NEEDHAM PLANNING BOARD MINUTES

August 11, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, August 11, 2020, at 7:15 p.m. with Messrs. Jacobs, Alpert, Owens and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of people expected to be on the agenda. She noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. She reviewed the rules of conduct for zoom meetings. This meeting will include 2 public hearings that will allow public comment. She noted if any votes are taken at the meeting the vote will be conducted by roll call.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:
VOTED: to automatically continue the meeting to 9/8/20 at 7:15 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight.

Request to Release Surety: Scenic Road Act Reginald C. Foster, 898 South Street, Needham, MA 02492, Petitioner (Property located at 898 South Street, Needham, MA and is shown on Assessor's Map 205 as Parcel 6).

Ms. Newman noted the work has been completed and she has the As-Built and drawings. The Tree Warden and Engineering Department have inspected and are fine with the work that has been done. She commented the landscaping is wonderful and a real asset to the town.

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:
VOTED: to release the surety for 898 South Street.

Request to Extend Action Deadline: 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA).

Ms. Newman stated the Planning Board asked the applicant to give additional information at the last meeting. She has not received the information yet so the hearing tonight will be continued to 9/8/20. The action deadline expires at the end of August. The applicant has asked, in writing, that the action deadline be extended to the end of October.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:
VOTED: to extend the action deadline for the 390 Grove Street Definitive Subdivision to the end of October 2020.

Public Hearing:

7:30 p.m. – Article 1: Amend Zoning By-Law – Avery Square Overlay District
Article 2: Amend Zoning By-Law – Map Change to Avery Square Overlay District

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

Ms. McKnight introduced the Articles and gave the history. She explained the proposed amendment. There will be a 155 unit senior housing community with 72 independent living units, 55 assisted living units and 28 memory care units. She summarized the key provisions of the Overlay District, the purpose of the Overlay District and the boundaries. This will encourage and allow redevelopment of the existing property. The Planning Board will be the Special Permit granting authority. She noted this amendment will allow 4 stories with some restrictions on the 4th floor (35% of total roof area maximum, a minimum setback requirement), additional FAR and off-street parking requirements. The affordable housing requirement will be 12.5%. The definition of front setback will be amended to allow ground level patios. She introduced Roy Cramer, representative for the applicant.

Mr. Cramer noted Ms. McKnight had covered all he was going to say. He noted the FAR will be 1.1. He introduced David Kelly of Kelly Engineering Group. Mr. Kelly went through the site and described the existing conditions. The parcel is 4.3 acres in the Single Residence B District and Avery Square Business District, with the railroad in the rear. The Single Residence B portion is approximately .75 acres. The building footprint is 63,700 square feet. There are 193 surface and garage parking spaces and 28 spaces on Highland Avenue. There are 2 driveways – one from West Street and one from Highland Avenue. The address is West Street and the main entrance is from West Street. From West Street, the drive goes through with parking on the left and right with a drop off area on the left. The drive continues through the parking garage. There is a turn-around area with a gazebo, and arch into the building and continues through to more parking in the Single Residence B Zoning District with 64 spaces. Parking extends 99 feet into that zone.

Mr. Kelly noted there will be a full reworking of the site for the proposed landscaping. There will be 176 parking spaces at the end of the project. All existing landscaping and buffers will be enhanced, the overgrown landscaping will be removed and new landscaping installed. The parking lot will remain at the same slope. The drop off will remain but be enhanced and the amenity areas will be enhanced. The parking garage entry will become the service area and there will be a new garage exit. All emergency vehicles can access the site, make the turn around and exit. All will fully comply with storm water management.

Anthony Vivirito, Project Architect from the Architectural Team, described the existing building. He noted they have tried to preserve the architectural design and have kept window openings; the apartments on the first floor will have walk out patios and they are designing the 4th floor. The south edge of the Highland Avenue parking area will be replanted. There will be a memory care courtyard on the north side with fencing around it and some changes to the landscaping to make it more welcoming. He showed computer generated perspectives. The memory care unit is on the 1st floor; assisted and independent units on the 2nd, 3rd and 4th floors with the 4th floor also having building amenities. It is 44 feet to the top of the 4th floor with elements at 49 feet with elevator overruns. There is a total of 35% of the roof area used, with the mechanics in specific areas rather than spread out.

Erin Fredette, Traffic Engineer from McMahon Associates, did a full traffic impact analysis. She feels this is a low traffic generator with minimal impact. The number of trips per day is significantly reduced over the previous land use. The current is 193 parking spaces and the new has 149 spaces proposed. The peak period demand is 80 spaces. This is close to transit and other services so she anticipates lesser demand on site.

Mark Fougere, of Fougere Planning and Development, Inc., discussed the revenue streams. It is estimated, with a full build out, there will be $554,000 in real estate taxes paid. The estimated cost impact to the town would be $163,000. Construction will last 18 months with 87 full time equivalent jobs created and there would be goods purchased.

Mr. Owens and Mr. Jacobs had no comments or questions. Mr. Block wanted to clarify if the 4th floor common spaces would be available to all residents or is it restricted to certain groups. Lee Bloom, of LCB Senior Living, stated it is intended for the assisted living residents. There is also a common terrace for the independent units. Ms. McKnight asked if the amenities are for all residents. Ted Doyle, of LCB Senior Living, stated they try to draw people out of their apartments. There is a movie theater, libraries, country kitchen, spaces for arts and crafts and woodworking and a swimming pool. There are an abundance of social opportunities to combat isolation with a vibrant community. Mr. Alpert had no comments or questions. He noted it was a very thorough presentation.

Ms. McKnight noted the following correspondence for the record: a letter from Rob Giumetti, Village Club President, dated 8/10/20, in support. He noted he met with the development team and feels this is the best use with the least impact. He welcomes the project. Glen Momo, of 40 Morton Street, noted parking on the street is also part of the Village Club's key parking. This will be an impact for them. The project may not need the spaces and will not challenge others use of them. Mr. Momo asked if the on-street parking will remain metered and was informed that is a decision for the Town. Mr. Bloom stated he is more than willing to meet with Mr. Momo to discuss any issues he has. Ms. Clee noted a letter, received today, from Michael Niden in support of the project.

Mr. Block noted the applicant presented to the Council of Economic Advisors (CEA). The CEA took a vote in support of this proposal and communicated that vote to the Select Board. The applicants have also reached out to the Needham Heights Neighborhood Association and will meet with them on 9/14/20.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:
VOTED: to close the hearing.

8:00 p.m. – 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Schueber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA). ***Please note this is a re-noticed hearing that began on February 4, 2020 and is continued from the July 21, 2020 Planning Board meeting and will be further continued to the September 8, 2020 meeting.***

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:
VOTED: to continue the hearing to 9/8/20 at 7:30 p.m.

8:00 p.m. – Heather Lane Definitive Subdivision: William John Piersiak, William John Piersiak, Trustee of the 768B Chestnut Street Realty Trust, Evelyn Soule Maloomian, and Koby Kemple, Manager of the 766 Chestnut LLC, Petitioners (Property located at 764, 766, 768-768A, and 768B Chestnut Street, Needham, Norfolk County, Massachusetts). ***Please note: this hearing is continued from the June 16, 2020 and July 21, 2020 Planning Board meetings.***

Heather Lane Extension Definitive Subdivision and Residential Compound: William John Piersiak, Petitioner (Property located at 768A-768B Chestnut Street, Needham, Norfolk County, Massachusetts). ***Please note: this hearing is continued from the June 16, 2020 and July 21, 2020 Planning Board meetings.***

Ms. McKnight noted this hearing is still open. Robert Smart, attorney for the applicant, noted there were 4 open items. For the lot width issue, a 10 foot wide landscaping strip from Lot 1 has been added on Chestnut Street so there is no longer frontage on Chestnut Street. For the Heather Lane Extension a note has been added regarding the barn on Lot 3 that will be converted to a single residence. Mr. Smart noted the applicant has worked with the Conservation Commission and gave the background. There are restrictions proposed only on Lots 3, 4 and 5. A 7/28/20 letter from the Conservation Commission accepts this compromise. He would like draft language revised to say the restriction is only on Lot 4 which will be divided into Lots 3, 4 and 5. Ms. McKnight noted 2 letters from Debbie Anderson, Director of the Conservation Commission, accepting the conservation restriction on Lot 4.

Mr. Smart noted a letter from the DPW who want NPDES public outreach requirements. The applicant has complied with that. He commented he has heard that 770 Chestnut Street LLP has submitted an ANR Plan with 2 lots off of the Heather Lane road. Ms. Newman stated she is not aware of an ANR Plan filing. She will follow up with the Town Clerk tomorrow. Mr. Alpert noted the lighting plan for the Heather Lane Extension. Mr. Smart stated lighting is not shown. Mr. Alpert wants to clarify if there are any lights on the cul-de-sac. Mr. Smart noted the cul-de-sac is part of the Heather Lane subdivision. He is asking the Extension decision be changed to eliminate a requirement for a lighting plan for Heather Lane Extension. They are proposing that each homeowner provide their own lighting for their homes.

William Piersiak noted there are 3 street lights in the cul-de-sac and 4 other street light fixtures on Heather Lane. Mr. Alpert sought clarification as to whether there is to be any lighting along the Extension and was informed by Mr. Piersiak that on lighting is proposed. Ms. Newman stated the Board customarily requires lighting with decorative lights on individual lots with individual owners providing electricity to the lights; it is not a traditional street light. Mr. Block sought clarification as to whether it is a requirement on Heather Lane and whether it has been a practice on Extensions not to have full street lights but decorative lighting along the way. Ms. Newman stated she assumes the homeowners of the lots have the responsibility for maintenance of the lights. Mr. Block asked if there were any comments from the DPW, Fire or Police regarding the lights. He also asked what the setback would be from the right-of-way to the house to provide illumination but not be a disruption to others. Mr. Piersiak noted the Heather Lane lights are more decorative. Most are opposite drive openings and all fall within the 40 foot right-of-way. Mr. Owens stated the Extension is essentially a driveway. Individual homeowners would make the decision on the lighting at their homes. Ms. Newman stated the Extension is laid out as a private way, not a driveway. She asked what the Board was looking to accomplish. Mr. Alpert stated in #14, the Extension decision proposed street lighting in accordance with the plan. It will be a plan modification that the applicants provide the lighting.

Simeone Brunner, representative for 770 Chestnut Street LLC, stated they have a single lot that is to be subdivided into 2 lots. Each lot is 2.5 acres with adequate frontage. He supports the road as proposed.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: to close all 3 hearings – the subdivision for Heather Lane, the subdivision for Heather Lane Extension and the Special Permit for Heather Lane Extension.

Ms. McKnight noted there is a draft decision. There are comments from Robert Smart and some changes have been made. Ms. Newman noted the 1st issue is the Conservation Commission Restriction Easement. She left in Lots 5 and 6 but the Conservation Commission has agreed to only Lot 4. The Board should decide what they would like. Mr. Alpert stated he would like to see it extended to Lots 5 and 6 but feel public access does not make sense. He feels it is up to the Conservation Commission to decide and he would go along with what they want. He would not second guess the Conservation Commission, so there should be a restriction on only Lot 4. All members agreed. Ms. Newman has called out that the restriction be in place and she would need a copy of the restriction. She will redraft the decision so it only applies to Lot 4.

Ms. Newman noted the landscape island on the plan for the cul-de-sac. Some details have been provided but she would like a more comprehensive plan with more detail. Mr. Smart stated he is fine with this request and dry wells for all existing lots. Regarding the DEP sewer extension permit issues for Lots 5, 6 and 7, "if applicable" should be added to 3 sections and then he is fine with that. Ms. McKnight stated she would like the 200 foot conservation restriction shown on the plan. Mr. Smart has no problem providing that on the subdivision plan. Mr. Jacobs stated if the lack of lighting proposed for the Extension is a change from prior projects he wants to understand why. That seems to be the only issue. He likes to keep policies the same unless there is a good reason for an exception. Ms. Newman will look at what was done with other residential compound subdivisions of comparable size before advising the Board on that.

Ms. Newman noted Heather Lane and Heather Lane Extension need to have the binder course down before any release could be done. Mr. Piersiak stated he plans to do the road from Chestnut Street through the Heather Lane Extension all at once. He asked what the cut off was. Is it the binder course down or do the dry wells and all need to be done? Ms. Newman stated there needs to be a condition linking the two, and Heather Lane needs to be completed and constructed to a satisfactory level before any lot releases on Heather Lane Extension would be approved. Mr. Alpert noted the Heather Lane Extension should not be reliant upon dry wells being completed for the Heather Lane lots. The Heather Lane roadway conditions should be satisfied, however. Ms. McKnight suggested that the Heather Lane construction should be "sufficient to provide adequate access." Mr. Piersiak stated he wants to start immediately. It will be 10 to 12 weeks for the road.

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

VOTED: to accept the definitive subdivision decision for the Heather Lane Subdivision as drafted with revisions discussed this evening.

Mr. Smart noted the Special Permit date in Exhibit 23 should be revised to say Sheet 1 was dated 3/3/20, revised 7/7/20 and revised 7/20/20. He will send a letter to Ms. Newman tomorrow morning with revisions discussed so she will have it. Ms. Newman stated this is not a plan so she had not added the 7/7/20 revision date but she will fix it. Mr. Alpert noted the subdivisions all say they expire after 4 years. The Special Permits expire after 2 years.

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

VOTED: to accept the definitive subdivision decision for the Heather Lane Extension as drafted with revisions discussed this evening.

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

VOTED: to approve the Special Permit for the Heather Lane Extension Residential Compound subject to the conditions set forth in the decision as drafted with the technical correction suggested by Robert Smart.

Extension of Temporary Outdoor Seating/Outdoor Display Policy

Ms. McKnight noted this had been extended to 9/7/20. Ms. Newman feels it could be extended through Thanksgiving.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: extend the Outdoor Seating/Outdoor Display Policy through Thanksgiving Day.

Board of Appeals – August 20, 2020

Jay Patel and Nidhi Kumar, owners -- 8 Old Greendale Avenue.

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

VOTED: "No comment.:

Peter and Melissa Loeb, owners -- 182 Pine Grove Street.

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

VOTED: "No comment."

Committee Appointments (Design Review Board).

Ms. McKnight noted Nelson Hammer and Deborah Robinson's terms both expired on June 30, 2020. They would both like to continue. A concern was expressed to her about Ms. Robinson's Design Board meeting attendance by Chair Marc Gluesing. She spoke with Ms. Robinson. Ms. McKnight told Ms. Robinson that the Chair said that if Ms. Robinson sees there is a quorum she frequently does not attend the meeting. She is on the Board for her expertise, however, and Ms. McKnight does not want to recommend she not be reappointed as she is the only woman on the Board.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:
VOTED: to reappoint both Nelson Hammer and Deborah Robinson for new 3 year terms starting 7/1/2020.

Minutes

Ms. McKnight has submitted her mark ups.

Correspondence

There is no correspondence.

Report from Planning Director and Board members.

Ms. Newman noted she has received a traffic proposal from GPI for Highway Commercial 1. It has been reviewed by the working group and Town Manager Kate Fitzpatrick gave the go ahead to move forward with it.
Ms. Newman took part in a meeting held by the Needham Affordable Housing Trust. They are looking at setting up a program to provide rental assistance for tenants for a 3 month period. The town has received a grant for this. The town will go the Town Meeting for $150,000 for a similar program. She also noted that the town ran a second round of funding for the Grant Repair program. The Select Board will continue the program with a $50,000 appropriation.

Ms. McKnight noted the Town has hired an Economic Development Director, Amy Haelsen. Mr. Block noted she was the Executive Director of the Dedham Square Circle. He participated in the interview process. She is a Town Meeting member in Dedham and has accomplished a lot with very little. She seems very capable.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:
VOTED: to adjourn the meeting at 10:20 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Paul Alpert, Vice-Chairman and Clerk