

NEEDHAM PLANNING BOARD MINUTES

September 5, 2023

The Needham Planning Board meeting, held in the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, September 5, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada, 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 a hybrid manner in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does include one public hearing 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.

ANR Plan – Arthur Fine Homes, LLC, Petitioner, (Property located at 248 Harris Avenue and 96 Bradford Road, Needham, MA).

Mr. Block called out that on the site plan it says 284 and not 248. He asked why this is subdividing 63 square feet. Ms. Newman noted a neighbor wants to acquire that strip of land. A conveyance is the only issue being proposed here. She will clean up the transposed numbers on the mylar.

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

VOTED: with those corrections, to endorse the plan subdivision approval not required.

Jim Reulbach explained why the transfer is being done.

Public Hearing:

7:00 p.m. – Major Project Site Plan Special Permit No. 2023-03: Neehigh LLC, 93 Union Street, Suite 315, Newton Center, Petitioner (Property located at 629-661 Highland Avenue, Needham, Massachusetts). Regarding request to demolish the five existing buildings on the property and build a single two-story 50,000 square feet Medical Office Building (25,000 square feet footprint) with two levels of parking (one at-grade and one below grade) totaling two hundred and fifty (250) spaces.

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

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

Mr. Alpert stated he wants to be on record that Temple Beth Shalom is directly across the street from this project. He is General Counsel for the Temple and an Ex officio member of the Board of Trustees. He checked with Temple Beth Shalom and the Temple was served with notice and is considered an abutter of this property. He checked with the management at the Temple, and they have no position on this matter. He checked with Town Counsel and has filed paperwork with the Town Clerk. He wanted to be up front with the applicant in case they had an issue with him sitting on this matter. Attorney Evans Huber, representative for the applicant, stated he has no issue with Mr. Alpert participating in the hearing.

Mr. Huber stated the applicant is seeking site plan review. There are 5 existing buildings that will be demolished and replaced with one building. The new building will be a medical office building of 50,000 square feet and 2 stories. The 250 planned parking spaces meet the requirement for medical office. There will be one level of parking underground and one at grade level within the building. The applicant is not asking for any zoning relief as the use is allowed by law and meets all dimensional requirements. The applicant met with the abutters. The applicant is aware of their concerns and has taken them into account. Jonathan Cocker, of Mauge Destefano Architects, showed the existing site plan and discussed

what was proposed. He noted there is presently very limited green space and a lot of pervious surface. There is parking on Cross Street and Arbor Street. The buildings are right along Highland Avenue. All the buildings will be torn down and one building will be built near the center of the site. There is a 320 square foot reduction in building footprint and a 13,000 square foot reduction in paved area. There will be an increase of approximately 12,000 square feet of green space between the building and the streets.

Mr. Cocker noted 25% of the parking is surface parking. The rest is below grade concealed within the slope of the site. He showed the grading on site. A sidewalk and green space are being created. There will be a 2-story office building with a level of parking, then another parking story below that. There will be an accessible sidewalk from the corner to get into the building. Entering the building will be through an elevator lobby. Ms. Espada asked if that will be the main entrance and was informed it will be the main entrance to the building. Deliveries will be going in through that entry. Trucks and ambulances can access here also. There will be green space in a patio area. An access drive has been created at the end of Cross Street to Arbor Street and it will be softened with landscaping. There will be landscaping all along Arbor Street. Added features include a retaining wall and screening to prevent headlights from shining on adjacent residents. There will be 3 drive aisles. All else is screened. He noted the lower level of the parking garage can be accessed from Arbor Street or Cross Street.

Mr. Cocker noted some roof top equipment will be screened and located toward the rear of the site. A lot of landscaping is being added along Highland Avenue as the building is pushed back from the road. The materials include sleek modern glass and white aluminum composite panels. There will be screening at the top and down at the parking level. Sunshades go as an eyebrow across the second story of the building. He noted the lowest level of parking has entry from Cross Street and Arbor Street. The upper level has one access off Cross Street with accessible parking in the middle with a lobby and loading zone. There is also access out to Arbor Street at the rear. A pad for the transformer is at the rear of the site and will be screened. All traffic will be 2-way and will be disbursed in both directions.

Mr. Block stated he was concerned that pedestrians have to cross 3 lanes of traffic to get to the lobby. He feels it should be flipped so the lobby is near the entrance. Mr. Cocker noted the reason for doing that is the need to have the egress directly to the outside of the building. The location of the lobby in the center allows better disbursement of occupants and tenants from the site. Colbi Cavanaugh, of Mangel Destefano Architects, stated it has been flipped a couple of times and this is the best outcome. Mr. Cocker noted the site will be lit for safety. Lighting is being kept to a minimum with downward facing light compliant light fixtures. There will be zero light spillage to neighboring properties. Against the building are W1 wall mount fixtures and G12 within the garage. Lights are being provided for parking and walkways via handrail lights. Mr. Block asked what time the lights will go off. Mr. Cocker noted lighting for security is needed but the hours will be compliant with the Town requirements.

Jeffrey Dirk, managing partner at Vanasse & Associates, Inc., prepared a Transportation Impact Assessment using the Town standards and Mass DOT standards. He worked with Town departments to understand the roadway structure current and future. The Muzi site was taken into account. The critical thing was disbursing traffic and traffic moving on Arbor Street and Cross Street. About 55% of traffic goes to I-95 so they have looked at left turn queueing. Arbor Street and Cross Street will have 1 to 5 cars queueing during peak time. He looked at how the garages were designed and saw no safety deficiencies. The sight line exceeds the recommended sight lines. He noted some traffic will be on Hunting Road and Gould Street but the majority will go to I-95. He showed the existing conditions. Bike lanes have recently been added. He wanted to design the project so people could bike and walk safely. He noted there will be 20,000 cars per day over a 24-hour period with 1,700 cars at peak hours on Highland Avenue.

Ms. Espada asked why the entrance is on Cross Street where there are residences and not on Arbor Street where it is commercial. Mr. Dirk noted, from a traffic standpoint, either one would work. For disbursal, Cross Street is better. He noted people will likely use the first street they come to. Signs can be provided to encourage people to use one street over the other. Mr. Cocker noted people could access Arbor Street or Cross Street from the garage. Mr. Dirk showed vehicle trips. There will be 1,800 daily in 24 hours. There are 634 existing and there will be 1,166 for medical office. There will be 101 in the morning peak and 168 in the evening peak. Mr. Alpert asked the hours of operation. Mr. Huber assumes the hours will be 7:00 a.m. to 7:00 p.m.

Mr. Dirk showed the trip disbursal and noted it was designed using both streets. Mr. Block asked what the maximum capacity for queueing is before disruption. Mr. Dirk stated it could go to 10 cars on both streets before disruption. That is substantially more than what they are predicting. He noted the following recommendations: traffic signal retiming and phasing plans on either side of the project site at Highland and Webster, and Highland and Gould and Hunting, and install signs for No Through Traffic on Cross ~~Street at~~ Street at Putnam Street. Mr. Alpert asked if the timing could be done so there is a break in traffic at the same time so cars can get out. Mr. Dirk stated that could be done.

Justin Mosca, Civil Engineer, reviewed the stormwater management and topography plan. The site has a comprehensive storm water management system design in compliance with the Needham Stormwater By-Law and associated standards. It does not connect to the Town system. Highland Avenue is the high side and there is no useful connection. They rely heavily on infiltration. Enough infiltration volume is being provided for a fully managed 25-year storm and a mostly managed 100-year storm with some overflow but less than what is there today. Catch basins are set up all along Arbor Street along the frontage and along Highland Avenue. All water from the building and parking area are going to the infiltration system. Inside the building are concrete chambers and outside is the infiltration system.

Mr. Mosca noted most of the connections for the general utilities are off Cross Street such as electric and gas. Sanitary sewer is out to Highland Avenue. There is a water line on Arbor Street for a new hydrant. He showed where the generator will be located. He noted the applicant is funding stormwater improvements on the Three Squares Restaurant property as the system was not working. Ms. Cavanaugh noted the green space is increased by ½ acre of open space overall. There is a 40-foot setback of green space along Highland Avenue and green space along all the sides. Retaining walls are all under 4 feet in height and have been planted. There will be significant screening along Cross Street with additional plantings at the neighbors' property across from Arbor. The property will be irrigated. There will be a 2,500 square foot plaza for patients and workers which will be screened. It will be flexible open space and screened with arborvitae. There will be a terrace and plantings within the parking area. Additional trees are being planted along Arbor and ornamental trees and grasses along the terrace. There will be 4 different grasses along the front, then a wall with more plantings above. The plantings will all be low maintenance.

Ms. McKnight noted a good locus plan is missing from the packet. The plan does not identify all the streets that go from Gould Street to Webster Street. Mr. Block noted the following correspondence for the record: a memo from the Design Review Board, dated 8/8/23, with comments regarding red oaks, approving the building design and materials; an email from Police Chief John Schlittler, dated 8/15/23, regarding traffic impact; a response to Chief Schlittler from Jeffrey Dirk, dated 8/31/23; an email from Assistant Public Health Director Tara Gurge, dated 8/30/23, with the usual comments; a letter from Town Engineer Thomas Ryder, dated 8/30/23, with comments; a letter from Building Commissioner Joe Prondak, dated 8/31/23, with comments; a letter in response to Mr. Prondak's comments from Daniel Burton, dated 8/31/23; an email from Fire Chief Tom Conroy, dated 8/30/23, with comments; a response to Mr. Conroy from Justin Mosca, dated 8/30/23 and an email from Town Meeting member Glenn Mulno, dated 8/31/23, with comments.

Mr. Block opened the hearing up for public comment. Attorney Howard Freedman, representative for Gateway Townhouse Condominiums at 605-607 Highland Avenue, noted the units were built in 1996. There are 12 units, with children, and there is a concern with traffic. Cross Street is congested but well maintained. There is a concern with traffic on Putnam Street. This project will be adding 1,100 new cars daily. There is concern with signage and enforcement. He feels the issues will be ongoing. Cross Street and Arbor Street are private ways so people who abut the roads need to maintain them. He would like to know the developer's contributions. Mr. Block suggested Mr. Freedman email a list of comments to the Planning Board.

Jennifer Yogel, of 612 Highland Avenue, lives directly across the street, between Mills and Utica. It is very densely populated with a lot of children who play in the streets. She is very concerned with the safety of the kids. Cut throughs will happen. It is done all the time at high speeds. She asked why there is not another access route out of the neighborhood onto Webster or Gould. She asked how medical waste is leaving these places. It is a very sticky situation with storage outside. Flooding has impacted this area of town like she's never seen before, and she is concerned with pests that get into trash, water, waste removal and traffic. She appreciates the traffic counts, but they have never tried to get in or out of their driveways onto Highland Avenue. The project needs more work on the road systems and access. People should enter and exit different ways.

Walter Tin, Trustee of Townhouse Condominium, backed up the comments that were made. The biggest problem is the width of the streets. There are no sidewalks and kids are a real issue. These are private ways, and the community pays for all expenses. Dr Wendy Herman, of 613 Highland Avenue, Gateway Condos, has 2 small kids. The bus stop is at Cross and Highland. Her first grader is allowed to be picked up and dropped off independently. She would like to keep that available as a bus stop and ensure safety. Mr. Alpert asked how safety at the bus stop would be impacted during construction. Mr. Huber stated he would respond at the next meeting.

Rob Dengel, of 28 Hewitt Circle, feels badly for the condo owners with Muzi, Wingate, and now this. It is sandwiched from all sides. The size of the project needs to be taken into consideration. The narrow streets will not be able to handle traffic and he heard nothing about solar. Is there anything regarding LEED Certified for the building? It seems like a non-descript building and would not contribute to the character of Needham. He does not feel the focus was on aesthetics and traffic impacts. He wants the Board to think about the neighbors.

Mr. Alpert noted this is a project with a use that is as of right and meets all requirements. He wants to ask Town Counsel if, on a site plan review, can the Board raise these issues such as solar. He would like an answer from Town Counsel. Mr. Block stated he spoke with Town Counsel specifically on solar. It is clear under site plan authority the Board does not have authority to require solar or carbon technology. The Board does not have the discretion to require the developer to reduce the building size. The developer needs to mitigate the impacts and leave it not in a worse state post construction and there are certain standards to meet traffic mitigations. Mr. Dengel stated if the developer is not required by law to address these issues, the zoning should be looked at so the Town can have more power. Mr. Alpert noted there is a plan to identify specific By-Law changes for solar and solar technology.

David Hruska, of 21 Rosemary Street, stated it is a nice development. He is concerned with parking, particularly the cost to park there. He assumes parking will be free but there will be a lot of extended costs on the public. He wants to encourage planning for the future and reduce dependence on vehicles. They should reduce the parking and charge the market rate for parking. Nancy Greenwald, of 615 Highland Avenue and Trustee of Townhouse Condominium, reiterated what the others have said. She would like “no access to Highland” signs on Putnam Street. 250 cars parking on this site are too many. She has problems getting out of her driveway in the morning as traffic backs up to her driveway. She does not feel 7:00 a.m. to 7:00 p.m. are appropriate hours. There are homes in the area. She feels 4:30 p.m. should be the last appointment.

Emily Pick, of 12 Mills Road, stated her biggest concern is traffic. She hopes the Planning Board hears the concerns. She would like to see this pushed back off Highland Avenue, more traffic disbursement and more water management. The hours of operation should be addressed. Curtailing the hours would minimize traffic. Mills Road is a cut through. She would like some mitigations put in and would like to see some method of enforcement on Highland Avenue. People speed on Highland Avenue. She would like the hours of construction minimized and is concerned with the scale of the project.

Kevin Pichetti, of 194 Webster Street, asked how many more cars there would be. Mr. Cocker noted there would be roughly 60 more vehicles in and out for 120 more vehicle trips. Mr. Pichetti asked, with the elevation change to Arbor Street, how is that going to work. Mr. Cocker stated Arbor is already a little higher than Cross Street. There will be a connecting driveway between the 2 roads. Mr. Pichetti stated there are 6 oaks on Arbor Street. Mr. Cocker noted there is a plan to remove one that is not healthy.

Ben Daniels, of 5 Sachem Road, lives across from the Muzi site. With the traffic, where does this all end? This is 1,100 more cars per day and there will be more with the Muzi property. He noted it is frustrating that it is just a little bit at a time. There is no long-range plan. There has to be a plan, not who gets there first. They need someone to keep an eye that Needham does not turn into Somerville. The developer could put up solar or geothermal as a matter of good will.

Alan Freidman, of 71 Putnam Street, noted signs can be put up but they will not matter. There are a lot of kids. The impact with this development, Wingate and the Muzi site is awful. The Planning Board represents the residents and should not just ok all this. Mr. Block stated there could be a peer review on traffic impact analysis. Ms. McKnight stated they usually require it. Mr. Crocker noted traffic is the main focal point. He feels it would be wise to do the peer review. Ms. Espada agreed. Mr. Alpert is in favor of a peer review. Vanasse does good work but represents the developer; another set of eyes would be good. Ms. Newman stated GPI could do the peer review.

A motion was made to ask the Planning Director to reach out to GPI as they are available and request a traffic study peer review and engage a consultant. Ms. Newman noted she would work with GPI to get a proposal, cost and timeline. This would be needed for the 10/3/23 meeting. Mr. Alpert feels it should be stressed that the major concern is with traffic on small side streets and how to mitigate it.

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

VOTED: to ask the Planning Director to reach out to GPI and request a traffic study peer review and engage a consultant.

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

VOTED: to continue the hearing to 10/3/23 at 7:05 p.m.

Board of Appeals – September 21, 2023.

1458 Great Plain Avenue – Tobin Beaudet Schools, Inc.

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

VOTED: “No comment.”

Minutes

The minutes will be discussed at the next meeting.

Report from Planning Director and Board members.

Ms. Newman noted there will be a kickoff meeting for the Housing Needham (HONE) c Advisory Group this Thursday at 7:00 p.m. RKP Consultants have been hired and the paperwork has been signed. She feels the Planning Board members should review the tape of the meeting to be up to date. There will be a presentation on the MBTA Communities Act and what is expected. There will be a discussion about the public process.

Ms. Espada noted she did not see regulations for the streetscape along the Highland Avenue area they just looked at. Ms. Newman ~~stated~~ such regulations are not provided in the Industrial District. She tried to rezone it shortly after she arrived in 1993 and it was unsuccessful. Ms. McKnight stated, in the Town’s 2022 Housing Plan, proposals for rezoning in compliance with the MBTA law went to Webster Green Apartments and stopped because, beyond Webster Street, it is not transit oriented. The standard is ½ mile or a 15-minute walk to transit. Mr. Alpert noted they are dealing with an Industrial zone in the middle of a residentially-zoned area. Ms. Espada just wants members to be mindful of different lots with different setbacks. Mr. Alpert noted they are talking about the Highland Avenue corridor. He likes that this project is not directly on Highland Avenue but has a 40-foot landscape buffer along Highland Avenue. It is not all asphalt like on Gould Street and from Webster to Gould. This will add some class to this section of town.

Ms. Espada noted she and Ms. McKnight plan once-a-month meetings for the HONE committee, with community meetings in October, January and March. Ms. Newman stated the first community meeting will be 11/9/23. Mr. Block noted there are 3 candidates for the Economic Development Director position. He was on the search committee. The Assistant Town Manager Katie King will hold a second round. He will keep members posted of any vacancies for CEA members. He noted the Single Parcel Historical Commission will do reports to the Planning Board.

Correspondence

Mr. Block noted the following correspondence for the record: an email from Anika Law, dated 8/17/23, regarding a By-Law change for regulating gun shops; an email from Stanley Keller, dated 8/28/23, relating to 1688 Central Avenue; an email from Norman MacLeod, dated 8/29/23, regarding 1688 Central Avenue; an email from Gregg Darish, dated 8/29/23,

regarding 1688 Central Avenue; an email from Lois Sockol, dated 8/29/23, regarding 1688 Central Avenue; an email from Robert and Joan Onofrey, dated 8/30/23, regarding 1688 Central Avenue and a public notice from Wellesley regarding Large House Construction.

The Board took a 5-minute recess.

Zoning Regulation of Solar Energy Systems: Material Review, Zoning Priorities and Policy Considerations.

Mr. Block stated, for the May Town Meeting, he wants to define the scope, identify action items and a schedule to move forward. The Climate Action Plan Committee (CAPC) is focused on 3 areas – solar canopies over parking lots and structures; commercial roof top solar; and small and medium sized ground-based solar. The first element in the By-Law is the purpose in any section. He will follow the same structure as other By-Laws. The framework will be around the 3 items above, but they need to identify what the process will be. Should canopies over parking lots and structures be by right or by special permit? Some advocate breaking up by size. Some recommend solar canopies by size and smaller canopies would be by right. Large, like the Boston Properties Special Permit, he would prefer by site plan review. He needs to see what the standard is. He does not know what the potential adverse effects would be and appropriate mitigation. The 888 Great Plain Avenue size would be like a small installation. He feels it could go through without site plan review. They need to know what the standard is by size.

Mr. Alpert hears the discussion as if the developer comes to the Board and wants to put solar in. He thought they were talking about where the Board can require solar. Mr. Block does not feel it needs to be a special permit process, just site plan review. Ms. Newman commented if there is already a special permit for the building, some canopies have been done as de minimis changes to the special permit. Ms. Espada stated she was at a CAPC meeting with Justin Savignano and Steven Frail and 2 experts were brought in – Andrea Love and Jacob Knolls. They were part of the group that created the Stretch Code. This group came up with recommendations for different items already sent to the Planning Board. She read what was sent. A framework was already put together. She feels they could start with that. Mr. Block noted they could take that and focus on the solar elements.

Ms. Espada feels one thing is reviewing permitting online. Mr. Block stated they can identify what the permitting process is and add an application for solar canopies. They need information from Mr. Savignano as to the size that will tell what can be done by right. A discussion ensued regarding solar canopies. Mr. Block asked Ms. Newman to bring up the size of the Olin project and the Boston Properties parking garage for the next meeting. Ms. Newman clarified they could identify the size of what can be built over a structure by right and by special permit. Mr. Block recommends that, if it is a by-right structure it would be a by-right process. If a certain size it would be by right but with site plan review. Ms. Newman noted the same rules should be in all districts. Mr. Block was thinking not of different regulations by district but by size.

Ms. McKnight feels it is primary use versus accessory uses. There are tables of what is allowed as primary and accessory uses. They could have a footnote. She feels they should go district by district to see where this use should be allowed. Mr. Block reiterated he feels the standard is the size. Mr. Alpert noted the difference is that the size that would be allowed in Needham Center is smaller than the size that would be allowed in the Industrial District. A discussion ensued. Mr. Block noted there is no structured parking in downtown where this would be applicable. All buildings in downtown are small buildings. It would factor it in by size. It would need a definitional change throughout the By-Law to define what solar canopies should be. Ms. McKnight stated the Board needs to set what the criteria would be. Mr. Crocker stated a solar canopy is a structure. They may not need to have any regulation other than compliance with the existing setback. The Board needs to determine is it fair, practical and right. Mr. Block stated that is not relevant. The structure is not a solar canopy. The structure is the parking structure. Solar on roofs could be anywhere in town. The Board discussed the need to identify sites, understand how much is realistic for what buildings, look at the setback and see what other towns have done. Mr. Alpert noted the information provided by Steven Frail has By-Laws from other towns. Ms. Newman intends to look through and put together the information with a chart with all the elements.

Mr. Block summarized the discussion. The high-level items are commercial roof top solar, solar canopies over parking lot structures and small and medium ground based solar. The height and setback restrictions need to be separated out. Solar and other carbon reduction technology should be allowed and mechanicals not to exceed 15 feet on the horizontal plane and 25% of rooftop criteria. They need to look at structure setback and screening requirements. The process should be

considered, identity definitions and what is being mitigated for. The Dover Amendment is a protected use under Chapter 40A, Section 3. He feels they need to bring Town Counsel in at the early end. Ms. Espada stated Mr. Savignano and the new Building Commissioner should be at the next meeting. She noted the Stretch Code needs to be abided by. The Board needs to be aware of that and take it into account.

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

VOTED: to adjourn the meeting at 10:35 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk