NEEDHAM PLANNING BOARD MINUTES

June 1, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday June 1, 2021, at 7:15 p.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He 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. He reviewed the rules of conduct for Zoom meetings. He noted this meeting does include a public hearing so there will be an opportunity for public comment. 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 6/14/21 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.

Public Hearing:

7:20 p.m. -- Amendment to Major Project Site Plan Review No. 2018-05: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner (Property located at 28 Glen Gary Road, Needham, Massachusetts).

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 waive the reading of the public hearing notice.

Christopher Heep, Town Counsel and representative for the Select Board, noted this is the former Hillside Elementary School. In 2018 use of the property was authorized as a temporary headquarters for the police and fire departments. Given the temporary nature, the Planning Board added a condition that when the temporary use ceased the property was to be returned to the existing conditions prior to the temporary use. The temporary use will be concluding next winter. The applicant would like Condition 3.16 amended for a different close-out condition. There is no planned use coming in after the temporary police and fire. Previously there were 2 grassy islands where the buses turned around off Glen Gary Road, rows of parking spaces top to bottom of the plan, and topography changes. The applicant would like to propose a substitute plan.

Mr. Heep noted the substitute plan would have no replacement of the grass islands, a row of parking from left to right and a concrete retaining wall with a 4-foot grade change from the upper to the lower lots. There will be a wood rail fence running along the retaining wall. He noted the former use of the property was an elementary school. The school will not be returning to this site, and it will not be an elementary school use again. There are no current plans to do anything with this property once the police and fire leave. If it were to be used it would need a lot of design review, permits and conditions from the Planning Board. He would like to bring it to condition C which would require the least work and construction. This would be less disruptive to the abutters and should be close to what is there now. This would be about a $120,000 savings to do this. He feels this modification is in the best interests of the site.

Mr. Alpert stated he was fine with this change. Ms. McKnight noted extensive wetlands on site. She asked if this would require a permit or approval from the Conservation Commission. Mr. Heep does not believe so. Ms. McKnight noted people park and use the playground and play fields. She wants to confirm this will still be open for people to park and use. Mr. Heep does not feel there will be an issue with parking or use of the field. Ken Sargent, Project Manager, stated access will still be there but after the police leave. One condition was that access be maintained during use. Ms. McKnight noted the site is surrounded by a construction fence. The sidewalk is outside the construction fence and people can get to the play area. Mr. Heep stated pedestrian access will remain and may be enhanced. The gates will be unlocked. Mr. Alpert clarified the applicant's response that the playground will still be there and be maintained.

Ms. McKnight asked why the fencing would remain. Mr. Sargent stated they do not know what will be happening with the site so the Town decided to keep the fencing so they would not have to pay again if it was decided to do something with the building. Mr. Alpert noted, as a member of the Community Preservation Committee, they have discussed the potential of the Emory Grover building's substantial renovation and possibly having the school administration going into the former Hillside School building on a temporary basis. The Town is looking at potential uses. Ms. Espada stated the plans are useful and a good strategy. She asked if the impervious parking area would be increased or remain the same. Mr. Sargent noted it is an increase from what it is now but not from prior. Ms. Espada asked if all the soils from the wall will be kept on site. Mr. Sargent noted the wall is existing. The stone that was brought in will need to be removed but is not part of the existing wall. Mr. Jacobs stated he does not like the fencing staying in place. There was a discussion at the time that there were concerns it look as good as it can. That would not be the case if the fencing stays up. Mr. Sargent stated there is no use contemplated but it makes sense to keep the fence up rather than pay twice to take it down and have it put back up. Mr. Jacobs commented it could be years and he would like to see the fencing come down. Mr. Alpert noted the Emory Grover project is not that far off. The Board could put a condition that when the police and fire leave the Town can come back to discuss if there is a better idea of the time frame. The fence could remain until that time. Mr. Jacobs is not opposed to that idea but he does not want this open ended. Ms. McKnight agreed.

Ms. Newman stated she could add a condition on the use itself that may trigger a major project review. She asked if the Town is prepared to come forward with a request for a reuse of the building if it does not trigger site plan review on its face. Mr. Heep assumes any revision would trigger the threshold and they would go back asking for relief. Ms. Newman stated the decision could be modified to link it to the temporary use and a substitute use going in triggers an amendment. Mr. Heep has no issue with that. Mr. Jacobs asked if the town is going to make any use of the parking area as an open and unused parking lot. Mr. Heep stated there is no plan to use the spaces for any municipal purpose. The public can park and use the playground. Mr. Jacobs would like that as a condition. Steven Popper, of the Permanent Public Building Committee (PPBC), noted there may be some incidental use by the school department for storage. Primarily of IT equipment brought on by Covid. There may be some continued incidental use. There will be no overnight use. Mr. Block understands the cost savings solution and agrees with a condition with respect to the fence.

Mr. Heep noted the petitioners have 6 months from the conclusion of the use to restore the site. He is content to come back and give a status update to the Board. Julie Trow, of 17 Hasenfus Circle, asked what the plans are to keep the area free of trash and litter and reasonably well maintained. Mr. Sargent assumes the facilities department will keep up the maintenance. It is still a public building and will not be abandoned. Ms. Trow commented it is fairly neglected now. Mr. Sargent stated a gate was installed so facilities could get out there with a mower and maintain it. Sean Donovan, of 1 Castle Place, noted he sat in the original meetings where the neighborhoods were told it would be put back to the way it was. Mr. Heep said the Town has no plans but it seems the school administration will go there. Mr. Donovan stated the inside of the school will be the only work done if the schools move in there. Why keep the fence if there will be no construction outside the school? Mr. Sargent stated there may be outside work. They do not know what is going in there if anything. Mr. Heep noted the current permit has 6 months built in. At the end of the 6 months the applicant will come back to the Board to explain what is going on. Mr. Donovan commented that is reasonable. He noted the fence has started to rip and does not look that great. Mr. Alpert stated there would be a condition the applicant come back to discuss the fence.

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 close the hearing.

Decision: Major Project Site Plan Special Permit No. 2021-02: Katherine Pennington Klein, 40 Eaton Road, Needham, MA, Petitioner (Property located at 32 Chestnut Street, Needham, MA). Regarding property renovation of approximately 1,751 square feet of existing first floor commercial space, in an existing commercial building, for use as an orthodontics practice.

George Giunta Jr., representative for the applicant, reviewed the decision and has 2 comments. In paragraph 3.4, there is a limitation on the maximum number of staff on site at any one time. This should apply to only one dentist on site as there may be a need to bring an additional staff member on site occasionally. It makes sense to limit the use to one dentist but limiting the staff does not make sense. This allows flexibility. In paragraph 3.5, the permit runs to Dr. Klein and cannot be transferred without coming back to the Board. Mr. Alpert noted the Board usually tailor's decisions based on information given to us. The applicant stated 3 employees. He is perfectly happy with more flexibility but not open ended. With 4 exam rooms he can see there may be a need for 4 assistants on site with a receptionist and dentist. He hopes this gets very successful. He would say between 3 and 7 staff at any one time and the maximum number of parking stickers.

Mr. Jacobs stated he has no problem with the first issue and agrees with Mr. Giunta Jr. on the second issue. For restaurants the Board just asks the new owner to sign off saying they will follow all conditions in the permit. Mr. Block agreed. Ms. Newman suggested they could ask the new owner to sign an affidavit they understand the conditions and will abide by them. Mr. Alpert is ok with a change or transfer to another Board-Certified Dentist with just a signature. Ms. McKnight noted Section 3.3 says "orthodontic use." A discussion ensued as to whether this should be limited to orthodontic use or open it to "dentist" also. Mr. Jacobs noted the applicant is not asking for a change from orthodontic to add dentist. Mr. Alpert reviewed the changes that have been made.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:
VOTED: to grant (1) the requested Special Permit for Site Plan Review, pursuant to Section 7.4 of the By-Law and Section 3.2 of Site Plan Special Permit No. 98-10; (2) the requested Special Permit under Section 3.2.2 of the By-Law for more than one nonresidential use on a lot; and (3) the requested Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking), subject to and with the benefit of the following plan modifications, conditions and limitations as set forth in the decision.

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 approve the decision with the modification discussed.

De Minimus Change: 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).

Steven Gentile, representative for the applicant, noted the town wants to install solar panels on the Jack Cogswell Building. There are a couple of slanting roofs one to the north and one to the west, designed so the installations will not be seen from Central Avenue. This is consistent with Section 4.2.8 of the By-Law regarding height exceptions. The panels will be 6 inches above the roof and set back from the edge of the roof a minimum of 4 feet. There will be 496 solar panels mounted to the standing seam metal roof. Hank Haff, representative for the applicant, noted the panels will follow the slope of the roof. Mr. Gentile noted there will be solar photovoltaic to the grid and will be through buried conduit. There is no change to the footprint, FAR or parking. The Town is looking at sustainability issues and invited the Planning Board to the PPBC meeting last week to go over net zero.

Ms. McKnight noted the trees that were to be planted along Central Avenue are not doing well. The area shown on the plan is doing the worst. She wants to see the landscape area looking better when the applicant comes back for a permanent Certificate of Occupancy. Mr. Gentile stated there was a replacement of some trees. Ms. McKnight noted the grasses are dried out and there are a lot of weeds. Mr. Gentile will keep an eye on it.

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 amendment for a deminimus change.

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 grant the requested modifications as requested.

Request to Extend Temporary occupancy permit: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1407 Central Avenue, Needham, MA).

Mr. Gentile, representative, noted this is the 7th extension of the temporary Occupancy Permit. Mr. Heep is working with the land court. There is an easement issue with the DEP. Mr. Heep thought it was minor but a judge thought otherwise. The applicant is requesting 120 days and hopefully the legalities will be worked out.

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 approve the request for a 120-day extension.

Mr. Jacobs left the meeting at 9:00 p.m.

Discussion about planning studies to undertake this year.

Ms. Newman shared a memo she had prepared for the Finance Committee and what the priorities are for the next year including affordable housing issues and sustainability. For (1) she updated the current affordable housing plan to articulate the goals and strategies and (2) she looked at inclusionary zoning in Needham and what other towns have adopted, and made adjustments across the districts. She has looked at the rezoning done for Chestnut Street and the Needham Center corridor to identify any regulatory barriers and parking kinds of issues. She looked at the Business District along Highland Avenue. Rosemary Street to Webster Street is the only Business District that remains in Needham from the 1950s. The Board needs policy goals for that area. She asked what the priorities are for the next year. The Board needs to put together a schedule and timeline. She has laid it out to discuss. Ms. McKnight asked if the Board should be revisiting the rules on accessory dwelling units (ADUs). It has been a year since the first permit was given out. Mr. Alpert noted it has only been a year and the rules were discussed at length when adopted. The Board has changed since then but there is so much on their plates with what Ms. Newman put together. That process (of adopting zoning provisions to allow ADU's) took a few years and he is not ready to revisit it. The Board did their job on that.

Ms. McKnight noted discussion of ADUs began in 2015 and nothing really happened until 2017. The Board of Health and Council on Aging wanted the elderly to be able to have a small unit to rent out to help out. Do we really need to put people through a special permit process for ADU's to be occupied by family members or caretakers, or could it just be an approval by the Building Department?

Mr. Block stated Ms. Newman has a number of areas for study. The Council of Economic Advisors (CEA) will also be looking at various commercial districts over a long period. The CEA may be a resource for the Board. Ms. Espada noted the Board needs to work on community outreach. Some of this is reviewing precedents. The Board needs to create a master work plan. Ms. Newman sees the housing plan as a community project overseen by a broad committee. There will be community meetings and reports with strategy recommendations.

Mr. Alpert suggested the members focus on the materials Ms. Newman supplied and give their thoughts to Ms. Newman, and copy him, on their priorities to study now and what could wait a year. Ms. Newman, Mr. Block and Mr. Alpert can discuss these priorities at the Chair/Vice-Chair meeting. Then a fuller Board discussion could be had at the meeting on 6/29/21. Ms. McKnight stated she has already shared a spreadsheet she had prepared regarding all districts and if apartments are allowed and what kinds. Ms. Newman will resend that out tomorrow to all members. Mr. Alpert noted the sustainability amendment does not seem to need a lot of time. He feels the Board can fine tune that and have it ready for the next Spring Town Meeting. Ms. Espada agreed and noted the Board should talk with Green Needham also. Housing will take a lot of time.

Mr. Alpert suggested, for the housing, an ad hoc committee should be put together consisting of one member from the Select Board, the School Committee, the Finance Committee and the Planning Board. Also someone from Equal Justice Needham. They could start having meetings and see where we are going starting with Ms. McKnight's spreadsheet. All zones should be made the same. Ms. McKnight noted the League of Women Voters is putting together a program for the Fall on housing. Mr. Block suggested asking Green Needham or Steven Frail, on the sustainability piece, to come and present their ideas as a first step. The second step should be to speak to existing resources in town like the Building Inspector and DPW and identify what is feasible, the impacts and how to implement any changes.

Ms. Espada stated the Board needs to align with others doing the same work. There are a lot of resources right now. Sustainability initiatives and housing are the big issues. Mr. Alpert would like to see the CEA focus on mixed use districts and incorporate housing into those districts.

Revise temporary outdoor seating/outdoor display policy to extend applicability date to October 31, 2021 or another later date deemed appropriate by the Board.

Mr. Alpert noted there is a proposal in the packet with changes to the current policy. It is fine with him.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:
VOTED: to approve changes made to the temporary outdoor seating and outdoor display policy enacted 5/20/20.

Committee Appointments

Ms. Newman noted the position held by Steven Tanner on the Design Review Board (DRB) expires on 6/30 and the position held by Stephen McKnight on the Transportation Committee expired on 5/31. They would both like to continue on the committees. Ms. Newman explained the process for Ms. Espada. After discussion, Ms. Espada feels others that may want to get involved should be given the opportunity to apply to determine who is the best candidate. Mr. Alpert feels it is a good idea to open it up rather than just reappoint. Ms. Newman will put a notice in the paper with a timeline and will follow up with the Town Manager. Mr. Alpert commented the Board never receives updates from the Board appointees and asked if they are supposed to report to the Board. Ms. Newman stated the appointees have never reported in her tenure here. She suggested the Board could change that. Mr. Block noted he is not going to continue to be the Planning Board representative to the Community Preservation Committee. He nominated Ms. McKnight for the position. Ms. McKnight agreed to serve.

Correspondence

Mr. Alpert noted the following correspondence for the Glen Gary Road matter: communication from the Chief of Police, Tara Gurge of the Health Department and Thomas Ryder of the DPW. All had no issues.

Minutes

Ms. McKnight noted in the minutes of 2/16/21, under the Highway Commercial 1 discussion, the sentence where Ms. Newman is noting the use changes should be deleted as it is unclear. Also, on the Hunnewell Street discussion, it says pre-existing, non-conforming use but it should be pre-existing, non-conforming structure. This was agreed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of the four members present unanimously:
VOTED: to accept the minutes of 2/16/21 with the 2 changes discussed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of the four members present unanimously:
VOTED: to accept the minutes of 3/2/21.

Report from Planning Director and Board members

Ms. Newman noted the Select Board meeting on 6/8 will have a discussion on allowing remote participation under the current meeting law. The Community Development staff is transitioning back to working in the office. They will be working on site and remotely. The office will be staffed by one person every day and all will be back in 2 weeks.

Ms. McKnight noted the Select Board can adopt regulations that would require a quorum to be present in person but others to participate remotely. If members participate remotely the public would be allowed to participate remotely also. Mr. Alpert stated he is in favor of the Select Board adopting what they can under current laws. It is good in situations such as when a member is away. If the member can call in that is what is best for the Board.

Upon a motion made by Mr. Block, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:
VOTED: to adjourn the meeting at 10:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

____
Adam Block, Vice-Chairman and Clerk