

NEEDHAM PLANNING BOARD MINUTES

September 22, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, September 22, 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 has no public hearings and she does not expect public participation. She noted if any votes are taken at the meeting the vote will be conducted by roll call.

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 automatically continue the meeting to 10/6/20 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 discuss changes to the approved plan as well as request for Temporary Occupancy: Amendment to Major Project Site Plan Special Permit No. 2016-01: 57 Dedham Ave LLC, 471 Hunnewell Street, Needham, MA, Petitioner (Property located at 15 & 17 Oak Street, Needham, MA).

George Giunta Jr, representative for the applicant, noted this is a 12,000 plus square foot mixed use building with commercial on the first floor and 5 residential units on the second floor and the half story above. The project was approved for 30 underground parking spaces. The project is nearly complete. The building is complete and the infrastructure is essentially done. Landscaping needs to be put in and a handicap ramp. As part of construction there were a couple of deviations from the approved plan. He showed the approved plan. There were 13 parking spaces behind the building and a proposed transformer at the right front corner of the property line. NSTAR disagreed with the location, put the transformer on the other side and required a utility pole. The applicant had hoped to put the electrical underground but NSTAR did not like that and did not allow it. The applicant was made to put in a pole and the electrical will run across the street to the pole.

Mr. Giunta Jr. noted there are 14 parking spaces in the back of the building today as some spaces were reconfigured. The spaces start at the beginning of the building where the sidewalk would have been that connected the rear to the front of the building. With the location NSTAR put the transformer there is room to put landscaping. Some arborvitae has already been put in to help screen the transformer. This is a deviation from the original plan. Ms. McKnight stated she walked around the site with Mr. Tedoldi today. The decision says the first floor is exclusively commercial and the second and third floors are residential. The second floor is partially commercial and partially residential. This seems to be a discrepancy. Michael Tedoldi, Applicant, noted that was the plan that was always in front of the Planning Board. Ms. Clee, Assistant Planner, noted an amendment was approved previously that completely replaced the first decision and has commercial on the second floor.

Mr. Owens stated he has no questions or objections to the changes. Mr. Jacobs and Mr. Block agreed. Mr. Block commented the project looks good and is well designed. Mr. Alpert stated his only question is the removal of the sidewalk. There are 14 spaces above ground and 30 spaces underground. He asked who will use the 14 above ground spaces. If they are for patients he is a little concerned with no sidewalk along the side of the building, particularly at night. It is ok if it is only for the residents. Mr. Tedoldi noted the main entrance is in the rear with the parking area. The ramp in front is superfluous and misleading to handicapped people. There is no place for them to go from the front entrance. He would prefer to remove the ramp and put in more landscaping. Everyone should come in the back of the building where the ramp, main lobby and elevator are.

Ms. Newman asked if there would be issues with ADA compliance if the ramp is removed. Mr. Tedoldi stated no, the project was all set with the access in the back. The front will be egress for first floor tenants only. The project

will meet building code and the ramp could always be put in at a later date if necessary. Mr. Alpert suggested the Planning Director and applicant consult with the Building Inspector about building code and ADA requirements. If the Building Inspector is ok with it and determines the ramp is not needed, the applicant can come back for a minor modification to remove the ramp. Mr. Alpert asked if the purpose of the ramp on Oak Street was to allow for people getting dropped off and picked up. Mr. Tedoldi noted he does not anticipate anyone being dropped off or picked up on Oak Street. Ms. McKnight stated it is a nice building and an enhancement to the neighborhood and town. The sidewalk within the Oak Street right-of-way is an issue with the Town. The Town does not even know where the sidewalk should be on Oak Street so it has been difficult for this developer. Ms. McKnight reviewed the requested changes.

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 consider the movement of the transformer, the installation of a utility pole, the increase of above ground parking from 13 spaces to 14 spaces and the removal of the sidewalk next to the building as deminimous changes.

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 change of relocation of the transformer as shown on the As-Built plan, relocation of the utility pole as shown on the As-Built plan, removal of the sidewalk on the side of the building and the addition of a 14th parking space in the rear of the building.

Ms. Newman asked if the Board wanted to see a landscape plan if the ramp in front is eliminated. Ms. McKnight stated the Board would like to see a plan. The applicant should get assurance from the Building Inspector then come back with a landscape plan for a deminimous change. Mr. Giunta Jr. stated there is one residential tenant for one spot on the second floor. They are asking for a partial Occupancy Permit for the residential units only. Ms. Newman clarified the applicant is looking for approval for a temporary partial Occupancy Permit. She is still waiting for the As-Built landscaping plan and an estimate of unfinished and work items, inspection by engineering, sign off from the Building Inspector that the garage and elevator are available and certifications from architects. When she has those components, and the needed money to guarantee the remaining items, she can issue the temporary.

Mr. Tedoldi stated he does not know how long he will need. Things have been tabled with COVID. He is not sure how the Building Inspector will deal with this. He noted the site work will be 100% done before he asks for the inspection and 95% of the landscaping is done. The only thing not done is the sidewalks. Mr. Giunta Jr. stated the only question of time is the sidewalk on Oak Street and that is on the Town. He feels within 30 days the site work will be done. He believes maybe a 6 month extension with an option to extend may be best. Mr. Alpert asked if one condition is a deposit of funds. Ms. Newman noted, in the event all is not done, the Board should authorize her to get an estimate of the cost for the remaining items and add 1.35% on top of that.

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 authorize the Planning Director to issue a temporary Occupancy Permit for up to 6 months upon her satisfaction that the requirements set forth in the Special Permit have been fulfilled.

Special Town Meeting Zoning Articles: Town Meeting Preparation.

Mr. Block noted he sent all members a copy of an early draft of his presentation without slides and has received comments. He will rebuild the presentation. He stated it seems to be consensus that although this is re-zoning one parcel of land, it is not spot zoning. Do we address this up front? The consensus seems to be no need to address this issue in the presentation, but wait to see if it comes up. He also asked if the origination of a zoning article from a developer taints the process. He will address this if it comes up. He will restructure his outline and will focus on what they are doing and why. Mr. Owens stated he needs to hit the salient points in the beginning. He gave his

feedback to Mr. Block. Mr. Alpert agreed with Mr. Owens. He feels he should say that the Planning Board supports this unanimously. He needs to add “unanimously.”

Mr. Jacobs will look at the next draft and give comments. He would deemphasize spot zoning. He feels he should not talk about the developer involvement aspect at the beginning or maybe not at all. The same issue happened at the Transit Oriented site. He would not deal with it within the presentation. Some people will think it is a problem but it is not relevant. The key is if the changes are good for the town. Mr. Block is talking about zoning changes that would allow the project and that the project is subject to Special Permit requirements. Ms. McKnight feels there is no need to bring up spot zoning or talk about the developer. The project has been through hearings and been reviewed with the applicant by the Finance Committee. The Select Board supports this. She feels it is worth verbalizing this. She feels Mr. Block should also note the 4th story will be set back and not visible from the street. Mr. Block intends to show renderings of the 4th story.

Ms. McKnight noted the number of affordable units should be mentioned and Mr. Jacobs agreed. Evans Huber, attorney for the applicant, noted Margaret Murphy will put together a taped presentation but he is not sure when that would be used. Ms. Newman stated any such presentation would come out of the Planning Board’s 15 minutes. Mr. Owens advised against Ms. Murphy speaking if she is on the payroll of the developer and a Town Meeting member. This is a Planning Board article that we are sponsoring and presenting. He would not give any of our time to the developer. Ms. Newman explained how the setup would be for this Town Meeting. The Planning Board will sit in the front row with Mr. Jacobs at the aisle as a non-Town Meeting member. She will post a meeting prior to Town Meeting in case there are issues. There will be a specific area for the developer in case questions come up. Mr. Huber stated he will not be attending the meeting in person but will be watching remotely.

Mr. Owens stated nothing should be referred to the developer if questions arise. Mr. Jacobs agreed. Ms. Newman will not be at Town Meeting but will be watching and available by text and phone. Mr. Block will confer with colleagues if questions arise and he does not know how to respond. Mr. Jacobs will not be attending but will be watching on tv and be available by phone. The Board had a short discussion regarding questions that may arise and how to deal with them.

Minutes

Ms. McKnight noted a typo on the 7/7/20 minutes on page 5. Retail is missing the “l” at the end.

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 accept the minutes of 7/7/20 with the typo correction.

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

VOTED: to accept the minutes of 7/21/20.

Correspondence

Mr. Alpert asked if the minutes could be finalized and sent to him via email for his signature as Vice Chair. Ms. Clee stated she has not been having things signed during this time.

Ms. Newman noted Century Bank is going into the Anton Cleaner’s space. They were going to have an ATM but now there will only be a window for a teller. She asked how this would be permitted. Is it an accessory use needing a special permit? The transactions are being done inside the building. People will walk up to the window and it is not accessible by motor vehicle. Mr. Jacobs noted it is part of the principal use, not an accessory use. Mr. Owens agreed.

Ms. McKnight noted correspondence from the Planning Director regarding 225 Highland Avenue. A different tenant is coming in to where Gymboree used to be. There are slightly different hours and services with more staff.

This will impact parking requirements and need a waiver of more parking. Could this be a minor modification? Ms. Newman noted the applicant was trying to get the permit transferred saying it was similar but the increased staff would need increased parking and a waiver. Mr. Alpert stated this needs to be a formal process. His question is if the applicant needs to start from scratch for a special permit. Ms. Newman feels the applicant would be better served doing that. Mr. Jacobs stated he would advise them to start fresh but if they want to go the other route he would listen. Ms. Newman noted a straight transfer would trigger a special permit. All members agreed the applicant should be given the choice.

Ms. Newman informed the Board the Zoning Board of Appeals denied the third garage case and granted Baker's Best eating place a permit for 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 adjourn the meeting at 9:20 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker