NEEDHAM PLANNING BOARD MINUTES

April 23, 2019

The regular meeting of the Planning Board held in Powers Hall, Needham Town Hall, was called to order by Paul Alpert, Chairman, on Tuesday, April 23, 2019, at 7:00 p.m. with Messrs. Jacobs and Owens and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

7:15 p.m. Select Board Chambers, Needham Town Hall – Proposed Development at 1180 Great Plain Avenue.

The Board recessed the meeting to attend the Select Board meeting to discuss the proposed development at 1180 Great Plain Avenue.

8:00 p.m. Powers Hall, Needham Town Hall.

The Board resumed the meeting at 8:00 p.m.

Proposed redevelopment of 30 and 60 Charles Street.

Mr. Alpert noted the applicant has sent a letter asking for the hearing to be rescheduled.

Discussion of Zoning Articles for the May 2019 Annual Town Meeting.

Mr. Alpert noted Karen Price, representative for the League of Women Voters, is present to discuss the Town Meeting Warrant. On Thursday at 7:30 p.m. there will be a supplemental League of Women Voters Warrant meeting discussion at the Broadmeadow School. Mr. Alpert stated there are 5 warrant articles but 3 are map changes that go along with one of the substantive articles. There are 2 projects – Accessory Dwelling Units (ADUs) and creating a Transit Oriented Development District (TODD) at 433 Chestnut Street and the MBTA adjacent land.

Karen Price stated she wants to clarify the format to be followed. She asked who will be speaking to ADUs and if there would be slides. Mr. Alpert will present. Ms. Newman noted there will be an updated power point presentation with modifications the Board made since the public hearing. She clarified nannies are not defined as caregivers in the ADU article. Ms. Price noted there will be the presentation, then questions, then the TODD presentation. Mr. Owens will present the TODD and has slides. He noted the idea is to answer all questions until there are no more. He does not want debate. Ms. Price noted there will be a presentation, then a question and answer segment. She noted the Selectmen have asked to speak. They will speak after the question and answer segment. Her understanding is the Selectmen are opposed to the TODD article.

Mr. Owens feels that it is unusual To have the Selectmen state their position on articles at a warrant meeting. He commented, if the Selectmen speak, he would like to speak again after, depending upon what the Selectmen say. Ms. Grimes stated she is also concerned. The Planning Board wants to take it to Town Meeting so Town Meeting can make a decision. She feels a Board like the Select Board would sway people. Ms. Price stated she has thought a lot about this. She would like to announce up front the Planning Board will speak, then there will be a question and answer segment and then the Select Board have asked to speak. She would like to say that up front so all are clear. Mr. Owens noted a statement is one thing but he would like to respond if the Selectmen try to debate it.

Mr. Alpert noted the Storage Facility Citizen's Petition is being withdrawn. He also stated that he and Mr. Jacobs went before the Finance Committee last week and had been in front of the Select Board previously. The meeting with the Finance Committee was a lengthy discussion regarding ADUs with a lot of questions. It was decided there was no financial impact so the Finance Committee would make no recommendation. Then there was a discussion on 433 Chestnut Street with a lot of questions. There was concern about the height, and they feel it should be no higher than 4 stories which seems to be the standard in town.

Mr. Alpert stated Louise Miller raised an interesting point that back in 2010 there was some sort of drainage issue coming from the 433 Chestnut Street site that cost the town a lot of money to clean up and repair. She wanted to know if a Storm Water Management Analysis or plan had been done as part of this development. She felt, with the current topography, putting a large development on this property may generate storm water runoff again. Mr. Alpert noted the issue of traffic was also brought up. He feels this is part of the special permit process, while what is being discussed is a zoning change. The Finance Committee voted unanimously against the TODD.

Discussion on next steps on Highway Commercial 1 District.

Ms. Newman stated she needs some directive from the Board. The Board has come a long way in figuring out the kind of development the Board would like to see on the corner of Highland Avenue and Gould Street but she is not clear on the rest of the property. The proposal now is 2 taller buildings to be built and a garage to be constructed. Does the Board want to pursue restrictions that force the garage underground or under the existing building and allow the office buildings to be close to the highway? She wants to make sure she has a sense of what the Board is trying to accomplish there.

Mr. Jacobs stated he feels the Board made a mistake by going along with the Council of Economic Advisors (CEA) version of doing the same here as along the other side of the highway. He is not sure what the vision is now. Ms. Grimes agreed. Ms. McKnight stated she thought it was fine. The new buildings along 128 show economic development, strength and a strong tax base. She does not see anything wrong with that image. Ms. Grimes feels the Board needs to start fresh with this.

Mr. Owens feels the Board should start with a workshop. The Board should get Devra Bailin and Natasha Espada, Principal of Studio Enee, to talk informally. It is unclear what zoning should or should not allow on that site. Ms. Grimes commented she would pause at this point and put a workshop in the books. She feels the Select Board should also be there. Mr. Jacobs feels the Board needs more comments from Ms. Bailin. He thought what Ms. Espada presented along Highland Avenue was excellent. Ms. Newman agreed it was but then she found out the garage was going to be as big as the buildings. Ms. Grimes stated it would be unless it is forced underground, which the developer would balk at.

Mr. Alpert noted it was unanimous it would not be ready for this May Town Meeting. John Bulian, Selectman, asked if the Planning Board was thinking of the Fall Town Meeting and if the Board was considering including the Tocci area. Mr. Alpert noted it would probably be next May. They have not considered expanding the area. He asked if the Select Board wants them to. Mr. Bulian noted they would like the area to be from Highland all the way down to the park. They would like to see that entire area rebuilt in a way we think would work better for the town in a commercial respect and for the residential sections. He does not think that was what was articulated. Mr. Jacobs stated they should start with the workshop and have the Select Board involved. Mr. Bulian agreed.

Ms. Newman asked what the next steps should be. Ms. Grimes would like to get the models from the last meeting so the boards can nitpick. They should look at how much parking is needed, how much building is being built and what the height should be and go from there based on the zoning that is being proposed. Everyone should get together in one room and hash it out. Mr. Alpert clarified Mr. Bulian was talking all the way down to the park. He personally feels (beyond the railroad tracks is an eyesore beyond the railroad tracks down to the park from the 128 side). It is not an eyesore viewed from Gould Street but it is all 1940s and 50s buildings that are all run down.

Ms. Grimes suggested asking Ms. Espada to draft a proposal for that second section. Ms. Newman stated she would rather stay focused on the Muzi site than jump to another property. Mr. Alpert noted the discussion is about a vision for the entire area. Ms. McKnight stated she does not want to go back to the very beginning. There is a good base and there was a good iteration presented already of what the Board was talking about. Mr.

Jacobs would go along but feels the Board may need to go further back. Ms. Newman will see if Ms. Espada can facilitate this workshop.

Endorsement of Agreement and authorization of Temporary Occupancy: Amendment to Major Project Site Plan Special Permit No. 2007-10: Beth Israel Deaconess Hospital-Needham, Inc., 148 Chestnut Street, Needham, MA, Petitioner (Property located at 148 Chestnut Street, Needham, MA 02492).

Ms. Newman informed the Board she issued a temporary occupancy permit to the hospital for the office building. The landscaping has not been put in yet but the Board is holding $100,000. The applicant anticipates the work being done by May or June at the latest. Ms. Clee stated the applicant needs a temporary permit in order to get on the state inspection schedule. The building will not be opening for another month or so.

Upon a motion made by Ms. Grimes, and seconded by Mr. Owens, it was by the five members present unanimously:
VOTED: to approve the temporary Occupancy Permit and the $100,000 in surety.

The Board signed the bond agreement.

Board of Appeals – April 25, 2019.

Ms. McKnight stated she took a ride around to view the application sites. Mann Avenue is a small house and the applicant wants to put a third garage at the end next to the current 2 car garage. There is nothing really close and she would not have any comment. Rockwood Lane, however, is all large houses with 2 car garages. Richard Road has several new houses all with 2 car garages. She does not see why there would need to be 3 car garages right in front. She does not feel it would be a good fit for the area. Mr. Jacobs commented he would normally not say anything but this is asking for a third bay garage and an exercise room. Section 6.1.2 does not authorize the Zoning Board of Appeals (ZBA) to do that. This is clearly more than what is necessary for a garage. Ms. McKnight stated she does not think the applicant needs a permit for the exercise room.

Julie Gardner – 14 Mann Avenue.

Upon a motion made by Ms. Grimes, and seconded by Mr. Owens, it was by the five members present unanimously:
VOTED: to ask the ZBA whether they have the authority to grant a permit for an exercise room under Section 6.1.2 or if they even need it.

Joseph and Julie Comenzo – 22 Rockwood Lane.

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

ATS-Needham, LLC – 140 Cabot Street.

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

The Lofts at Charles River Landing, LLC – 300 Second Avenue.

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

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to accept the minutes of 5/22/18, 1/8/19 and 2/5/19 as written.

Ms. McKnight noted on the minutes of 6/26/18, on the 2nd page, storage does not need to be capitalized.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to accept the minutes of 6/26/18 with the change discussed.

Ms. McKnight noted on the minutes of 12/18/18, under the Zoning Article discussion, in the 3rd to last line, Article 1 should be a new paragraph then continue to what Ms. McKnight says.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to accept the minutes of 12/18/18 with the one change discussed.

Ms. McKnight noted on the minutes of 1/29/19, 2nd page, 3rd line, remove "developer."

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to accept the minutes of 1/29/19 with the one change discussed.

Ms. McKnight noted on the minutes of 2/19/19, under the discussion of the zoning articles, 2nd paragraph, 5th line, "nannies" is misspelled. Mr. Jacobs noted in the 1st sentence it should be "add "paid" before "caregiver" not after." Ms. McKnight noted on page 2, 3rd line, "S" should not be capitalized and on page 4, 1st paragraph under zoning articles, "Architect" should not be capitalized. On the top of page 5, "façade" should be added after "uninterrupted." Mr. Jacobs noted on page 5, at the bottom under 433 Chestnut Street, remove "not."

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to accept the minutes of 2/19/19 with the changes discussed.

Ms. McKnight noted on the minutes of 2/26/19, 1st page, 3rd paragraph, 3rd line from the bottom, add the word "said" after "Ms. Newman" and on page 2, 5th line from the bottom, it should say "entered into a lease and easement and will have."

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to accept the minutes of 2/26/19 with the changes discussed.

Correspondence

Mr. Alpert noted the following correspondence for the record: an email exchange between Assistant Planner Alex Clee and Susan Welby regarding the Annual Warrant meeting; the minutes of the 4/3/19 CEA meeting; a notice of a public hearing for zoning amendments from Westwood on 4/23/19 and 2 sheets of frequently asked questions – one for the Stretch Energy Code and one for the Green Communities Program. Ms. McKnight stated she would like this Board to speak in favor of the Stretch Energy Code. Needham really stands out as a community that is not a green community.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by four of the five members present (Mr. Alpert abstained):

VOTED: this Board is in favor of adopting the Stretch Energy Code and recommends a yes vote to adopt the code.

Mr. Alpert noted an updated Fiscal Impact Analysis, from JAG Development Company, regarding 433 Chestnut Street and revised pictures based on a 5 story building. Ms. McKnight spoke of the Newton Survey done by the same consultant Needham used. She stated the statistics given with regard to the number of additional school children per 100 units is the same as what Needham got in their own study. She stated it is a shame there is no such study for the Chestnut Street project.

Mr. Alpert noted a letter from Bluehawk Investments, LLC withdrawing the Citizen's Petition; 2 letters from Alliance Residential Company, dated 4/18/19, regarding redevelopment of 30-60 Charles Street; a project narrative for 1180 Great Plain Avenue; and notes on a meeting between Lee Newman and Ralph Folz, owner of 38 Rockwood Lane.

Ms. Newman stated she met with Mr. Folz and he wanted to see what the process was now. The Homeowners Association (HOA) has not been fully funded and has not been turned over yet. The owners are not happy with the way it is being handled. She got the sense the owners want it closed out and to take over the management themselves. Ms. McKnight stated she went up to Rockwood Lane on a rainy day and it is a total mess. Storm water was sheeting over the cul de sac pavement and the dirt was being eroded into the stream. This proved to her this drainage system does not work. Ms. Grimes noted part of the problem is the developer has not landscaped with grass and a swale to catch the water. Ms. Newman noted it meets the standards of less runoff than there was before. Ms. Clee commented the homeowners want the HOA and want to fix and maintain the system themselves. Ms. Grimes stated the HOA should have nothing to do with the release of the funds.

Mr. Jacobs stated the developer needs to establish this is what was approved or better than what was approved. Ms. McKnight noted the Board can take the money and the Town make the fixes itself. Mr. Alpert stated the Board was pushing the developer to do what was originally on the plan and they are refusing to do it. The Board told the developer to apply for an amendment if they are not going to do it. Mr. Jacobs noted the applicant is running out of time. He is at the point of taking the money and hiring someone to do the work.

Mr. Owens noted with regard to the DPW storage facility that the applicant was supposed to get back to them regarding landscaping. Ms. Newman stated Steve Gentile contacted her this week. The DPW would like to put in a berm because they have surplus material. It was supposed to be landscaped. They will schedule an on-site meeting to discuss this.

Ms. Newman noted Steve Popper approached her about the noise regulations. Ten DBAs at the property line is the state standard. There is someone in town who advised him the town could have temporary generators above the standard. He asked if the Board would be open to a presentation by this person for less restrictive noise regulations. Ms. Grimes and Mr. Owens both stated no.

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

VOTED: to adjourn the meeting at 9:37 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Martin Jacobs, Vice-Chairman and Clerk