Mr. Block feels this is an amenity to the town. Ms. Clee noted the request is to approve outdoor seating on private property and a parking waiver for seating that goes above 30% of the seating inside. She asked the applicant to show the seating on the parklet merely to get the full context. The same was done for the Farmhouse. Ms. Newman will wrap in the seating approved by the Select Board in the decision and clean it up. The Select Board did not realize it was on private property.

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 close the hearing.

<u>7:30 p.m. – Amendment to Major Project Site Plan Special Permit No, 2002-02: Sai Restaurant Inc., d/b/a Masala Art, Petitioner (Property located at 990 Great Plain Avenue, Needham, MA). Regarding request to permit 44 outdoor seats by Masala Art.</u>

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 waive the reading of the public hearing notice.

Mr. Block noted correspondence from the Fire Department, Health Department and Engineering. All are fine with this, and the Design Review Board approved last night. Vinod Kapoor, Owner of Masala Art, noted he has been in the business for 43 years and has been here since 2003. Covid gave them the opportunity to use parking spaces for outdoor seating. He will put lights, umbrellas, tables and such. He invested part last year. He will do better this year and will put planters and walls with landscaping. Mr. Block asked how many seats he had last year. Mr. Kapoor noted 44 seats but did not use that much of the patio. It was not a money maker but people want to sit outside. Mr. Block asked if he has seen and accepts the conditions from the Health Department and was informed he had. Mr. Crocker commented it is a very nice place. Mr. Alpert noted it was a temporary permit and Mr. Kapoor now wants it made permanent. There is no real change from before. Mr. Alpert stated he had a wonderful meal at the outdoor seating in the Fall. He asked if this would be year-round or seasonal. Mr. Kapoor stated it will be seasonal. Ms. Newman will prepare the draft decision for the next meeting.

Mr. Good stated this is a continuation of something that has been fantastic for everyone. It makes Needham a much better place to live and work. The owner has always kept a high standard. He feels this is a great expansion. Mr. Crocker asked if there were any plans for the awning in the front of the building. Mr. Kapoor said he will change the signage on the front and back. The sign will be like Harvey's, a black sign with gold leafing. There will be another hearing for that. It will be $22,000 for the sign and the awnings are coming down front and back. Ms. McKnight stated she follows the vegetarian lifestyle and this restaurant has wonderful vegetarian offerings and is a great benefit to the town.

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 close the hearing.

Appointment:

7:50 p.m. – Linden/Chambers Redevelopment A/E Designer Phase 1 – introduction meeting.

Dan Chen, Principal-in-Charge, bh+a, noted they specialize in elderly and affordable housing and have done many projects for the elderly and disabled. He described previous projects including the Center at the Heights, Rosemary Pool complex, Hillside School and now Emery Grover. He stated projects take several years. He described the existing conditions. There are 152 400-square-foot units for elderly and disabled at Linden/Chambers. There are 18 buildings with 4 units in each for a total of 72 units at Linden and 5 two-story buildings with 16 units in each for a total of 80 units at Chambers. The units were built between 1959 and 1962 and are not in good shape. There is no insulation and no elevators. The units are undersized for units today. The new units will be one-bedroom rather than studios. His company was hired in December 2022 and had a kickoff meeting on 1/9/23 with residents to get feedback. A resident survey has been completed and they are in the investigation and conceptual phase. They are trying to understand the constraints of the site and the type of development for density, height and parking. There is data collecting for making a plan. He is aware of the need for outreach and coordination with residents and town departments. He reviewed the project goals. The project will renovate or redevelop and replace the current buildings with more units and open space. It will flesh out in the next 2 to 3 months. He wants to produce a design that fits in the neighborhood. It will have a phased approach.

Mr. Chen reviewed the energy, sustainability, and resiliency goals. The energy footprint of the building will be reduced. Insulation will be added, and gas consumption will be reduced. He is looking at state and federal funding opportunities. He reviewed the schedule over the next 6 months. The project will be in the schematic and concept phase for the next 6 months for the shape, style, and character of development. He gave an overview of the entire project and noted he is reaching out to the Planning Board to get the project started.

Mr. Block asked if the zoning is General Residence and what is the proposed density. Mr. Chen noted they are both Single Residence one-family zones. The 152 units currently existing are non-conforming. Mr. Block noted the project is adding approximately 150 units. Ms. McKnight noted that the CPA funding application says proposing to add between 32-56 new units to the existing 152 units. Mr. Chen confirmed that. He noted they need to firm up an idea of how many units and how the site can support the number of units. They are in the investigation phase. Mr. Block asked if they will demolish the existing buildings. Mr. Chen noted the 18 Linden buildings will be demolished but there may be renovation options with the Chambers buildings. Mr. Block asked what happens to the residents during the construction phase. Mr. Chen noted the first building is one of the 32-unit Chambers buildings, and that may be in the first phase.

Margaret Moran, Deputy Executive Director of Development, stated the project will be done in a phased manner. They will look at what can be done with 8 buildings on one side and 10 on the other side, then work out a relocation plan. They are trying to build some vacancies on site or at other Housing Authority units within Needham. They will work with other housing providers to see what they have. The budget put together will include all costs for moving and any other expenses for the relocation and provide housing subsidy support for residents so they can stay in Needham. Reg Foster, Chair of The Needham Housing Authority (NHA) Board of Commissioners, stated they have to respect that each unit is a home for someone. Mr. Block asked what type of things the NHA would be looking for from the Planning Board over the next 18 months. Mr. Foster sees a partnership between the Planning Board, Select Board and other Boards in town. The zoning for this could go through Town Meeting, a friendly 40B could be done or something else. Time is of the essence. Ms. Moran commented that the state has recovery money (ARPA), so they are trying to use that. Mr. Crocker asked when they can go to the state and was informed they need to have the zoning in place and have a schematic design.

Ms. Espada stated there are opportunities related to the Town's need to comply with the MBTA Communities law, and they are looking at rezoning some areas that are not elderly services zoning districts. Ms. McKnight noted the town does have an Elder Services Zoning District but there has been no talk about rezoning this area for Elder Services. The Housing Plan Working Group was looking at Apartment A-1 zoning. Mr. Alpert asked if the A-1 District currently has the density needed.

Mr. Block stated there are benefits and drawbacks to the site. The site is limited. Mr. Alpert asked if a new zone was created, would the Board want to use it for rezoning other areas in town with Housing Authority housing. Mr. Foster stated there are 43 acres of Housing Authority in this location, but 25 acres adjacent to Linden Chambers are High Rock Estates. The Authority can only afford to do 2 projects at a time, Linden and Chambers. Mr. Alpert noted it is better to go to Town Meeting once instead of over and over with zoning changes.

Mr. Block stated it would be helpful to get a tighter timeline of when the zoning change would be needed. Ms. Moran noted the state usually has one round of funding in late fall but the zoning would have to be in place in January in order to get the funds. Mr. Crocker asked if this would be happening in the Fall of 2023. Ms. Newman stated the Town's goal is to do the rezoning at the May 2024 Annual Town Meeting and use the Fall 2024 Special Town Meeting as a back stop if not complete. Mr. Foster wants the zoning done at the Fall 2023 Town Meeting. Mr. Foster stated he wants a lit path. The ZBA will check with other Boards as to the Local Initiative Program, so-called "friendly" 40B. Mr. Alpert noted the Planning Board does not have ultimate authority under 40B. Mr. Crocker asked for clarification as to whether Mr. Foster wants the zoning done by January 2024 and was informed that is correct. Mr. Crocker stated the LIP process will involve a vote of the Select Board and ZBA.

Ms. Newman stated the Housing Authority needs to know what it is they want and what density is wanted before zoning could be considered. Mr. Block stated he is prepared to commit the Board to move expeditiously to get this on the Fall 2023 Town Meeting if the Housing Authority is prepared. Mr. Alpert asked who will write the zoning. Mr. Block asked if the Housing Authority is able to work with the Town Attorney to draft the zoning. Ms. Moran stated she is prepared if that is the route they choose, and they will be looking for Planning Board input whichever way it is decided to go. Ms. Espada stated the NHA could figure out the mid-schematic design at the end of May and what would be needed for extreme-case zoning. She asked if this could be part of the rezoning that is being done for compliance with the MBTA Communities law, so it is part of something that is already being done. Mr. Alpert noted they are looking to change comprehensive zoning for the MBTA law for May 2024. Ms. McKnight stated this would need to be separate. Ms. Espada noted this could happen concurrently and help with the MBTA Communities law compliance. Mr. Block stated part of the project could be under the friendly 40B and the rest under a rezoning. Mr. Alpert noted they may only need to do a map change to Apartment A-1. Ms. McKnight stated there could be a new Apartment A-3 district created, noting that North Hill is Apartment A-2.

Mr. Foster stated he has tried to write everything down and will come up with a strategy. He will work offline with staff to see if they can come up with something. Ms. McKnight stated he should have a municipal attorney on the team. She wants to suggest that the attorney should research how the existing Linden/Chambers development got built in the first place in a single-residence zone. It may be that had been considered a state project and exempt from local zoning. It that is the case, there are certain rights that arise with that. She would like her colleagues to understand the new ownership structure. Ms. Moran explained the new ownership structure and noted the Housing Authority will continue to own the land.

Ms. McKnight noted parking demand studies have been done around town. The demand for parking is much less than thought. Apartment A-1 is around 1.5 spaces per unit. That may be reduced to one space per unit. The Housing Authority is less than that and she asked them to explain that. Mr. Chen stated, with studies, it is 0.5 for elderly per unit. They are averaging about 0.4 at the moment. Steve Merritt, Interim Executive Director NHA, stated he would not want to go to 0.5 space but somewhere between 0.5 and one. Mr. Block would like to add this to the overall planning schedule for 2023.

Mr. Crocker stated they would want to maximize what is happening and asked if the project would be 3-stories with a flat roof. Mr. Chen noted 2.5 to 3 stories but no flat roofs. Mr. Crocker asked if it would be multi units with inside hallways and an elevator going up and was informed it would be. The large tree buffer with Maple Street will be left alone. Mr. Crocker stated geothermal buildings have lower energy costs and operating costs, and tax credits and rebates are available. Mr. Chen stated Eversource offers some incentives.

<u>Committee appointee to Local Historical District Committee</u>

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 nominate Mr. Block as the committee appointee to the Local Historical District Committee.

Minutes

Ms. McKnight noted on the minutes of 12/5/22, page 5, 1st paragraph, last sentence add "occupied" after "smaller units could be …" and "it" should be "site plan review"

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 accept the minutes of 12/5/2022 as revised by Ms. McKnight and revised tonight.

Report from Planning Director and Board members.

Ms. Newman noted there will be an Affordable Housing Trust Meeting on 3/6/23. Ms. McKnight and Ms. Espada will go with herself and Karen Sunnarborg to the meeting. The key thing to come out of this is to see what the expanded role of the Affordable Housing Trust might look like. She also noted that the Finance Committee has invited the Chair and Vice-Chair to present any zoning amendments that will be on the Warrant for the Annual Town Meeting. She has received the same invitation from the Select Board for a meeting on 4/12/23. Mr. Block asked if there is someone he could talk to with regard to a fiscal impact study. Ms. Newman noted he could speak with John Connolly but usually a fiscal impact study is not asked for. She also reported that she is working to put together a scope of work to hire consultants to help implement the MBTA Communities law, to assist with the build out analysis, fiscal impact study and develop drawings that represent the rezoning, what the scale would look like when implemented and to show a couple of strategic sites. She asked Judy Barrett to work with her, as they have worked together before. She mentioned that the next Planning Board Executive Session will be 3/3/23 at 1:30 p.m.

Correspondence

Mr. Block noted a letter from the Attorney General's Office approving the By-Law Amendment for Microbreweries passed by the October 22, 2023 Town Meeting. He encouraged Town staff to talk with Town Counsel regarding state statutes. He also noted a memo to Town Boards from Town Manager Kate Fitzpatrick regarding remote participation in public meetings with a 3/31/23 end to remote meetings; emails from Lindsay and Mike Wands regarding the 888 Great Plain Avenue proposal and 2 abutter notices from Wellesley. He asked if these notices from other municipalities should be posted on the website. Ms. Clee noted she does not show the Planning Board members all such notices received. Ms. Espada stated she and Ms. McKnight were interviewed by the Needham Channel about the Housing Plan. She is glad it is getting out there.

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 9:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Jeanne S. McKnight, Vice-Chairman and Clerk