

NEEDHAM PLANNING BOARD

Tuesday October 20, 2020

7:15 p.m.

Virtual Meeting using Zoom

Meeting ID: **826-5899-3198**

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **826-5899-3198**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **826-5899-3198**

1. Request to Extend Temporary occupancy permit: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at 1407 Central Avenue, Needham, Massachusetts).
2. Vote to request project review fee pursuant to Chapter 44, Section 53G of the General Laws: Major Project Site Plan Special Permit No. 2012-07: The Children’s Hospital Corporation c/o Boston Children’s Hospital, 300 Longwood Avenue, Boston, Massachusetts Petitioner. (Property located at 66 B Street, 360 First Avenue, 410 First Avenue and 37 A Street, Needham, Massachusetts).
3. Determination of Use Category Assignment under zoning: Massage therapy service in the Center Business District.
4. Minutes.
5. Correspondence.
6. Report from Planning Director and Board members.

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



**Permanent Public Building Committee
Town of Needham**

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

October 13, 2020

Ms. Lee Newman, Director
Town of Needham - Planning Department
500 Dedham Avenue
Needham, MA 02492

RE: Planning Board Major Project Site Plan Special Permit No. 2013-02
Town Contract ID #17PFC-176D
Jack Cogswell Building Project
140 Central Avenue, Needham, MA

Dear Ms. Newman:

We are respectfully requesting a second extension of the Temporary Certificate of Occupancy (TC of O) for the Jack Cogswell Building Project, subject to the Planning Board's Decision dated November 20, 2018. The first request to extend was made on December 9, 2019, for 60 days until February 7, 2020. The second request sought an additional 60 days, starting on February 7, 2020 until April 7, 2020. The Covid19 public health emergency disrupted normal business operations, so now another 60 days is requested for the same reason listed below. This current request seeks to extend temporary status until January 13, 2021.

Outstanding items include:

- Lot Consolidation, pending Land Court completion

As indicated earlier, the Massachusetts Trial Court 6 docket receipt indicated that on June 17, 2019, Kevin F. Murphy, Esq was appointed as Title Examiner. On October 31, 2019, Attorney Murphy filed the report. The final certified consolidated plan was expected to be complete at the end of December, but additional time is requested now, due to court related scheduling.

Please feel free to contact me if you have any questions.

Sincerely,

Stephen Gentile, Project Manager
Building Design and Construction Department/PPBC

cc. Steven Popper, Director, BD&C

Stuart Chandler, Chairman, PPBC
David Roche, Needham Building Dept.
Mike Richard, PE, Weston and Sampson
Jo-Ann Darrigo, Seaver Construction
File- PPBC

TOWN OF NEEDHAM
ADOPTED AMENDMENT TO THE SUBDIVISION REGULATIONS AND PROCEDURAL
RULES OF THE PLANNING BOARD
March 20, 2012

1. Amend the Subdivisions Regulations and Procedural Rules of the Planning Board, Section 4, "Planning Board Rules for Planned Residential Development Specials Permits, Residential Compound Special Permits, Flexible Development Special Permits, Site Plan Review Special Permits", Article II, "The Application", by inserting a new Section 9, entitled "Permit Review Fees" as follows and by renumbering the remaining sections accordingly:

"Section 9. Project Review Fees

Any applicant who submits an application pursuant to these Rules and Regulations may be required to submit a project review fee in accordance with the following provisions of this section:

(a) When reviewing an application for approval, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts or because the Town lacks the necessary expertise to perform the review work related to the approval. The Planning Board may require that applicants pay a "project review fee" consisting of the reasonable costs incurred by the Planning Board for the employment of outside consultants engaged by the Planning Board to assist in the review of a proposed project.

(b) In hiring outside consultants, the Planning Board may engage engineers, planners, traffic consultants, attorneys, architects, housing specialists, financial analysts, and/or other appropriate outside consultants who can assist the Planning Board in reviewing and analyzing the proposed project and to ensure compliance with all relevant laws, by-laws and regulations. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue, professional licensure or three or more years of practice in the field at issue or a related field.

(c) Funds received by the Planning Board pursuant to this section shall be deposited with the Town Treasurer who shall establish a special account for this purpose in accordance with the provisions of Chapter 44, Section 53G of the General Laws. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been collected from the applicant. Any accrued interest may also be spent for this purpose. At the completion of the Planning Board's review of a proposed project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Planning Board with documentation establishing such succession in interest.

(d) The Planning Board shall give written notice to the applicant of the selection of the outside consultant(s), which notice shall state the identity of the consultant(s), the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.

(e) The fee must be received in its entirety prior to the institution of consulting services. The Planning Board may request additional consultant fees if the necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Planning Board within ten (10) business days of the request for payment shall be cause for the Planning Board to deny the application.

(f) Prior to paying the consultant fee, the applicant may appeal the selection of the outside consultant(s) to the

Board of Selectmen. The grounds for such an appeal shall be limited to claims that a selected consultant has a conflict of interest or that a selected consultant fails to possess the minimum required qualifications. The written appeal must be received by the Board of Selectmen within ten (10) days of the date consultant fees were requested by the Planning Board. A copy of the appeal shall be simultaneously provided to the Planning Board. The time limit for the Planning Board's action on the proposed project shall be extended by the duration of any administrative appeal to the Board of Selectmen. In the event that the Board of Selectmen makes no decision regarding the appeal within thirty days following the filing of such appeal, then the selection of the Planning Board shall stand."

2. Amend Section 3, Subdivisions, Sub-Section 3.2, Submission of Definitive Plans, Paragraph 3.2.2, by inserting a new second paragraph to read as follows:

"Any applicant who submits an application pursuant to these Rules and Regulations may be required to submit a project review fee in accordance with the regulations established for special permits pursuant to Section 4, "Planning Board Rules for Planned Residential Development Specials Permits, Residential Compound Special Permits, Flexible Development Special Permits, Site Plan Review Special Permits", Article II, "The Application", paragraphs (a) through (f)."

A True Copy

ATTEST


Theodora K. Eaton, Needham Town Clerk

From: [Lee Newman](#)
To: [Alexandra Clee](#)
Subject: FW: Massage Therapy Facility
Date: Friday, October 16, 2020 11:44:27 AM

From: David Roche <droche@needhamma.gov>
Sent: Friday, October 16, 2020 11:38 AM
To: Lee Newman <LNewman@needhamma.gov>
Subject: RE: Massage Therapy Facility

Ok, I also said that at a bare minimum they may need a Special Permit for parking and waivers, I believe this space is above Harvey's Hardware.

Dave

From: Lee Newman <LNewman@needhamma.gov>
Sent: Friday, October 16, 2020 11:30 AM
To: David Roche <droche@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>
Subject: RE: Massage Therapy Facility

Dave,

I reached out to the Planning Board Chair and Vice-Chair on this proposed use. There was some disagreement as to whether this use was appropriately classified under the professional service category. I plan to discuss the issue with the full Board at their meeting next week Tuesday and will get back to you.

Thanks,

Lee

From: David Roche <droche@needhamma.gov>
Sent: Wednesday, October 14, 2020 9:43 AM
To: Lee Newman <LNewman@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>
Subject: Massage Parlor

Lee,

We have someone that wants to open a massage parlor in the Center Business District, I am thinking this is an professional service, it is licensed by the state and local Board of Health permits.

Dave

From: [Alexandra Clee](#)
To: gjmanning@rcn.com
Cc: [Lee Newman](#)
Bcc: [Sandy Cincotta](#)
Subject: RE: Online Form Submittal: Contact Select Board
Date: Friday, October 9, 2020 2:36:00 PM

Hi Ms. Manning,

Thank you for reaching out. The Town Manager's office forwarded your email to the Planning Dept., as the Planning Board will be the one issuing a Special Permit in the future for this property. I will share your comments with the Planning Board.

I also wanted to let you know that even though the zoning was recently approved by Town Meeting, the project will still need to go through a Special Permit public hearing process with the Planning Board, as I mentioned above. Abutters within 300 feet will be notified by mail. If you are not within 300 feet, you will not be notified by mail, but feel free to check in with me from time to time to see if they have applied and if a hearing date has been set. The Planning Board will be considering the type of matters you raised, so your comments at that time would also be very helpful.

Thanks for your time. Alex.

Alexandra Clee
Assistant Town Planner
Town of Needham
781-455-7550 Ext 271

**** Please note: Due to Covid-19, I am working primarily remotely. Email is the quickest way to reach me.**

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Sunday, October 4, 2020 11:21 AM
To: Selectboard <Selectboard@needhamma.gov>
Subject: Online Form Submittal: Contact Select Board

The following form was submitted via your website: Contact Select Board

Full Name:: Jennifer Manning

Email Address:: gjmanning@rcn.com

Address::

City/Town:: Needham

State:: MA

Zip Code:: 02494

Telephone Number:: 617-710-8052

Comments / Questions: The redevelopment of the Avery / Carter building into senior living is a good choice. However the addition of a 4th floor changes the perception and visual context of the heights. I would like to not in addition concerns on side streets as cut through to avoid the lights. As with prior ownership at shift changes , staff would cut through and speed down Morton Street without regard. We would like this addressed as part of the planning processes. Thank you.

Additional Information:

Form submitted on: 10/4/2020 11:21:32 AM

Submitted from IP Address: 73.68.70.36

Referrer Page: https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.needhamma.gov%2f488%2fSelect-Board&c=E,1,t32eNBy8D6bgkXYtz2S_4VzZDvAOk2-9kfw00XEI6Y0H1xh6Fi3sfJz1fckkQAsmx55eTeas9HVuHd57l5qg2BL2qpsksJmgtYg98DQDxYeiy_X&typo=1

Form Address: https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d349&c=E,1,ZsUfGtUAR4lkWB2c-ap2_5laSRFyLki5lVxjUk7mUBgkguBx1ncjoNOqKz7n8ttDmPDeil8kll8nEfi72CmyBtw85PTQ1jD1HG1lUSnFZsaV0qGf1iRDwdYupvFs&typo=1