

NEEDHAM PLANNING BOARD MINUTES

September 29, 2015

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Jeanne McKnight, Chairman, on Tuesday, September 29, 2015 at 7:00 p.m. with Messrs. Eisenhut, Alpert and Jacobs and Ms. Grimes, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Public Hearing:

7:00 p.m. – 1001 and 1015 Central Avenue Definitive Subdivision: RRNIR LLC, 20 Beaufort Avenue, Needham, MA, Petitioner (Property located at 1001 and 1015 Central Avenue, Needham, MA). Please note: This hearing has been continued from the June 23, 2015 and August 11, 2015 meetings of the Planning Board and will be further continued to the October 27, 2015 meeting of the Planning Board.

Ms. McKnight noted a letter from Attorney George Giunta Jr. requesting a further continuance through 10/27/15 for the 1001 and 1015 Central Avenue Definitive Subdivision.

Upon a motion made by Mr. Jacobs, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to continue the hearing to 10/27/15.

Correspondence

Ms. McKnight noted a Board, Committee & Commission Member Handbook that was in the packet from the Town Clerk. Board members signed the acknowledgment of receipt. Ms. McKnight noted a letter to the Planning Director from Steven Venincasa, of Elite Home Builders LLC, dated 9/14/15, regarding the Rockwood Lane Subdivision. Ms. Newman stated Elite has site control now. Elite is addressing some concerns that have been raised. When Elite gets the blasting permit there will be a revised schedule submitted to the Board.

7:00 p.m. Article 1: Amend Zoning By-Law – Mixed Use Overlay District
Article 2: Amend Zoning By-Law – Map Change to Mixed Use Overlay District

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:

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

Ms. McKnight noted the Board had voted on the text, sent it to the Board of Selectmen, who referred it back to the Planning Board. Devra Bailin, Economic Development Director, stated the proposal has been part of the recommended planning since the Goody Clancy Report in 2001. The Council of Economic Advisors (CEA) studied implementation of a residential overlay district in the Mixed Use 128 and adjacent Highland Avenue Districts. Mass Housing Partnership agreed to fund a consultant. The consultant is John Connery. In March 2014, the CEA made a recommendation to the Board of Selectmen that zoning be implemented. She is recommending the language be removed regarding 3-bedrooms and make no reference to 3-bed units.

John Connery explained how the Board got to where they are. He explained how he did a fiscal study. The original study looked at 6 different scenarios. Locality is important when talking about fiscal impact. The cost component was based on comparables. There is a large revenue push whenever they do fiscal studies. This is a logical location for smaller units. The town has a good opportunity to create a live/work environment. That makes the commercial component much more competitive and therefore much more valuable and more local taxes. This can be done in a prudent, intelligent fiscal way. It works from a commercial component. Putting zoning language into it and a special permit process you have control over it. He feels it will serve them well.

Ms. Bailin noted they have created an optional component to bring the plan to the Planning Board. This is an opportunity to get in front of the Board to get ideas and thoughts. Most components mirror underlying zoning. The only difference is FAR, which they want at 3.0 and an increase of minimum lot size to 2 acres. They are striving to see larger scale developments. Ms. Bailin noted in Section 3.14.4.4, page 4, it should say "multifamily dwellings (defined herein as 4 or more dwelling units) and multifamily dwelling units above commercial uses in the overlay." That was the confusion. Somehow the language of the underlying district was inserted rather than the overlay. The proposal is talking about 2 acre parcels that are allowed to utilize the overlay district to create residential housing either alone or in conjunction with commercial development. In order to keep sustainability it requires at least 40% one bedroom units.

Ms. Bailin stated guidelines have been created for various things. The Board can waive or increase by Special Permit height by up to 25%. Specific changes to the draft are: Section 3.14.9.1, remove the second sentence that begins "Further, so long as..."; Section 3.14.9.8, change "earning less than" to "earning at or below" and Section 3.14.9.3 - Massing - remove the last sentence. Ms. Bailin thanked the Board for letting her present tonight.

Mr. Eisenhut asked if the affordable required component were 12.5% would it still meet the fiscal threshold. Mr. Connery stated the proposal would. Ms. McKnight stated Section 3.14.1, c and d seem to say the same thing. Ms. Bailin clarified one is to allow a mix of uses on a particular site. The other is a mix of uses within the zone itself. She stated they need to propose new language for (d). Ms. McKnight noted in Section 3.14.2 - Mixed Use - should be "any" not "a" or "and/or residential." In Section 3.14.4.1 (b), add "review" after "Site Plan." On the next page, second sentence, the Board needs to define the proposed character of what proposed Mixed Use projects. In (b), what does finish floor elevations mean? Ms. Bailin stated that is where the finished floor is.

Ms. McKnight noted Section 3.14.7, it should say "has expired with" and Section 3.14.8 (b) should say "maximum lot coverage" and remove "Building Area to." Ms. McKnight asked, in Section 3.14.9.6, what By-Law? Ms. Bailin stated it is in Site Plan Review primarily. Mr. Alpert suggested putting "Zoning By-Law." Mr. Eisenhut agreed. Ms. Newman will make sure it is actually in the zoning. Ms. McKnight noted in Section 3.14.9.8 (e), there should be a deed rider and not a right of first refusal. Ms. Bailin will check with Community Housing Specialist Karen Sunnarborg on that. Ms. McKnight asked if (a) should say lien foreclosure. Mr. Alpert stated it should not, as a lien is different from a mortgage.

Mr. Alpert asked in Section 3.14.1 (i) is it proper to have language specifying the purpose. Ms. Bailin noted there was "and other workers." Mr. Alpert suggested "providing housing for workers in Needham Crossing." Mr. Jacobs added "who work in and around Needham." Ms. Grimes suggested "provide housing." All agreed. Ms. Grimes asked how you get a fraction of a unit. Mr. Connery explained it could be in the calculations.

Elizabeth Kaponya, of Highland Terrace, stated she has concerns with noise. It is a big issue. There is no peace with the 128 construction, new construction and the Panera Bread mall. There is constant torment. She would like guidelines for noise. This is an issue for deliveries, waste removal and cleaning and gardening of the parking lots. Leaf blowing is a constant disturbance. She would like an 8:00 a.m. restriction with a reprieve on Sundays and holidays. Ms. Grimes stated if there are issues the Board needs to know. There are restrictions the Board puts on projects. Mr. Jacobs stated there will be hearings where the Board will put restrictions on the projects. He stated she should come to the hearings and voice her issues and concerns.

Janice Epstein, of Highland Terrace, stated there has been no traffic analysis with Normandy included in their project. The applicant needs to do an analysis based on the new 250 units. Charles River is never completely full. There is the Greendale Avenue project also. There are 3 different big apartment projects possible. The Board needs to look at traffic and what is going on. She feels this is not the time to do this project. For next year, Needham will have a hotel, apartments and big commercial buildings all coming in. There will be work on the lights at Second Avenue and Highland Avenue. Add-a-Lane is going on, a new ramp at Exit 19A, the state is taking away land for Add-a-Lane, redoing the bridge, redoing the light at Oak Street in Newton. This is all out of their control but this project is in the town's control. This is not the right time for this. She asked the Board to hold off a year. She stated this Board could delay putting this through.

Mr. Eisenhut suggested Ms. Bailin could give a timeline. Ms. Bailin stated Staples has been sold. This really is a forward looking matter. Much of Mixed Use 128 is made up of small ownership where this is not enough parcels to really construct anything under the overlay. She does not feel there will be anything under this zoning for at least 5 years. Anyone who comes in under this would have to have a traffic analysis done. This is a zoning plan for the future. The CEA feels this should be in place. Ms. Epstein stated this area is out of control. Everyone is doing their own studies. The Town needs to look at all the pieces. Ms. Bailin clarified any traffic report for future projects has to take into account other projects that are permitted.

Mr. Jacobs stated he is hearing the neighborhood is scared because there are so many things happening right now. He agrees. There are no guarantees what will happen. Ms. McKnight stated Ms. Kaponya's concern regarding noise and trash removal should have a condition in Section 3.14.6. Ms. Bailin stated it is also discussed in Section 3.14.9.2. Mr. Eisenhut noted it should be site maintenance in (c). Ms. McKnight agreed that (c) should have the hours of operation, site maintenance, delivery and waste removal times and light schedules. All agreed. Ms. Newman will bring back a red lined version at the next meeting.

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to close the hearing.

7:30 p.m. – Major Project Site Plan Special Permit No. 2015-05: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 77 A Street, 156 B Street, 189 B Street & 0 A Street, Needham, MA 02494). This hearing has been continued from the September 17, 2015 meeting of the Planning Board.

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 2015-06: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 77 A Street, 156 B Street, 189 B Street & 0 A Street, Needham, MA 02494). Please note: This hearing has been continued from the September 17, 2015 meeting of the Planning Board.

Ms. McKnight noted this is continued from the 9/17 meeting. The traffic report and traffic mitigations are left and there are some unresolved issues with the DPW regarding the water system. Roy Cramer, representative for the applicant, gave a summary of what has happened since the last meeting. He stated there were some departmental comments and just a few remaining issues at the last meeting. The applicant has revised the plans and satisfied the DPW on all engineering and traffic issues. Ms. McKnight noted an email from Town Engineer Anthony DelGaizo, dated 9/29/15, to Planning Director Lee Newman with comments.

Mr. Cramer stated the DPW is satisfied. The Fire Department had commented they would like barrels around the internal courtyard. They have come to a conceptual agreement. He has a meeting with the Fire Chief tomorrow. He stated he went to the Design Review Board (DRB). The applicant did a redesign of the hotel and retail and the DRB liked it. He wants to show it to the Board and will go back to the DRB on 10/5/15 for approval. The project is far along and people seem to like it.

Glen Doherty, of Tetra Tech, gave a brief overview of the open space. The plans show various surface treatments throughout this site. There are pervious and impervious surfaces. The open space is 161,000 square feet of 3.7 acres of landscaped area. Permeable paver areas are close to 31,000 square feet on site or .72 acres. He noted 4.42 acres or 20% is open space of the 21 acres. Mr. Cramer clarified the open space could go down to 18.5%.

Mr. Doherty described the storm water management system. There will be 18 water quality treatment units scattered throughout the site and 12 areas with sub surface recharge infiltration systems. Seven cisterns, underground chambers, throughout the site will collect and store all the runoff from the site. Any overflow goes to one of the recharge systems. Under the storm water management, this is defined as a redevelopment project. It is designed as brand new construction. He stated the applicants are meeting the request of the Charles River Watershed Association by treating and infiltrating the first inch of rainfall.

Ms. McKnight asked if this is written in a report as well. Mr. Doherty stated it was. The Town Engineer had commented about a redundant water line in front of the 77 A Street building. He wanted it abandoned and connections made to the water line in A Street. These changes have been made. There is a proposed fire hydrant and the water line is extended out and connected back to Second Avenue.

Nancy Doherty, of Tetra Tech, stated she worked on the traffic study. She is talking about the 128 East site. Two parking garages have been expanded to add significant parking. There are good connections between the 2 sites. There is good egress and access to the entire site. In the peak hours in the morning there are about 70 trips less and in the p.m. there are about 15 trips less. She noted the applicant is asking for a 100 parking space waiver. She noted 1,507 is the supply of parking. With a hotel and retail the demand is 1,607 for a 100 space waiver. She feels comfortable with the waiver request. She noted the applicant will have a shuttle service, and bike racks with 83 spaces for bikes on site.

Ms. Doherty noted there is shared parking between Center 128 East and 128 West. There is a surplus of parking spaces on 128 West and it is a little light on 128 East. There are 4,200 required spaces and 4,235 on site. She has talked with the Town Engineer about what he would like to see. The applicant is maintaining free flow from Third Street to B Street. She stated the applicant will join the 128 Business Council and will have a shuttle.

Mr. Eisenhut asked if the office space there currently has been fully occupied. Mr. Doherty stated no. General Dynamic is about 60% utilized in the 3 buildings. Mr. Eisenhut stated he cannot compare. He noted there will be an increase in trip traffic. Ms. McKnight asked if it was the intent of the owner to use the service set up by Trip Advisor. Mr. Cramer stated the owner will not use Trip Advisor's service but join the 128 Business Council. The Planning Board allowed Trip Advisor to not belong because they went above and beyond with their own service.

Ms. McKnight asked if the adequacy of on-site parking depended on on-street parking. Ms. Doherty stated it does not. Ms. McKnight stated the sidewalks had some inadequacies around the area. She asked if part of the project is to address the inadequacy. Mr. Doherty stated the project will address it. The project will continue the sidewalk around their property and the A Street side as well. The project will complete the streetscape around the hotel similar to around the Trip Advisor building. The owners are committed to do that as part of the 40B project. Mr. Doherty noted the DRB was supportive of the hotel retail design.

Brian Roessler, of Elkus Manfredi Architects, noted this is simply an embellishment of what was there. The intent is for the retail to be distinct from the hotel but complimentary. They will develop a strong sign band that may be a white material to contrast with the hotel but distinguish it from. There will be different architectural elements.

Jason Diorio, of Pro Con, noted the comment from the DRB was to make the hotel and retail a bit different. They have taken the hotel lobby and pulled it out a bit and added a canopy around it so as you pass by the retail it really draws you in. You can see where you are going. This allows the 2 different uses to be evident to the users. The DRB is very supportive of this and this addressed the Planning Board's concerns from the first meeting. Some lighting has been put on the buildings with some down lights.

Jade Cummings, of Terraink, Inc., noted the meander. The corridor is approximately 60 feet wide with a 20 foot wide space to accommodate emergency access with active space on either side. The walls will undulate up and down. The grading will go up to the garage. To emphasize the topography the applicant proposes bold masses of textured and naturalized plantings that run throughout the corridor. There will be a canopy of ornamental trees on either side of the canopy to work with the overhead solution for the design. She is excited about what this could be.

Mr. Eisenhut asked what the material is on the ground plane. Ms. Cumming stated the project will alternate cast in place concrete with permeable pavers and regular pavement. There will be mix and match throughout. Ms. McKnight asked if they will be continuing the grade with no steps for handicap access. Ms. Cumming stated yes, for pedestrian safety. This will allow an opportunity for people to walk through a safely lit space.

Mr. Roessler noted the DRB has seen the garages. In the meander the applicant has created a canopy out of lights. They next needed to look at the façade of the garages. They are proposing to apply a metal mesh screen that undulates to give an intensity effect on this part of the garage. Presently there are only simple bands. The project will introduce some additional screen on the expanded part of the garage. Mr. Jacobs asked if the material will shimmer and was informed it would. He asked if it would reflect and was informed it will not. It does not cause a glare and there is not safety issue there.

Mr. Jacobs stated he likes what the meander looks like. The applicant needs to find a way to get people to use the meander. Mr. Roessler stated there is a mix of uses on the site. Tenants from the other buildings can use it to take a walk through the park.

Gary Lilienthal, an attorney representing 3 owners in the center, stated he is pleased to see a great deal of discussion regarding this garage addition. His client is basically surrounded by this project and is concerned with the size of the addition that is going directly behind their building. His client's garage is 2 stories. This new building is 3 stories. He is not here to object to the development. He is here to express a concern that his client has not been a part of the project up to this part. His client would like to be more involved since it is still evolving. His clients reached out to the developers but no further meetings have been held. His clients feel it is a large burden on them. They are surrounded by traffic.

Mr. Lilienthal stated his client would like to engage in dealing with the developer. It is a very large building. His client would have to consider appealing the project if further dialog is not forthcoming. Ms. McKnight stated she did not expect to close the hearing tonight. Ms. Grimes stated there have been a lot of meetings with Partners. Speaking for herself, she is quite pleased this is all in one structure. Originally there were multiple garages situated through the property with a lot of boxes all around. She feels this is a better solution for the entire area. There are a lot more free spaces, grassed areas and landscaped areas. She feels there are a lot more opportunities to put commercial development on the first floor and there will be some retail space she was hoping would be there.

Ms. Grimes stated if the developer took away that aspect of the garage it would eliminate some of the elements she was looking for, which is retail on the first floor. It was important to her to create a whole environment there. She stated she is considerate of Mr. Lilienthal's clients issues and the Board has not made a decision yet. She stated she appreciates the attorney coming here to voice their issues. Ms. McKnight stated Ms. Grimes speaks for her also. She has the same thoughts. The design changes were in response to what the Board was looking for.

Mark Roopenian, Normandy Real Estate Partners, stated he met with Mr. Goldberg. He asked if he had any questions and Mr. Goldberg told him he would get back to them. They have since played phone tag and are waiting for Mr. Goldberg. He noted the applicant is not scrimping on materials. They are using copper. It was an industrial park when Mr. Goldberg bought the property. Now there is Trip Advisor, a pretty spectacular green space next to him and green spaces all around. Also, the developer is taking older industrial buildings and making them into projects people want. This will bring more people to this area. He commented there is no place now for employees of other businesses to eat in this area.

Mr. Cramer noted he is meeting with the DRB on 10/5/15 so he will be able to report back to the Board on 10/6/15. Janice Epstein asked what kind of buffering there will be. Mr. Diorio stated the edge will be landscaped with trees along the building. Ms. Cumming noted the trees will be roughly 15 feet tall with a low ground cover and various height plantings. Ms. Epstein stated she would like the starting hours of construction put in the document. It was discussed at the last meeting the hours would be 8:00 a.m. Monday through Friday, 9:00 a.m. on Saturday and no construction on Sunday.

Ms. McKnight stated there was a reference in the report to a number of parking spaces for electric cars. Will they be shown on the plan or is it just verbal wording in the decision? Mr. Roessler stated the applicant would prefer verbal wording so the locations can be adjusted if necessary.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: to continue the hearing to 10/6/15 at 9:00 p.m.

Minutes

Board members gave their comments and suggestions to Ms. Clee.

Board of Appeals – October 15, 2015

Appeal of the Building Inspector's Decision – Jill Kahn and James Boesel, 44 Brookline Street, Needham, MA

A motion was made to make no comment. Mr. Jacobs asked why Attorney Bob Smart was not right in his letter of 8/5/15 and, if he was, why not say so. Ms. Newman stated there is a question if a retaining wall is a primary structure or an accessory structure. The Building Inspector thought it is an accessory structure. Mr. Smart is saying it is a structure. Mr. Eisenhut commented this is an appeal of the Building Inspector's decision. He feels as a matter of policy the Planning Board should not comment on that. Ms. McKnight and Ms. Grimes agreed. A short discussion ensued.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: "No comment."

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 9:50 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Elizabeth Grimes, Vice-Chairman and Clerk