

NEEDHAM PLANNING BOARD MINUTES

August 9, 2016

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Elizabeth Grimes, Chairman, on Tuesday, August 9, 2016 at 7:00 p.m. with Messrs. Alpert, Jacobs and Owens and Ms. McKnight as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Correspondence

Ms. Grimes noted a Needham Times article, dated 7/21/16, regarding teardowns; guest opinion articles in the Needham Times, dated 7/21/16, regarding teardowns; and an article in Wicked Local regarding solar.

Ms. Grimes noted Ms. McKnight would not participate in the first 3 items.

DeMinimus Change: Major Project Site Plan Special Permit No. 2004-01: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property is the location of the Needham High School at 609 Webster Street, Needham, MA).

Request to authorize Planning Director to authorize Temporary Occupancy Permit: Major Project Site Plan Special Permit No. 2004-01: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property is the location of the Needham High School at 609 Webster Street, Needham, MA).

Hank Haff, representative for the Town of Needham, stated this is a deminimus change. The Design Review Board approved the plan last night. There is a minor modification to paving and additional landscaping. The planting is above and beyond. There is a slight reduction in the paved area adjacent to the building. The project has cut back on the paving and added 3 trees.

Mr. Haff noted there is a minor adjustment to the drainage but the project is compliant with the retention on site. There is the addition of a trench drain. He stated the project needs to be done by the end of August. He would like the Planning Board to authorize the Planning Director to authorize a temporary Certificate of Occupancy. The plantings will not go in until mid September as recommended and the Permanent Building Committee will hold back funds.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to treat this request as a deminimus change.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to approve the deminimus change as requested.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to approve the request to allow the Planning Director to authorize a temporary Occupancy Permit when she is satisfied.

Request for Permanent Occupancy Permit and Release of Surety: Major Project Site Plan Special Permit No. 2014-06: New Garden, Inc., 250 Chestnut Street, Needham, MA, Petitioner (Property located at 40 Chestnut Place, Needham, MA).

Assistant Planner Alexandra Clee noted the restaurant has installed the walkway. The Town Engineer inspected the sidewalk and is satisfied. She noted the Planning Director is also satisfied. The As-Built needs to be revised to show the updated walkway. She noted Assistant Town Engineer Thomas Ryder has approved for the Planning Director to issue a permanent Certificate of Occupancy and release of surety once the As-Built is revised.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to authorize a permanent Certificate of Occupancy and the release of surety pending receipt of the revised As-Built.

Ms. McKnight joined the meeting.

Public Hearing:

7:00 p.m. – Major Project Site Plan Special Permit No. 2016-02: Claremont Needham Suites LLC, One Lakeshore Center, Bridgewater, MA 02324, Petitioner (Property located at 200 First Avenue, Needham, MA). Please note that this hearing is being reopened. It was previously opened at the Planning Board's meeting of June 14, 2016.

Robert Smart, representative for the applicant, stated the applicant owns 96,564 square feet on First Avenue with vacant office space of 36,870 square feet. The applicant is proposing to demolish the existing building and build a 6-story hotel. There will be 134 rooms with conference and function areas. There will be 146 parking spaces on site. All spaces are full size and there will be 5 handicap spaces. No traffic impact fee is triggered. He noted there is a lower parking demand than required as of right. He feels this is low impact and will be a positive financial benefit to the town.

Mr. Smart stated the FAR is increased to 1.11. There is a small increase in the as-of-right number. The proposed building height was 72.67 feet. This will be reduced slightly to just under 70 feet. The applicant is asking for side and rear setback waivers. The waivers will not adversely affect the abutting property. He noted comments from the other departments. He noted the Police and DPW have no issues. The Fire Department commented the building needs to be under 70 feet or it is a high rise. He has heard from the abutter that the lot is overgrown. This is true and the applicant will go out and fix that soon.

Mr. Jacobs asked how 2 feet is going to be removed from the height. Keith Kelley, Architect with Opechee Construction, stated the ceilings will be lowered by 4 inches on each floor to a standard height.

Paul Matos, of Allen & Major Associates, described the existing site. It is currently 40% non-compliant with regard to the required landscape setback. The project will bring that down to 25% non-compliant. There will be a parking lot with 146 spaces. There will be decorative pavers with cross hatch coloring along the entrance, an outdoor patio, a concrete sidewalk, a bike path and the sports court will all be porous concrete. Currently 83.7% of the site is impervious. The project will install 4 underground infiltration chambers that will interconnect and have an overflow that will discharge to the connection point along First Avenue. The proposed storm water system will be designed to meet the new Mass MS4 General Permit, which requires them to retain 1 inch of runoff over the entire development. Town Engineer Anthony DelGaizo agrees that the new system will be in compliance with the new MS4 permit. The project will exceed the amount of TSS (Total Suspended Solids) removal required. There will be a 98% reduction of water to the town system for smaller storm events and 78% reduction for 100-year storm events.

Mr. Kelley noted the materials. There will be brick, granite, aluminum and glass. There will be studios, one bedrooms and multi-bedroom units. There will be a small breakfast area for guests, a bar and function area. There will be a sports court, tennis and basketball. Also, there is a small outdoor patio seating area.

Jason Adams, of McMahon Associates, noted traffic. There will not be a lot of trip generation. It is similar to what was proposed at the fitness center. He does not feel it will have a significant impact. The project will install speed advisory signs along First Avenue from the south.

Ellen Shapiro, Attorney from SXC LLC, thanked the Board for readvertising. She stated she is concerned with the 2001 Master Plan for this area. She asked if the Special Permit falls within the goals of the Master Plan that it be designed to develop a unified sense of character within the site. The recommendation was it be a high quality office park with a campus like character for the district. She feels within the specialized area of this district this is not part of the study or recommendations of the Master Plan. The Planning Board does not need to grant the 1.11 FAR. She feels it is not in keeping with the Master Plan goals. A third hotel is already permitted for this area and a second building for Trip Advisors. This will be a fourth hotel in this area. How will this benefit Needham?

Ms. Shapiro stated there is no mention of the impact of a fourth hotel and a second large office building that have been approved. She stated the Board needs to review this in light of the mandate of the Master Plan. Hotels are transient. She asked if this is amenable to the Master Plan for this area or will it over burden this area? The Planning Board needs to review in greater detail. She respectfully requests the Board not grant the permit.

Mr. Smart stated SXC made a different argument in 2012. In 2015, the Planning Board, with Normandy, found construction of a hotel would complement and enhance this area. The occupancy rates are high at these hotels. Ms. Grimes noted the following correspondence for the record: a letter from Attorney Ellen Shapiro, dated 6/28/16, a letter from Attorney Robert Smart, dated 6/30/16 and an email that Mr. Smart referenced earlier.

Pat Carney, of Claremont Company, stated if the abutter was concerned with the number of hotels he could not build his hotel he just got permitted for. Mr. Jacobs asked if competition was a relevant issue for the Board to consider. Mr. Smart commented it was not. Ms. Shapiro agreed with Mr. Smart.

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

VOTED: to close the hearing.

Ms. McKnight commented she was 10 minutes short of finishing the tape of the prior hearing. Mr. Smart stated he would prefer Ms. McKnight participate in tonight's hearing and vote. The applicant needs 4 votes. He requested the Board suspend the hearing to 8:05 p.m. for Ms. McKnight to listen to the remainder of the tape. All agreed. Ms. McKnight left the meeting to listen to the tape.

Request to Establish Bond and Release Lots: 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).

Ms. Newman noted she has a recommendation from Engineering that the project is not ready yet. The binder is not down on the road.

Upon a motion made by Mr. Owens, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to accept Engineering's recommendation the project is not ready for bonding.

Request to Release Bond: Major Project Site Plan Special Permit No. 2013-02: Needham Solar, I, LLC, 40 Walnut Street, Suite 301, Wellesley, MA 02481, Petitioner (Property located at 1407 Central Avenue, Needham, MA).

Ms. Newman stated the applicant is asking for a bond release. The project has been signed off and the permanent Certificate of Occupancy issued.

Upon a motion made by Mr. Owens, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to release the bond.

Board of Appeals – August 25, 2016.

Allen Douglass and Christine Lachkey – 238 Highland Avenue in the Highland Commercial 128 District and the New England Business Center District.

Mr. Owens noted on the 6/21/16 and the 8/5/16 plans the number of existing parking spaces changed from 61 to 65. He asked how that was possible. Both plans are stamped and signed by a surveyor. Ms. Grimes asked if that could be called out and was informed it could be. Ms. Clee noted there is no playground space.

Upon a motion made by Mr. Alpert, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to point out the parking space issue or make no comment.

Discussion Regarding Zoning Articles on the Warrant for the Fall Special Town Meeting.

Ms. Newman noted the Board voted this last time without the language. Mr. Owens stated he was concerned with the 9 feet. He feels it is a little restrictive. He noted if the duct work was in the ceiling, and it is finished, the project would only have 7½ foot ceilings in the basement. He thinks 12 feet would be better. Nine feet seems low to him. Ms. Newman stated the Board could increase to 12 feet at the hearing but it cannot go down to 9 feet if you advertise it as 12 feet. It cannot be made less restrictive. Mr. Jacobs stated the wording should be “which level shall have a maximum” rather than “with a maximum height.” All agreed.

Upon a motion made by Mr. Alpert, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to send the Article to the Selectmen with the new wording.

Report from Planning Director and Board members.

Ms. Newman informed the Board she has been working with Karen Sunnarborg for a potential housing trust in Needham. Town Manager Kate Fitzpatrick would like the CPA input. She is looking at what other towns have done and pulling it together for the Board. The Planning Board would Chair it with the Board of Selectmen as well.

Ms. Newman stated she still does not have a check from Rockwood. If it hits the point of less than 25% of the fund the Board will shut the project down for default.

Ms. McKnight returned to the meeting after listening to the tape. The Board reconvened the 7:00 p.m. hearing.

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

VOTED: to close the hearing.

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

VOTED: to grant the requested Special Permit for Major Project Site Plan Review under Section 7.4 of the By-Law; to grant the Special Permit under Section 5.1.1.5 to waive strict adherence to the requirements of Section 5.1.3 (parking plan and design requirements), more specifically in Section 5.1.3(j) to waive the side and rear lot line setback requirements; to grant the Special Permit pursuant to Section 3.2.4.2(d) of the By-Law for a hotel in the New England Center Business District; and to grant a Special Permit to allow a floor area ratio of 1.11 under the By-Law Section 4.8(6) and 7.5.2.

Mr. Jacobs noted, for clarity, the first page has 5 different items. The Board is only granting 4 of the items as there was a finding made in the body of the decision of the other item so it is not necessary. Mr. Alpert noted the date needs to be changed to 8/9/16 and there are a couple of Scrivener's errors. In Section 4.6 the date has been changed, the word "unless" should be changed to "if" and in Section 4.7, language was omitted after the certification of the Town Clerk that there is an appeal period of 20 days.

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

VOTED: to accept the decision as drafted with those amendments discussed.

Decision: Major Project Site Plan Special Permit No. 92-1: JMCH Real Estate of Needham, LLC d/b/a Restaurant Depot, 15-24 132nd Street, College Point, NY 11356, Petitioner (Property located at 114 First Avenue, Needham, MA 02494).

Roy Cramer, representative for the applicant, noted the hearing was closed last time. The decision was drafted and he had a few comments. Mr. Alpert stated the changes to Section 4.6 and 4.7 are the same as the previous hearing.

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

VOTED: to grant the requested Major Project Site Plan Special Permit Amendment to Decision Application No. 92-1 under Section 7.4 of the Needham Zoning By-Law; the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence to the requirements of Section 5.1.3 (Parking Plan and Design Requirements), Sections 5.1.3(a), 5.1.3(d), 5.1.3(j) and 5.1.3(k); the requested Special Permit under Section 1.4.6 to structurally alter, enlarge or reconstruct a non-conforming structure; the requested Special Permit under Section 4.8 to waive the 300 ft. maximum uninterrupted façade length stated in Section 4.8.1(6) to allow an uninterrupted façade length of 325 feet; the requested Special Permit under Section 4.8.3 to waive the provisions of Section 4.8.1(i) (prohibiting surface lots within 50 feet of the intersection of the exterior street lines of a corner lot) to 37.5 feet; further site plan approval in accordance with Section 4.2 of Major Project Site Plan Special Permit No. 92-01, dated March 17, 1992, as amended on July 20, 1993, and as further amended on July 25, 2000, September 4, 2001, December 17, 2002, February 10, 2004, March 9, 2004, June 14, 2005 and June 10, 2014; the requested finding that the proposed plan for the west side of the building is an "approved access way" as set forth in Section 4.8.1(2) of the By-Law and the requested finding that the existing conditions as set forth in the decision.

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

VOTED: to adopt the amendment to the decision as drafted.

Minutes

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

VOTED: to approve the minutes from 6/14/16.

Discussion Regarding Zoning Articles on the Warrant for the Fall Special Town Meeting.

Ms. Newman stated she has advertised the Citizen's Petition Article. It has to go on the Warrant and needs a vote to come off the Warrant. Mr. Dawson has agreed to withdraw it. Mr. Alpert stated it was better from Town Meeting to vote to refer it back to the Planning Board. Ms. McKnight stated it is ok if it is not voted on, then it just goes away. Mr. Alpert stated it fits in the discussion of large houses. It should be added to the public hearing and go from there.

Discussion of Redevelopment Concepts for the Chestnut Street Corridor.

It was noted Ms. Grimes and Mr. Owens put together a letter regarding the Chestnut Street redevelopment. Mr. Owens explained the origin of the thought. He read the DiNisco Report on downtown but it is 7 years later. The By-Laws have changed. Mr. Jacobs commented there have been some substantial changes since the 2009 report – the Lincoln Street parking, the Police and Fire parking.

Mr. Owens stated he agrees but there is still a lot to be done. He feels the Town is in a fairly unique place. There is new growth and development at Needham Crossing. Money needs to be put in the infrastructure. He asked if there is anything this Board could do to move this forward. He thinks there is an opportunity here. He feels something like Linden Street in Wellesley could be done on Chestnut Street. He asked if this is something that could be done. Ms. Newman stated she has seen it done through redevelopment authorities where communities use their powers of eminent domain to take the land. She does not think Needham is politically about to do that.

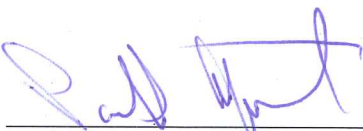
Mr. Jacobs commented he likes the fact Mr. Owens is thinking big. Large projects are usually done through changes to By-Laws and incentives. Mr. Alpert noted the vision is fabulous. He would want more retail in that area. He is not sure the Planning Board can go to a developer and ask them to buy up property. Ms. Grimes stated it makes sense for that whole area. It needs a boost and has potential. Parking structures in back along the tracks would be great. Ms. McKnight stated she is not sure parking garages are the answer. She thinks people do not like to go into parking garages. She feels there is a need for more condominiums in Needham.

Mr. Owens asked if it was worth exploring with further conversation. Ms. Grimes stated she feels the Board should explore this. Mr. Jacobs noted it is a good idea but there are quite a large number of parcels. Mr. Owens thinks a subcommittee will be good to look at this. He feels it is good to be proactive.

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

VOTED: to adjourn the meeting at 9:02 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Paul Alpert, Vice-Chairman and Clerk