



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7500

PLANNING

NEEDHAM PLANNING BOARD

Charles River Room, Public Services Administration Building
500 Dedham Avenue, Needham, Massachusetts

Tuesday January 7, 2020

7:00 p.m.

1. Highway Commercial 1 rezoning: discussion of next steps.
2. Minutes.
3. Correspondence.
4. Report from Planning Director and Board members.

(Items for which a specific time has not been assigned may be taken out of order.)

FUTURE DATES: Planning Board Meetings: January 21, 2020, February 4, 2020, February 18, 2020, March
4, 2020, March 17, 2020.
Select Board Meeting: January 14, 2020.
Community Meeting: January 27, 2020.

**Examples of Investments Completed because of the
Major Site Plan Special Permit Process through the Planning Board**

- Traffic signal at School and Chestnut including feasibility, design and construction (BIDN)
- Reconstruction of the Kendrick Street sewage pumping station (CC&F)
- Streetscape improvements, new sidewalks (Normandy)
- Installation of new drainage systems (BIDN, Normandy, Sunita Williams)
- Trail connections
- Street widening (117 Kendrick)
- Drainage capacity improvements (Normandy)
- Third Avenue improvements (Normandy/NBCU)
- Landscaping/permeable pavers (RRC, Mills Field, RTS/Cogswell, Kimball Lot)
- Traffic signal at Gould and Highland including timing adjustments and construction (Wingate)
- Traffic signal at West and Highland including timing adjustments and construction (464 Hillside)
- Traffic Improvement Fee - \$1,005,000 (Normandy)
- New England Business Center Traffic Fund - \$1,000,000 (Normandy)
- 128 Business Council Shuttle Service Participation (Required of all NEBC projects)
- Private Shuttle Service (TripAdvisor)

Tentative Schedule for Highway Commercial-1 May Town Meeting

Tuesday January 7, 2020 – Planning Board to discuss next steps

Monday January 13, 2020 – send out community meeting invitation (2 weeks in advance of mtg)

Monday January 27, 2020 – Community Meeting

Tuesday February 4, 2020 – Planning Board to finalize language to include in legal notice

Vote to send language to Select Board

Friday February 7, 2020 – Send legal notice to the newspaper

Tuesday February 11, 2020 – Select Board refer back zoning article to Planning Board

Thursday February 13, 2020 – Post notice with Town Clerk, first run in newspaper

Thursday February 20, 2020 – second run in paper

Wednesday March 4, 2020 – Hearing date

Tuesday March 17, 2020 – Discuss hearing and finalize language

ZONING ARTICLES

ARTICLE 5: AMEND ZONING BY-LAW – HIGHWAY COMMERCIAL 1 ZONING DISTRICT

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

1. Amend Section 2.1, Classes of Districts, by adding the following term and abbreviation under the subsection Industrial:

“HC1 -- Highway Commercial 1”

2. Amend Section 3.2, Schedule of Use Regulations, by adding a new Section 3.2.7 as follows:

“3.2.7 Uses in the Highway Commercial 1 District

3.2.7.1 Permitted Uses

The following uses are permitted within the Highway Commercial 1 District as a matter of right:

- (a) Uses exempt from local zoning control pursuant to M.G.L. Chapter 40A, Section 3.
- (b) Public parks and playgrounds, municipal buildings or uses.
- (c) Retail establishment or combination of retail establishments serving the general public where each establishment contains less than 10,000 square feet of floor area and where all items for sale or rent are kept inside a building.
- (d) Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises.
- (e) Craft, consumer or commercial service establishment dealing directly with the general public.
- (f) Laundry or dry cleaning pick-up station with processing done elsewhere.
- (g) Professional, business or administrative office, but not including any of the following: a medical clinic or Medical Services Building or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals (hereinafter “Group Practices”) or physical therapy, alternative medicine practices, wellness treatments, including but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. “Professional” shall include professional medical, surgical, psychiatric, dental, orthodontic or psychologist practice by a group of two or fewer such professionals (“Non-group Practice”).
- (h) Bank or Credit Union.
- (i) Medical Laboratory or laboratory engaged in scientific research and development and/or experimental and testing activities including, but not limited to, the fields of biology, genetics, chemistry, electronics, engineering, geology, medicine and physics, which may include the development of mock-ups and prototypes.
- (j) Radio or television studio.

(k) Light non-nuisance manufacturing, including, but not limited to, the manufacture of electronics, pharmaceutical, bio-pharmaceutical, medical, robotic, and micro-biotic products, provided that all resulting cinders, dust, flashing, fuses, gases, odors, smoke, noise, vibration, refuse matter, vapor, and heat are effectively confined in a building or are disposed of in a manner so as not to create a nuisance or hazard to safety or health.

(l) Telecommunications facility housed within a building.

(m) Other customary and proper accessory uses incidental to lawful principal uses. Further provided, accessory uses for seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.

(n) More than one building on a lot.

(o) More than one use on a lot.

3.2.7.2 Uses Permitted By Special Permit

The following uses are permitted within the Highway Commercial 1 District upon the issuance of a Special Permit by the Special Permit Granting Authority under such conditions as it may require:

(a) Light-rail train station.

(b) Adult day care facility.

(c) Private school, nursery, or kindergarten not otherwise classified under Section 3.2.7.1 (a).

(d) Retail establishment or combination of retail establishments serving the general public where any establishment contains more than 10,000 but less than 25,000 square feet of floor area and where all items for sale or rent are kept inside a building.

(e) Equipment rental service but not including any business that uses outside storage.

(f) Grocery store provided it does not exceed 25,000 sq. ft. of floor area.

(g) Eat-in or take-out restaurant or other eating establishment except that a lunch counter incidental to a primary use shall be permissible by right.

(h) Veterinary office and/or treatment facility and/or animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals.

(i) Indoor athletic or exercise facility or personal fitness service establishment, which may include outdoor pool(s) associated with such facilities.

(j) External automatic teller machine, drive-up window or auto-oriented branch bank accessory to a bank or credit union permitted under Section 3.2.7.1(h) hereof.

(k) Group Practices as defined in Section 3.2.7.1 and alternative medicine practices, physical therapy, and wellness treatments facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. Such uses may have customary and proper accessory uses incidental to the lawful principal uses, including but not limited to, pharmacies.

(l) Live performance theater, bowling alley, skating rink, billiard room, and similar commercial amusement or entertainment places.”

3. Amend Section 4.7.1, Specific Front Setbacks, by deleting the following provisions:

“(b) On the easterly side of Gould Street from Highland Avenue northerly to land of the New York, New Haven and Hartford Railroad Company, there shall be a fifty (50) foot building setback line;

(c) On the northerly side of Highland Avenue from Gould Street northeasterly to the property of the Commonwealth of Massachusetts, there shall be a fifty (50) foot building setback line.”

4. Amend Section 4, Dimensional Regulations, by adding a new Section 4.11 Dimensional Regulations for Highway Commercial Districts as follows:

“4.11 Dimensional Regulations for Highway Commercial Districts

4.11.1 Highway Commercial 1

Minimum Lot Area (Sq. Ft.)	Minimum Lot Frontage (Ft.)	Front Setback (Ft.) (1)	Side Setbacks (Ft.) (1) (3)	Rear Setback (Ft.) (1)(3)	Maximum Height (Ft.) (1)	Maximum Lot Coverage (2) (4)	Floor Area Ratio (5) (6)
20,000	100	5	10	10	70	65%	1.00

- (1) All buildings shall be limited to a height of 70 feet, except that buildings within 150 feet of Highland Avenue and buildings within 200 feet of Gould Street shall be limited to a height of 42 feet unless the additional height is contained under a pitched roof or recessed from the face of the building in a manner approved by the Planning Board but not to exceed 48 feet in height. Notwithstanding the foregoing, the Planning Board may allow by special permit a maximum height of up to 84 feet except within 150 feet of Highland Avenue and 200 feet of Gould Street. If the height of a building is increased above the height of 42 feet, or 48 feet if under a pitched roof or recessed as aforesaid, the front setback shall be increased to 15 feet and the side and rear setbacks to 20 feet except that, along the MBTA right-of-way the side and rear yard setbacks shall be 10 feet.

Buildings and structures abutting Highland Avenue, Gould Street and/or the layout of Route 128/95 shall be set back at least 20 feet from said streets and said layout. Notwithstanding the location of any building and structures, a 20 foot landscaped, vegetative buffer area shall be required along the aforementioned street frontages and said layout in order to screen the development. Driveway openings, sidewalks, walkways and screened mechanical equipment shall be permitted in the buffer area.

Structures erected on a building having a height of 72 feet or less and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, solar or photovoltaic panels, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such

structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height. The Planning Board may require screening for such structures as it deems necessary. Notwithstanding the above height limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof.

For purposes of clarity, the required building setbacks and allowed envelopes (including setbacks) for allowance of additional height above 42' are shown on the drawings below. The 370 feet shown on the drawings below shall extend a distance of 370 feet measured along the centerline of Highland Avenue from a point opposite the midpoint rounding at the intersection of Highland Avenue and Gould Street to a point 370 feet easterly as shown on a plan entitled "Plan of Land Gould Street, Needham, MA", prepared by Andover Engineering, Inc., dated July 27, 2000, last revised September 20, 2001, recorded in the Norfolk County Registry of Deeds as Plan No. 564 of 2001, Plan Book 489.

Figure 1:

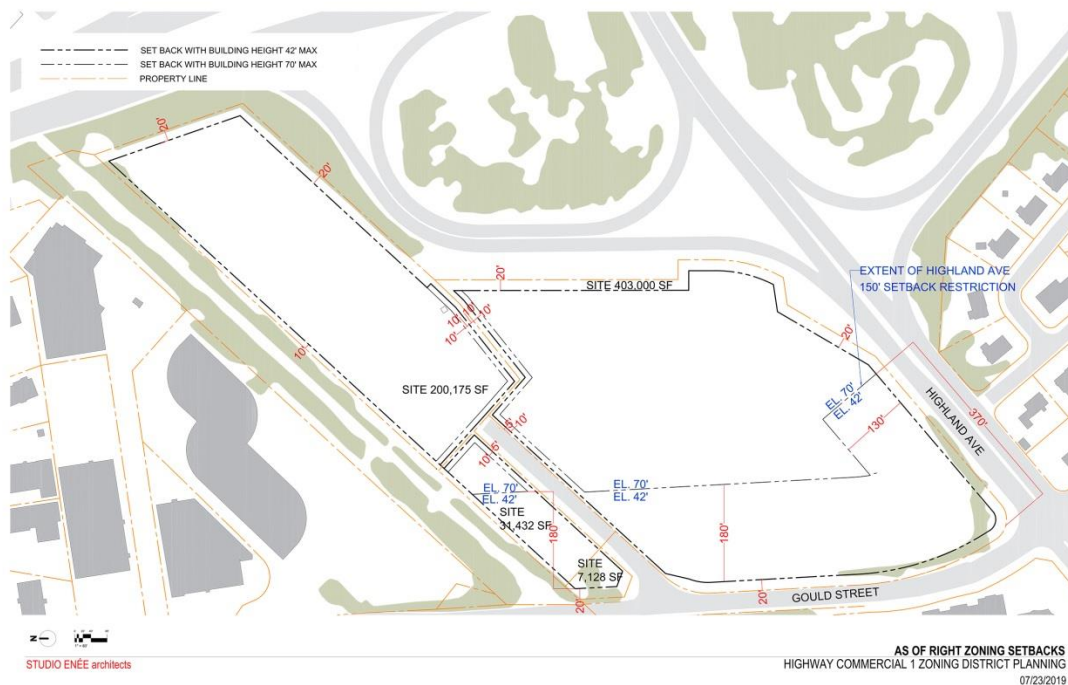
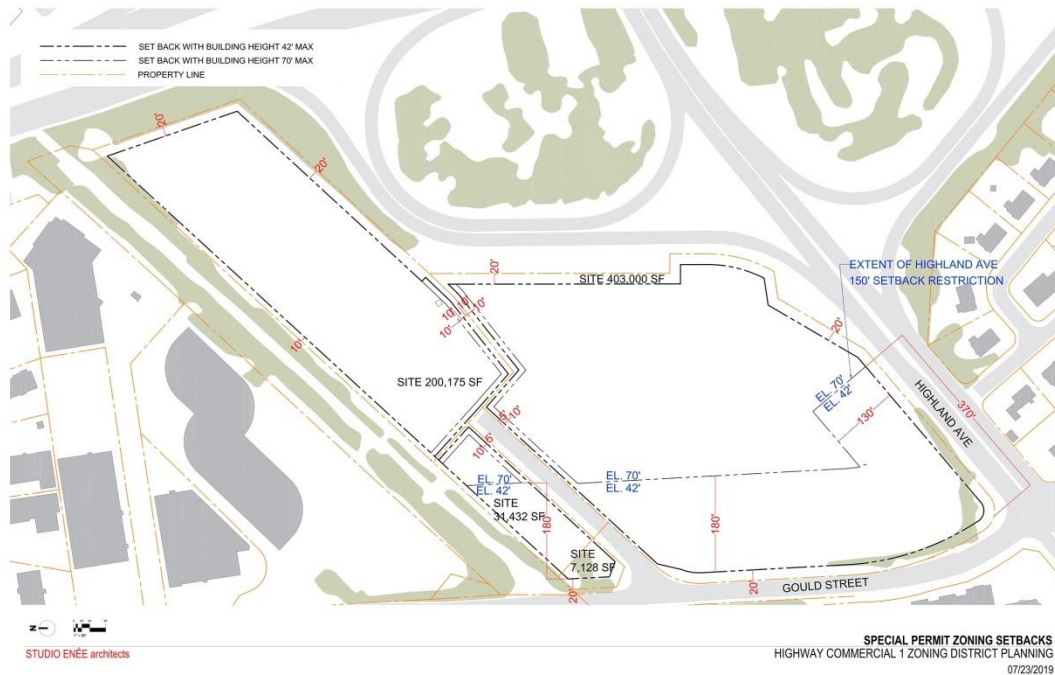


Figure 2:



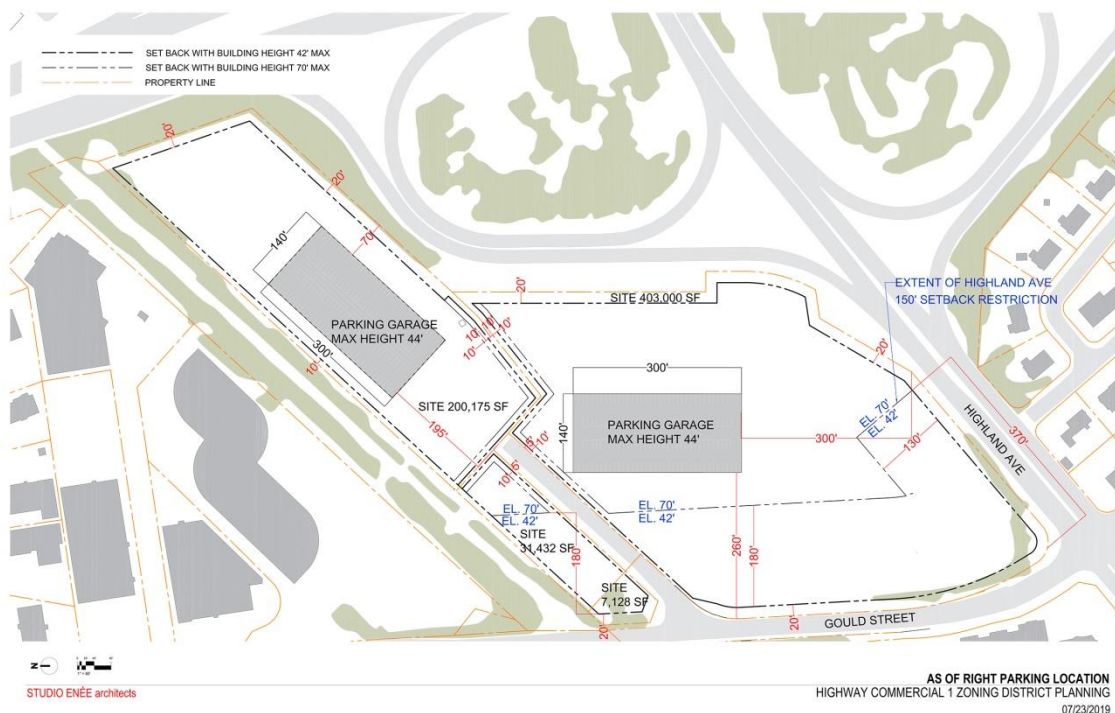
- (2) Maximum lot coverage shall be 65% for all projects. However, if a project is designed such that at least 65% of the required landscaped area immediately abuts at least 65% of the required landscaped area of an adjoining project for a distance of at least 50 feet, the maximum lot coverage may be increased to 75%.
- (3) No side or rear yard setback is required for shared parking structures between adjoining properties, but only on one side of each lot, leaving the other side or rear yards open to provide access to the interior of the lot.
- (4) A minimum of 20% of total lot area must be open space. The open space area shall be landscaped and may not be covered with buildings or structures of any kind, access streets, ways, parking areas, driveways, aisles, walkways, or other constructed approaches or service areas. Notwithstanding the preceding sentence, open space shall include pervious surfaces used for walkways and patios. (Pervious surfaces shall not preclude porous pavement, porous concrete, and/or other permeable pavers.)
- (5) A floor area ratio of up to 1.75 may be allowed by a special permit from the Planning Board. In granting such special permit, the Planning Board shall consider the following factors: the ability of the existing or proposed infrastructure to adequately service the proposed facility without negatively impacting existing uses or infrastructure, including but not limited to, water supply, drainage, sewage, natural gas, and electric services; impact on traffic conditions at the site, on adjacent streets, and in nearby neighborhoods, including, but not limited to, the adequacy of the roads and intersections to safely and effectively provide access and egress; the environmental impacts of the proposal; and the fiscal implications of the proposal to the Town. In granting a special permit, the Planning Board shall also consider any proposed mitigation measures and whether the proposed project's benefits to the Town outweigh the costs and adverse impacts, if any, to the Town.

- (6) The calculation of floor area in determining floor area ratio shall not include parking areas or structures.

4.11.2 Supplemental Dimensional Regulations

- (1) Parking structures shall be set back at least 100 feet from Highland Avenue and/or Gould Street.
- (2) Parking structures may have an active ground floor use, such as retail, office, institutional, or display. Structured parking must be located at least 20 feet from adjacent buildings, but may be attached to the building it is servicing if all fire and safety requirements are met.
- (3) Buildings abutting Highland Avenue and/or Gould Street must have a public entrance facing one street on which the building fronts.
- (4) Maximum uninterrupted facade length shall be 200 feet.
- (5) Notwithstanding Section 3.2.7.1(m) and any other provision of this Section 4.11 to the contrary, a parking garage, even if it is for an as-of-right development, may not exceed the parameters, bulk, and location requirements without the issuance of special permit by the Planning Board as shown on the following drawing.

Figure 3



The location may, however, be modified as of right if the parking garage is moved easterly or northeasterly towards Route 128/95.

- (6) All setback, height, and bulk requirements applicable to this Section 4.11 are contained in this Section and no additional requirements occasioned by this district abutting Route 128/95's SRB district shall apply.

4.11.3 Special Permit Provision

The Planning Board may, by special permit, waive any or all dimensional requirements set forth above in this Section 4.11 (including sections 4.11.1 and 4.11.2), by relaxing each by up to a maximum percentage of 25% if it finds that, given the particular location and/or configuration of a project in relation to the surrounding neighborhood, such waivers are consistent with the public good, and that to grant such waiver(s) does not substantially derogate from the intent and purposes of the By-Law. This section does not authorize the Planning Board to waive the maximum height regulations, reduce the 20 foot landscaped buffer area requirement along Gould Street, Highland Avenue and the layout of Route 128/95, reduce the 100 foot garage setback requirement along Gould Street and Highland Avenue, or reduce the 20% open space requirement of Section 4.11.1(4), except as specifically provided in Section 4.11.1(1) for pitched or recessed roofs. (By way of example, a 15' front yard setback could be waived to 11.25' or the 20,000 sq. ft. minimum lot area could be waived to 15,000 sq. ft.)

4.11.4 Special Permit Requirements

In approving any special permit under this Section 4.11, the Planning Board shall consider the following design guidelines for development: (a) The proposed development should provide or contribute to providing pedestrian and neighborhood connections to surrounding properties, e.g., by creating inviting buildings or street edge, by creating shared publicly accessible green spaces, and/or by any other methods deemed appropriate by the Planning Board; (b) Any parking structure should have a scale, finish and architectural design that is compatible with the new buildings and which blunts the impact of such structures on the site and on the neighborhood; (c) The proposed development should encourage creative design and mix of uses which create an appropriate aesthetic for this gateway to Needham, including but not limited to, possible use of multiple buildings to enhance the corner of Highland Avenue and Gould Street, possible development of a landscape feature or park on Gould Street or Highland Avenue, varied façade treatments, streetscape design, integrated physical design, and/or other elements deemed appropriate by the Planning Board; (d) The proposed development should promote site features and a layout which is conducive to the uses proposed; and (e) The proposed development shall include participation in a Transportation Demand Management program to be approved by the Planning Board as a traffic mitigation measure, including but not limited to, membership and participation in an integrated or coordinated shuttle program.”

5. Amend Section 5.1.3, Parking Plan and Design Requirements, by adding at the end of the second sentence of subsection (j) which reads “Such parking setback shall also be twenty (20) feet in an Industrial-1 District” the words “and Highway Commercial 1 District.”
6. Amend Section 7.2.5 of Section 7.2 Building or Use Permit, by adding after the words “Industrial-1 District,” in the first sentence, the words “Highway Commercial 1 District,”.
7. Amend Section 7.4.2 of Section 7.4 Site Plan Review, by adding in the first sentence of the last paragraph, the words “Highway Commercial 1 District,” after the words “Highland Commercial-128,”.
8. Amend Section 7.7.2.2, Authority and Specific Powers (of Design Review Board) by adding after the words “Industrial-1 District,” in the first sentence of the second paragraph, the words “Highway Commercial 1 District,”.

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Council of Economic Advisors, which was created by the Select Board to evaluate Town-wide economic conditions and make recommendations to promote and encourage new and existing businesses, undertook a review of all Industrial Zoning Districts in 2012, and, after focusing its efforts on three different areas along Route 128, held numerous public meetings with residents, neighbors, public officials, businesses and landowners in 2014 about potential zoning initiatives. As requested during those discussions, the CEA obtained a build-out analysis, a traffic impact report based on that analysis, and elevation drawings to better understand the impact of any proposed development. After examining the results of those reports, the CEA in 2017 reached out again to the various stakeholder groups and presented its preliminary recommendations to upgrade the zoning adjacent to Route 128 in order to make these areas more economically competitive. The Planning Board, having reviewed the proposals from the CEA, determined to move forward on only one area at this time; the area circumscribed by Route 128, Highland Avenue, Gould Street, and the railroad track.

The proposed use and dimensional changes to this area, to be rezoned Highway Commercial 1 (“HC1”), are detailed below.

The amendments to Section 3.2 detail the uses allowed by right and those by special permit. In addition, by listing the uses rather than using the current somewhat antiquated table of uses, the uses can be clarified and brought up to date. Key changes to the use table include allowing greater retail by right for 10,000 sq. ft. or less (from 5,750 sq. ft.) and by special permit for more than 10,000 sq. ft. and less than 25,000 sq. ft. (more than 5,700 sq. ft.); allowing grocery stores of up to 25,000 square feet by special permit; clarifying medical services allowed by right and by special permit (as was done in the Needham Crossing zoning); standardizing the medical laboratory and research and development defined uses; allowing by right more than one use and more than one building on a lot; changing theaters, bowling alleys, skating rinks, billiard rooms and similar commercial amusement or entertainment places from by right to special permit; deleting indoor movie theaters from allowed uses; precluding single family detached dwellings from allowed uses; and precluding certain industrial uses in the district including, *inter alia*, commercial garages, contractor’s yards, lumber or fuel establishments, Medical Clinics, and previously allowed manufacturing and industrial services. The purpose of the use changes is: (1) to insure that uses allowed by right or by special permit will maximize the economic value of redevelopment to the Town; and (2) to subject certain uses presently allowed by right to the special permit process so that they may be properly vetted by the permit granting authority as to impacts and mitigation.

The amendments to Section 4 would create the dimensional requirements for the new Highway Commercial 1 zone. The proposal under new Section 4.11 would change the front setback to 5 feet unless the building height exceeds 42 feet, in which case the front setback increases to 15 feet, or the building sits on Highland Avenue, Gould Street and/or the layout of Route 95/128, where a 20 foot landscaped vegetative buffer is proposed. (Current front setback is 20 feet except along Gould and Highland where a 50 foot building setback is imposed.) The side setback would change to 10 feet unless the building height exceeds 42 feet, in which case the side setback is increased to 20 feet for all side setbacks not abutting the MBTA right-of-way. (The current side setback is 20 feet.) The rear setback would change to 20 feet when building height exceeds 42 feet for those rear setbacks not abutting the MBTA right-of-way. (The current rear setback is 10 feet.) The maximum height is increased to 70 feet except that a building within 150 feet of Highland Avenue and 200 feet of Gould Street is limited to a height of 42 feet or 48 feet if under a pitched roof or recessed from the face of the building in a manner approved by the Planning Board. The 42 foot height or four story profile is consistent with the height allowed in the Elder Services District across Gould Street from the new HC1. By special permit, the height may increase up to 84 feet, except within 150 feet of Highland Avenue and 200 feet of Gould Street, which, given the topography of these lots (they pitch down near the highway), appears as four stories along the street fronts of Gould Street and Highland Avenue. (The current zoning allows only 30 feet or two stories.) For informational purposes, the required building

setbacks and allowed envelopes (including setbacks) for additional height above 42 feet are shown as Figure 1 for the as-of-right condition and as Figure 2 for the special permit condition in the zoning article.

The new zoning creates a maximum lot coverage requirement of 65% and an open space requirement of a minimum of 20%. (The current zoning contains no such requirements.) Changes are also proposed to the maximum floor area ratio ("FAR"); a maximum FAR by right would be 1.00; the FAR may be increased up to 1.75 by special permit provided certain findings are made. The amendment clearly sets out the specific factors which will allow the exercise of the Board's special permit granting authority. The proposed zoning also sets out the maximum uninterrupted façade length that is allowed—200'. (The current zoning allows an FAR of only 0.5 and only in very limited special circumstances 0.65-0.75.)

Finally, the new zoning restricts the bulk, height and location of the parking garage, even if it is for an as-of-right development; if the bulk, height and/or location are not within the envelope allowed by right, the parking structure requires the issuance of a special permit by the Planning Board. The bulk, height and location requirements of an as-of-right parking garage are shown on Figure 3 in the zoning article.

Because the CEA has concluded that the future development of this critical commercial area along Route 128 depends on Needham's ability to be responsive to the requirements of new or proposed uses or construction, it recommended the adoption of Section 4.11.3 which tracks the language from the New England Business Center district zoning adopted in 2011. Successful office parks flourish due to the flexibility of their zoning provisions. This amendment will impart greater flexibility in the Zoning By-Law by allowing the Planning Board to relax dimensional requirements up to a maximum of 25% except with regard to height, by special permit but only after making very specific findings as to the propriety of the waivers as to a particular project, use and location.

Based on the build-out analysis, traffic report, dimensional analysis, consultant findings and information, and meeting testimony, the CEA and Planning Board confirmed that certain dimensional requirements, including front setback, height, floor area ratio, and side setbacks, and use requirements were constraining development. The current zoning effectively precludes additional development. As the CEA's consultant concluded, realistic development expansion potential under the current zoning is essentially zero, and, given the properties' regionally prime commercial location along Route 128, they are significantly underperforming economically, to the detriment of the Town. With rezoning, in time, this area should attract significant high value redevelopment, which will be overseen by the Planning Board under its site plan review and special permit obligations.

ARTICLE 6: AMEND ZONING BY-LAW – MAP CHANGE TO HIGHWAY COMMERCIAL 1

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

Place in the Highway Commercial 1 District all that land now zoned Industrial-1 and lying between the Circumferential Highway, known as Route 128/95 and Gould Street and between the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way and Highland Avenue. Said land is bounded and described as follows:

Beginning at a stone bound on the northerly layout line of Highland Avenue at the intersection of Gould Street as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489; thence turning and running southwesterly, westerly and northwesterly along a radius of 44.00 feet a distance of 80.06 feet to a stone bound on the easterly sideline of Gould Street; thence running northwesterly, northerly, and northeasterly along a curve of radius of 505.00 feet of said sideline of Gould

Street a distance of 254.17 feet to a point on the said easterly sideline of Gould Street; thence running N10°49'50"E a distance of 284.29 feet to a point on the said easterly sideline of Gould Street at the intersection of TV Place, a privately owned Right of Way; thence continuing N10°49'50"E a distance of 160.00 feet more or less to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence continuing N10°49'50"E a distance of 84.82 feet to a stone bound located at the intersection of the easterly sideline of Gould Street and the southerly sideline of the M.B.T.A. Right of Way as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence turning and running along said southerly M.B.T.A. Right of Way line northeasterly a distance of 1,219.55 feet as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I, 18430J and 18430H to a point at the intersection of the westerly sideline of the Route 128 Right of Way and said southerly sideline of the M.B.T.A. Right of Way; thence turning and running S4°25'46"E a distance of 292.00 feet to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430H; then turning and running southwesterly along the Route 128 Right of Way a distance of 484.61 feet to a point; thence turning and running S13°34'58"W a distance of 451.02 feet as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489 to a point; thence turning and running S76°26'41"E a distance of 35.56 feet to a point; thence turning and running S13°34'58"W a distance of 67.34 feet to a point; thence running southwesterly along a curve of radius 245.45 feet a distance of 136.59 feet to a point; thence running southwesterly along a curve of radius 248.02 feet a distance of 38.04 feet to a point; thence running southwesterly along a curve of radius 1180.00 feet a distance of 140.09 feet to a point; thence turning and running S42°43'47"W a distance of 42.52 feet to a stone bound located in the westerly sideline of the Route 128 Right of Way; thence turning and running S63°56'51"W a distance of 361.46 feet to the point of beginning.

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: Article 6 describes the geographical area proposed to be placed in the new Highway Commercial 1 zoning district. The affected area is generally bounded on the north by the Massachusetts Bay Transit Authority (M.B.T.A.) commuter railroad right-of-way, on the east by the Circumferential Highway, known as Route 128/95, on the south by Highland Avenue and on the west by Gould Street. The subject land is currently located in the Industrial-1 zoning district.

ARTICLE 7: AMEND ZONING BY-LAW – ACCESSORY DWELLING UNIT

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

1. Amend Section 1.3, Definitions, by adding the following term and definition in the appropriate alphabetical order:

“Accessory Dwelling Unit (ADU) – An apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of the single-family dwelling.”

NEEDHAM PLANNING BOARD MINUTES

November 6, 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, November 6, 2019, at 7:00 p.m. with Messrs. Owens and Alpert and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Discussion regarding Pediatric Medical Facility Zoning Article – Children’s Hospital.

Robert Smart, representative for the applicant, stated his client would like the Planning Board’s agreement to advance this article to Town Meeting. He noted the article has changed slightly. He has revised the version of the zoning article they presented at the last meeting and feel it is an as of right use rather than a special permit. Lisa Hogart, of Boston Children’s Hospital, stated this is the same presentation as the last meeting. This is a third parcel. It is in front of Trip Advisor between Trip Advisor and Residence Inn. The hospital would like to buy all 3 sites – 2 B Street is the new parcel. The other 2 parcels are 380 First Avenue, which will be developed in Phase 1, and 37 A Street. The other 2 parcels are for future use. Nothing is planned as of now. The hospital would eventually like to make it a campus. There is an existing development site plan.

Tim Sullivan, of Boston Children’s Hospital, noted there is currently an existing special permit that allows a hotel and office but no medical. The applicant is proposing a parking standard for pediatric medical facility. He stated he started with the Building Inspectors requirements and moved from there. He looked at the existing standard in the overlay district. He then proposed a ratio at the last meeting and has tweaked that a little. They are proposing a new defined use and an appropriate parking standard for that use.

Sean Manning, of Boston Children’s Hospital, looked at multiple variations. He looked at the uses of office and pediatric ambulatory. He explained the rationale for how he came up with the parking calculations of approximately 1542 spaces with all 3 parcels fully developed. He described the rationale for the determinations. With the uses, and where the uses are, the recommended parking number is 1484. This is lower than the zoning standard. He showed the comparables of Waltham, Brookline Place, which is not open yet, and Peabody, which he feels is the best comparable to Needham. He explained the estimated requirement summary and noted he is comfortable with 1,500 spaces as the zoning standard being applicable and relevant.

Mr. Jacobs noted the parking garage has 925 spaces. Mr. Sullivan stated there are 3,600 spaces available on the entire site. The garage is not built yet and spaces could be added. He noted 380 1st Avenue will have the 925 garage spaces and the other building will use the other spaces. Ms. McKnight stated many use a shuttle bus service in this area. She asked if the applicant would be proposing shuttle service for the employees. Ms. Hogart noted they will be and are already using a shuttle system in Waltham and will use one in Brookline.

Mr. Alpert asked if the other parking garages/lots filled up or is there a usage percentage? Mr. Sullivan noted the spaces are highly utilized. He feels all the spaces will be used so they will all be needed. Ms. Grimes stated she has been at Children’s Hospital Waltham. Most times she was able to get a parking space on the first floor. She feels the garage may be only half full most of the time. Mr. Sullivan noted there were 109 spaces available today at peak. Mr. Manning stated the project will be phased. The parking could be monitored as it goes along. Mr. Alpert stated the parking needs to be settled now for the proposed article.

Mr. Smart stated he is concerned with a Special Permit use. There is always the possibility of an appeal. He is hoping to do this as of right. The application could be turned down for a number of reasons. Any application for a pediatric medical facility would require a major project site plan review. The Board will have adequate control over the project without a Special Permit. Ms. Grimes commented, at Town Meeting, several people told her they would have voted yes if it was by Special Permit. Those people did not vote yes because it was as of right. Ms. McKnight stated she is not convinced the applicant could have mere site plan approval. Mr. Smart stated he is hoping to limit the grounds for appeal as much as possible.

Mr. Sullivan stated this is a site that has a traffic report and conditions the applicant would need to abide by. Ms. McKnight commented the applicant feels the Needham parking standard is high. Mr. Jacobs stated the applicant spoke very carefully and did not actually say that. Mr. Sullivan clarified he gave the standard they think is appropriate. Mr. Manning noted the standard being proposed is very similar to what is in the By-Law. Mr. Owens asked if this has been presented to any other Boards or Committees or are the Planning Board the only ones. Mr. Smart had a meeting with Town Manager Kate Fitzpatrick and Select Board members John Bulian and Moe Handel. Then he met with the Planning Board members.

Mr. Owens stated the Planning Board would not be the challenge here. The issue is between substance versus perception. He commented on the 128 widening that caused issues for the abutters and the upcoming Highland Avenue construction project. He asked Mr. Smart why the use was not in the By-Law to begin with. He feels there is no reason to object on a substantive basis but he thinks it will be a tough sell.

Mr. Smart stated, if the zoning goes through, they will apply for a permit and the public hearing which would probably be 2 years. He asked if the Highland Avenue project would be done by then. Ms. Newman stated the goal is to have it done within 2 years but that is not definite. Ms. McKnight asked if the property will be tax exempt. Mr. Sullivan noted the applicant would pay taxes and would enter into an agreement. Mr. Jacobs noted in Section 3.2.4, it notes "uses in the New England Business Center District." He asked if the applicant wants this to be a permitted use throughout the New England Business Center. Mr. Smart stated that is the proposal. He is interested in hearing if the Planning Board would take this up as their article.

Mr. Smart asked who else they should be talking to. He thought the Finance Committee, Select Board and Superintendent of Schools. He will also continue to talk to the Beth Israel Deaconess folks. Mr. Jacobs suggested the applicant should talk to all of them. Mr. Alpert noted it was made public at Town Meeting. He suggested the Finance Committee should be informed sooner rather than later. Mr. Jacobs asked if they had talked with Trip Advisor. Ms. Hogart stated not directly. Trip Advisor has reached out to them and there will be a meeting in the next couple of weeks.

Ms. Newman suggested the traffic information be modified to have available at Town Meeting. Also, an updated fiscal analysis. She asked if it was possible for the applicant to fund a third party fiscal analysis. Mr. Sullivan stated this would be possible. Ms. Grimes commented she needs to think about this. Mr. Jacobs stated he will need more details like the as of right aspect. Ms. McKnight is generally positive. She is concerned with no special permit aspect. If there is no substantive difference between the site plan review and the special permit she has no issue. Mr. Alpert stated he would like to reserve judgment. He is inclined to go toward as of right but wants to read the case Mr. Smart quoted. He originally thought why not expand the Medical Overlay District but he is ok with just this. Mr. Jacobs noted this will be discussed at the next meeting.

Request to Release Bond: 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 Rockwood Lane consists of the dwellings currently numbered 38, 45, 46, 52, 55, 58, 63, 64 and 69 Rockwood Lane and one adjacent parcel, Needham, MA, Assessors Plan No. 17 as Parcels 71, 72, 73, 79 and 80 and Plan No. 20 as Parcels 86, 87, 88, 89 and 63).

Mr. Jacobs noted the following correspondence for the record: a letter from George Giunta Jr., dated 10/21/19, requesting release of the bond; a letter from Assistant Town Engineer Thomas Ryder, dated 10/24/19, with no comments or objections and a memo from Tara Gurge, of the Board of Health, dated 10/28/19, with comments and requests. She noted there would need to be site visits at each lot and she would need information submitted. Mr. Jacobs asked if this has occurred. Mr. Newman stated the site visits have not occurred but the town is holding 2 forms of surety – a Tripartite agreement with \$379,000 and the Off-Street Drainage Bond with \$31,500. She noted the Board of Health would need to be notified.

Ms. Newman noted, based on Engineering, the Board could release the Tripartite agreement but retain the Off-Street Bond until the Board of Health is satisfied. She noted the Board should also retain the Tripartite funds until the appeal period is over and the decision is recorded at the Registry. Mr. Alpert asked if the Board of Health is

satisfied \$31,500 is sufficient to address the concerns. Ms. Newman stated that is what was put aside and the Board of Health is ok with that. Ms. Grimes stated she is abstaining.

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

VOTED: to approve release of the bond provided with the Tripartite agreement in the amount of \$379,023 once the decision is recorded at the Registry but not approve the release of the Off-Street Drainage Bond in the amount of \$31,500.

Belle Lane Subdivision Tripartite extension.

Ms. Newman stated this was voted earlier and the Board gave a one year extension. Attorney Roy Cramer had asked for 2 years. She had originally recommended one year but the project is not getting anywhere. The applicant has asked for a continued extension. Engineering is ok with that.

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

VOTED: to extend the Tripartite agreement for Belle Lane to 9/30/21.

Discussion regarding Green Communities Determination Application.

Ms. McKnight stated she felt it would be good for the Planning Board to be on record as in favor for applying for green communities. She was impressed with the report and feels the town could meet the goals. She would like the members to read the draft application and green communities information. Mr. Jacobs stated he agrees generally but has some small edits. He is not sure why there is talk about the Hillside Elementary School.

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

VOTED: to ask the Planning Director to prepare a letter for signature saying the Planning Board is in favor of applying for green communities designation and hope the Select Board would agree.

Minutes

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

VOTED: to approve the minutes of 3/5/19 with the changes discussed.

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

VOTED: to approve the minutes of 8/6/19 with the changes discussed.

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

VOTED: to approve the minutes of 9/3/19 with the changes discussed.

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

VOTED: to approve the minutes of 9/17/19 with the changes discussed.

Correspondence

Mr. Jacobs noted the following correspondence for the record: a memo from Jeremy Rosenberger in response to Assistant Planner Alexandra Clee's email regarding firearm use; and 2 New York Times articles about Airbnbs. Mr. Jacobs noted the Board may want to look at these. The articles are quite interesting and may be a potential issue for the Board to take up.

Ms. Newman stated the Board has not had a planning meeting for a while. She feels the Board could do some planning the first meeting in December as there are no public hearings. All members agreed. Mr. Jacobs noted Steven Davis' correspondence regarding the Performing Arts Center. The project would need 7 acres. Ms. Newman stated that is a non-profit use and would not pay taxes.

Ms. Newman asked what the next steps on Highway Commercial 1 zoning would be. Ms. Grimes asked if the Board wants to bring the Muzi site back to Town Meeting. Her understanding is the Select Board would like them to. Ms. McKnight stated that is her understanding also. Mr. Jacobs will not go back with the same thing. Ms. Grimes stated she received a number of emails with feedback that people voted against it because it was brought up at the Fall Town Meeting. She feels it potentially makes sense to do a behind the scenes working group with someone from the Finance Committee because they would need to support this, some from the Select Board, Planning Board and Council of Economic Advisors (CEA). See what needs to be changed then decide if the Planning Board wants to do something with it. Mr. Jacobs feels it has to be different.

Mr. Alpert stated there needs to be a real and new traffic study. He is frustrated by people who wanted to have a developer on board first. He commented they should maybe wait until someone approaches Muzi. Ms. Newman stated Muzi called and would like to come in to talk to her. Ms. Grimes feels she should have gone into an explanation of how a warehouse could go in now under the current zoning. Mr. Jacobs noted all members are ok with a Chair, Vice-Chair working group.

Ms. Newman stated she was called by the Historical Commission who approved a 6 month delay on the Great Plain Avenue property. The Chair and Vice-Chair would like to meet to talk about how the house could be saved and to see if there is any interest in saving it. Mr. Alpert stated the owner needs to be on board before anything is done. Ms. McKnight noted the owner said the house is not worth saving. Ms. McKnight handed out MCLE print out materials from a podcast.

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

VOTED: to adjourn the meeting at 8:35 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Elizabeth Grimes, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

November 19, 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, November 19, 2019, at 7:05 p.m. with Messrs. Owens and Alpert and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Public Hearing:

7:05 p.m. – Sunrise Terrace (formerly 1001 and 1015 Central Avenue) Definitive Subdivision Amendment: Hillcrest Development, Inc., 78 Pheasant Landing Road, Needham, MA, Petitioner (original owner and Petitioner RRNIR LLC, 20 Beaufort Avenue, Needham, MA), Petitioner, (Property located at 1001 and 1015 Central Avenue, Needham, MA).

Mr. Jacobs noted the following correspondence for the record: a legal notice; a letter from George Giunta Jr., a letter from Dainius Kuper, of Hillcrest Development; a letter from Daniel J & Alison M. Mazza, of 5 Sunrise Terrace; a letter from James Galagan & Kristine Schwenck, of 6 Sunrise Terrace; an email from Pavan Sekhar, prospective owner; an email from Fire Chief Dennis Condon with no issues; two emails from Tara Gurge of the Board of Health; an email from Police Chief John Schlittler and a letter from Assistant Town Engineer Thomas Ryder.

Upon a motion made by Mr. Alpert, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to waive the reading of the public hearing notice.

George Giunta Jr., representative for the applicant, noted this parcel received subdivision approval in February 2016. It was amended in July 2016 and increased to 6 lots with a short cul-de-sac. It is 325 feet from Central Avenue to the back. There is a 40 foot layout and 24 feet of pavement with a sidewalk on one side. Most of the infrastructure is in. Three houses have been sold. Hillcrest bought the last 3 lots and has agreed to complete the subdivision. The owners have asked if a sidewalk is necessary as they would not like one. It makes sense not to have a sidewalk because it is small at only 6 lots. It is a cul-de-sac and there will never be roads off of it. He feels it is appropriate to waive the sidewalk requirement. He has letters from 2 owners and one prospective buyer requesting there be no sidewalk. He feels it is likely the only people on the street would be the owners.

James Galagan, of 6 Sunrise Terrace, stated the road has not had a sidewalk up to now and there have been no issues at all. It never occurred to him a sidewalk would be needed. He prefers to have the additional green space. Pavan Sekhar, of 20 Sunrise Terrace, stated he is a prospective owner. The sidewalk would only be on part of his property. He does not see the benefit of it. He would prefer the green space. Mr. Galagan stated he was not aware it was only half a sidewalk that went to nowhere. Ms. Newman clarified this request was only for the cul-de-sac and not the sidewalk on Central Avenue and was informed that was correct. Mr. Sekhar feels the sidewalk on Central Avenue is satisfactory and a sidewalk would not contribute anything.

Gary Kaufman stated this is a great opportunity to add green space. He feels green space is more valuable than sidewalk. Ms. McKnight asked if this was a private way and was informed it was. She noted it slopes up steeply in the back. She stated she does not understand the comment from the Police regarding the Charles River Center and children walking to school. She asked Mr. Sekhar if he would feel comfortable that his children could walk down Sunset safely to Central Avenue for the bus. Mr. Sekhar stated he is comfortable with that. Ms. McKnight noted the police comment regarding plowing. A concern was expressed but the only greenery that could be put in is grass. She is not sure about the concern with plowing. Mr. Giunta Jr. thought the snow banks were the issue.

Mr. Alpert stated he does not understand the reason for the petition. Why do the residents not want a sidewalk? Mr. Galagan stated it comes down to the utility of putting it in as opposed to green space. He does not feel it would be useful to them. Mr. Sekhar commented it is also for not even half of the cul-de-sac. Mr. Jacobs asked if there is a precedent for waiving a full sidewalk. Mr. Giunta Jr. stated only the smaller single home subdivisions and there

are at least 2 or 3 with no sidewalks. Ms. Grimes stated it is a small road and she does not feel there is a need for a sidewalk. Mr. Owens stated, in principal, he likes sidewalks. He feels there is no practical reason for a sidewalk here.

Ms. McKnight stated she is prepared to vote for a waiver. She would like a condition that in the layout of the way only ground cover and grass would be planted. Mr. Alpert stated he would vote no. He lives on a street with no sidewalks. He feels it is safer walking along sidewalks. He sees a safety concern with children learning to ride bikes could go downhill on to Central Avenue. Mr. Jacobs stated he is not in favor. He would not counter the police department safety concerns. There is no precedent to waive sidewalks on both sides. Mr. Owens and Ms. Grimes are ok with the waiver. Mr. Jacobs and Mr. Alpert are against the waiver. Ms. McKnight stated she cannot see a safety problem. As long as the road can be maintained and snow plowed she is not concerned.

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

ANR Plan – 766 Chestnut Street, LLC, Petitioner (Property located at 766 Chestnut Street, Needham, MA).

Ms. Newman noted a letter from Attorney Robert Smart requesting this be taken off the agenda for tonight. She noted the action deadline would need to be extended to 12/31/19.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to extend the action deadline for the ANR Plan for 766 Chestnut Street to 12/31/19.

Discussion regarding Pediatric Medical Facility Zoning Article – Children’s Hospital.

Ms. Newman noted an email from Attorney Robert Smart noting Children’s Hospital would like to postpone this to the 12/3/19 meeting. This is off the agenda.

Board of Appeals – November 21, 2019.

Chestnut Street, Inc. – 397-399 Great Plain Avenue

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: “No comment.”

Highland Avenue Donuts, Inc. – 1201 Highland Avenue

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: “No comment.”

ATC Watertown, LLC – 350 Cedar Street

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: “No comment.”

Entravision Communications Corporation – 350 Cedar Street

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: “No comment.”

Ms. McKnight stated she likes it. The design is elegant and keeping within the context of the street. She likes the separate garage in the back. Mr. Alpert stated he is confused with a 2 family here but trusts the Zoning Board of Appeals to hear any concerns.

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

VOTED: “No comment.”

Ms. McKnight noted the new large house regulations go into effect next summer. She feels the Board should compare the building permits issued prior to the change and those submitted after the change. She wants to see if what the Board worked so hard on was working and is it effective. Mr. Jacobs agreed.

Minutes

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

VOTED: to accept the minutes of 7/16/19 with the one change discussed.

Correspondence

Mr. Jacobs noted a letter from Planning Director Lee Newman to Town Manager Kate Fitzpatrick regarding the Green Communities Determination; a 9/4 letter from Planning Director Lee Newman to Jon Schneider of the Zoning Board of Appeals with recommendations; a memo dated 11/18/19 to Steven Popper from Planning Director Lee Newman regarding the Temporary Police and Fire facilities. They would like to have occupancy in the next week or so.

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

VOTED: to authorize the Planning Director to authorize a temporary or permanent occupancy permit.

Report from Planning Director and Board members.

Ms. Newman noted she and Ms. Grimes have a meeting on the 128 District proposal to talk about next steps in the Commercial 1 Zoning District. Ms. Grimes stated she wants to see if they can come to a consensus with the Finance Committee or if it should be dropped. She was referring to the Muzi site. Mr. Owens feels they should stress if the zoning is left alone it could be a warehouse and that is not what the town wants.

Ms. McKnight stated members of the League of Women Voters told her they did not like the visuals. They felt the buildings looked like boxes. Ms. Newman stated she has a meeting on 1479 Dedham Avenue next Tuesday with the Historical Commission and Moe Handel to try to save the house. Building Inspector David Roche will speak with the owner. They have been told it is in great shape. Ms. McKnight spoke on the Town Pedestrian Safety Audit Report and her thoughts. She wants the Board members suggestions. She felt it was an excellent report with guidance for further studies on the town's website.

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 8:07 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Elizabeth Grimes, Vice-Chairman and Clerk



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7550

PLANNING

January 2, 2019

Mr. John Bulian, Chair
Select Board
1471 Highland Avenue
Needham, MA 02492

Dear Mr. Bulian:

In accordance with MGL Chapter 41, Sections 11 and 81A, the Planning Board hereby gives the Select Board Notice of a vacancy created on the Planning Board as a result of the resignation of Ms. Elizabeth Grimes. Ms. Grimes has been a valued member of the Planning Board since 2013.

As a result of Ms. Grimes' resignation, the Planning Board requests a meeting with the Select Board for the purpose of filling such office until the next annual election, such meeting to be held following public notice of the vacancy and interviewing of all interested parties.

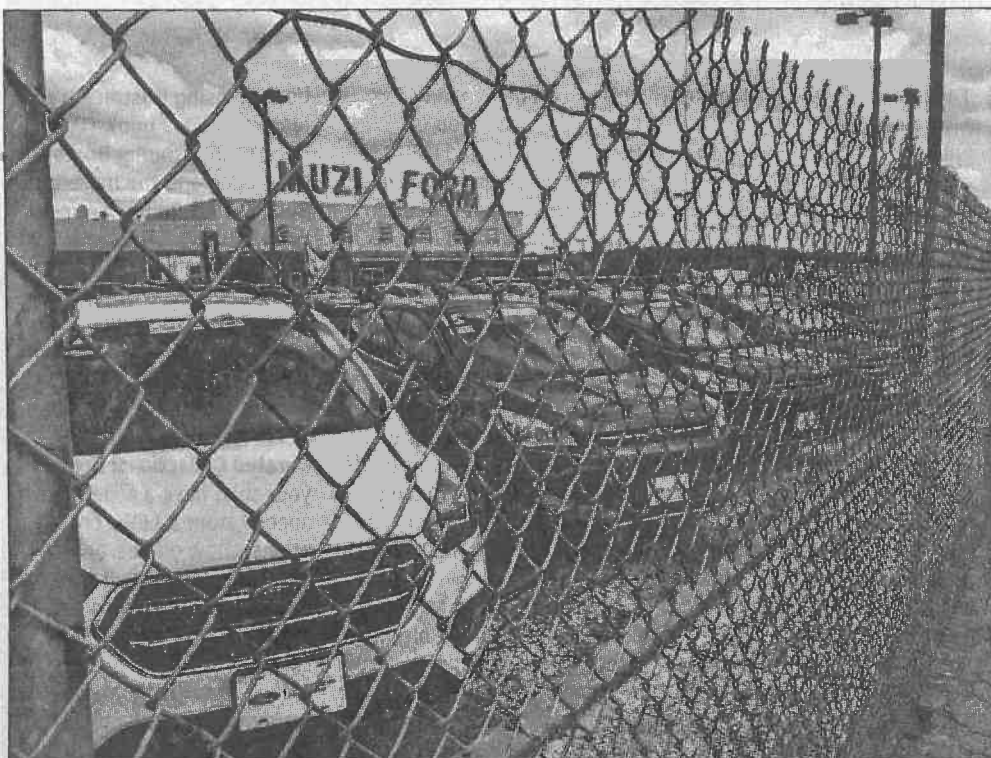
Enclosed is a copy of Ms. Grimes' resignation email as presented to the Planning Board at its meeting of December 3, 2019. Should you have any questions regarding this matter, please feel free to contact me directly.

Very truly yours,

NEEDHAM PLANNING BOARD

Martin Jacobs, Chair

cc: Theodora Eaton, Town Clerk
Kate Fitzpatrick, Town Manager
Planning Board



The zoning proposal under consideration affects the area of town best known as the home of the Muzi Ford dealership. [WICKED LOCAL STAFF PHOTO / TREVOR BALLANTYNE]

Planning Board to send major zoning proposal back to Town Meeting

By Trevor Ballantyne
tballantyne@wickedlocal.com

With approval for a \$30,000 transfer from the town's Reserve Fund, the Needham Planning Board is poised to return a major zoning proposal to the town's annual Town Meeting in 2020.

Approved by the Finance Committee with a 6-1 vote on Dec. 18, the allocation of money will be made to the town's Department of Planning and Community Development to fund a new build out analysis of the proposed zoning district - including 3D models with topography, site plans, and architectural renderings - located in the area best known as the site of Muzi Ford and WCVB-TV.

At Needham's special Town Meeting held in October, Town Meeting members narrowly rejected a pair of Planning Board articles that would have overhauled allowable zoning uses to include both retail and commercial space.

A letter requesting approval from the Finance Committee for the Reserve Fund transfer, dated Dec. 12 and signed by Planning and Community Development Director Lee Newman, says the money will also fund an updated traffic impact analysis and a fiscal analysis "to quantify the fiscal benefit that has been derived by the town

as a function of that district's rezoning which occurred in 2001."

"The challenge to date has been to develop a framework that maximizes economic potential while protecting community values including traffic, safety, and visual impacts," the letter says. "The Planning Board views this request as the next step in reaching that goal."

The funding request came after discussion at the Planning Board's Dec. 3 meeting.

At that meeting, Board chair Martin Jacobs noted outcomes from a recent working group he attended with Lee Newman and board member Liz Grimes. The session covered a number of topics and included members of the Finance Committee, the Select Board, School Committee and Town Manager Kate Fitzpatrick. Public Information Officer Cyndi Rodriguez also attended.

On the rezoning proposal, Jacobs said, "the Select [Board] would like us to come back to try and push it again in the Spring - so the question is 'what is our appetite for doing that?'"

The Planning Board chair relayed takeaways from the working meeting that included calls for improvement in the process and presentation of the board's proposal with respect to its visual representation. He said substantive changes to the proposal included

recommendations to reduce the Floor Area Ratio (FAR) included in the previous proposal.

In her own reflection, Liz Grimes, who announced she would step down from the Planning Board effective Jan. 2, 2020, said, "my biggest take away from the meeting was that the Finance Committee has absolutely no understanding of what the Planning Board does in a special permit process."

"We need to educate them," she added.

Lee Newman agreed.

"I was surprised that they didn't understand the special permit process," Newman said. "They had no idea or understanding that we actually get a lot of off-site improvements as a function of the permits we issue."

In response to those concerns, Newman said she would work to generate a list of off-site improvements the town has secured for other projects and board members said they would invite members of the Finance Committee to a working meeting in early January. The board also discussed a timeline for contracts to be secured as a result of the approved funding transfer. With new studies and presentation materials, the board said it aimed to hold a public hearing on the revamped rezoning proposal in February.

Needham's annual Town Meeting is scheduled for May 4, 2020.

Hospital opts for citizen petition

**Boston Children's
proceeds with
new strategy for
pediatric facility**

Trevor Ballantyne
tballantyne@wickedlocal.com

Boston Children's Hospital will move forward with plans to build a pediatric medical facility in Needham - but will do so with a citizen's petition.

"We made the decision to go ahead with [the plan] as a citizen's petition as opposed to a planning board article," Attorney Bob Smart told members of the Needham Planning board Dec. 3. "We think it is just simply cleaner to do it that way."

Smart, the hospital's local Needham real estate counsel, spoke at the board's meeting last week along with Tim Sullivan - a corporate real estate counsel for Boston Children's Hospital from Goulston & Storrs. The attorneys said the BCH team will meet with the Needham Finance Committee on Dec. 18 as they work to finalize language in the proposal, but they did not anticipate major changes.

Reached for comment Monday, a spokesperson for BCH said Smart's use of the word "cleaner," "simply means the zoning review process would be more straightforward if Boston Children's Hospital is the petitioner presenting the zoning for the site's new use for development [at spring Town Meeting] rather than the Planning Board being the petitioner to present the hospital's zoning proposal."

"The hospital would continue to collaborate closely with the Planning Board throughout the zoning process, and the Planning

Built on a partnership between the City of Newton, Town of Needham, and the Newton-Needham Chamber of Commerce, the district is advertised as offering easy access to and from surrounding communities via Route 95 and "produces more patents per capita than almost anywhere else in the nation," a website run by the chamber says.

-- of whom, 50 are physicians. The proposed pediatric facility is projected to employ 400 people. Located at 2801 1st Ave. next to TripAdvisor headquarters and 37A St. next to SharkNinja headquarters, the proposed locations of the Boston Children's facilities would add to a line-up of notable brands with headquarters in the neighborhood.

training center." Providing specialty rather than primary care, the facility would also include an Orthopedic and Sports Medicine Center of Excellence and services for pain management and physical and occupational therapies. Children's Hospital employs around 20,000 people including over 250 Needham residents

with the Planning Board to introduce its plans for the development of the pediatric facility on two lots located in the N-Squared Innovation District. A copy of that presentation shows BCH envisions the creation of a "Needham pediatric ambulatory surgical center, which will include a state-of-the-art innovation lab and educational

Board would still hold a public hearing and make a recommendation as part of the review and approval of the zoning article," the spokesperson said. On Oct. 22, the hospital met

HOSPITAL

From Page A1

12/12/19
Needham
Times

Indoor 'skydiving' facility mulled

Group discusses plans for 'zero-gravity' simulator in Needham

By Trevor Ballantyne
tballantyne@wickedlocal.com

Skydiving in Needham – without leaving the ground?

Not quite, but a proposed development could bring a massive wind-powered machine, designed to simulate zero-gravity weightlessness, to town.

Located on the site of the now-closed Acapulcos restaurant, the zero-gravity experience would be offered by Austin, Texas-based iFLY, and housed inside of a giant glass cylinder within a new 65-foot-high facility built on the property.

The thrill is like skydiving, only “you don’t jump or fall. You fly gently on a cushion of controlled air,” the iFLY website says.

The company opened its first recirculating wind tunnel in Orlando in 1999. Today, there are 80 iFLY locations in 19 U.S. states, Europe, Australia and South America. The planned Needham facility – at the corner of Highland and 1st Avenues next to the northbound exit of Route 128 – would be the company's first location in Massachusetts.

Local competitors offer similar indoor skydiving simulations at The Freedom Wind Tunnel in Foxborough and SkyVenture Indoor Skydiving & Surfing in Nashua, New Hampshire.

See FACILITY, A2



Owners of the property where Acapulcos operated have preliminary plans to demolish the vacant building and develop two structures including a zero-gravity simulator. [WICKED LOCAL STAFF PHOTO]

A2 Thursday, January 2, 2020

FACILITY

From Page A1

Decidedly safer than jumping out of an airplane, the wind-powered simulation is more accessible, too. Social media posts show people spinning above one of iFly's high-powered weightless simulation machines. The company boasts that its youngest “flyer” was just 3, and teens, adults and seniors as old as 100 are all welcome.

Members of the Needham Planning Board met with project developers,

including property owners, on Dec. 17 to discuss preliminary construction plans for the iFLY building. A Ground Round and a Howard Johnson's operated on the the highway side before Acapulcos relocated there from neighboring Newton. The Mexican themed chain-restaurant closed its doors in June 2019.

Rick Feldman, of Feldman Development partners, said a smaller structure included in the plans, designed to house a retail bank, falls under an allowed zoning use for the property – part of Needham's Highway Commercial

One district.

The iFLY building is not as simple. Feldman told the board the developers are looking at a couple of options including designating the development as an exercise facility or an education-related use.

All of iFLY customers would participate in an hour-long orientation before entering the chamber for about a minute of flying time, he explained when discussing the education designation.

“It's quirky,” he admitted of the proposed use-options. “That is why we are looking

for your advice or your counsel on this board.”

“It's unique, that is for sure,” Planning Board Chairman Martin Jacobs said.

The agenda listed consideration of the development plans as a discussion item rather than something that required a board vote. The development group – including iFLY as a partner – has not yet filed applications for permits. Board members advised the development group to examine parking and traffic flow requirements and meet with town officials.



Located at 1 1st Ave. on the corner of Highland Avenue in Needham, the property is zoned under the town's Highway Commercial One district. [WICKED LOCAL STAFF PHOTO]

TOBIN & GRUNEBAUM
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NEEDHAM, MASSACHUSETTS 02492
TELEPHONE (781) 444-5051
FACSIMILE (781) 444-5028

DAVID S. TOBIN, P.C.
DAVID F. GRUNEBAUM

January 3, 2020

Ms. Lee Newman
Planning Director
Town of Needham
550 Dedham Ave.
Needham, MA 02492

Re: 12 & 18 Brookside Road

Dear Lee,

You have asked me for a letter opinion regarding the proposed ANR endorsement applied for the above property and the application to it of Section 1.4.8 of our zoning bylaws.

It is my understanding that the lot meets the zoning requirements based on size, shape and area. It is non-conforming because a structure on the lot is within the front setback area. The owner wants to sever a portion of the land and make the severed portion a part of an adjoining lot. I have not seen the proposed ANR plan but it is my understanding that the frontage of the lot with the non-conforming structure will not be affected by the ARN plan. Further it is my understanding that the area of the lot will still meet or exceed the minimum area requirements of the zoning by-laws. On the basis of those assumptions I am of the opinion that the property will retain its non-conforming status. I base this on the Massachusetts Appeals Court decision of Glidden, Tr. et al v. ZBA of Nantucket 77 Mass. App. Ct. 403 (2010). In that decision the Appeals Court ruled in part:

“Under the terms of [G.L. c. 40A, § 6](#), a structure or use is no longer shielded from the requirements of a zoning by-law if a change, extension, or alteration is deemed to be substantially more detrimental to the neighborhood than the pre-existing, nonconforming use or structure. See [Willard v. Board of Appeals of Orleans, 25 Mass.App.Ct. 15, 21, 514 N.E.2d 369 \(1987\)](#). No extension or alteration occurred in this case. The lot line reconfiguration that resulted from the 1995 variance caused no change in the over-all size of the lot. No existing nonconformities were extended, and no new nonconformities were created. Because the conveyance caused no change in any of those aspects of the lot, there could be no intensification of the nonconformities present.”

*EACH ATTORNEY IN THIS OFFICE IS AN INDEPENDENT PRACTITIONER WHO IS NOT RESPONSIBLE FOR THE PRACTICE OR THE LIABILITY OF ANY OTHER ATTORNEY IN THE OFFICE

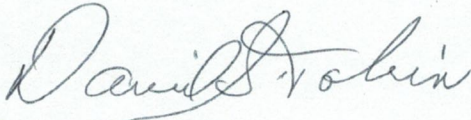
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Page 2.

Section 1.4.8 of the Needham Zoning Bylaws makes no mention of a situation where a lot is reduced in size but still contains enough area to satisfy the area requirements of the zoning. For that reason it is not applicable in this case.

Yours truly

A handwritten signature in cursive script, reading "David S. Tobin". The signature is written in dark ink and is positioned above the printed name.

David S. Tobin