

NEEDHAM PLANNING BOARD MINUTES

February 15, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Friday, February 15, 2022, at 7:15 p.m. with Messrs. Jacobs and Block and Ms. 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 includes one minor modification request and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

7:20 p.m. – Minor Modification: Major Project Site Plan Special Permit No. 2005-07: Needham Gateway LLC, 66 Cranberry Lane, Needham, Massachusetts, Petitioner (Property located at 100 and 120 Highland Avenue, Needham, Massachusetts).

Rick Mann, representative for the applicant, noted under Section 7 and Section 4.2 modifications to the exterior of the site need approval of the Board. The Special Permit decision had a dumpster and enclosure on the site plan. The amount of trash inundated the dumpster so 3 additional dumpsters were put in an enclosure only for cardboard. The enclosure is 11 feet by 16 feet and is 6 feet high. With the additional dumpsters it requires many less trips to empty the dumpsters. The disposal of cardboard products is only for this dumpster. He is requesting the Board approve the installation and enclosure.

Mike Moskowitz, manager of Needham Gateway LLC, apologized for adding the cardboard dumpster without prior approval. The amount of cardboard required 2 extra pickups of the trash dumpster each week. The cardboard dumpster pick-up makes little noise. He would agree not to put any construction dumpsters along the Highland Terrace homes. Mr. Alpert noted the following correspondence for the record: a letter from Building Inspector David Roche, dated 12/10/21, to Mike Moskowitz, noting he had received a complaint regarding the additional dumpsters and comments; a letter from Acting Town Engineer Thomas Ryder, dated 2/3/22, with no comments or objections; an email from Tara Gurge, dated 2/10/22, of the Public Health Department, with no comments at this time and an email from Elizabeth Kaponya with issues.

Mr. Alpert asked what steps Mr. Moskowitz took with regard to the Building Inspector's letter. Mr. Moskowitz stated he repaired the fence immediately. Mr. Mann spoke with the Building Inspector and told him they would be applying to the Planning Board for a modification. Mr. Mann stated he did not represent that the owner would be terminating the dumpster use. Mr. Block stated he visited the site. The applicant was instructed over 60 days ago to remove the dumpsters and they have not been removed. He took pictures. He noted there was good signage, but it is not as orderly as the Board has been told. The site of these dumpsters is less than 15 feet away from the property line of the residents. He appreciates the applicant has a higher need of the dumpsters but believes this is the wrong location for any dumpsters at all. He strongly opposes.

Mr. Block noted he sees the absolute need for additional rubbish removal and certainly cardboard boxes. The dumpsters should be moved to a new location, and he showed 2 options. He proposes granting the relief and allowing the 3 dumpsters but pick up should be in the morning after 9:00 a.m., not at night, and the dumpsters should be put in a new location. The abutter said people had dumped stuff in the dumpster at 4:30 a.m. recently. He opposes the current location but sees the need.

Mr. Alpert asked if the dumpster in the middle of the parking lot was locked and secure. Mr. Moskowitz stated it was not locked. Mr. Alpert asked if there has been an issue with people dumping their trash in the dumpsters. Mr. Moskowitz stated he was not aware of any issue. He noted the setback from the fence to the building is 24 feet. Trash should not be picked up before 8:30 a.m. or 9:00 a.m. and not after 5:00 p.m. Ms. Espada agrees with Mr. Alpert the location is not good and an alternative location is advisable. Mr. Mann stated wiping out 3 or 4 parking spaces is a concern to him. He thinks there should be another way without taking 3 or 4 spaces. Ms. Espada asked if the current location of the trash dumpster could be expanded to include the cardboard dumpsters. Mr. Moskowitz does not think 3 dumpsters could be put there. Mr. Jacobs stated he was a little perturbed when looking at the As-built plan. He understands the nearest corner is 18 feet from the line

but it does not give any indication of how close the house is. The As-built gives no indication there are any residences there. He is sure the dumpsters are noisy when being emptied. If the dumpsters are not locked that is another issue. He asked if the dumpsters could be locked or can the dumpster corral be locked.

Mr. Moskowitz stated the enclosures can be locked. There is no evidence of others putting trash in the off hours. He is happy to institute a lock program. Mr. Alpert stated he has frequented some tenants in the building and been in the parking lot. He knows how the traffic flows. His thinking is the best location for the dumpster is in the back of the lot. That location only takes away the further spaces and is away from the houses. He feels it would be easier for trucks to access it. Ms. Newman noted the property is currently working under parking waivers. If parking gets eliminated it would require a public hearing and notice. Mr. Mann stated he has 2 special permit applications on for the new uses. Could the spaces be accounted for in those if he amended them? Ms. Newman stated that would be cleaner.

Elizabeth Kaponya, of 27 Highland Terrace and a Town Meeting member, stated she has been dealing with noise from the dumpster for years. She was home last week, and it took them 20 minutes to empty the dumpsters, slamming them down and her house shook. Those are illegal dumpsters. The Board is sending the wrong message if they approve the location of illegal dumpsters. The dumpsters should be moved closer to Second Avenue. She is happy the construction dumpsters will not be put near the houses. Mr. Alpert reminded Mr. Moskowitz and Mr. Mann there is a noise By-Law in town. It starts at 7:00 a.m. or 7:30 a.m. There can be no construction prior to that. Mr. Moskowitz stated all contracts state they cannot start before a certain time. He has always checked out any issues raised.

Mr. Jacobs asked when the construction dumpsters will be put in. Mr. Moskowitz stated he would put them along the back of the lot. He does not think it is safe to put them along Second Avenue. Mr. Alpert commented the dumpsters need to be put as far away from the houses as possible. Mr. Jacobs asked if the construction dumpsters will be installed in a couple of months and was informed yes.

Patricia Baker, of 30 Highland Terrace, stated the Board is headed in the right direction. She stated the title "minor modification" seems to minimize everything in front of the Board. She did not know you could have a minor modification with something illegal. When the As-built was done the houses were wiped out on the plan. It is easy to overlook the neighborhood. She moved in and never knew the dumpsters or the high fence were illegal. She appreciates Mr. Moskowitz did not know that. She was on a Board in another town and things were slipped in all the time. She thinks this is moving in the right direction. She thanked the Board for that. She stated it is important the dumpsters are moved, especially if there is food there. The area needs to be kept as pristine as possible.

Mr. Alpert clarified the difference. With a minor modification there is not a full hearing. With such an amendment, the filing fee is less, there is no requirement for a published notice and it is considered a minor change. The Board did send a notice to abutters to let them know. Ms. Newman noted a permanent fence was part of the approval, but the dumpster corral was not. Mr. Alpert asked if the fence would have required approval. Ms. Newman will look into it.

John Negoshian, of 1101 South Street, stated he is representative and manager of all the abutting properties. He stated Mr. Moskowitz has not been a good neighbor. The dumpsters have been there 2 years and there are rats. He had notified the Board of Health 2 years ago and then Covid hit. He was surprised Tara Gurge, of the Health Department, did not say anything. He finally got through to Ms. Gurge and she said it was not her jurisdiction. He let Ms. Gurge know 6 months ago that there were rats and he never heard back. People are putting food in those dumpsters. Mr. Jacobs stated Mr. Moskowitz conceded the dumpsters have been there about 15 years.

Mr. Negoshian stated that was not true. He stated he has 6 pages of comments. He noted the fence falls down all the time. The neighbors try hard to keep their properties clean. People come around with blowers on Saturday and blow the trash into their yards. There are rats. The fence falls down in the wind because it is cheap plastic. The applicant put 2-foot by 6-foot wood on the fence on the residents' side. He would like an 8-foot wood fence put up. There are 11 units that abut Mr. Moskowitz's property, 19 units within 100 feet and 29 units within 150 feet. The dumpster pick up is heard by all. The house not shown on the As-built - it is 10 feet off the property line.

Mr. Alpert requested Mr. Negoshian send his comments to the Planning Board. It is easier for the members to see the comments. He would also like to see the pictures Mr. Negoshian said he has. The Board will take this up again in March. Mr. Negoshian stated the neighborhood is very involved with this complex being done. The dumpsters were put where they

are and former Board member Moe Handel said they should be put in the middle of the parking lot and not in this location. Mr. Moskowitz told him he was moving the dumpsters 6 months ago and he did not move them. Mr. Negoshian is all for moving a couple of parking spots. He stated nurses live in the end house and might not be able to sleep during the day with the banging of the dumpsters. He stated snow removal is done at midnight and they pile the snow at the abutters side. The abutters can do 8:00 a.m. but not the middle of the night. The trash is blown into the yards by the blowers. He commented he has pictures of someone using the dumpster at 10:00 p.m.

Mr. Jacobs noted Mr. Negoshian stated he managed some property on Highland Terrace, and he asked which ones. Mr. Negoshian stated 15, 17, 19, 21, 23, 25, 27, 29, 31, 16, 18 and 20. They are all transient. He stated he was all for Panera Bread when it was coming in. The Planning Board looks out for the residents, but Mr. Moskowitz wants to take all he can. Mr. Jacobs stated he does not like all the personal attacks. He asked if Mr. Negoshian managed the properties for the owner or if he is the owner. Mr. Negoshian stated he is the owner. He reiterated the dumpster was illegally put there. He was told it was going to be moved and it has not been. Mr. Jacobs noted Mr. Negoshian is saying the dumpsters have only been there 2 years. Mr. Negoshian clarified it was before Covid. The dumpsters came in when FW Webb came in so it may be a bit longer than 2 years. Mr. Alpert told Mr. Negoshian again to send the information he has so the Board has an opportunity to review it.

Mr. Mann stated there are many items stated by Mr. Negoshian they would take issue with. He appreciated Mr. Jacob's comments. This is not a place for personal attacks. Ms. Newman stated Mr. Mann proposes to move the dumpsters and amend the existing filing to reflect that. That is the cleanest way to get rid of this application. The Board can close it out by denying it. Then the applicant can refile it. Mr. Mann stated it will be discussed with the other applications. He will discuss with Mr. Moskowitz whether they want to move or eliminate the 3 dumpsters.

Mr. Block noted there is still an issue of noncompliance for over 60 days with a directive from the Building Inspector. He wants to know what will be done between now and then to come into compliance with the Building Inspector's letter. Mr. Moskowitz stated he will stop using the cardboard dumpsters in the next day or two. Mr. Jacobs asked if they could be locked. Mr. Moskowitz stated he would remove them. Mr. Mann asked they withdraw the application without prejudice.

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

VOTED: to allow the applicant to withdraw, without prejudice, contingent upon getting a letter in the next 7 days.

Discussion: Emery Grover Building – Renovation for the Needham Public Schools Administration.

Hank Haff, Director of Building Design and Construction for the town, noted this is an informal presentation. There will be a temporary use of Hillside School and the preliminary designs of Emery Grover will be presented. There will be an additional renovation at Hillside to accommodate the school staff for 18 months. There will be a full renovation of Emery Grover, then the staff will move back in.

Deborah Robinson, architect with Bargmann Hendrie & Archetype, Inc., gave a timeline of the project. The bid will go out at the end of March and they will go to Town Meeting in May. There will be minimal work to Hillside. They are keeping the partitions, adding sprinklers and will repair or replace the heating system. This will not include the modular buildings. The permit will need to be amended due to the change in use. The construction fence is already down, the lot will be striped, and a transformer will be added. For Emery Grover, there will be a comprehensive renovation and rehab. An addition in the back will be eliminated and one small addition will be ADA compliant. The systems will be updated. The site plan keeps the Highland Avenue drive through the parking at the east side. The north portico will be the main entrance in with a ramp. The center entrance will be closed off. The south portico will be egress only. Getting rid of the parking in front is a goal, and landscaping.

Ms. Robinson noted there are 61 parking spaces on site. The sewer line will go straight out of the building to Highland Avenue. There will be a small addition at the south to serve the Distribution and Production Department for the schools. There will be a dumpster in the far corner that will be enclosed, and the fence will move away from the residential street. There will be a storm drain retention chamber on the west side of the building and a path from the emergency exit out to Highland Avenue. There will be bicycle racks, 3 accessible parking spaces and electric vehicle charging stations. There

are 2 trees on site that will be discussed. It is believed one tree can remain. They will lose 2 parking spaces if both trees remain. There are pedestrian and taller parking lights on the plan.

Ms. Robinson stated a parking study was done. The building can hold 106 people. There is additional parking on Highland Avenue and Oakland Street that will be used only for special events. The on-street parking will give them 67 additional spaces. She noted the project will need waivers. One will be for the side setback on the south side. The existing south portico already encroaches on the setback and is already non-conforming. The parking analysis shows a need for 74 parking spaces and the project is providing 61 spaces. A waiver will be needed. The project will also need a landscape waiver. The requirement is 10% landscaping with 25% of that in the interior of the parking area. They do not meet the 10% requirement as they need to maximize parking. There will be the required number of trees and additional landscaping along Oakland Street. The island in the center will be landscaped. She showed how the production trucks would make deliveries. The north portico is being enclosed and the front door will be closed to make an additional conference room.

Ms. Robinson stated there will be an 82-100 person conference room on the second floor and the attic, which has been unused for years, will be reintroduced. Real windows will be added to the upper floor, rain gutters will be removed and replaced, and windows will all be replaced with insulating glass. All the mechanical equipment will be put inside the building. They are looking at putting the mechanics under the roof on the north side by building out a dormer. There has been an acoustics analysis done and it has suggested an acoustic louver to prevent noise for abutters. A masonry inspection was done, the soffit will be replaced, and the slate will be matched in kind. She noted the plan would be to deal with the Hillside documents at the 4/5/22 meeting and the Emery Grover at the 4/19/22 meeting. They will be going to the Design Review Board (DRB) on 3/28/22.

Mr. Haff stated he will submit 2 separate applications. One for the Hillside change in use and the other for Emery Grover. He would like to expedite the Hillside change in use, which is simple with no exterior changes. Mr. Alpert commented he was hearing Hillside could not be started until after Town Meeting. Mr. Haff confirmed that is correct. Mr. Alpert made sure the applicant was aware that Mr. Jacobs will be going off the Board following the April 12 Town Election and will not be at the 4/5/22 meeting. He would encourage those who are running for Planning Board to attend the meeting. Ms. Newman clarified the newly elected Board member would not be able to vote if he was not a member at the time of the hearing. She wants the applicant to know there will only be 4 members voting. Mr. Alpert stated they may want to wait until the 4/19/22 meeting for a full Board to attend the hearing. Mr. Haff was aware it would be 4 members only if the hearing were held on 4/5/22.

Mr. Alpert asked if Hillside is vacant now. Mr. Haff hopes to get the police out by 2/22/22. Mr. Block commented he appreciates the packet submission. Emery Grover looks like the parking requirement is at 81 with a total of 136 spaces. Jim Jackson, of PAR Civil Engineers, stated the parking is based on the square footage and use. It would be 74 plus the conference rooms with an additional 33 for a total of 107 spaces. He clarified there are 61 on site and 68 spaces are available within 300 feet for a total of 128 available spaces on site and off site. Mr. Alpert asked if all the off-site parking is on the streets and was informed yes, on Highland and Oakland. Mr. Jacobs asked if they are determining off-site spaces would become actual spaces during conferences or special events. He asked how they could take over on-street parking. Mr. Jackson stated they are not taking it over. They are just letting people know the spaces are available. Mr. Jacobs stated that is an illusion. Those spaces are used. Mr. Haff commented they are public spaces. Oakland Avenue is almost always empty except for St. Joseph's drop off and pick up times.

Mr. Haff stated the Highland Avenue spaces are a lot closer to the commercial area and are occupied off and on during the day. A lot of the closer spaces are actively used by the existing user. Some spaces within the neighborhood have not been highlighted. Town Hall utilizes numerous public spaces. This is an attempt to keep parking away from the front of the building as requested by the Planning Board and the Historic Commission. Mr. Alpert asked if there were enough handicap spaces for a conference with 80-100 people. Mr. Jackson stated he based handicapped-parking calculations on available on-site parking and did not account for additional on-street spaces. It would require one or 2 more handicapped spaces. Ms. Espada appreciates moving the parking from the front. She asked if there are any environmental goals for the project. Mr. Haff stated they are trying to be net zero ready. There is a difference with a historical building. They are trying to be as efficient as possible with the building by replacing all the windows and making the building all electric. The only place to put solar would be over the top of the parking lot and that is not allowed under the By-Law and is a large expense. It would also reduce parking.

Ms. Espada stated it is great the project will be net zero ready. She asked what percentage of the landscaping does the project have. Ms. Robinson stated if they can include the entire site the project would be in good shape. She will have the numbers when they come back. Ms. Newman noted the landscape requirement is within the parking lot itself. That does not include the front which is not parking anymore. Ms. Espada wanted to see what the side looks like from the parking lot, but the applicant does not have a view of that. Ms. Espada would like to see that later on. She asked if the applicant has discussed this with the church. Do they know there will be an addition? Mr. Haff has not spoken with them yet. Mr. Alpert asked how close is the side setback to the property line. Mr. Haff stated it is 16.3 feet off the property line. The existing is 11 feet off the property line. The setback is 20 feet.

Mr. Alpert asked if the setback could be waived. Ms. Newman stated the By-Law says it should be conforming. It is in the Apartment District. Mr. Alpert asked the cost of the project. Mr. Haff stated they are going through another round of cost estimating. The appropriation for the design is \$1.475 million and an additional \$19.4 million for construction. Some percentage will be through CPC funding. The schools were requesting \$6 million from CPC. He noted the construction market is not immune to inflation. There are issues with material availability. They are entering the next round of cost estimating. This would not go out to bid until an October or November time frame. Ms. Newman clarified the side yard setback is referenced in Section 4.73 for Institutional Buildings in the Apartment A1 District. A non-apartment building side yard setback is 15 feet under 4.73. She asked what the frontage is on Highland Avenue. If greater than 100 feet, there is a 15 foot setback. Mr. Alpert thanked everyone for the great presentation. It was very succinct.

Board of Appeals – February 17, 2022

26 Ardmore Road – 26 Ardmore Road, LLC, applicant

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

VOTED: “No comment.”

473 High Rock Street – Janet Carter Bernardo, owner

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

VOTED: “No comment.”

Minutes

Mr. Alpert suggested deferring the minutes until the next meeting when Ms. McKnight would be back. The 11/16/22 minutes have already been red lined by Ms. McKnight. The name of the company David Feldman represented is missing. Also, “David” is listed as “Davis” in one place.

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

VOTED: with the redline, approve and adopt the minutes of 11/16/22 with the inclusion of the property name of the company and change the name “Davis” to “David” as redlined.

Correspondence

Mr. Alpert noted a letter from Susan Opton, dated 2/11/22, expressing interest in being appointed as the DRB (Design Review Board) representative. Ms. Newman noted Nelson Hammer has resigned. The Board needs expertise in landscape architecture.

Committee Appointment – Design Review Board

Ms. Newman noted this vacancy has been advertised for 2½ months. Mr. Block had a conversation with Ms. Opton and Mark Gluesing also had a conversation with her. Mr. Block feels she would be good on the Board. She has a background in landscape design. Mr. Block stated he remembered Ms. Opton’s name. He had met her with his real estate business and

the design in her backyard stuck out. She has done pro bono landscaping work throughout town. He called her to see if she was interested and she was. She spoke with Ms. Newman and Mr. Gluesing. She is a town resident and wants to spend time in a more meaningful way.

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

VOTED: to appoint Susan Opton as the Planning Board representative to the Design Review Board.

Ms. Newman noted this is to complete Nelson Hammer's term. There are 2 years left.

Report from Planning Director and Board members

Ms. Newman noted she has a working brewery zoning draft. Ms. McKnight made revisions and she plans to close the loop on the draft. She wants to have the Board look at it at the 3/1/22 meeting and it will make the Town Meeting Warrant. On 3/28/22 there is a meeting for a zoning hearing on breweries but most of the night is outdoor dining. Ms. Clee gave a list of restaurants requesting outdoor dining, which includes the Chapel Street lot. The Select Board will issue those permits as they are on public property and the seating is not being increased by 30%,

Ms. Espada noted the Housing Plan Working Group. They had a good meeting of the HPWG and got really good feedback. They are trying to break up into subcommittees to deal with different areas. They are thinking of 4 subcommittees. There was a housing needs study draft. There is a lot of work going on. On 3/24/22 there will be another community meeting. She feels they are moving forward in a positive way.

Mr. Block noted the draft zoning guidelines for the MBTA Communities. Ms. Newman stated she is working with Katie King and Karen Sunnarborg to see what the new draft guidelines are and trying to understand them. She wants to see how many affordable units actually go toward the zoning requirement. If the zoning is changed to allow housing by right how would that get the town toward that threshold? The town needs to comment on the draft guidelines by the end of March. Ms. Espada noted there is affordable housing subsidized and also at market rate. She asked what are the goals and where does the Board see it? What are the goals of housing and what can the town support? This is multi-layered and a web of information. She is excited to be working on it.

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

VOTED: to adjourn the meeting at 10:05 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk