

## NEEDHAM PLANNING BOARD MINUTES

May 21, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, May 21, 2019, at 7:00 p.m. with Mr. Jacobs and Ms. McKnight, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary Ms. Kalinowski. Mr. Owens arrived at 7:20 p.m.

### **Reorganization**

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

VOTED: to nominate Mr. Jacobs as the Planning Board Chairman.

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

VOTED: to nominate Ms. Grimes as the Planning Board Vice-Chairman.

Mr. Jacobs resumed the meeting as the Chairman.

### **Transfer of Permit: Major Project Site Plan Review No. 2015-07: Great Plain Hospitality, LLC d/b/a RFK Kitchen, 30 Dedham Avenue, Needham, Massachusetts to Latin-A-Group, LLC d/b/a Latina Kitchen and Bar, Petitioner (Property located at 30 Dedham Avenue, Needham, MA).**

Antonio DeTrizio, Petitioner, stated he wants a transfer of the Special Permit to his company Latin-A-Group LLC. He has been in the food industry for a while and feels this would be a good addition to the center. Mr. Jacobs thanked Mr. DeTrizio for submitting the Business Plan. He asked if the applicant has read, and understands, the conditions and would operate under those conditions. Mr. DeTrizio stated he had read the conditions and will operate under them. Ms. McKnight asked about the applicant's experience. Mr. DeTrizio stated he has worked for several restaurants in the area and has worked as a sous chef.

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

VOTED: to approve the transfer of the Special Permit for 30 Dedham Avenue for the property previously occupied by RFK Kitchen to Latin-A-Group, LLC.

### **Request to Release Off-Street Drainage Surety: Cartwright Road Definitive Subdivision: Mary Stare Wilkinson and Bradley Wilkinson, 260 & 267 Cartwright Road, Needham, MA, Petitioner (Property located at 260 and 267 Cartwright Road, Needham, Norfolk County, Massachusetts, Assessors Plan No. 218 as Parcel 1).**

Roy Cramer, representative for the applicant, noted this is a 2 lot subdivision for 260 and 267 Cartwright Road. He explained the history and noted all is done and the owner is living there. The Board is holding an \$86,000 bond and \$7,000 for off-street drainage. The Board of Health is recommending release of \$7,000. He explained the process of release and noted it is the same owners in both houses as before the subdivision. He feels it is appropriate to release the bond. Mr. Jacobs noted the following correspondence for the record: a memo dated 5/14/19 from Tara Gurge, of the Board of Health, confirming what Mr. Cramer stated. Ms. McKnight asked what the drainage improvements were. Mr. Cramer stated there was a little re-grading done and a new septic system put in. All is done now.

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

VOTED: to release the \$7,000 drainage bond for the Cartwright Road subdivision.

### **Committee Appointment.**

Ms. Newman stated the Transportation Committee appointment is up. She would like the Board to reappoint Justin McCullen dependent upon if he would like to continue on the Committee.

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

VOTED: to reappoint Justin McCullen if he is interested in continuing.

### **Minutes**

Ms. McKnight noted in the 3/11/19 minutes, first page at the bottom, the affordable units will have a proportional number of bedrooms. She feels the original wording is better to leave the proportion comparable to the market rate units. All agreed.

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

VOTED: to accept the minutes of 3/11/19 with the one change.

Ms. McKnight noted in the 3/19/19 minutes, under Discussion of Zoning Articles, second paragraph, delete “and” after “Ms. Newman” and in the fourth line change “GUS” to “GIS.”

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

VOTED: to accept the minutes of 3/19/19 with the changes discussed.

Mr. Owens arrived at 7:20 p.m.

### **Proposed Redevelopment of 30 and 60 Charles Street.**

Mr. Jacobs noted a letter, dated 4/18/19, from Michael Boujoulian, Managing Director of Alliance Residential Company. Mr. Boujoulian stated Alliance oversees all operations in Greater Boston. There are regional offices all over the United States. Alliance manages 110,000 apartment complexes nationally. He noted they are looking at the feasibility of the site. There are 2 parcels under contract and he is evaluating the site. He noted he has a deadline coming up in June. He commented the company is usually not presenting at this early stage but because the parcels are an assemblage, and there are some outside commitments, he wanted to expand the efforts during this due diligence phase and get input and thoughts. This is an informal presentation tonight.

Mr. Boujoulian gave a brief overview. Ms. McKnight asked if this is being presented as a concept plan. She was informed this is off the cuff and informal. He wants initial thoughts. Mr. Jacobs stated when asked for an informal presentation it is helpful to the applicant but he is often reticent because he does not have enough detail. Mr. Boujoulian noted this is 2 parcels behind Staples and Petco currently occupied by Olympia Marble and the Kerivan Lane fuel depot. There are a series of easements running through the properties with Needham-owned sewer easements and multiple others. The sites are paved now and the pavement goes to the top of the bank. Kerivan Lane has above and below-grade fuel pumps. Cataldo Ambulance is also there and 60 Charles Street is completely leased now.

Mr. Boujoulian stated there are 500 feet on the riverfront. The proposal will be a 240 unit community with 2 buildings. He noted the proposal has tried not to impact the easements. Each building has one level sub grade and an above grade parking garage with an internal ramp system. There will be 4 levels of housing above. The unit mix will be 40% one bedroom, 50% 2 bedroom and 10% 3 bedroom. Building B has an amenity program

with full service hospitality. There is a pool deck on the 2<sup>nd</sup> level roof, full size trees and landscaping. The barbell demographic is age 20-34 pre-family, middle age divorcees 45-50 plus or empty nesters. Fifty percent are pet owners and most are technologically enhanced.

Mr. Alpert asked where the applicant sees school age children. Mr. Boujoulian stated children were inevitable, particularly in the affordable units. He noted John Connery did a study in the past and came up with 33 children. These were very conservative estimates. There will be a full impact study if it applies for a special permit. He noted this follows like a 40B type development. Mr. Alpert asked if the mix will be the same for the affordable units with 40% one bedroom, 50% 2 bedroom and 10% 3 bedroom. He was informed the mix will be the same. He stated there will be major excavation. A lot of pervious surface has been able to be unlocked and will substantially improve drainage. The plan will maximize green space over the easements. He noted there is a 20 foot wide MASS Department of Transportation (DOT) drainage easement. Roy Cramer, representative for the applicant, stated the easement is from Route 128 to the river.

Mr. Boujoulian stated vegetation was looked at for restoring the river bank. No relief is needed. All dimensional requirements will be met including parking. The materials will be brick and cementitious panels. This is a commercial zone. He has tried to copy some of the buildings along the river with the brick. The plan has broken up the massing to fit in with the commercial area. He likes what they have come up with. There will be glazing and window lines. He worked in this area and across the road in the Industrial Park. He informed the Board he will do a traffic study.

Giles Hamm, of Vanasse Associates, stated a lot of positive things are happening in this area. He reviewed the figures. The residential use would have less traffic than an office use. He noted the existing uses have a lot of truck traffic now. He did a delay study and reviewed the average delays. In the morning there is a 3 second right turn delay and a 31 second left turn delay. In the afternoon there is a 12.4 second right turn delay and an 18 second left turn delay. He commented getting out is relatively easy. MASS DOT plans to widen Highland Avenue and will have a left turn pocket to Charles Street. He feels this will help traffic flow in and out of Charles Street. There will be additional enhancements in the area.

Ms. McKnight observed that parking will have one level sub grade and one partial level on grade. She asked if there will be any connection between the 2 buildings sub grade. There will not be any connection. Ms. McKnight observed that the amenities will be in the large building unit and people in the smaller building will have to walk over. She noted this is not a transit oriented area. Mr. Boujoulian stated there are benefits to joining the shuttle system and noted they may be joining. Ms. McKnight asked if there will be a sidewalk on Charles Street. Mr. Boujoulian noted there will be a planting strip, a 5-foot sidewalk, then a planting strip so long as it is a public right of way.

Ms. McKnight asked if there is a potential for a river walkway. Mr. Boujoulian stated there is the potential. He would be willing to do something but you cannot get all the way down to the bank. Ms. McKnight asked if there would be a kayaking amenity and was informed no. She noted the traffic study compares to office use. She would like it compared to the current use. Mr. Hamm stated if they go forward he would provide that.

Mr. Jacobs noted this is the first project since the zoning has been adopted. Mr. Cramer stated a square footage minimum to take advantage of this, and to have residential on the waterfront, makes the most sense. Ms. McKnight asked if the DOT improvements will make it better. Mr. Hamm stated the improvements will. The DOT is building a left hand pocket for Charles Street. He feels it will be better and safer. Ms. Newman stated there is a question of a left turn out at an unsignalized intersection. Mr. Hamm feels most will turn right.

Mr. Owens stated this is very much in keeping with the vision. He would encourage them to go forward but the devil is in the details. Mr. Alpert stated he is excited by the project. He feels it makes sense in this area. He loves that it is on the river. He would like more restaurants in the area and feels there is great potential. Ms. McKnight is positive about this. She spoke of her experience of looking for a home. She suggested the applicant consider 2-bedroom with a study. Mr. Boujoulian stated it is something to explore.

Mr. Jacobs asked how the applicant got to the 52 feet height. Mr. Boujoulian stated there will be some tighter amenity spaces and 9 foot ceiling heights to get to the 54 foot height. The first floor is a little below exterior grade. Ms. McKnight asked if there were any flood hazard areas. Mr. Boujoulian stated the site is completely outside the flood plain and noted they are going to the Conservation Commission on Thursday. Mr. Alpert asked the timing of the project. It will be 9 to 12 months to plan, then 6 to 7 months to design. There may be a 2020 construction start with 18 months for construction.

**Public Hearing:**

**7:30 p.m. – Amendment: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Original Petitioner (current owners: Hillcrest Development, Inc., and Elite Homebuilders, LLC), (Property located at 36 Rockwood Lane and 5 adjacent parcels, Needham, MA, Assessors Plan No. 17 as parcels 22, 23 and 24 and Plan No. 20 as Parcels 57, 60 and 61).**

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

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

Mr. Jacobs noted the following correspondence for the record: the legal notice; the application for approval to modify and amend; a letter from Alton Stone, dated 1/28/19, regarding drainage; 2 letters from Assistant Town Engineer Thomas Ryder, dated 1/23/19 and 3/13/19; an amended plan and a letter tonight, dated 5/21/19, from Assistant Town Engineer Thomas Ryder.

George Giunta Jr., representative for the applicant, stated the As built plans have been submitted to close this out. There is a difference between what was constructed and what was approved. The applicant wants to amend to match what was built. His feeling is the changes were not substantial. The total number of plantings increased from an original 254 to 581 final plantings. Along the rear property line there is a series of trees with several deciduous trees. The mix of trees changed and some evergreens were planted. They feel this is better. Areas on the lots are grass. Both locations and types of grass were changed. Some areas that were to be type C landscape were replaced with mulch beds rather than grass. He said there is no impact to the drainage with the swap.

Mitchell Gill, of MJG Associates, stated there were 22 street trees. The final is the same number of trees in approximately the same location. There were 28 deciduous trees proposed and there are 20 in approximately the same location but there are more white pines and arborvitae through the property. He noted this is almost twice as many trees. The swales were adjusted a bit so runoff goes into the swales better. This is working fine. He feels this is a well-established site and aesthetically pleasing. The impervious surface is almost identical to the proposed. A hydrology analysis was done and it is clear.

Ms. McKnight commented she was not quite certain what actual changes were made for runoff. Mr. Gill noted the grass swales at the edge of the road had a lip so water did not go in them. They went back and regraded each swale so the runoff flows into the swale. Ms. McKnight noted the Alton Stone second letter, dated 11/16/18. She asked for clarification of the letter – is it saying that *if* the applicant made further changes and planted 4,656 square feet of mulch and planting beds, that it would not make any difference in the calculations? There is no difference but it has not been done. Mr. Gill stated that is correct. Mr. Jacobs stated the engineer said the bottom line is there is no appreciable difference from what was approved. He asked how that could be squared with the Assistant Town Engineers letter of today. Mr. Gill commented the letter was saying if they did the adding it would make no difference. Alton Stone stated there is no significant difference. Mr. Ryder said he couldn't know from the information submitted.

Mr. Jacobs commented the developer has a problem. The Assistant Town Engineer is not saying it is as good or better. Ms. Newman clarified Mr. Ryder is saying this is a significant improvement over pre-development

conditions. It meets the rules and regulations. It is not possible to determine if it is at least as good as what was originally approved. There would need to be an apple to apple presentation. Mr. Jacobs asked why there could not be a presentation like that. Alton Stone, of Alton Engineering, stated there is a difference between the amount of lawn and mulch beds. That is the only significant change he knows. He is comparing what they did with the Samiotes model.

Mr. Giunta Jr. noted Mr. Ryder did not say it is worse. He stated back in March DPW Engineering provided a letter saying the changes were acceptable. Mr. Jacobs stated it is up to the Planning Board to determine if it is acceptable and the Board needs more information. Ms. McKnight agreed with Mr. Jacobs. Mr. Alpert focused on Mr. Ryder's statement. The original plan provides more of a reduction in runoff rates in volume than the current constructed conditions. Mr. Giunta Jr. stated, on the face, that is correct. The question is if it is a meaningful difference. He does not feel it is meaningful. Mr. Owens stated he would like Mr. Ryder there to explain what he means.

Joe Lovett, of 59 Richard Road, stated it is not to the letter of what was agreed to. He has water in his basement now and did not use to. The developer went in and disregarded the plan. He wants to remind the Board of the history of events. Ms. McKnight stated the plantings were changed and asked if Mr. Lovett had any issue with that. Mr. Lovett commented, aesthetically, he is satisfied. Mr. Alpert stated there was substantial clearing at the beginning. He believes there was a lot more water in the basement at that point. He asked if the water is less now that everything is built. Mr. Lovett was not sure as there has been a lot more rain in the last year. He had no water at all but now has had some wet spots. It is similar to 5 or 6 years ago.

John Lee, of 85 Richard Road, stated he has been to most meetings. He does not know how they could go ahead and ignore the plan. He wants to be sure the changes are definitely better. Ralph Hols, of 38 Rockwood Lane, stated the owners do not have strong feelings to put it back to the original. The owners bought the houses with the landscaping already there and would not like their yards dug up. All issues have been resolved with the Homeowners Association (HOA) and the owners are ready to accept. Mr. Alpert asked if the Lee property was impacted. Mr. Lee stated there is no direct flooding in the basement but increased humidity in the basement. He is now running dehumidifiers. He noted this 3 or 4 years ago and cannot say it is this project.

Mr. Owens stated he would like Mr. Ryder to come to a meeting. Mr. Alpert agreed. Mr. Jacobs stated the Planning Board approved a plan. The plan got off track and was not followed. It is not acceptable to him to say it is ok. The applicant needs to convince Mr. Ryder it has been built as least as good as what was approved.

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

VOTED: to continue this hearing to the next meeting on 6/4/19 at 8:00 p.m.

Mr. Stone stated he feels he and Mr. Ryder should hash this out with a Board member prior to the next meeting. Steven Venincasa, Manager, stated the meat and potatoes is the drainage system was followed to the T. The aesthetic part was not followed. His opinion is he over delivered by almost 2 to 1 for landscaping. All Engineering is saying is it is not significant. Ms. McKnight stated the Board is not focusing on aesthetics. She expected rain gardens to hold the water. Ms. Newman noted the Tripartite agreement expires at the end of May.

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

VOTED: to agree to an extension of the Tripartite agreement for 90 days to August 31, 2019.

### **Correspondence**

Mr. Jacobs noted the following correspondence for the record: a notice of the Transportation Summit on June 10 at Powers Hall; a Wellesley Planning Board notice for 5/20/19 and the 2019 meeting schedule.

### **Report from Planning Director and Board members.**

Ms. Newman stated she is trying to set a meeting for a workshop with the Selectmen to talk about Highway 1 and Accessory Dwelling Units (ADUs). Mr. Alpert stated ADUs is fine. The issue will be Highway Commercial 1 Zoning. He noted the Planning Board needs to move forward. If the Selectmen are not available the Planning Board can fill them in in September. Mr. Owens feels it is better to bring them in now.

Ms. Newman stated the Board would need to revoke the Great Plain Hospitality, LLC d/b/a RFK Kitchen as it needs 4 votes. Mr. Jacobs gave a recap of the discussion for Mr. Owens.

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

VOTED: to approve the transfer of the Special Permit as requested.

Ms. Newman noted a sound study that was provided by the Public Facilities Department on the temporary public safety project at the Hillside School, but it is inadequate. She has communicated that to them and they will be resolving the issue. Mr. Owens stated he is meeting on 6/3/19 with Steve Gentile regarding landscaping at the RTS. Ms. Newman noted that she called John Fogarty, president of the BID Hospital – Needham, regarding the parking lot at 237 Chestnut and the multiple dead plants and trees. They will work to fix it. Mr. Alpert stated that during the presentation on Rockwood, there was no distinguishing between the trees and shrubs.

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

VOTED: to adjourn the meeting at 9:32 p.m.



Elizabeth Grimes, Vice-Chairman and Clerk