

NEEDHAM PLANNING BOARD MINUTES

January 23, 2018

The regular meeting of the Planning Board held in the Selectmen's Chambers, Needham Town Hall, was called to order by Ted Owens, Chairman, on Tuesday, January 23, 2018, at 7:00 p.m. with Messrs. Owens and Jacobs and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman.

Request to authorize Temporary Occupancy Permit: Major Project Site Plan Special Permit No. 2017-01: Sira Naturals, Inc., formerly known as Sage Naturals, Inc., Sage Biotech, Inc. and Sage Cannabis, Inc., 13 Commercial Way, Milford, MA 01757, Petitioner (Property located at 29 and 37 Franklin Street, together with a parking and access easement over a portion of 55 Franklin Street, Needham, MA).

Roy Cramer, representative for the applicant, stated construction has been completed. Landscaping will be completed in the spring. The DPW has set a bond amount of \$9,000. The landscaping is \$4,200 and the Asbuilt Plans are \$2,500. The bond agreement has been signed.

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

VOTED: to approve the authorization of a temporary Occupancy Permit.

Request to Authorize Director to authorize Temporary Occupancy Permit: 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).

Ms. Newman stated this is a request for the Planning Director to authorize a temporary occupancy permit and accept the bond as recommended by the DPW. She has received the As-Builts and the bond estimate.

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

VOTED: to authorize the Planning Director to issue a temporary occupancy permit and accept the bond as recommended by the DPW.

Public Hearing:

7:30 p.m. – Major Project Site Plan Special Permit No. 2018-01: Town of Needham Permanent Public Building Committee, 500 Dedham Avenue, Needham, MA, Petitioner (Property located at 1154 Highland Avenue and 92 Rosemary Street, Needham, MA).

Mike Retzky, representative for the Town of Needham, stated architects have done a feasibility study and construction documents. There was an informal meeting on 10/24/17 to discuss the project. He gave the history of the building and property. He noted a feasibility study was approved at the May 2016 Town Meeting and design funds were approved at the May 2017 Town Meeting. He noted this is a complete rebuild. The current building is not handicap accessible. He explained the current uses.

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

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

Mark Meche, of Winter Street Architects, noted a renovation and addition were considered. The town wants a separation of uses. The new building will be about 3,000 feet bigger with one third a functional increase in bathrooms, elevators, stairs and more storage. He described the waivers being requested. He noted the Design Review Board (DRB) is in favor, the Police and Fire have no comments, and the Health Department had some comments and questions on the food prep areas. The Water Department had some comments and Engineering

had comments. He noted this is a 2 story building in approximately the same location. The first floor will have the Parks and Forestry division. Public restrooms and the concession will be in approximately the same location. The second floor has 2 major rooms. The primary functional increase is in the multi-purpose room on the second floor; the current 900 square foot room will be replaced with a 1,500 square foot room. There will be kitchen storage and rest room storage. He commented this use is not more intense.

Dana Weeder, of Winter Street Architects, stated at the Development Review Team (DRT) meeting with town staff, they were asked about noise. There are not many direct abutters. He noted there will be mechanical equipment on the roof and they will provide a screen wall for visual and acoustic mitigation.

Mr. Meche reviewed the Special Permit and waiver requests. He noted the building footprint is not much bigger. Both sides of the building will collect all of the rain water to a subsystem. There will be improved visibility between pedestrian and vehicle access. Memorial Park recently changed from barrels to a dumpster at this location. He noted the buffer requires a 25 foot transition area and he described the transition area.

Mr. Meche noted the project is not increasing the parking demand or parking spaces. There are currently 150 spaces and there will be 150 spaces at the end of the project. He presented 3 use scenarios and described how he reached the required parking numbers. He stated the Town is not adding lighting. The lighting is not compliant and is one of the waiver requests. The project is adding 5 handicap parking spaces. The driveway openings are not being modified and there is a request for a waiver of compact car spaces. There are no excessive bumper overhangs and there is a request for a waiver of the maneuvering aisle.

There is an abundant amount of landscape area. Twenty five percent has to be inside the parking area but there is only a small amount inside. The project is therefore not compliant for landscaping. There are some trees and some bicycle racks. Mr. Retzky noted the parking lot was done in the past few years. A new infiltration system was put in and the entire lot was repaved. He noted the lot is full during the day with High School students. The building is used during the day by the DPW. Other groups use the building at nights and weekends. There is a lot of storage for groups such as the Exchange Club, Football and Baseball teams.

Stephen Merritt, of 76 Rosemary Street, asked about rodent control. Mr. Retzky stated the Health Department will have rodent control done prior to demolition. Edward Rolanti, of 80 Rosemary Street, asked if there was any place else to move the dumpster to. He commented the noise is very disruptive. He asked about the screening for the mechanical equipment and what type of equipment it is. Mr. Retzky stated the dumpster is very small at 2 to 4 yards and will not be emptied daily. The dumpster will be on a schedule but it will not be daily. The town will empty the dumpster. Mr. Meche noted most of the mechanical is air conditioning, heat injection, small compressor and a pump is located as far away from the abutter as possible. It is a modest system that is fairly quiet.

Mr. Jacobs asked what the mitigation resolution is that was mentioned at a prior meeting. Mr. Meche noted screening will be put up and the mechanical equipment will be moved farther away from the abutter. Mr. Jacobs asked if the town could agree not to pick up the dumpster in the early morning. Mr. Retzky assumes that can be arranged. Ms. Grimes stated it would be helpful to get the mechanical noise output information and there should be some noise blocking.

Mr. Jacobs noted the chart on page 6. He stated the parking demand is 184, the parking lot has 150 and there is a shortage of 34 spaces. He asked if the Town is asking for a waiver of these 34 spaces and was informed that is correct. Mr. Meche stated he was asked to present the worst case scenario as to parking demand. Mr. Jacobs noted the 11/17/17 letter from Wilchins/Cosentino/Novins LLC. He asked if the applicant knew why, on page 3, it stated the starting point deeds are prior to the period of their examinations. Mr. Retzky stated that was done under the auspices of the Town Counsel and he did not know.

Mr. Jacobs asked if the handout tonight is a plan of what it would look like including the trees. Mr. Meche noted it was but the trees are all existing. Six of the 7 trees shown on the plan are the abutters' trees. The town is not removing any trees. Mr. Jacobs noted the proposed driveway that goes straight back. He asked the height

between the abutters land and the surface of the driveway. Mr. Meche stated it starts at almost 175 feet elevation and rises to 178 feet. The knee wall kind of follows it and is at 181 feet.

Ms. Grimes commented this was a very disorganized presentation. The project is not dealing with the parking. The parking spreadsheet is very confusing. There is the potential for assembly seating and no increase in the numbers. She thinks the parking is a problem. The parking plan does not work. She noted the town gave 116 spots to the High School and gave 30 spots to the Rosemary Lake Pool Complex. The parking cannot be adequately regulated here. There is just not enough parking. She noted there are few compact cars in Needham. She feels the dumpster should be moved. She stated this has been referred to as an unoccupied building and is concerned that Needham is going to spend \$8 to \$10 million dollars on an unoccupied building.

Mr. Retzky stated there are no offices. It is a very unique situation. It is used by volunteers and the Memorial Park Board of Trustees. He commented to change the parking lot would be problematic. He stated the uses are the same as the existing fieldhouse and it is a public parking lot. Mr. Jacobs noted the agreement with the school is a license agreement. He asked if the Trustees were prepared to tell the school they cannot have 116 spaces or possibly less spaces? Mr. Meche noted it was tied to the Special Permit for the High School and they cannot do that. The parking spaces are 6 inches short and not really compact. He also noted the dumpster is already there. Mr. Alpert stated Ms. Grimes raised all his concerns. He is in full agreement with Ms. Grimes. He feels there are not enough full size spaces. The dumpster placement is also a concern to him. He stated he is a member of the Exchange Club and the building is a disgrace. The current assembly room is useless. He added only 40 spaces for the assembly room is a concern. There is a problem with the whole parking situation.

Mr. Alpert asked what was going to happen with the spaces during construction. Mr. Meche reviewed the construction schedule. Mr. Retzky stated the school will limit parking in the lot during construction. Mr. Jacobs asked whether this project is to begin after the High School project ends and was informed that is correct. He stated he would like a letter from the High School Principal with respect to the temporary reduction in parking spaces. Ms. McKnight noted she has the same issues as already expressed. There need to be limitations in the decision such as the dumpster would not have a commercial company removing it, only the Town, and only Monday through Friday during the day. She noted the competing uses for the parking spaces and asked about enforcement. Events need to take place in times that do not compete for parking.

Ms. McKnight noted the DPW vehicles drive to the back and there is not a 25 foot buffer from the abutter. She asked if these vehicles are currently there. Mr. Meche stated the equipment is used for the field. There is an ATV, snow blowing equipment and landscape style equipment. Ms. McKnight noted the construction work area is not clear. There is 2-way access off Rosemary Street but the Highland Avenue entrance was not marked in the same way. She asked if a 20 foot wide access was adequate for 2-way traffic. Mr. Retzky stated all construction vehicles would come in off Rosemary Street.

Ms. McKnight stated she likes the landscape plan but questioned the row of arborvitae. She feels arborvitae die so quickly. Nelson Hammer discussed the landscape. A seat wall will be put in and there will be plantings behind to protect it. Ms. McKnight noted there is no landscaping within the parking lot, however she feels it would change the usability of the lot to insist on interior landscaping.

Mr. Owens noted the following correspondence for the record: a letter from Assistant Town Engineer Thomas Ryder with comments; a memo from Police Lt. John Kraemer with no safety concerns; a memo from Fire Chief Dennis Condon with no issues; and a memo from the Health Department with comments and requirements regarding pest control. Mr. Jacobs noted construction traffic. The project will not use the Highland Avenue entrance due to the slope. He would like the preferred plans for construction traffic.

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

VOTED: to continue the hearing to 2/13/18 at 8:00 p.m.

Discussion of Zoning for the May Annual Town Meeting.

Ms. Newman noted the marijuana article has already been sent to the Selectmen.

With regard to the proposed Neighborhood Business District article, Terry Morris, Attorney, stated it is important to have a framework that is familiar. He noted it makes sense to allow the Planning Board to waive, by Special Permit, some dimensional controls and the increase in height. He has 2 concerns with the setback such as the presence on the street. The requirement says you need to have at least a 20 foot front setback. He stated there may be situations where you may want pedestrian access and there may be lots that abut residential. He felt it may be helpful to be able to waive that setback. The Board may want to create a transition between business and residential. You can do this with a 20 foot landscape buffer. He would like the ability, by waiver or special permit, to go down to 20 feet side or rear setback as long as there is a landscape buffer to provide an attractive transition.

Mr. Morris noted he had the architect do a site plan study for an example. He created retail on the first floor and residential on the second and third floors cantilevered for covered parking in the back. There could be a 12 foot driveway along the side with 12 feet of landscaping along the lot line. He noted it succeeds in addressing what they are trying to do.

Ms. Newman noted the first edit was to establish the overall density on the site in addition to having FAR and having an overall maximum number of dwelling units on the property which is 18 units per acre. The second change she made was on the minimum lot area. There is an escape clause for the smaller lots. For the provision on the setbacks, she has no problem fiddling with the front yard or the 50 foot side or rear yard setback from a residential district, but she feels there should be some limits. She feels there should be some provisions for an affordable unit when economically feasible. Mr. Morris stated some other towns have a separate affordable housing section of the by-law; there is no such affordability segregation in the Needham By-Laws. Ms. Grimes asked if the Board would be requiring affordability language because she would not require it.

Mr. Owens stated he appreciated all Mr. Morris' input and thanked him for it. With that input they will turn it over to the Planning Director to make a clean copy. The Board could approve this tonight to go to the Selectmen. Ms. Grimes stated she would not like affordable language in it. Ms. McKnight stated she would like affordable language. Mr. Alpert stated he would like affordable with 6 or more units. Mr. Jacobs agreed. Mr. Alpert would like to be able to reduce the 50 foot buffer by Special Permit down to 20 feet.

Ms. McKnight stated the cross reference to "density requirement" is not clear. It should be "lot area per unit." She suggested the Board approve Article 2 with the understanding the Planning Director will still be able to tweak the wording.

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

VOTED: to approve Article 2.

Mr. Morris commented he appreciated the opportunity to work with the Planning Board.

With regard to the proposed zoning article for the setbacks for land within highway layouts, Ms. Grimes stated some of the people at the public hearing that the Board of Selectmen held did not understand what the Board was trying to do. She stated the Planning Board needs to be clear when explaining this. Ms. McKnight commented on Article 3 and noted the state highway extends from Webster Street to Route 9. Ms. Newman stated it is the entire layout of I 95. Ms. McKnight feels the full legal description should be added and the Board needs to make sure it is the official state layout by the Commonwealth of Massachusetts. She does not feel it is necessary to say "Said layout..." because that is in Article 4. Mr. Owens agreed that sentence should be deleted.

Ms. McKnight stated the Board should add from Article 4 "In the event the layout of Route 128/I 95 is altered and/or discontinued so that any land within the layout as of (whatever date the Board chooses) is no longer

included within the layout, unless such land thereby comes within the layout of a public, county highway or town way and said land shall be deemed zoned in accordance with the land it abuts." She is concerned with the possible discontinuance as a state highway. Ms. Grimes stated it is more complicated. The Board needs to be careful. There will be a lot of questions. Mr. Jacobs noted the Board should say "no abutting land shall be affected by that zoning classification." Mr. Owens stated this needs further study and he is not sure it needs to be addressed tonight. Ms. Grimes agreed.

Minutes

The Board members passed in changes.

Correspondence

Mr. Owens noted a letter from Jeffrey Friedman, of the Needham Farmers Market, with information about using different bathrooms and a letter from the Planning Director to Lenny Hamilton, Manager of the Carter VFW Post 2498, with regard to the parking lot.

Report from Planning Director and Board members.

Ms. Newman noted she has received an inquiry for food use in the UPS building on Great Plain Avenue. It would have 40 seats. She was not going to require a parking study. Ms. Grimes, Mr. Jacobs and Mr. Alpert were all fine with that.

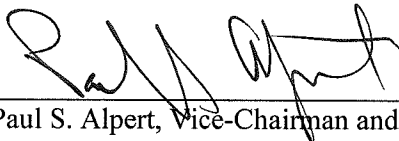
Mr. Owens noted the Highland Corridor. He stated that Highland Avenue from the Heights Fire Station to Riverside Street would be part of I95 but it is all state road. The state would widen the road the entire distance. They already own the right of way. He noted that due to this road widening all shops on Highland Avenue with parking in front would no longer have parking. He noted D'Angelos and Simon and Sons both have parking in front. It would be a shock.

Mr. Owens reviewed the agenda for tomorrow morning. The agenda is a list of what the Selectmen would like to discuss or ask. He asked if there was anything the Planning Board wants to add to the list or discuss now. Ms. McKnight mentioned recreational marijuana. She noted there is very little to report except the Board is working on these things. Ms. Newman suggested reporting about the Neighborhood Business District zoning.

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

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Paul S. Alpert, Vice-Chairman and Clerk