

NEEDHAM PLANNING BOARD MINUTES

October 15, 2024

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 Natasha Espada, Chairman, on Tuesday, October 15, 2024, at 7:00 p.m. with Messrs. Crocker, Block, Alpert and McCullen, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. Espada noted this is an open meeting that is being held in a remote manner per state guidelines. She 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.

Public Hearing:

7:00 p.m. – Major Project Site Plan Special Permit No. 2024-01: Needham Housing Authority (NHA), 21 Highland Circle, Suite 10, Needham, MA, Petitioner (Property located at 0 Linden Street and 5 Chambers Street, Needham, Massachusetts). Regarding request to redevelop the NHA Linden-Chambers property. Please note that this hearing has been continued from the September 24, 2024 Planning Board meeting.

Robert Smart, attorney for the applicant, noted there were a number of concerns at the last meeting from residents and Board members. The Team has met with all the different Town Boards and comments came back. He feels all the issues have been resolved. Dan Chen, of Bargmann Hendrie + Archetype, Inc. (BHA), stated they met with the Fire Department, Building Commissioner, DPW and Police Department since the last meeting. The applicant is going through the Conservation Commission as part of the site plan process. Some documents were revised and the applicant is going to the Conservation meeting next week. The stormwater management system has been increased beyond the capacity needed. An Operations and Maintenance Plan for the storm water system will be provided and a rain garden will be incorporated in the front lawn in Phase 1B. A stronger visual connection of the paths will be created within the site from the north to the existing Chambers sidewalk.

Mr. Chen noted some modifications were done after discussions with the Fire Department to provide wider paths at the back side to accommodate emergency access and the fire lanes have been extended. He showed the design for the south elevation in case Phase 1B does not begin immediately after Phase 1A. There will be pre-construction meetings with various town departments for construction logistics. The original stormwater management had a 54% decrease in runoff to the neighborhood. With the changes it will now be a 78% decrease. The capacity has been doubled from what was originally proposed. The Fire Department does not require a fire lane behind the building but asked for a hard surface acceptable to place ladders on. Emergency access is provided on 3 sides of the building. The pervious asphalt has been extended to the back of the building. He noted the reach of the new fire truck is 100 feet. The fire hydrant locations remain the same. The Fire Chief is satisfied.

Mr. Chen noted there is a revised landscape plan. The path has been enlarged and the paths have been connected through the fire lane and continue to the front of the site. For the building elevations, windows have been added to the blank wall to break it up before Phase 1B. There is a geotechnical building report. The team includes a registered engineer and will go by all State Building Codes. For fresh air circulation, the building will have HVAC systems designed to MA State Building Codes. Complete air exchange, in each unit, will occur approximately once per hour, all to code and exceeding the requirements. There will be window opening control devices. The windows will only open 4 inches for safety control but the windows can be fully opened by disabling the limiter.

Mr. Chen noted the MA Building Code determines life safety for buildings. There will be 3 exit stairways and fire and smoke rated doors and closures. The Building Commissioner is in agreement with shelter in place. External fire escapes are not needed, the building is fully sprinklered and there are state-of-the-art fire alarms. The fire lanes were extended at

the request of the Fire Department to allow the new fire truck access to the rear of the building. At the last meeting there was a comment about renovation instead of redevelopment. This was looked at but it was too expensive to renovate. Alternate sites were looked at also, but this site was chosen as the best option. Comments were made that the residents did not know what was going on. A total of six outreach meetings were held and translators were available for residents who do not speak English. There will be a traffic impact study during construction. A construction management plan will be submitted and there will be a pre-construction meeting that includes all parties.

Mr. Smart stated he did research and had communications with Town Counsel Christopher Heep. The relief that could be granted is limited to 2 years. It is possible for the Board to make a finding in the decision that the Board understands the financing may not come through within the 2-year timeframe to get the demolition and building permits and begin construction. The Board could say the intent is to allow renewals as needed with documentation. He came up with language that the Board may want to consider and submitted it. Also, Mr. Heep sent an email regarding the zoning article and expects to have something back from the Attorney General by 10/23/24.

Ms. Newman stated the applicant has gone back to all town departments. There was an issue with the new fire truck. The plans were revised to accommodate the new truck but the applicant still needs to go back to the Fire Department to get a sign off and the Board is still waiting for Conservation Commission comments. The meeting will have to be held open to 10/29/24 for the comments to come in. Mr. Block feels there should be a potential condition if they do not hear back from the Attorney General by the next hearing that it is contingent upon assent from the Attorney General. Ms. Newman will have something to cover that. Mr. Block stated the applicant wants a finding regarding the length of financing. Mr. Smart stated he is looking for a mechanism for an extension without a new public hearing. Ms. Newman noted there is generally a vote without a hearing. The existing language allows them to do that.

Mr. Alpert stated he did not recall seeing anything from Mr. Heep that he is ok with Mr. Smart's comments. Ms. Newman has not received anything or spoken with Mr. Heep. Mr. Alpert commented only 2 years can be granted initially. The applicant is asking for 2 2-year extensions. What do the By-Laws provide for the number of extensions the Board can grant? He is used to one extension but is not sure the By-Law allows an additional extension. Ms. Newman will check into that. Mr. Smart did not see any restrictions. Mr. Alpert had comments on Mr. Smart's letter. Mr. Smart wrote at least 3 months "from." Mr. Alpert would like to change "from" to "prior to." That appears in 2 places. Mr. McCullen thanked the applicant for getting further clarification from the departments.

Mr. Smart would like to request the Board authorize, and direct the Planning Director, to have something for the meeting on 10/29. Ms. Newman noted the hearing will be continued to the 29th and she will have a decision at the meeting after that. Reginald Foster, of the Needham Housing Authority, called around and found the approval will be around 11/20, which makes it easier for everyone. He is ok with Ms. Newman's timeline. Mr. Smart stated, if there is no decision on 11/6, he is concerned it may be delayed with back-and-forth questions from members. Ms. Espada stated the Board is not trying to hold this up. She opened the hearing to public comments.

Ross Donald, of 25 Chambers Street, stated the Attorney General has to weigh in. They have not heard from him. Mr. Block stated that is the zoning change. He has heard the MBTA Communities has caused the delay, but they will hear by 10/23. Mr. Donald heard there was no problem with the application. He is interested in the process. Residents need to be included. The Conservation Commission anticipated they would vote to approve but did not do that and referred to MA DEP. He found the DPW does an annual survey and he asked what that was about. The application has been modified. He would like to hear what the modifications are. The Fire Department letter said "no issues with Fire" but it turns out there are issues. He feels the Board needs to extend the hearings. Ms. Espada noted there is a letter, dated 10/8/24, from Reg Foster with comments and updates. The letter is very clear and is in the packet and online. Mr. Alpert suggested Mr. Donald review the packet.

Marlene Kosta, of 40 Chambers Street, has not reviewed the packet. She listened closely to the presentation done by the architect. There are fire lane and fire safety issues. The diagrams do not differ from the original. The lane stops abruptly and does not turn with the building. A minimum of 18-foot-wide fire lanes are needed. She does not see a fire lane in back or on the sides. Wingate, North Hill and Nehoiden Glen all have fire lanes and are not substandard. This worries her.

People are living there and their safety and quality of life are being sacrificed. People are supposed to shelter in place to die of smoke inhalation. Sprinkler systems and windows that do not open more than 4 inches will not help. The architect said the air exchange would be 2 times per hour at the last meeting. An air exchange minimum of 3 times per hour is healthy and safe. She heard tonight the exchange will only be one time per hour. Safety and health are being compromised. The window limiters are for fall protection, by law, for tenants under the age of 11. She stated it is not true there is no money available for renovations. There is over a 2-billion-dollar package just approved by the Governor for capital improvement for public housing. Our share of 2 billion dollars would be enough to cover renovations for heating, ventilation and all else. She is glad the DPW brought attention to stormwater issues. Feasibility studies need to be done before and the applicant needs to get a structural engineer before. Ms. Espada suggested Ms. Kosta speak with the Building Commissioner. Some of her concerns are not in the Planning Board's purview and he can explain.

Helen Garagozian, of Chambers Street, stated she was having a hard time hearing tonight on zoom. She wanted to thank the Planning Board and stated she is in favor of this. The packet was available online and it was gone over at the last meeting. She wishes people would be prepared before they came in. She noted air exchange may be different for residential than commercial. She has no information on fire safety. Jim Burke, of 188 C Linden Street, noted he had one concern with Mr. Chen and the 100-foot ladder extension. There is no information on that. He stated the 4-inch rule does not apply if there are no occupants under age 11 and the fire lane has been omitted. He feels the Fire Chief should be here. When demolishing the buildings there will be asbestos and this is across the street from a school. Kids are out at school. The asbestos cannot be contained. He wants the Board to do the right thing for the people here and not rule out renovation. Carley Moriarty, of Chambers Street, stated there is data at the National Fire Protection Association. She wanted to let all know where they can find the information.

Mr. Donald stated his biggest concern is the holding of information and how it has been handled and distributed to people. One big change is the Cambridge Housing Authority has not maintained a prominent role in this. There are no written reports, only verbal from June until the October memo. There is no mission statement, no direction and no vision. The Board needs to think about the post pandemic response. The hearing should be continued to gather this information. The landscaping goes back 75 years, and he would like to keep that. Ms. Kosta responded to Ms. Garagozian's comments regarding air exchanges in hospitals. That is 10 to 12 times per hour. The standard of 3 times per hour post covid is a minimal standard to keep residents safe and healthy.

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

VOTED: to continue the hearing to 10/29/24 at 7:00 p.m. for the exclusive purpose of hearing from the Fire Department, Engineering Department and Conservation Commission.

Public Hearing:

8:00 p.m. – Definitive Subdivision: 40 Highland Ave, LLC, 435E Dedham Street, Newton, MA 02459, Petitioner (Property located at 40 Highland Avenue and 14-16 Riverside Street, Needham, MA). Regarding request to subdivide the Premises into three building lots, two of which will be used for residential purposes, having frontage on the new road, and the third of which will continue to be used for commercial purposes. Please note that this hearing has been continued from the August 27, 2024 and September 17, 2024 Planning Board meetings.

George Giunta Jr., representative for the applicant, noted the revised plans were given to Engineering and they signed off on them. There is additional landscaping and infiltration to address comments. There was a comment about adding the 200-foot river front line. That was added to show where the line is. Ms. Newman is satisfied. There were no public comments.

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

VOTED: to close the hearing.

Ms. Newman noted she will have the decision at the first meeting in November.

Decision: Amendment to Major Project Site Plan Special Permit No. 2011-04: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property is the location of the Center at the Heights, 300 Hillside Avenue, Needham, Massachusetts). Regarding request for the installation of a permanent emergency generator to serve the Center at the Heights as well as a reduction of 3 parking spaces.

Mr. Alpert noted on page 1, the list of Board members has Jeanne McKnight and not Justin McCullen. On page 3 and 4, Section 1.9 and 1.11 in the Findings and Conclusions, it says "The Petitioner respectfully requests.." He feels "respectfully" should be taken out. On page 3, Section 1.10, regarding the loss of 3 onsite parking spaces being temporary, it should say "the Petitioner represents the parking situation may be temporary." In Section 1.11, it has "amend modify." It should be "amend and modify." In Section 1.12, it should say "it is anticipated that the MBTA will lease back 12 parking spaces...." In Section 1.18, take out "intends for overall reduction" and replace it with "expects overall reduction." He noted there is nothing here if the town does not get the 12 spaces. It should be made clear the Board is giving the waiver anyway for the loss of the spaces. On page 6, in the Conditions and Limitations, it says "were ratified." That should be "are ratified."

Mr. Alpert noted in Section 3.4, regarding the emergency generator condition of 300 hours. Ms. Newman noted that language is included as Mr. Heep requested that language be included. Mr. Alpert stated it is only 12.5 days in a 12-month period. He would not limit it at all. Ms. Espada stated it would not be used unless there is an emergency and she does not feel it should be limited. Mr. Crocker feels the only limitation should be the basic cycling run each month. Mr. McCullen feels the operation during power failures should not be limited. Mr. Alpert noted in Section 3.4, normal maintenance and testing should only be on weekdays. Ms. Newman read Mr. Heeps language. All are ok with that language. Mr. Alpert noted in Section 3.6 in 2 places and in Section 3.9, there is a reference to an emergency diesel fueled generator. There is no requirement the generator be diesel. He suggested taking out diesel fueled. All agreed.

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

VOTED: to GRANT: 1) the requested Amendment to Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 2011-04, dated October 18, 2011, amended February 21, 2012, September 3, 2013 and December 2, 2014; and 2) the Special Permit under Section 5.1.1.5 to waive strict adherence to the requirements of Section 5.1.2 (Required Parking) subject to and with the benefit of the following plan modification, conditions and limitations.

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

VOTED: to accept the decision as drafted with the modifications discussed this evening.

Motion to Amend Article 8 of the October 2024 Special Town Meeting; Glenn Mulno, Town Meeting Member from Precinct I.

Glenn Mulno, of 40 Morton Street, showed a graphic with his concerns about 100 West Street, the 2 current exit/entrances and the extreme closeness to West Street. One entrance/exit is 40 feet from the railroad and 150 feet to the busy Highland and West intersection. It is 260 feet from the existing drive to the Hillside and West intersection. There are 3 very busy intersections/crossings and the amount of traffic could cause issues. The Town plans to make the intersection at Hillside and West a 4 way stop intersection. He feels that will create additional traffic. There is an unpredictable future condition here and by nature it will slow the traffic down. The other exit is across from Morton Street. When this was operating as a nursing home Morton Street was a cut through for people who lived and worked there. The residents have had a 6-year reprieve.

Mr. Mulno stated by right, it says 44 units per acre. That is not a concern. The special permit nature does not have a cap. The FAR could be lowered or the special permit process could be eliminated from this property. He wants to see the building used and at reasonable capacity. He thought a cap could be proposed on the number of units. He does not want 243. Mr. Alpert noted 189 was presented to the Board. When 243 showed up he was taken aback. At 44 units per acre and

a 1.3 FAR at 189 units that is as of right. He has some concerns. The applicant could come back for a special permit to increase the number. Ms. Espada stated one lowers the FAR and one is maximum number of units. Mr. Mulno stated if lowered to 50 it would be 214. Mr. Block understands his concerns. It is true there are a number of unknowns. He anticipates the building will be demolished. The applicant could come back with one or 2 buildings or maybe more. The Morton curb cut could go away or just be moved. He would not make a change just for that. He does not minimize that. He stated the site plan review process allows the Board to limit the number of units. They are incentivizing work force housing. He recognizes the concern and figures there are alternative ways to deal with the concern. He feels the site plan review process is the way to go.

Mr. Alpert noted the FAR is 1.7 now by special permit and there is no limit on the number of units per acre. Mr. Crocker was in favor of putting some cap on that. Mr. McCullen stated at the public meeting the check was the special permit process and all had agreed. Two of the 4 intersections already are in the queue to be done. They will lose tip funding if the Board does not go with compliance. There will be a 4 way stop, and it will be supervised. There are opportunities for optimization of signals. Ms. Newman stated if the Board wants to limit it they would need to cap it. If they come in with a high number and it meets all requirements the project cannot be denied. Mr. Block noted having special permit authority allows them to put limits.

Mr. Mulno noted it could either be the FAR limitation or cap the number of units. Lowering the FAR would make it less attractive to a developer. It is more reasonable for that area to put a little limit on the number of units with the unknowns at the intersections. There is not a lot of room to widen the road there. Mr. Alpert stated, as a Town Meeting member, Mr. Mulno can submit any number he wants. Mr. Mulno stated he left it blank because he wanted to see if there were other options. Leaving it uncapped would not be reasonable. Mr. Alpert agrees with the procedures of not reducing FAR but capping the number of units per acre. He feels it would be reasonable for Town Meeting members. A discussion ensued. Mr. Alpert stated they are talking about a huge apartment building. He feels 189 units is already huge and right at the corner of Highland and West where there are now one and 2 story commercial buildings. He is hearing this is going to change the nature of the town. He agrees the state is forcing them to do that with the MBTA Communities. They are allowing as of right a very large apartment building. He is with Mr. Mulno on this. This is a 70% increase allowed by special permit with restrictions on what the Board can say no to. There is history with this property owner. He asked for 189 units. He feels this owner will come to the Board and request a special permit for more than 189 units. They could get up to 318 units. The neighbors are upset already with 189 units but that is what the MBTA law allows. He does not feel there should be a special permit process. Mr. Block noted the Board can review the proposal. They cannot arbitrarily reject but can propose mitigation.

Mr. Alpert commented the political reality is changing the nature of the town. He feels 189 units would be great for the town. He feels there should be a cap now to prevent issues. Mr. Crocker noted special permits mean something but only so much. He values what the community has to say. He is more in favor of putting a cap than he was before. The 230 to 240 range cap may be fair. If there is no cap he has a great concern what would happen at Town Meeting and what happens to the neighbors. The Board needs to put some safeguards and needs a cap in the 230-240 range. Ms. Espada noted a 1.7 FAR gives 247 units. It could be capped in the Base Plan but not in the Neighborhood Plan. She feels they should do a cap of 247 in the Base Plan. Ms. Newman stated if it was put in the Base Plan it would need to be taken out of the Neighborhood Plan.

Mr. Mulno noted this is based on 1,000 square foot units. A developer could get more if they were 750 square foot units. He is not submitting a motion to amend with a cap at 243. He thinks the Board needs to be careful in this area with these intersections. 189 units is already a large building. Mr. Block noted the applicant needs to show, with a traffic study, the area could handle it. The Board could also do a Peer Review. Ms. Espada stated this is one of the few lots in town where housing could be created. 318 seems a lot for the Base Plan. She feels capping the Neighborhood Plan would be a mistake. She would cap the Base Plan at by right and special permit and have no cap for the Neighborhood Plan. Town Meeting can then make the decision. Mr. Mulno stated both plans treat this property identically. Mr. Alpert noted the Board has received letters from property owners in town saying more housing is needed as they cannot get workers. This is a great place to live.

Mr. Crocker agrees the Board needs to do something but this intersection is not a great intersection to put 318 units. The limit should probably not even be 275 units. Everyone wants to do something but there is a maximum that should be here. Mr. Block stated Charles River Landing has 350 units. He recognizes there are physical restrictions and limitations within the zoning and confines of the site that prohibit construction of that many units. That site was a much larger site with a capacity that could handle that number. This is a very different location. The Planning Board and HONE both looked at this and there are a couple of options. 1) roll with what was recommended and Mr. Mulno will make an amendment on the Town Meeting floor or revise the underlying zoning and modify the recommendation to Town Meeting. Mr. Alpert stated there is no parking requirement of 1 car per unit. The Board grants waivers all the time but he hopes the Board would not grant a waiver for that. If the number is increased, the parking would need to be increased.

Ms. Espada stated this area yielded 0 units with HONE and it was amended to cap at 189. She feels the Board has vetted it. She noted 214 units is similar to 189 units. Mr. Mulno stated by right is ok but the special permit is the issue. Mr. Crocker stated if it does not pass it would be the Base Plan. It is better to have something the Planning Board would support. Fifty units per acre would not cut it for him. Mr. Block stated he would not vote tonight. He needs to think this through. Mr. Mulno would like 52 or 53 units per acre. He feels 54 takes it too high. The Board will vote before Town Meeting whether to approve Mr. Mulno's amendment to the Planning Board Article.

ANR Plan – Lawton South Development, LLC, Petitioner (Property located at 103 Lawton Road and 133 South Street, Needham, MA).

Ms. Newman stated the plan was fine. The applicant is tinkering with the lot lines. It is compliant.

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

VOTED: to accept the ANR Plan.

Board of Appeals – October 17, 2024

1132 Highland Avenue – Total Eclipse Dance Studio, LLC

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

VOTED: “No comment.”

858 Great Plain Avenue – Arrais Ballet, LLC

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

VOTED: “No comment.”

378 Manning Street – Driftwood Landing, LLC

Mr. Crocker noted Otis and Manning Streets are mislabeled and will need to be corrected.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously: “No comment.”

General By-Law Review Committee Appointment

Ms. Newman noted the Committee is being created and there needs to be a Planning Board member current or prior. She was thinking Ron Ruth or Jeanne McKnight. Mr. Alpert feels Moe Handel would be good. Ms. Newman stated if Mr. Block is not interested she will reach out to Mr. Ruth or Ms. McKnight to see if one of them would be interested.

Minutes

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

VOTED: to approve the meeting minutes of 8/14/24 as presented in the packet.

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

VOTED: to approve the meeting minutes of 8/27/24 as presented in the packet.

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

VOTED: to approve the meeting minutes of 9/5/24 as presented in the packet.

Report from Planning Director and Board members

Ms. Newman is working with Ms. Espada on the presentation to Town Meeting. They have had meetings with the Select Board and Finance Committee. Mr. Block noted the CEA meeting was held to discuss, and vote, the Neighborhood Base Compliance Plan.

Correspondence

Ms. Espada noted the following correspondence for the record: a memo from David Harmon, dated 9/24/24, regarding the MBTA plan; a letter from Tim Bulger, Chair of the Mobility Planning and Coordination Committee, dated 9/25/24, with comments; a memo from Wells Blanchard, dated 9/28/24, regarding MBTA student estimate assumptions; a memo from Irene and Jim Zafferes, dated 10/6/24, regarding Proposed MBTA Mandated Rezoning; a memo from Joanne Harrington, dated 10/5/24, regarding housing; a letter from Nick Hill and Paul Molta of the Climate Action Committee, dated 10/8/24, in support of the proposed zoning changes; a letter from John Fogarty, of Beth Israel Deaconess Hospital, in support of the proposed zoning changes; a letter from Progressive Needham Steering Committee, dated 10/14/24, in support of the Neighborhood Plan and a memo from Mark Lane, dated 10/14/24, against the MBTA Communities Act Zoning By-Law.

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

VOTED: to adjourn the meeting at 9:55 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Artie Crocker, Vice-Chairman and Clerk