NEEDHAM PLANNING BOARD MINUTES

December 1, 2020

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, December 1, 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. She noted this meeting does not include public hearings and will not allow for public comment. If any votes are taken at the meeting the vote will be conducted by roll call.

Decision: Amendment to Major Project Site Plan Special Permit No. 99-2: BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA Petitioner (Property located at 140 Kendrick Street, Needham, MA). Regarding allowance of leasing to multiple tenants and site improvement.

Ms. McKnight stated the members have a draft decision. She has one comment on Section 3.5. It says the petitioner shall contact the state to seek approval to upgrade the path near the petitioner's property. She would like to add "and if approved the petitioner shall take on the upgrade." Frederick DeAngelis, Sr. Counsel, stated he has no issue but would like to add 'if approved by the Department of Conservation and Recreation (DCR). Ms. Newman feels a reference to the Conservation Commission should also be added in case they have any issues with the upgrade. Nicholas Skoly, Project Manager of VHB Engineering, stated they have an Order of Conditions and have been through the process but can work with the members of the Conservation Commission. Ms. McKnight asked the Planning Director to add the appropriate language. She noted the language should be "and shall contact the Conservation Commission to seek whatever approvals may be needed" and then "if approved by the DCR and the Conservation Commission." Mr. Alpert suggested changing "the State" to "the Massachusetts DCR." All agreed.

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 grant the requested Major Project Site Plan Special Permit amendment under Section 7.4 of the By-Law and further grant the requested Special Permit under Section 3.2, subject to plan modifications and limitations as set forth.

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 decision as presented by the Planning Director with the change to Section 3.5 as discussed.

Mr. DeAngelis thanked the Board for their professionalism and commented it was a pleasure to work cooperatively with them.

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 12/15/20 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.

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 allow the Vice-Chairman to continue the meeting if the Chairman has technical difficulties.

<u>Oak Street Subdivision: Release of Off-Street Drainage Bond.</u>

Ms. McKnight noted the Board received an undated letter, mailed 6/12/20, from Jorge Oslan requesting release of 2 drainage bonds for 68 Oak Street and 11 Cypress Street at $3,500 each with the sale dates of the lots; a memo, dated 9/2/20, from Tim McDonald, Director of the Health Department, and Tara Gurge, Assistant Director of the Health Department, with a response letter, dated 11/13/20 from Ms. Gurge, noting the Board of Health voted to approve the release on 11/12/20.

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 allow the release of the $7,000 drainage bond.

<u>Highland Commercial 1 Rezoning and Planning Study: Project Update and Next Steps.</u>

Ms. Newman noted she has been working with STUDIO ENEE and Natasha Espada particularly. She walked through preparing the presentation drawings and how they were developed. There are 4 scenarios. The first is under the existing zoning with warehouse as an example of an allowed use. There is an aerial view and site plans to show the scale, dimensions and all setback conditions. The next is under the proposed zoning and how it could be developed under the as-of-right FAR. This would need more discussion by the Board. The Board talked about dropping the FAR limit, and there would need to be an agreement on a number. This would be the new revised as of right FAR in Commercial with 15% retail and 85% corporate office and research and development. The third is a drawing for a Special Permit under 1.35 FAR with 2 land use scenarios – one with 15% retail and 85% corporate office and research and development and the other for 250 units of residential housing with the remainder split between retail, corporate offices and research and development. The last is information on standards that should be imbedded for sustainable development.

Ms. Newman stated she wanted to check with the Board members to see if she was on the right track. Mr. Block asked if it was possible to get a rendering if it is office and what is possible for the Muzi family to develop now with the largest massing possible under current zoning, in case someone at Town Meeting asks what would happen if nothing was done. Can an office tower or several office towers go in now that may be as displeasing as a warehouse? Ms. McKnight stated it is a large site. She asked if an existing condition plan could show a warehouse and an office building. Ms. Newman stated warehouse is allowed by right. The Planning Board could determine the land use they want. There had been discussion regarding using warehouse as an example but they could rethink that.

Mr. Owens stated he is ok using warehouse. Mr. Alpert agrees with warehouse as an example of what could be done now. Only one possible use needs to be presented. Mr. Jacobs agreed with Mr. Owens and Mr. Alpert. He commented the Board is moving ahead but ignoring the fact the world may have changed permanently with people not using office space as usual. He is hearing a lot that office is not in demand. The Board is modeling for office which may be an empty exercise. Ms. McKnight stated she thought showing a warehouse and office would be good. She mentioned the Newton/Needham Chamber of Commerce has an upcoming program where people in commercial real estate would be discussing the issue of demand for office space.

Mr. Block feels there should be something on an a- is basis. He has heard, if not passed, Muzi is working on back-up plans in some kind of office capacity. Retail has been adversely affected by Covid. The effect of Covid on office space has not really seen a lapse. Lab space has been particularly good except for Boston proper. He feels demand is greater for office and lab space. Mr. Alpert thought the issue was, under current zoning, creating office space under the present FAR was not cost effective for developers to raze the current buildings and build new that would justify a return and make a profit. It is expensive to do different scenarios and the Board needs to stay within the budget. Ms. Newman reviewed the process. There were community and neighborhood meetings planned prior to Covid. She asked if the members felt comfortable working with Ms. Espada and moving forward to a public hearing or if there should be a community meeting.

Mr. Block asked how long it would take for the designs to be available. Ms. Newman felt the beginning of January. There is not a long timeline and it would be tight to build in a community meeting. Mr. Alpert feels there should be a community meeting prior to the hearing. It is important for the community to know their input is valued and sought out. Mr. Jacobs stated the meeting should be held at the earliest possible date. Ms. Newman noted there could be a meeting in February and a public hearing in March. Mr. Owens does not feel a community meeting before the public hearing would give any new light; his view is that in order to get this all done there is really no time for such a meeting.

After discussion, Mr. Alpert suggested Ms. Newman ask Town Manager Kate Fitzpatrick is she feels Town Meeting will be postponed to see if there would be extra time for a meeting. Ms. Newman will reach out and get clarification. She will have Ms. Espada factor in an extra meeting and give a cost for that. It was decided, if there is time, a community meeting will be set. Ms. Newman will lay out a schedule with a community meeting and without.

<u>Planning and Community Development FY 2022 Budget Submittal.</u>

Ms. McKnight noted the Economic Development Coordinator position was removed from the Planning Department budget and was moved to the Town Manager's budget. She has compared the new budget against last year and feels it was a good job updating all parts of the Planning office's work. Ms. Newman stated the staffing side is level funded. She is looking for funding for 2 things – refunding of $60,000 for planning studies as this money will run out this year and funding for a small repair grant program. She has committed all the funds for that program. Ms. McKnight asked how the small repair grant program is staffed. Ms. Newman noted Karen Sunnarborg is in charge of that and reviews all grants and projects. Ms. McKnight stated references to the Economic Development Division should not be there. Ms. Newman will make it Community Development. There is also an issue with the fiscal years. Ms. Newman will go back and verify.

<u>Board of Appeals – December 17, 2020</u>

<u>Eugene Ho – 21 Utica Road</u>

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: "No comment."

<u>Jonathan and Sarah Sussman – 65 Rivard Road</u>

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: "No comment."

<u>Minutes</u>

Ms. McKnight stated she has reviewed the minutes of 10/6/20 and has a few minor changes. Mr. Jacobs noted, in the first paragraph, 4th sentence, under the Reports, it should be "Children's Hospital and 140 Kendrick Street" not "Children's Hospital at Kendrick Street." Ms. McKnight noted for Petco, the veterinary clinic should say "open during retail store business hours."

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 approve the minutes of 10/6/20 with the changes discussed.

<u>Correspondence</u>

Ms. Newman stated she has a request from Children's Hospital for an additional meeting at the end of December. She suggested the applicant ask for an extension but they want a meeting in December. Mr. Alpert stated the last week of December would be difficult for him. He reached out to Attorney Tim Sullivan and he would be ok deferring until January. After discussion, Ms. Newman will change the scheduled 1/5/21 meeting to 1/4/21 and put this on that agenda.

Report from Planning Director and Board members.

Ms. Newman thanked Mr. Jacobs and Ms. McKnight for all their time working on the 40B guidelines. She forwarded them to the Town Manager today to be sent to Selectman Dan Matthews.

Mr. Block noted an email that he got from the League of Women Voters and asked if there is any direction from the Board on how to respond. Ms. McKnight noted she is on the Board of the League of Women Voters and on the committee for the study of town government. She does not think the Planning Board should become an appointed office. Mr. Alpert noted it would take an act of Legislature to change to an appointed Board. Ms. McKnight said it was she who suggested asking the question about support the committee gets from town staff.

Mr. Jacobs noted the Self-Storage building at 540 Hillside Avenue. The Planning Board permitted this and it is built. The Board received a copy of the insurance policy as required in Section 3.26. It is difficult to read. It is long and involved with multiple amendments and endorsements. Ms. Newman had suggested referring it to Town Counsel Christopher Heep. He is not sure if the policy complies. The other issue is it is in the name of some company and not the applicant. He feels it does not have anything to do with 540 Hillside unless Westport has a controlling interest in Self Storage LLC. It came back that Self Storage LLC is going to sell to Westport. They need to get certification prior to the Certificate of Occupancy. He does not want an insurance coverage gap. He received a call today from Attorney Roy Cramer. He said Self Storage LLC has no intent to occupy at all. He suggested Mr. Cramer send a letter stating Self Storage LLC will not occupy. Ms. Newman noted the gap was also referred to Town Counsel Heep. She has asked him to address all issues. Mr. Alpert is ok with it as long as the file has the written communication with the binding Purchase and Sale agreement and would not be occupied until Westport takes title. He is fine with a letter from Mr. Cramer. Mr. Alpert asked if it is possible for Westport to get an insurance policy to include Self Storage LLC as an additional insured. Mr. Jacobs added they could see if the insurer might make the insurance effective prior to closing. All are fine with a letter. Ms. Newman will communicate that to Town Counsel. Ms. McKnight stated her condominium unit is the closest abutter to the building and she likes it very much. They did a nice design job.

Ms. Newman stated there might be an application from the Rice Barn to offer breakfast. She wants to let the members know. Ms. McKnight stated there is a multi-family development proposed for 140 Hunnewell Street in the Hillside Business District. She thought there would be 8 units with 1 or 2 affordable units by special permit. Ms. Newman stated there is no requirement for affordable units in that district.

Upon a motion made by Mr. Owens, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:
VOTED: to adjourn the meeting at 9:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Paul Alpert, Vice-Chairman and Clerk