

NEEDHAM PLANNING BOARD MINUTES

July 2, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, July 2, 2019, at 5:00 p.m. with Messrs. Alpert and Owens and Ms. Grimes, as well as Planning Director, Ms. Newman. Also present were Select Board members John Bulian, Dan Matthews, Matthew Borrelli, Maurice Handel and Marianne Cooley.

Joint Meeting with Selectmen Board:

- 1. Workshop on Highway Commercial 1 Zoning**
- 2. Accessory Dwelling Zoning**
- 3. Discussion of H.3507**
- 4. Next Steps**

Mr. Bulian called the Selectmen's meeting to order.

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

VOTED: to move the consent agenda.

1. Workshop on Highway Commercial 1 Zoning

Mr. Jacobs noted the big issue is the Muzi site. What to do with it, what the town wants there and what the town does not want there in terms of revenue. All members know this is a gateway site to Needham and it is a very important site. The Council of Economic Advisors (CEA) studied the site and made recommendations to the Planning Board. Then the Planning Board worked with it. He stated he would like Natasha Espada to give a presentation of the history of how we got here and forward looking. He asked that all questions be held until after the presentation.

Natasha Espada, of Studio Enee, stated the project is based on the plans Mark Gluesing prepared for the site. She was brought in to prepare 3D visions of it to see what was possible for the site. The current presentation includes some building precedents that are being used in the area. They are looking at 3 as of right zoning plans with 1 building on the site, 2 buildings on the site and 3 buildings on the site. There is also the special permit zoning plans with the same 1, 2 and 3 buildings on the site. She looked at uses in the buildings, massing, parking requirements and the possibilities at the corner of Highland and Gould. This is next to residential. She noted a lot of development is on the other side of the highway where there is no single family residential.

Ms. Espada stated there is nothing like this in the area. She showed how it is now with 9.2 acres. The current building is 35 feet high and most of the lot is asphalt with some green along the edges. She noted the current zoning setbacks. The minimum lot size is 20,000 square feet, frontage is 100 feet, front setback is 20 feet (proposed to be 5 feet) with a 50 foot buffer on Gould and Highland, side setback is 20 feet (going to 10 feet) and rear setbacks are staying at 10 feet. The height is 2 stories at 30 feet going to 70 feet and maximum lot coverage is 54 going to 84 with a special permit. FAR is going from .5 to 1.0 with a minimum 20% open space. The site is sloped all the way down so the building is perceived to be not as tall from Highland and Gould.

Ms. Espada showed 3D visuals of as of right and special permit uses. On 5.2 acres you could get approximately 700,000 square feet of building with a 4 level parking garage. The Planning Board felt 84 feet in height close to the road was disproportionate to the houses. The Board talked about 54 feet down to 42 feet. She looked at some development in the corner to create a street edge. The feeling is the setbacks should be further back. She discussed massing on the site. She stated she looked at the Northland Development which has multiple uses on 10 acres with 50% open space. The building was already there creating a street edge with parks in the back. She

then discussed several other recently developed locations. She noted a lot of developers are keeping the buildings on the edge for a street edge with taller buildings in the back.

Ms. Espada stated she looked at as of right with 1 building and 403,000 square feet. With an FAR of 1.00 there would need to be 1,343 parking spaces, 500 of which would need to be underground, and there would need to be 20% open space with the building pushed to the back of the site. With 2 buildings it would be the same parking but there would need to be more underground. With 3 buildings there would need to be several levels underground.

Ms. Espada gave an example: if there were one building, it could be a 5 story building with 3 stories of parking and 705,250 square feet. The FAR would be 1.75 and there would be a combination of parking and building with 2,333 parking spaces. This would require 2.5 parking levels under the building and a garage above ground. If the building is in back, 1,563 parking spaces would be underground. She reviewed different scenarios of what the site would look like with 1, 2 and 3 buildings.

John Bulian, Chair of the Select Board, stated both Boards are interested in moving forward regarding the Muzi area. He asked why not discuss the Gould Street area on the other side of the railroad right-of-way and incorporate it into the zoning discussion. He also would like to explore the residential component. Mr. Handel asked if there was any data on the actual parking demand at Needham Crossing. He knows the requirement is 1 space per 300 square feet. He asked if that requirement is the right requirement. Ms. Newman stated there is some information on the mixed use capacity and if the numbers need to be adjusted. Mr. Handel stated it would be helpful to have the data. He feels it is important as it defines the mass.

Devra Bailin, Economic Development Director, stated there is a difference between modeling zoning and designing projects. She agrees there is a need to take care of the as-of-right issue. She feels the Boards should create guidelines, such as number of buildings and specifics on how the structures are laid out, to incorporate into zoning if there are concerns with how development might proceed instead of having hard and fast rules. Economic Development is about creating opportunities for developers, not dictating what that development looks like. This is a valuable piece of property. She does not feel the Board should vision it, as it does not work. There should not be a demand for an urban edge along Highland and Gould. All the neighbors want parks. Guidelines can be created which require that the project is inviting to the public. She sees this as an opportunity to move forward and create something that is a value to the Town.

Selectman Dan Matthews stated Town Meeting members will assume the property will be built out to the maximum allowed. He assumes they are talking some maximum in FAR and height. He asked how Ms. Bailin sees these guidelines. Ms. Bailin noted, with a special permit, there is a list of criteria the Planning Board has to consider. Those are the guidelines she was talking about. The worst case scenario would never be approved by the Planning Board.

Selectman Maurice Handel stated he heard Mr. Matthews say Ms. Bailin is arguing for maximum flexibility so they can get creative proposals from developers to present to the Planning Board to use at their discretion. He thinks Mr. Matthews is saying there needs to be a maximum limit to the Planning Board discretion, and Town Meeting members are going to want to know what that is. Ms. Bailin stated it is in the By-Law now. She commented Ms. Espada did not think FAR is the issue. Ms. Espada agreed she does not think FAR is the issue. She thinks parking is the issue. The parking requirement is excessive, though there is no public transportation here. She feels a lot needs to be taken into consideration.

Mr. Jacobs stated he was hoping to hear predictable comments and maybe issues not talked about yet. He would like to throw out the issue of timing. The Needham 2025 study is underway and this area will be discussed. The Planning Board will be getting the recommendation in the next 6 to 9 months. He asked if they should be waiting for the recommendation. Another question is will what is happening, or will be happening, on the other side of the river in Newton impact this site. He also wants to make sure what happens on this site does not impact other parts of town. Selectwoman Marianne Cooley stated the Select Board has not asked Needham 2025 for recommendations on this property.

Selectman Matt Borrelli stated he is not sure what the vision is. It is very difficult, without knowing what the vision is, to come up with setbacks and numbers of buildings and such. A 1.75 FAR and bigger development is not what he envisioned with this. Massing and a congested dense area is not what he is looking for. He agrees with Ms. Bailin that guidelines need to be in place. He asked, with a major project, if a developer could do anything as of right technically. Ms. Newman stated there would still be a site plan approval for as of right zoning, wherein the Planning Board has no discretionary authority to say no. It is only if the site plan review triggers a special permit that it becomes discretionary. Mr. Borrelli feels this needs to remain under special permits and leave some discretion for the Planning Board. There needs to be firm guidelines for all the critical pieces. Ms. Newman stated the Planning Board issues are appropriate scale and height of buildings and how important is it to maintain an urban edge.

Mr. Matthews stated he can see retail but wanted to know if destination retail was being discussed. He thought of this as an office park and now there is talk of a store like Whole Foods. Ms. Newman clarified the discussion was about retail as of right up to 10,000 square feet with a special permit from 10,000 to 25,000 square feet. Mr. Alpert stated Mr. Bulian raised the possibility of including a further area along Gould Street. He believes the Planning Board is not doing that for political reasons and what would be approved at Town Meeting. This did not go over well at Town Meeting before. Mr. Bulian noted there are 2 commercial district parcels in close proximity. Both share Gould Street. He feels it would be better for the neighborhood to include it now. Mr. Alpert agreed the vision should be for the whole area. He feels there is data from Needham Crossings that could be used here.

Ms. Grimes asked the Building Inspector his thoughts. Building Inspector David Roche stated a lot of cars for Trip Advisors park on First Avenue and should not. The patrons should park in the garage. This is an issue as there is not enough parking at the smaller building and parking overkill at the bigger building. He feels parking needs to be looked at. There are areas in town that definitely have parking issues. The Board should look at real parking counts. Mr. Borrelli stated he is talking an overlay zone. They could not take the commercial zone as it is now but an overlay could narrow it or focus it more.

Mr. Jacobs asked what Mr. Borrelli envisioned. Mr. Borrelli envisioned a smaller scale with retail and office components. He wants a nice place for people to go and have some retail and some office experience. He does not want it to be this hub that would change the neighborhood with massive congestion and make Needham more of a city like Newton will experience. He does not want to go in that direction. Mr. Jacobs stated he wants to clarify to all there is a real limitation to access this site from Highland Avenue. All traffic in and out would be from Gould Street. He wants all to keep that in mind.

Mr. Bulian stated he was amazed at how quickly traffic comes down Highland Avenue when others are trying to come off the ramp. He thought some land should be taken there to carve out a lane that would be right turn only onto Gould and take some land on Gould for a turning lane or access lane. He does not have any answers for coming out of the project area. Ms. Bailin noted a traffic study was done that took all that into account. There is a list of suggested changes and some are already warranted such as traffic signals at Gould and Central, West and Central and Reservoir and Central. There is a high probability of a traffic signal on Gould for this site and a change at the intersection of Highland that she believes would require additional lanes.

Mr. Handel stated the current use is terrible for the Town. When looking to the Planning Board to come up with something else he does not think there is currently enough incentive to develop the property. Anything the Planning Board can do to expedite the change of use would be an improvement. Ms. Cooley agreed. She feels the sooner this is done the better. She asked what the parameters are that need to be put in place. She does think a traffic lane would need to be carved out but would like to consider pedestrian/bike friendly areas. She is hoping for multi-use and hopes there is some residential component to it.

Mr. Matthews stated he refers to the area on the other side of the tracks as Crawford Street because everything is Gould Street. He feels this is an area with 2 policy making boards. His understanding was, when this came in before, Ms. Bailin had created a vision of the whole area. The Selectmen said to carve out the Muzi site and come

back. Crawford would be done later on. He still thinks that the Muzi site is a big enough job on its own and is a priority. He would like to get the Muzi area to Town Meeting this Fall. As for taxes, the Board of Selectmen tries to do a good job. This should be primarily a business parcel but he is not in a rush to get it done. He wants what is best for the community. His vision would be an office park with some residential component and first floor retail for people living there. He feels 42 feet height maximum by right is ok and 70 feet height farther into the property is fine. Access to the property should be Gould and TV Place. He would like to see buildings come out to within 50 feet of the roadway. He thinks flexibility is a good concept and he likes the idea of studying the property to see what makes the most sense.

Mr. Alpert stated he agrees with Ms. Bailin on most issues. The first element the Planning Board looks at is the use table and what uses to allow. Different people have different visions and you cannot zone for that. He does not know what developers are looking for. He feels the Boards should decide what they do not want and what would be allowed. Then they would get to setbacks, open space, density and the different issues, such as what the Needham townspeople would approve and what the neighbors would approve. He thinks they are almost there. He feels there is a need to study parking and incorporate it in, but thinks they are pretty close.

Ms. Grimes stated she would like a better understanding of what the Selectmen are envisioning regarding FAR, height and setbacks. She would like some guidance from the Selectmen. Mr. Handel stated he would defer to the Planning Board's knowledge. Mr. Borrelli thinks a 1.75 FAR is too great compared to other developments. He feels special permits should be required or the as of right should be very restrictive. Mr. Handel feels Town Meeting might find the FAR a challenge. If the Planning Board feels it should be that, for maximum flexibility, it should be explained as such. Ms. Cooley feels the issue of parking is very important. Any thought put into that is tremendously important. Mr. Matthews noted a 42 foot height with 70 feet by special permit further back is ok. He feels a 1.75 FAR cannot be built as it is not practical. He also feels the parking needs to be right.

Mr. Bulian stated this has been moved along. He would like to see it ready for Town Meeting. Mr. Roche stated there should be some design guidelines included. This needs to be careful at the front. He has no issue increasing the stories as it goes back. Ms. Grimes thanked Ms. Espada. She has helped tremendously going through this process. It gives the Boards a clear idea of what can be built. Mr. Bulian agreed. Ms. Espada asked if the Boards would like to consider parking in only a certain part of the property with perhaps an architectural component about it. Ms. Bailin stated they talked about creating an as-of-right parking garage with design features. That could apply to any buildings on site. Mr. Jacobs stated the Planning Board would continue working on the proposal.

2. Accessory Dwelling Zoning

Mr. Handel stated he felt less restrictive is better than more restrictive. The uses they are trying to prevent can happen anyway without Accessory Dwelling Units (ADUs). Mr. Bulian feels they should start with more restrictions and go wading in and see how it works for them. There is a balance here. He felt the 2 year absence for rental seemed to just be a 2 family house being rented for up to 2 years. He hopes an amendment will close that part of it. Mr. Borrelli stated the definition of family should be broader. His friend on another Zoning Board said if there is a violation or complaint it is dealt with. Otherwise the units are just rubber stamped. He would like to eliminate renting a main unit if 9 months or less absence as well as eliminating renting the second unit.

Ms. Cooley suggested taking out the rental component altogether. This is not designed to be created as rental units. Mr. Alpert agreed both units cannot be rented. He raised the issue of ADUs for nannies. He stated the Planning Board did not want to allow that. He asked how the Select Board feels. Mr. Handel stated, as a nanny is a caretaker of children, he has no issue. Mr. Borrelli stated the intent is for elderly and disabled. Mr. Bulian feels nannies should not be allowed. Ms. Cooley would like it modified to at least say disabled or elderly. Mr. Matthews stated he is ok with nannies. The Board is trying to prevent abuse and he feels nannies are not an abuse. He would like the Selectmen to get a draft as soon as possible. He does not want to get bogged down with small issues like the definition of family. He thinks 3 years for permit compliance review is ok. He would like something circulated soon.

Mr. Alpert stated the definition of family is 2 or more people related by blood. It is as simple as that. Mr. Matthews noted if there are abuses it can be looked at again. Mr. Jacobs asked if there was support from the Selectmen. He feels some want to support it and others do not. All members of the Select Board support this. Mr. Alpert stated the intent is to allow people to age in town and get a caretaker in if needed. It is not to allow rentals for income for the time being. It should start small and could be expanded later if necessary. Mr. Jacobs clarified it was intended as limited exception in single family zones. He feels it would be older people who need help.

3. Discussion of H.3507

Ms. Newman noted there is pending legislation. The Planning Board commented on a similar bill earlier. She asked the Selectmen what they wanted to accomplish. Mr. Bulian stated the goal is to include the Planning Board letter regarding the housing bill. They want to express concern regarding the proposal. He is not sure if one size fits all. He feels it would be prudent to comment on the bill. Mr. Jacobs presumes the Planning Board would be issuing a new letter.

Mr. Matthew commented it is excellent that the Planning Board is aware of this and has stepped up. He agrees with a 2/3 majority vote of Town Meeting for a zoning change. His only concern is MMA is supporting this bill. Public criticism is this bill is not going far enough for development of new housing in this state. He feels everyone should think about that. Mr. Bulian stated originally he thought there should be exemptions for those that have achieved the 40B goal but he is comfortable with the letter the Planning Board has drafted. Mr. Jacobs stated he could probably support a compromise if the vote was reduced from 2/3 to 60% but he is open to discussion.

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

VOTED: to adjourn the Selectmen's meeting.

Board of Appeals – July 11, 2019

Home Kitchen Inc. – 324 Chestnut Street.

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

VOTED: "No comment."

Bakers' Best Inc. – 150 Gould Street

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

VOTED: "No comment."

Curragh Dobbin Inc. – 7 Rolling Lane

Ms. Newman stated the historical comment is that it needs to be reconstructed in what the zone requires or it needs a variance.

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

VOTED: to comment it needs to be reconstructed in what the zone requires or it needs a variance.

Tobin Afterschool – 1458 Great Plain Avenue

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

VOTED: "No comment."

Report from Planning Director and Board members

Ms. Newman noted the mixed use building at 552 Highland Avenue is at the intersection of Highland and Wexford Streets. The owner wants to put a dentist office in. The existing special permit does not allow medical on the first floor. Mr. Jacobs asked if there was sufficient parking and was informed no. The parking is inadequate and the owner is already leasing spaces off site. Ms. Grimes stated there are never more than 3 or 4 cars in the lot. Mr. Alpert suggested the applicant come in to request a special permit. Ms. Newman stated the applicant would need a special permit for use and a special permit for parking.

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

VOTED: to adjourn the meeting at 7:08 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in dark ink, appearing to be 'Elizabeth Grimes', written over a horizontal line.

Elizabeth Grimes, Vice-Chairman and Clerk