

NEEDHAM PLANNING BOARD

Tuesday, July 12, 2022
7:00 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**

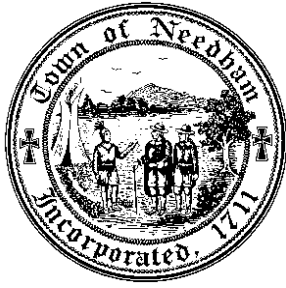
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US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **826-5899-3198**

Direct Link to meeting: <https://us02web.zoom.us/j/82658993198>

1. Decision: Amendment to Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner. (Property located at 1471 Highland Avenue, Needham, Massachusetts). Regarding minor design changes to the proposed renovation of the Town Common.
2. Decision: Amendment to Major Project Site Plan Special Permit No. 2005-02: Babson College, 231 Forest Street, Needham, Massachusetts, Petitioner. (Property located at 0 Olin Way, Needham, MA, Assessors Plan No. 309, Parcel 17). Regarding request to construct a baseball batting building to be located at Govoni Field.
3. 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, Massachusetts). Regarding proposal for outdoor roof deck.
4. Minutes.
5. Report from Planning Director and Board members.
6. Correspondence.

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



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

**MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
AMENDMENT TO DECISION
Application No. 2009-06**

**Town of Needham
July 12, 2022**

(Original Decision dated November 17, 2009, amended March 2, 2010, November 16, 2010, November 16, 2010, June 21, 2011, May 1, 2012, April 25, 2017, May 1, 2018, May 20, 2020, March 2, 2021 and December 21, 2021)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Town of Needham, 1471 Highland Avenue, Needham, MA, (hereinafter referred to as the Petitioner) for property located at 1471 Highland Avenue, Needham, Massachusetts. Said property is shown on Assessors Plan No. 51 as Parcel 1 containing 59,221 square feet in the Center Business District.

This Decision is in response to an application submitted to the Board on June 16, 2022, by the Petitioner. The requested Major Project Site Plan Review Special Permit Amendment would, if granted, permit a change to the Special Permit to allow: (1) installation of concrete pavers by Ideal in lieu of the previously-proposed aggregate concrete walking paths; (2) reduction in the caliber of trees shown on the planting plan; and (3) revision to the oval path shape on the northerly side to no longer be squared off, and to now continue the full oval shape.

The changes requested are deemed minor in nature and extent and do not require a public notice or a public hearing. Testimony and documentary evidence were presented to the Board on June 21, 2022 via remote meeting using Zoom ID 826-5899-3198. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Natasha Espada and Artie Crocker were present throughout the proceedings. Testimony and documentary evidence were presented, and the Board took action on the matter.

EVIDENCE

Submitted for the Board's review are the following exhibits:

- Exhibit 1 Application for Amendment to Major Project Site Plan Special Permit 2009-06, dated June 16, 2022.
- Exhibit 2 Plan set entitled "Town of Needham, Massachusetts, Department of Public Works, Needham Town Common Renovation, October 2021, Rev. November, 2021" prepared by BETA-Inc., consisting of 18 sheets: Sheet 1, Cover Sheet, dated October 2021, November 2021, rev. May 2022; Sheet 2, entitled "General notes," dated November 4, 2021; Sheet 3, entitled "Existing

Conditions & Site Preparation Plan,” dated November 4, 2021, revised May 25, 2022; Sheet 4, entitled “Layout and Materials Plan,” dated November 4, 2021, revised May 25, 2022; Sheet 5, entitled “Grading and Drainage Plan,” dated November 4, 2021, revised May 25, 2022; Sheet 6, entitled “Electrical Symbol Plan,” dated March 10, 2022, revised May 25, 2022; Sheet 7, entitled “Proposed Electrical Site Lighting and Power Plans, dated March 10, 2022, revised May 25, 2022; Sheet 8, entitled “Proposed Electrical Site Details,” dated March 10, 2022, revised May 25, 2022; Sheet 9, entitled “Irrigation Layout Plan,” dated March 2022, revised May 25, 2022; Sheet 10, entitled “Irrigation Details,” dated March 2022, revised May 25, 2022; Sheet 11, entitled “Planting Plan,” dated November 4, 2021, revised May 25, 2022; Sheet 12, entitled “Details,” dated November 4, 2021; Sheet 13, entitled “Details,” dated November 4, 2021, revised May 25, 2022; Sheet 14, entitled “Details,” dated November 4, 2021; Sheet 15, entitled “Electrical Details,” dated November 4, 2021, revised May 25, 2022 (revised to remove sheet); Sheet 16, entitled “Electrical Details,” dated November 4, 2021; Sheet 17, entitled “Electrical Details,” dated November 4, 2021; Sheet 18, entitled “Electrical Details,” dated November 4, 2021; Sheet 19, entitled “Details,” dated November 4, 2021, revised May 25, 2022 (revised to remove sheet, detail is moved to Sheet 13); and Sheet 20, entitled “Details,” dated November 4, 2021.

Exhibit 3 Letter from the Design Review Board, dated June 6, 2022.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 2009-06, dated November 17, 2009, amended March 2, 2010, November 16, 2010, November 16, 2010, June 21, 2011, May 1, 2012, April 25, 2017, May 1, 2018, May 20, 2020, March 2, 2021 and December 21, 2021 were ratified and confirmed except as follows:

1. The proposed changes are as follows: (1) installation of concrete pavers by Ideal in lieu of the previously-proposed aggregate concrete walking paths; (2) reduction in the caliber of trees shown on the planting plan; and (3) revision to the oval path shape on the northerly side to no longer be squared off, and to now continue the full oval shape.
2. The Petitioner informed the Board that concrete subbase is not proposed under the oval path around the common, nor on the paths that connect to the sidewalk; under those paths there will be crushed gravel. Any paths that will have furniture and any of the walls will have concrete foundations. The Board discussed the longevity of the proposed concrete pavers with gravel subbase (in regard to tree roots, time, weather, plowing etc).
3. The Petitioner will install the concrete pavers pursuant to the manufacturer’s specifications. The Petitioner has expressed the commitment to fix any disrepair or movement in the paths that create a tripping hazard.
4. The proposed changes are deemed minor in nature and do not require public notice of a hearing.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction pertaining to this Decision, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not issue any building permit for the work proposed in this Decision nor shall he permit any construction activity pertaining to this Decision to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified

information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit four copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

1. No Plan Modifications.

DECISION

NOW THEREFORE, the Board voted 5-0 that: The proposed changes are deemed minor in nature and do not require a public notice or public hearing.

The Board voted 5-0 that the proposed revisions to the caliber of trees is approved.

The Board voted 5-0 that the proposed minor revisions to the dimensions of the oval pathway is approved.

The Board voted 4-1 that the proposed installation of concrete pavers by Ideal in lieu of the previously-approved aggregate concrete walking paths is approved, pursuant to the conditions noted below. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert and Natasha Espada voted in the affirmative. Board member Artie Crocker voted in the negative.

1. The requested modifications are granted. No 20-day appeal period from this Amendment of Decision is required.
2. The Petitioner shall install the concrete pavers pursuant to the manufacturer's specifications.
3. The walkways and paths shall be maintained in good repair in a safe, passable, walkable condition, at all times to meet conditions of universal design.

This approval shall be recorded in the Norfolk District Registry of Deeds. The provisions of this Special Permit Amendment shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, in full force and effect for the benefit of and enforceable by the Town of Needham.

Witness our hands this 12th day of July, 2022.

NEEDHAM PLANNING BOARD

Adam Block, Chairperson

Jeanne S. McKnight

Paul S. Alpert

Natasha Espada

Artie Crocker

COMMONWEALTH OF MASSACHUSETTS

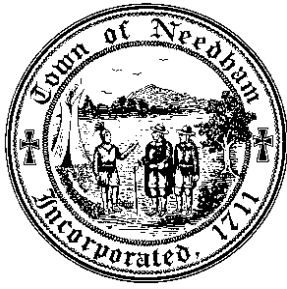
Norfolk, ss

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public: _____
My Commission Expires: _____

Copy sent to:

Petitioner – Certified Mail #
Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission
Design Review Board
Select Board
Engineering
Fire Department
Police Department
Chris Heep, Attorney
Parties In Interest



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

July 12, 2022
DECISION Amendment
Major Project Site Plan Special Permit No. 2005-02
(Original Decision dated May 3, 2005, amended June 16, 2009)

Babson College
231 Forest Street, Needham, Massachusetts

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the “Board”) on the petition of the Babson College, 231 Forest Street, Needham, Massachusetts, (to be referred to hereinafter as the “Petitioner”) for that certain property located at 0 Olin Way, Needham, Massachusetts, located in the Institutional District. The property is shown on Assessors Plan No. 309 as Parcel 19 containing a total of 4.79 acres.

This Decision is in response to an application submitted to the Board on May 26, 2022 by the Petitioner for an Amendment to Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Major Project Site Plan Special Permit No. 2005-02, dated May 3, 2005.

The requested Major Project Site Plan Review Special Permit Amendment, would, if granted, permit the Petitioner to construct a baseball batting building to be located at Govoni Field. The proposed structure would be 4,013 square feet and would support two (2) batting tunnels, two (2) restrooms, a storage and utility closet. The structure will have a rigid frame with a standing seam metal roof, perforated flat wall panels and steel lettering for branding. The restrooms shall be fully enclosed. There will be a concrete slab for the floor surface with a non-infilled short pile synthetic turf carpet over the concrete in the batting tunnel area.

In accordance with the Zoning By-Law, Section 7.4 and Special Permit No. 2005-02, Section 4.2, a Site Plan Special Permit amendment is required.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Petitioner, abutters, and other parties in interest as required by law, the hearing was called to order by the Chairperson, Adam Block on Tuesday, June 21, 2022 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Natasha Espada and Artie Crocker were present throughout the June 21, 2022 proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board’s deliberation prior to the close of the public hearing were the following exhibits:

- Exhibit 1 - Application for the Amendment to Major Project Special Permit No. 2005-02, dated May 3, 2005, amended June 16, 2009.
- Exhibit 2 - Memorandum to Needham Planning Board, from Jonathan Charwick, Activitas, dated May 17, 2022.
- Exhibit 3 - Conversation Commissioner Administrative Approval, dated March 17, 2022.
- Exhibit 4 - Plan entitled “Babson College, Baseball Batting Building,” prepared by Activitas, 70 Milton Street, Dedham, MA, 02026, Reed Land Surveying, Inc., consisting of 9 sheets: Sheet 1, Cover Sheet, dated May 17, 2022; Sheet 2, entitled “Existing Conditions Survey,” dated February 29, 2020, revised March 15, 2022; Sheet 3, entitled “Proposed Site Plan,” dated May 17, 2022; Sheet 4, entitled “Detail Sheet,” dated May 17, 2022; Sheet 5, entitled “Floor Plan,” dated May 17, 2022; Sheet 6, entitled “Roof Plan,” dated May 17, 2022; Sheet 7, entitled “Exterior Elevations,” dated May 17, 2022; Sheet 8, entitled “Exterior Elevations,” dated May 17, 2022; Sheet 9, entitled “Interior Elevation,” dated May 17, 2022.
- Exhibit 5 - Memorandum from the Design Review Board, dated February 7, 2022.
- Exhibit 6 - Interdepartmental Communication (IDC) to the Board from Chief Dennis Condon, Needham Fire Department, dated May 25, 2022; IDC to the Board from Chief John Schlittler, Needham Police Department, dated May 25, 2022; and IDC from Thomas Ryder, Town Engineer, dated June 2, 2022.

Exhibits 1, 2 and 4 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:

- 1.1 The subject property is located at 0 Olin Way, Needham, Massachusetts, located in the Institutional District. The property is shown on Assessors Plan No. 309 as Parcel 19 containing a total of 4.97 acres.
- 1.2 The Petitioner is seeking to modify Major Project Site Plan Special Permit No. 2005-02, issued to Babson College, 231 Forest Street, Babson Park Massachusetts 02457, dated May 3, 2005 and amended June 16, 2009, (“the Decision”) as follows: to construct a baseball batting building to be located at Govoni Field. The proposed structure would be 4,013 square feet and would support two (2) batting tunnels, two (2) restrooms, a storage and utility closet. The structure will have a rigid frame with a standing seam metal roof, perforated flat wall panels and steel lettering for branding. The restrooms shall be fully enclosed. There will be a concrete slab for the floor surface with a non-infilled short pile synthetic turf carpet over the concrete in the batting tunnel area.
- 1.3 The lot conforms to zoning requirements as to area and frontage. The proposed building will comply with all applicable dimensional and density requirements of the Institutional District for an institutional use namely, front, side and rear setback, maximum building height, maximum number of stories, maximum lot coverage, and maximum floor area ratio.

- 1.4 The parcel is 4.97 acres and is abutted by Olin College to the north and the Sudbury Aqueduct owned by the Commonwealth of Massachusetts. The proposed work is located outside of the twenty-five (25') side yard setbacks from each property noted above.
- 1.5 There will be a concrete slab for the floor surface with a non-infilled short pile synthetic turf carpet over the concrete in the batting tunnel area. The entrances to the buildings will have concrete pads and stone dust will be installed flush to each entrance to match the existing stone dust south of the building area. The layout of the building requires the baseball field's left field fence, warning track, and bullpen to be relocated to keep the building footprint out of the setbacks and drainage easement. The building is covered but primarily open on sides.
- 1.6 Stormwater from the roof will shed into a drip strip adjacent to the building. The drip strip will have a perforated pipe that will tie into a new leaching basin. A proposed sewer force main will tie into an existing sewer manhole located northeast of the baseball field. The building's proposed water service will come from existing water service located behind the baseball backstop. The electrical service will be fed from the existing press box located south of the proposed building.
- 1.7 No new parking is proposed as part of this project. The existing parking lot south of the baseball field will provide parking for people using the batting building.
- 1.8 The Petitioner appeared before the Design Review Board on February 7, 2022 and obtained approval for the project.
- 1.9 The facility will have a minimal impact on neighboring streets. No new parking is proposed as part of this project. The existing parking lot south of the baseball field will provide parking for people using the batting building. The arrangement of parking and loading spaces in relation to the proposed uses of the premises is adequate. The proposed project maintains the existing arrangement.
- 1.10 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers and preservation of views, light and air. Stormwater from the roof will shed into a drip strip adjacent to the building. The drip strip will have a perforated pipe that will tie into a new leaching basin. As the project only involves roof runoff, no water quality practices are required or proposed. In summary, the project will have no impact on the stormwater patterns in the area but will provide additional groundwater recharge thereby improving existing conditions. Additionally, the capacity of the new structure will contain a minimum combined volumetric of 1 inch over the entire impervious area to be recharged (per comment of the Town Engineer).
- 1.11 The convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly, has been adequately provided for. The proposed site modifications do not modify vehicular and pedestrian movement at the existing parking area, which is currently functioning adequately.
- 1.12 Adequate methods for disposal of refuse and waste will be provided. The project will not be a major generator of refuse or other waste and will provide adequate methods for disposal of refuse and waste.

- 1.13 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area is in compliance with other requirements of this By-Law and has been adequately addressed by this project. The proposed building is located near the athletic fields and thereby consistent with the other nearby uses. Additionally, it is setback from the Sudbury Aqueduct.
- 1.14 The project will not have an adverse effect on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. A proposed sewer force main will tie into an existing sewer manhole located northeast of the baseball field. The sewer system will be tied into a system on the Olin College property. The building's proposed water service will come from existing water service located behind the baseball backstop. The electrical service will be fed from the existing press box located south of the proposed building.
- 1.15 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit Amendment may be granted in the Institutional District, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds that the proposed development Plan, as conditioned and limited herein for the site plan review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Special Permit Amendment pursuant to By-Law, Section 7.4 and (2) Section 4.2 of the Decision, dated May 3, 2005; subject to the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not issue any building permit, nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

- 2.0 The Plan shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.
 - a. The Plan shall be modified to show the infiltration system for proposed new structure containing a minimum combined volumetric capacity of 1 inch over the entire impervious area be recharged (increased from the proposed ½-inch), in accordance with the Town of Needham Stormwater Bylaw, per the requirements of the Engineering Division.

- b. The Plan shall be revised to show a zoning compliance table with all applicable dimensional and density requirements of the Institutional District detailed namely, front, side and rear setback, maximum building height, maximum number of stories, maximum lot coverage, and maximum floor area ratio.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.20 hereof.
- 3.1 This permit is issued for the construction of a baseball batting building to be located at Govoni Field as shown on the Plan. The proposed structure shall be 4,013 square feet and shall support two (2) batting tunnels, two (2) restrooms, a storage and utility closet.
- 3.2 The building, drainage structures, and other site features shall be constructed in accordance with the Plan, as modified by this Decision. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.3 The proposed building and support services shall contain the dimensions and shall be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.4 All buildings and land constituting the premises shall remain under a single ownership.
- 3.5 The operation of the proposed Babson College Batting building facility shall be as described in Sections 1.2, 1.5, 1.6, and 1.7 of this Decision and as further described under the support materials provided under Exhibits 1, 2 and 4. Any changes of such above-described use shall be permitted only by amendment of this Approval by the Board.
- 3.6 The Petitioner shall provide the Planning Board with a copy of the letter of agreement between Babson College and Olin College granting Babson College legal access to tie into the existing sewer system on the Olin College property.
- 3.7 The Petitioner shall ensure that the batting building is locked at any time that it is not in use, and particularly overnight.
- 3.8 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.9 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit or impact fee, if applicable.
- 3.10 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit and any grants of location that are required from the utility companies.
- 3.11 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town requirements.
- 3.12 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the sources of the discharges. Sealing of

- abandoned drainage facilities and abandonment of all utilities shall be carried out per Town requirements.
- 3.13 The Petitioner shall connect the sanitary sewer line only to known sources. All known sources that cannot be identified shall be disconnected and properly sealed.
- 3.14 The construction, operation and maintenance of any subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the EPA's Memorandum of Understanding signed by the Needham Board of Selectmen.
- 3.15 No building permit shall be issued the project in pursuance of the Approval until:
- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - b. A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
 - c. A copy of the letter of agreement with Olin College shall have been provided to the Board, pursuant to Condition 3.6.
 - d. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.16 No building or structure, or portion thereof of this Project and subject to this Approval shall be occupied until:
- a. An as-built plan supplied by the engineer of record certifying that the appropriate project was built according to the approved documents has been submitted to the Board and Department of Public Works. The as-built plan shall show the building, all finished grades and final construction details of drainage systems, and utility installations, in their true relationship to the lot lines for the project. In addition, the as-built plan for the project shall show the final location, size, depth, and material of all public and private utilities on the site and their points of connection to the individual utility, and all utilities which have been abandoned for the project. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.
 - b. There shall be filed, with the Building Commissioner and Board, a statement by the registered professional engineer of record certifying that the finished grades and final construction details of the drainage systems and utility installations, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan for the project.
 - c. There shall be filed with the Board and Building Commissioner a Certificate of Compliance signed by a registered architect upon completion of construction of the Project.
- 3.17 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies,

- including, but not limited to, the Board of Selectmen, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.18 The building authorized for construction by this Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use for the Project has been issued by the Building Commissioner.
- 3.19 The Petitioner, by accepting this permit Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.20 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Commissioner to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of this site without further approval by the Board. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.

- 4.6 The Special Permits granted herein shall lapse on July 12, 2024 if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to July 12, 2024. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 This Decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this 12th day of July, 2022.

NEEDHAM PLANNING BOARD

Adam Block, Chairman

Jeanne S. McKnight

Paul S. Alpert

Natasha Espada

Artie Crocker

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

_____2022

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Babson College, 231 Forest Street, Needham, Massachusetts, for property located at 0 Olin Way, Needham, Massachusetts, shown on Assessors Plan No. 309 as Parcel 17 containing a total of 7.097 acres, has passed,

____ and there have been no appeals filed in the Office of the Town Clerk or
____ there has been an appeal filed.

Date

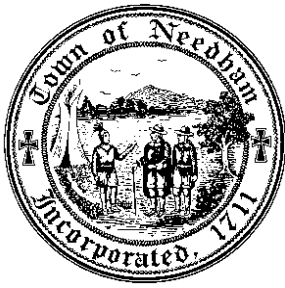
Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Commissioner
Conservation Commission

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

**MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
AMENDMENT TO DECISION
Application No. 99-2**

**BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership
(Original Decision dated June 15, 1999, amended December 1, 2020)**

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA, (hereinafter referred to as the Petitioner) for property located at 140 Kendrick Street, Needham, Massachusetts. Said property is shown on Assessors Plan No. 300 as Parcels 1 and 3 and containing 621,402 square feet in the New England Business Center Zoning District.

This Decision is in response to an application submitted to the Board on May 13, 2022, by the Petitioner. The requested Major Project Site Plan Review Special Permit Amendment would, if granted, permit a change to the Special Permit to allow construction and operation of a rooftop deck on the roof of the low-rise building.

The changes requested are deemed minor in nature and extent and do not require a public notice or a public hearing. Testimony and documentary evidence were presented to the Board on June 21, 2022 via remote meeting using Zoom ID 826-5899-3198. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Natasha Espada and Artie Crocker were present throughout the proceedings. Testimony and documentary evidence were presented, and the Board acted on the matter.

EVIDENCE

Submitted prior to the public hearing for the Board's review are the following exhibits:

- Exhibit 1 - Application for Amendment to Major Project Site Plan Special Permit 99-2, dated May 13, 2022.
- Exhibit 2 - Letter to the Planning Board from Frederick J. DeAngelis, Attorney for Boston Properties, dated May 5, 2022.
- Exhibit 3 - Plan set prepared by Stantec, 311 Summer Street, Boston, consisting of 10 sheets: Sheet 1, Sheet A-151, entitled "Tenant Roof Deck," dated April 1, 2022, revised April 29, 2022; Sheet 2, Sheet A-301, entitled "Typical Roof Details," dated April 1, 2022, revised April 29, 2022; Sheet 3, Sheet A-403, entitled "Typical Exterior Wall Details Level 3," dated April 1, 2022, revised April 29, 2022; Sheet 4, Sheet S000, entitled "Structural General

Notes and Loads,” dated April 1, 2022, revised April 29, 2022; Sheet 5, Sheet S201, entitled “Structural Third Floor Part Plan,” dated April 1, 2022, revised April 29, 2022; Sheet 6, Sheet S300, entitled “Structural Steel Detail,” dated April 1, 2022, revised April 29, 2022; Sheet 7, Sheet PD103, entitled “Plumbing Level 3 Demolition Floor Plan,” dated April 1, 2022; Sheet 8, Sheet P103, entitled “Plumbing Level 3 Floor Plan,” dated April 1, 2022; Sheet 9, Sheet MD103, entitled “Mechanical Demolition Floor Plan,” dated April 1, 2022; Sheet 10, Sheet E103, entitled “Electrical Power Third Floor Plan,” dated April 1, 2022.

Exhibit 4 - Letter from the Design Review Board, dated June 6, 2022.

Exhibit 5 - Correspondence from David Roche, Building Commissioner, dated June 15, 2022 and June 23, 2022.

Submitted after the close of the public hearing (at the request of the Planning Board during the public hearing) is the following exhibit (plan revision) showing the two exit doors from the roof deck in yellow highlight:

Exhibit 6 - Plan set prepared by Stantec, 311 Summer Street, Boston, consisting of 1 sheet: Sheet 1, Sheet A-151, entitled “Tenant Roof Deck,” dated April 1, 2022, revised April 29, 2022.

Exhibits 1, 2, 3 and 6 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 99-2, dated June 15, 1999, amended December 1, 2020 were ratified and confirmed except as follows:

1. The proposed changes are as follows: (1) construction and operation of a rooftop deck on the roof of the low-rise building.
2. The Petitioner described the proposal as well as specifically the location of the egresses, pursuant to a comment of the Building Commissioner.
3. The proposed changes are deemed minor in nature and do not require public notice of a hearing.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction pertaining to this Decision, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not issue any building permit for the work proposed in this Decision nor shall he permit any construction activity pertaining to this Decision to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit four copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

No Plan Modifications (having accepted the revised plan provided after the hearing highlighting the location of the two exit doors from the roof top deck). The Plan as detailed in Exhibits 1, 2, 3 and 6 is hereby approved.

DECISION

NOW THEREFORE, the Board voted 5-0 that:

1. The proposed changes are deemed minor in nature and do not require a public notice or public hearing. No 20-day appeal period from this Amendment of Decision is required.
2. The requested modifications as shown on the Plan are granted.

This Site Plan Special Permit Amendment shall lapse on July 12, 2024, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to July 12, 2024. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.

This approval shall be recorded in the Norfolk District Registry of Deeds. The provisions of this Special Permit Amendment shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, in full force and effect for the benefit of and enforceable by the Town of Needham.

Witness our hands this 12th day of July, 2022.

NEEDHAM PLANNING BOARD

Adam Block, Chairperson

Jeanne S. McKnight

Paul S. Alpert

Natasha Espada

Artie Crocker

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public: _____
My Commission Expires: _____

Copy sent to:

Petitioner – Certified Mail #
Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission
Design Review Board
Select Board
Engineering
Fire Department
Police Department
Frederick J. DeAngelis, Attorney
Parties In Interest

NEEDHAM PLANNING BOARD MINUTES

May 3, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, May 3, 2022, at 7:15 p.m. with Messrs. Block and Crocker 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 one public hearing 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.

Public Hearing:

7:20 p.m. – Amendment to Major Project Site Plan Special Permit No. 91-7: Henry Hospitality, Inc. d/b/a The James, 18 Cliftondale Street, Roslindale, MA, Petitioner (Property located at 1027 Great Plain Avenue, Needham, MA). Regarding request to permit up to 69 outdoor seats by the James Pub on 5 on-site parking spaces.

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

VOTED: to waive the reading of the public hearing notice.

Stuart Henry, owner of the James Pub, thanked the Board for access to the patio during the pandemic. Mary Kiley, General Manager of the James, was at the meeting with him. He will keep the same footprint and build another platform from the building to access more handicap accessible tables. Mr. Block noted the application says this outdoor dining area will occupy 3 parking spaces. Mr. Henry noted they are currently using 3 parking spaces. There are 2 more parking spaces by the entrance that will be used. Mr. Alpert asked Mr. Henry to work with the Planning Staff to correct the application. He noted the applicant is asking for year-round outdoor dining. He looked at the second license and memorandum of understanding dated 3/11/22. Reading this gives the ability to have year-round outdoor dining and is subject to the agreement. The Board cannot grant the right to year-round outdoor dining, but he has no objection. The Board can allow this as long as it conforms under the second license and memorandum of understanding. It looks like that requires Select Board approval.

Mr. Alpert noted the following correspondence for the record: multiple communications from the Building Commissioner; an email from Fire Chief Dennis Condon noting the Fire Department is ok with this; an email from Assistant Health Director Tara Gurge with the usual requirements to continue to maintain the exterior in a clean and safe condition and a letter from Town Engineer Thomas Ryder with no objections. The emails from Building Commissioner David Roche questioned the number of seats and bathroom accommodations. Mr. Henry made arrangements to use a third bathroom at the Architrave store. The Building Commissioner then responded that the ability to use the third bathroom is fine and he is satisfied. Mr. Block had a question about the arrangement. The store hours are different, and he asked how the arrangement would work. Mr. Henry stated he rents space in the basement of that building and has 24-hour access to the back door and bathroom right there. Mr. Block is pleased with the bathroom arrangement and congratulated Mr. Henry on the success of his business.

Ms. McKnight noted the entry/exit on the left side and asked if that is from the railway walkway. Mr. Henry noted that is on the other side. Mr. Block noted the entry to the restaurant is on the railway right of way. This plan is only outdoor seating. Ms. McKnight stated she agreed with Mr. Alpert's comments. The applicant needs the Select Board's approval for use of the 5 parking spaces. Currently the handicap parking space is being used. It is problematic to eliminate a handicap space. She asked where a handicapped person would park. Mr. Henry stated they could park right outside the entry to the restaurant. There are 2 spaces right there. There is no handicapped-parking placard yet but he will get one. Mr. Alpert asked if the applicant is ok with a condition the applicant replace the handicap space. Mr. Henry is ok with that. Ms. McKnight asked if a handicap person would be able to enter the restaurant via the outside eating area. Mr. Henry stated yes, the door is 42 inches wide.

Ms. Espada stated she appreciates the site plan. It is helpful to see all accessibility provisions. She asked why there is a 6-inch platform for most of the seating. Mr. Henry noted they were waterlogged most of the first year and people were sitting in puddles. Ms. Espada noted some seats are on the ramp. The ramp needs handrails. Mr. Crocker stated he has done a fantastic job. Mr. Block noted there are 2 parking plans. One has the proposed dumpster location. He noted there is a yellow section around 4 spaces and it shows bollards. The plan does not show the structure of where the restaurant is. He assumes it is behind that. Ms. Newman noted those parking spaces are the ones the Town has approved for use for the dumpster and now they want them to be approved for outdoor seating. The spaces in yellow are privately owned. Mr. Alpert stated the spaces are privately owned but need Town approval due to the agreement with the Town. It sounds like the Town can grant the request but pull it back anytime if they need the spaces.

Ms. McKnight noted the license agreement is dated in 2022. This is extending the 2015 license. She asked if there was any discussion with the Select Board when the license was approved regarding outdoor seating. Mr. Alpert stated it was covered in the agreement allowing outdoor dining. It contemplates outdoor dining. Ms. Newman noted the original agreement did not contemplate outdoor dining. It ran for 5 years and when it was renewed it added language for seasonal outdoor dining. Year-round seating would not be in violation of the agreement, subject to Select Board approval.

Mr. Crocker asked about snow removal and what is happening with that. Mr. Henry noted all the restaurants, Needham Center Fine Wine and Citizens Bank all take care of the snow removal. They are responsible for that part of the lot as it is private. Citizens has people that do snow removal and take it away. The rest of the snow is pushed against the patio wall.

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

VOTED: to close the hearing.

Ms. Newman will prepare an affirmative decision with prior comments and the discussion from tonight for the next meeting.

Appointment:

7:50 p.m. – Minor Project Review: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property located at 1330 Highland Avenue, Needham, MA).

Ms. Newman noted this is a minor project review. It does not hit the trigger for a major project review. The Planning Board provides comments to the Design Review Board (DRB- DRB or ZBA?); ~~the Board does-~~ They do not issue a decision but makes recommendations. Hank Haff, Director of Building Design and Construction for the ~~Town~~, noted this is a complete gut renovation for continued use of the ~~building~~ for the school administration. The building was built in 1898 as a high school and is 124 years old. Construction was 24 years old before the first draft of the 1925 Zoning By-Laws. In 1947 the building was converted to school administration use and in 1986 it was placed on the Registry of Historic Places. The Historical Society is supportive of the renovation. There will be Community Preservation Act ~~(CPA)~~ funding approved and the hope is Town Meeting will approve the CPA funding. The renovation is almost entirely enclosed within the building. Several waivers are being requested. This was discussed with the DRB on 4/25/22 and the architect is reviewing those. He noted the DRB is generally supportive of the project.

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Town Counsel Christopher Heep reviewed the waivers. In Section 5.1.1.2, amount of parking, the requirement is 89 parking spaces, and they are proposing 62 spaces. The current building would require 85 spaces under the By-Law but there are only 65 spaces on site. This is a net reduction of 3 spaces. The site has performed well over the years. In Section 5.1.1.3 (j), setback to parking, there is 10 feet required and there is only 4 feet in some places at the rear of the site along Oakland Avenue. In Section 5.1.1.3 (k), landscaping, the By-Law requires 10% and 25% interior. There is 13.4% landscaping but only 8.4% ~~interior~~. In Section 5.1.1.3 (m), parking location within 300 feet of the site, he noted there may be instances where parking may need to be off-site. He acknowledges this. He noted there are 3 existing non-conformities. The side yard setback for the portico is 11.3 feet from the side yard lot line. That portico is not changing but 15 feet is the setback requirement. The maximum height is 3 stories and 40 feet but the existing height is 4 levels and 60 feet.

Mr. Alpert asked what the building to the west is. Mr. Haff noted, technically, it is south and adjacent to St. Joseph's. Ms. McKnight noted immediately south there is the former convent that is used as a pre-school. Then next to that is the church itself. Mr. Heep stated none of the existing non-conformities are being extended in any substantial way. Ms. McKnight stated, as to with the waiver with regards to parking, she is supportive of granting a waiver to reduce to 62 spaces. She does not understand the need for any special conditions if the waiver is granted. She is opposed to parking at Stephen Palmer and does not see the need for a waiver to allow parking more than of over 300 feet from the site. Mr. Haff stated the applicant applied for more relief than needed. The list was worked up with the Building Commissioner so he would not like to drop the request.

Mr. Alpert noted the waiver to allow for additional parking more than 300 feet from the building. He asked, if granted, would the applicant need to come back if that changes. Mr. Heep does not think there is any question of their contracting with any business owners. This is for municipal lots within 300 feet of the building. Mr. Haff analyzed the number of on-street spaces within 300 feet of the building. This use of on-street parking has been is the experience for decades with the existing user. Town Meeting requested the applicant not constrain the Stephen Palmer site, which is more than 300 feet from the site. Ms. Newman agrees with Ms. McKnight it does not need a waiver. The relief under Section (m) is not required. Mr. Heep stated if the Planning Board wants to include it with a recommendation to the Zoning Board of Appeals (ZBA) that the relief is not needed he is ok with that.

Mr. Crocker stated he does not understand why they are looking for a waiver when it is not needed. There is parking on site and other parking nearby. Mr. Block stated, when it was a larger project, there was a discussion regarding using Stephen Palmer as a parking site, but the project has since been reduced in size. He asked if the ZBA should add a requirement no employees or visitors shall park on Oakland or Pickering north of May Street as that is resident parking only. For big meetings, were they thinking of parking on Pickering and north of May Street? Mr. Haff stated all spaces were counted as available parking. He noted people park in the school lot for church and funerals. It has functioned like this for years. The teachers can park in 2- or 3-hour spots. It is all public parking around there. Mr. Block was not aware it was public parking.

Mr. Alpert clarified people can park on public streets. Mr. Block commented he was concerned with 100 cars pulling out. Mr. Crocker noted the Town has a responsibility when they have a large gathering to encourage car-pooling. Ms. McKnight agrees with Ms. Newman. A condition that allows for parking further than 300 feet is appropriate only when the site is owned or leased by the applicant, and it is determined the applicant needs the parking. Any condition about 300 feet is not necessary. Ms. Espada agrees. She does not see the need.

Joel Bargmann, of Bargmann Hendrie & Archetype, Inc., reviewed the project. The old entry is being changed by infilling it to prevent confusion with the new entrance. The DRB suggested a planter and recess the window a bit. It is not practical to put the old clock in, but it has been preserved off site. There is a roof top enclosure to hold the mechanics. The major change is they are down 3 parking spaces. The entire asphalt in front of the school is being removed and only 3 handicap spaces will remain at the left portico. It was suggested they use some bushes to hide the spaces from Highland Avenue. There is a small addition for trash and a loading dock. All the floors are at a split level, so you need a loading dock.

Mr. Bargmann stated the existing vehicular entry is being maintained due to an easement access for the residential abutters. The DRB suggested panelizing the roof top enclosure or putting a cornice to provide more detail and make the enclosure smaller. They will put a planter to infill the old entry. It is difficult to see the elevator overrun and mechanical systems from Highland Avenue. He noted the elevator has to be where it is at the entry. The back of the building has 6 windows that are filled with brick. The project will open them up and create some office space that can be used. He stated they plan to show the comments from the Planning Board to the ZBA.

Mr. Block stated this was an excellent presentation. He asked if someone were to go by wheelchair, are there stairs to go from the driveway into the front door. Mr. Bargmann stated there is one step there. Ms. Espada had no comments or questions. Mr. Crocker asked, with the heating system being different, would the chimneys even be used. Mr. Bargmann stated the chimneys could not be used. The 2 chimneys in the middle will be elkept as they are structurally required for air exchange. The chimneys in the back are being removed and they are gaining 8 offices in the building.

Ms. McKnight sought clarification as to whether the property is burdened by an easement to the condominium property and was informed that is correct. There is also a utility easement. Ms. McKnight noted she always thought of the rooftop

structure referred to as a clock as a water tank. Mr. Haff noted Anne Gulati, Assistant Superintendent for Business and Finance, requested the high school students have input into what goes into the circle at the front of this structure if the clock is not put back. The students designed the town logo. Ms. McKnight noted the comments from the DRB regarding trees and plantings. She asked if the applicant is responding to comments from the DRB. Mr. Bargmann noted, as to the comment regarding tree removal, it is necessary. The addition cannot be put on without removing the tree and there is no other place to put the loading dock. He noted some historic photos show bushes. There is one remaining bush that will bring back some of the historical character.

Ms. McKnight noted rubbish removal and the arborvitae tree screen. Mr. Bargmann noted there is a tree screen and hedge that screens the dumpster for St. Josephs. Mr. Crocker noted the Planning Board would require some type of additional trees between the back and St. Josephs to the south of the building. He asked why nothing is being planted there. Mr. Bargmann will take a look at that. Mr. Haff stated St. Joseph's side has a row of pine trees that goes all the way across the face of the building and one large oak tree by the play yard. He will speak with St. Joseph's. If they want the applicant to add a second row of trees, they will do that although it may be redundant.

Oscar Mertz, architect, asked if the community would have access to the building at times with shared room and common spaces. Mr. Haff stated the community comes in throughout the day for a variety of services. The top floor will be a larger conference room that could be utilized by the public especially in the evening. It is not really as big as Powers Hall. They are still in discussions as to whether-if the School Committee will have its/their meetings there or continue to have them at Broadmeadow School. Ms. McKnight commented she is happy to hear that there could be community use. She asked if that room will be added to the list of available Town spaces. Mr. Haff noted it most likely would be added for off hours and weekends. It would need monitoring of the room and a nominal fee. Mr. Alpert reviewed the comments for the ZBA. The parking waiver is not necessary for more than 300 feet and landscaping should be considered on the south side of the building. McKnight would like to comment she would support the grant of a parking waiver to allow construction with 62 spaces. All agreed. Mr. Alpert asked if there would be a bicycle rack. Mr. Haff stated it conforms to the zoning by-law. They have not observed a lot of people coming by bicycle, but he noted the bike rack could accommodate 8 bicycles.

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

VOTED: to recommend approval of a parking waiver of 62 spaces and recommend they not grant a waiver for off-site parking more than 300 feet from the site as it is unnecessary.

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

VOTED: to accept the rear setback on the east side of the building from 10 feet to 4 feet and the amount of landscaping within the interior of the area.

Decision: Amendment to Major Project Site Plan Review No. 1018-05: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 28 Glen Gary Road, Needham, MA.) Regarding request to remove Condition 3.2 of the existing decision, which would then allow the temporary move of the Needham Public Schools ("NPS") administrative staff.

Mr. Alpert noted the decision has Ms. Espada as being present and she was not. The vote would be 4 members. Condition 3.2 regarding preventing using the parking lot for municipal use has been removed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Crocker, it was by a roll call vote of four of the five members present (Ms. Espada abstained):

VOTED: to grant the requested amendment to a Major Site Plan Review Special Permit issued by the Needham Planning Board on July 17, 2018, amended June 29, 2021, under Section 7.4 of the Needham Zoning By-Law and Special Permit 2019-05, Section 421, subject to the following plan modifications, conditions and limitations in the decision that is before the Board.

A motion was made to approve the amendment to the decision dated 5/1/22. Mr. Alpert noted the finding in Section 1.5 says “Needham Public Schools (NPS) would of course need to use existing parking spaces.” He does not feel “of course” is appropriate and should be struck. Ms. Newman agreed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Crocker, it was by a roll call vote of four of the five members present (Ms. Espada abstained):

VOTED: to approve the amendment to the decision dated 5/1/22 with the one change discussed.

Decision: Amendment to Major Project Site Plan Review No. 2008-08: The Learning Tree Preschool, Inc., 225 Highland Avenue, Needham, MA, Petitioner (Property located at 225 Highland Avenue, Needham, MA). Regarding request to expand its current operation at this location to include the abutting former UBreakIFix tenant space.

Mr. Alpert noted on the 1st page, 4th paragraph, it does not list those present. That information needs to be added. On the top of page 3, last sentence in Section 1.3, says “in essence.” That is not appropriate and should be removed. All agreed. Mr. Alpert noted in Section 3.1, there is a space that should be removed between 2020 and the comma. Ms. Newman stated she would remove Ms. Espada from the signature line.

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

VOTED: to grant (1) the requested Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of the Major Project Special Permit No. 2008-08; dated November 12, 2008, amended August 11, 2009, January 4, 2011, August 9, 2011, June 12, 2012 and July 21, 2020; and (2) the requested Special Permit under Section 5.1.1.5 of the By-Law to further 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, limitations and finding of facts as set forth in the decision.

Mr. Alpert noted there is another space in the “Therefore” section. There is an extra space after July 21, 2020. It will be removed.

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

VOTED: to approve the decision with the changes discussed.

Revise temporary outdoor seating/outdoor display policy to extend applicability date to April 1, 2023 or another later date deemed appropriate by the Board.

Mr. Alpert noted the date should be changed to 4/1/2023 as the outside date. Ms. Newman stated the Governor has approved outside seating through 4/1/2023 [2023 or 2022?]. The town needs to modify the policy for an additional year to be consistent with the Governor. This is a very recent change.

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

VOTED: to adopt a change of date as presented to the Board.

Vote new Select Board appointment to the Housing Plan Working Group.

Ms. McKnight has spoken with Heidi Frail who has agreed to be the Select Board appointee~~adviser~~.

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

VOTED: to appoint Heidi Frail as a member of the Housing Plan Working Group Committee as the Select Board member.

Minutes

Ms. McKnight noted in the minutes of 12/21/21, 1688 Central Avenue, the paragraph at the bottom, it says “Mr. Jacobs stated it may not be in the proviso.” Mr. Alpert stated it should be “may not be in the M.G.L. Ch. 40, Section 3.” All agreed. Ms. McKnight noted on the next page, it says “the barn is exclusively for day care use and not necessarily for storage.” She thinks “only” should be added after “storage.” In the paragraph at the bottom of the page, Mr. Alpert stated the Board needs to come up with “regulations.” It should be “conditions.” Mr. Alpert thought it may be “reasonable regulations.” It was decided to leave it alone. On the next page regarding setbacks, it says “the setbacks are there because that is where the builders decided years ago to build the houses.” Ms. McKnight feels it should say “the setbacks in Section 4.” Mr. Block agreed.

Ms. McKnight noted there were 2 sentences ~~by regarding statements by~~ Mr. Jacobs that are unclear. One was “Mr. Jacobs stated the Board could find the setback needs to be more than 64 feet, but he does not know how to make that clear.” Mr. Block stated that would be making a condition based on a subsequent condition. ~~It is not clear.~~ ~~[delete?]~~ Mr. Alpert thinks the discussion was about traffic and a condition of whether to have a police detail and if it continues was about traffic study. Mr. Block stated the second sentence ~~regarding a statement by from~~ Mr. Block should be struck and Mr. Jacobs sentence should remain. Ms. McKnight noted in the 1st paragraph of the breweries discussion, Mr. Alpert stated Mr. Jacobs said at the Select Board meeting “He was not sure we need to have zoning. Under the current By-Laws there can be breweries.” She is not sure that is needed. She brought the 2 sentences together and suggests adding “if deemed similar to already allowed uses.” Mr. Alpert stated that is not what Mr. Jacobs said. Mr. Block felt it was a reasonable addition. Mr. Alpert noted he was ok with adding it.

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Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of four of the five members present (Mr. Crocker abstained):
VOTED: to accept the minutes of 12/21/21 with the changes shown in red line and further changes discussed tonight.

Upon a motion made by Ms. McKnight, and seconded by Ms. Espada, it was by a roll call vote of four of the five members present (Mr. Crocker abstained):
VOTED: to accept the minutes of 1/4/22 with the changes shown in red line.

Ms. McKnight noted in the minutes of 2/15/22, page 2, “Mr. Jacobs asked if the construction dumpsters will be in a couple of months.” Mr. Alpert stated it should be “will be installed in a couple of months.” Ms. McKnight noted Mr. Moskowitz conceded the dumpsters were there about 5 years. She is not clear on how many years. It should be 15 years. Ms. McKnight noted the last paragraph of the Emery Grover discussion regarding setbacks. A non-apartment building side yard setback is 15 feet under Section 4.3. ~~but~~ ~~it~~ it should be Section 4.73.

Upon a motion made by Ms. McKnight, and seconded by Ms. Espada, it was by a roll call vote of four of the five members present (Mr. Crocker abstained):
VOTED: to accept the minutes of 2/15/22 with the changes shown in red line and with the additional changes discussed tonight.

Ms. McKnight noted on the minutes of 2/25/22, 2nd paragraph, Mr. Alpert noted there was a minor modification on the agenda and there would be public comment. The Board did not get to that item. Mr. Alpert stated it was on the agenda and should be left as is. Ms. McKnight noted the 1st paragraph of 1688 Central Avenue, “at the last meeting the Board discussed the restriction of further subdividing the lot. They have since learned an easement would enable a subdivision of the lot.” She suggested adding “roadway” before easement. Mr. Block stated it should be “roadway easement.” He remembers the substantive conversation. Mr. Crocker asked if there could be a driveway easement. Mr. Alpert asked when does a driveway become a roadway. A driveway cannot have frontage; ~~it~~ it would need to be a roadway. Ms. McKnight suggested adding “a roadway laid out and approved” or separating the paragraphs and leave out the sentence.

Ms. McKnight noted on page 4, 3rd paragraph, Mr. Jacobs stated “members have already said no to enough and cannot say yes to the letter.” Ms. McKnight asked if this is the letter from the attorney. Mr. Block stated it makes sense in the context. Ms. McKnight suggested removing the sentence. Mr. Alpert noted Mr. Huber’s letter said the applicant would agree to an 80-foot setback if the Planning Board agreed to other things. This was already discussed, and the Board said no. He suggested putting “Evans Huber’s settlement letter.” This was agreed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Block it was by a roll call vote of three of the five members present (Mr. Crocker and Ms. Espada abstained):

VOTED: to accept the minutes of 2/25/22 with the red line changes shown in the draft and with the changes discussed tonight.

Ms. McKnight noted the minutes of 3/1/22, 5th page, 1st full paragraph, it should be “segment” not “department.” Mr. Block agreed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of four of the five members present (Mr. Crocker abstained):

VOTED: to accept the minutes of 3/1/22 with the red line changes shown in the draft and the one change discussed tonight.

Report from Planning Director and Board members.

Ms. Newman noted a copy of the Town’s response to the Environmental Notification Form (ENF) for 557 Highland Avenue, comments from the DPW and Rebecca Brown of GPI. Mr. Alpert noted Town Manager Kate Fitzpatrick stated the parcel is being used as a dealership, but that is long gone and the buildings have been razed. Ms. Newman stated she wrote the letter for the Town Manager so she takes ownership of that. GPI is doing a review now on the site plan and she will get a revised letter. The intended roadway widening at Highland and Gould is extending onto the Muzi property and is showing as an easement. It should be shown in the layout. It could impact FAR. She noted the hearing is set for 6/7/22 and will be the 1st hybrid meeting at Powers Hall. She stated the [Planning?] Board has Power’s Hall for July and August as it is a larger space. Mr. Block asked when the leadership changes for the Planning Board and was informed after Town Meeting.

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Ms. McKnight stated a housing survey was sent out last week with the responses due 5/19/22. The responses will be evaluated at a subsequent meeting of the Housing Plan Working Group. She requested that, if any Board members are active in any group they send out the link to the survey. Mr. Block asked what the plan is, where is the subcommittee at, what are they studying and what kind of recommendation will there be. Ms. McKnight noted they would likely have a draft housing plan and public meeting in October. The 2020 census data is finally set. Housing and Planning Consultant Karen Sunnarborg made a good start on the housing plan. Now the housing group has come up with ideas and put a lot in the survey. They will take into account all the responses.

Ms. McKnight noted the MBTA Communities Initiative Act. There are 11,500 housing units in town. If it is a commuter rail community the Town’s obligation to zone for new multi-family housing it would be at 15% of current housing units and not the 20%, which is unreasonable. Ms. Newman stated the Town wants to come up with a plan in response to the new law. Mr. Alpert stated he is in full accord with the objective of the intentions of this bill. He would love to see Needham do what it can to have transit housing in somewhat the form the statute is requiring. The penalty is not so onerous for not adopting. He agrees with all the sentiments, but it should be done by special permit. The Town should adopt the sentiment of it and go forward and have the kind of housing envisioned but by special permit.

Ms. Espada stated they had a community housing workshop with community members. There were 69% who wanted to participate in the MBTA Communities Initiative and 50% supported the Needham Housing Authority to renovate and expand the housing units. The Board should support revised zoning to allow for different types of housing in different areas of town. This needs to be revised pre-zoning?? But should be by special permit. Mr. Crocker agrees they need to look at it but not by right. Mr. Alpert agrees with Ms. Espada they do need to change Zoning By-Laws to move on housing. Ms. McKnight encouraged all to read the report done by the Town staff. There is a blueprint for compliance.

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Mr. Alpert stated they could look at structure in terms of site plan review. Site plan review is like 40A and cannot be denied. Ms. Espada noted the subgroups’ work will be done the end of May. They can start getting together before the summer so they can start again in October and move forward. Mr. Alpert stated, to comply with the MBTA Communities Guidelines, the zoning-# has to be family friendly, but they seem to be encouraging studio apartments.

Mr. Alpert noted the following correspondence for the record: an email to support and vote positively on a Town Meeting Warrant Article but at last night’s Town Meeting??. Ms. McKnight noted The Town of Needham Sewer System Impact

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Program Regulations are included in the packet. She intends to make a comment at Town Meeting onregarding an article regarding Public Works capital projects on storm water improvements. She wants to comment the reason stated in the article explanation is that they need to spend money on it ~~is~~ because subdivisions and multi-family housing are being built without proper storm water management. It almost seems to imply the Planning Board has not been watching this issue when approving projects. The Town adopted new storm water regulations in 2018. Maybe in decades past the town was not addressing the need but they are certainly doing so now. She does not want to let it hang out there that it is the Planning Board's fault.

Upon a motion made by Mr. Block, and seconded by Mr. Crocker, it was by a roll call vote of the five 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

NEEDHAM PLANNING BOARD MINUTES

May 17, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, May 17, 2022, at 7:15 p.m. with Messrs. Block and Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman.

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 ~~z~~Zoom meetings. He noted this meeting does include one public hearing 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.

Reorganization

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

VOTED: to nominate Adam Block as Chairman.

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

VOTED: to nominate Jeanne McKnight as Vice-Chairman.

Mr. Block continued the meeting as Chairman.

Public Hearing:

7:20 p.m. – Amendment to Major Project Site Plan Special Permit No. 97-12: Four Forty-Four Group, Inc., 444 Hillside Avenue, Petitioner (Property located at 442 and 444 Hillside Avenue, Needham, MA).

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

VOTED: to waive the reading of the public hearing notice.

George Giunta Jr., representative for 444 Group, Inc., noted the property is owned by Jim O'Brien and Paul Gardiner, owners and operators of Center Automotive. There are 2 properties next door ~~to one another~~ with 444 Hillside Avenue currently occupied by Center Automotive. The building at 442 Hillside Avenue is a large warehouse building for the Gentle Giant Moving Company. Gentle Giant left in 2013 and then it was a gymnastics academy. Gentle Giant would like to move back in and would like to acquire ownership of the building. The transfer was started but they ran into a snag. When the lot was created in 1999 it was built to the 80-foot width rule which was different than today. They could get 80 feet across the back of the building but now ~~it~~the Zoning By-law specifies the ~~specific~~ way to measure lot width. At that, they are just under 2 feet shy of 80 feet.

Mr. Giunta Jr. noted this parcel is an L shape and wraps around Center Automotive. Center Automotive wants to keep the parking they use. The plan was to carve out the parking and add it to the Center Automotive lot. With the lot width issue no lot lines can be altered. The applicants looked at the abutting property but do not have the 2 feet needed. They came up with the solution to combine the 2 lots and form a commercial condominium so Gentle Giant can purchase the lot they want and Center Automotive can keep ~~itstheir~~ lot and parking. This is an application to do something that should be allowed. Only the parking in front of Center Automotive is changing. The gymnastics academy went to the Zoning Board of Appeals (ZBA) with a parking plan which is laid out. Gentle Giant does not need or want all those parking spaces.

Mr. Giunta Jr. noted the Board should have a plan that shows the new parking. It is being used the same as the original permit 99-13. The site plan decision says no changes to the property. There is one unified ownership but technically 2

separate owners. Combining the 2 properties will have 2 principal buildings on a lot and 2 principal uses on a lot. It is ok for the Center Automotive lot where the primary use is mechanics and the accessory use is sales. The Gentle Giant use is allowed by right. The Center Automotive use is allowed by special permit. The total parking demand for both buildings is 44 spaces and there will be 87 spaces on site. Adam Dash, representative for Gentle Giant Moving Company, stated the building is just going back to what it used to be.

Mr. Alpert stated he is curious if there is a need for the transfer of the parking lot in back. Would the 80 feet be grandfathered and be ok or is there a problem because of 2 lots under current ownership? A long-term lease could be done for the parking lot. Mr. Giunta Jr. stated he explored all options. Because the lot at 442 Hillside Avenue will be changed all By-Law requirements need to be complied with. Ms. Espada asked Ms. Newman if there is anything that could occur in the future when this becomes a condominium. She asked if the Board is putting themselves at risk by making this one lot. Ms. Newman stated the Board has the flexibility to allow more than one use on a lot and share the parking. She noted this originally went through as a minor modification, so no operational conditions were imposed. Now would be the time to make changes if the Board has any concerns.

Mr. Alpert asked if Ms. Newman has any concerns the Board should be aware of like a use by Gentle Giant that should be conditioned. Ms. Newman stated it was permitted as an industrial use/warehouse use. She understands the need to condition hours of operation and when trucks will be coming and going. The Board has imposed those types of conditions on similar projects. Gentle Giant originally went in as of right and needed only a minor project, so these types of conditions were not imposed when it went in. Mr. Block sought clarification as to whether~~clarified~~ it used to be by right in that location and was informed it was. He asked the hours of operation. John Pachoca, owner, noted the hours will be 7:00 a.m. to after 5:00 p.m. They try to get everyone back by 5:00 p.m. if not a little after. Mr. Block asked if 7:00 a.m. to 6:00 p.m. was manageable. Mr. Pachoca noted it may be different at times from a traffic standpoint. Mr. Block commented the closing hour is undetermined. He asked the administrative hours and was informed the hours would be 8:00 a.m. to 5:00 p.m.

Ms. McKnight commented on the notice of this hearing. Across the street are 2 family homes in the Residence B District and she brings her car to Center Automotive. She has complemented them on their landscaping at their building at 444 Hillside. There is none at ~~the~~this building at 442 Hillside. She asked if landscaping is required in parking lots and how is it ~~4242~~ has no landscaping whatsoever. Ms. Newman noted it is required as a condition. She does not know what the Zoning Board of Appeals (ZBA) did. Mr. Giunta Jr. noted there is a little bubble of landscaping in front, which is really just grass, with a little along the property line. Landscaping was part of the minor project review. The front part was all asphalt. That piece did go before the Planning Board as part of the minor project review. Ms. Newman stated someone must have granted parking waivers. If not the Planning Board it must have been the ZBA. Mr. Giunta Jr. noted there were a couple of other small areas of landscaping.

Ms. McKnight stated the proposed site plan and existing condition plans do not show landscaping. Mr. Giunta Jr. stated the existing condition plan does not call out the landscaping on site. Ms. McKnight stated she wants to go back to what was approved and make that a condition. She thinks it is important when an industrial use is across from residential, and she wants it shown on a site plan. She sees parking for trucks up front. She asked if trucks would also be traveling down the right of way and have some rights to the rear of the property. Mr. Giunta Jr. stated the plan is to have access to spaces 9 through 18 in the rear. Ms. McKnight asked if the applicant considered big trucks out back instead and small trucks and cars in front. Mr. Giunta Jr. noted there is a steep ramp. The building was built so the storage area is at grade in front. There is a small mezzanine office area in back. The building was designed for trucks to come in front.

Ms. McKnight asked if there is a loading dock. Mr. Giunta Jr. stated spaces 6, 7 and 8 were a loading bay at that location. The bays were turned into windows and will revert back to a loading dock per the minor project review. He noted a handicap ramp was put in and is shaded as with the parking. Ms. McKnight asked where the handicap parking spot is. Mr. Giunta Jr. stated there is not a designated handicap space. Gentle Giant is not open to the public. He noted there is a ramp in back ~~also~~also, but a handicap space would need to be added. Ms. McKnight wants to see the handicapped parking space on a plan and wants to see plantings done as originally approved. She asked if vehicles are driven~~someone goes~~ up the right of way and then ~~goes~~goes into a basement area. Mr. Giunta Jr. noted customers park in front. Vehicles are taken around the back for repair. The ramp provides access to~~pulls into~~ the service bays on the upper floor. There are 8 bays where the repair work is actually done.

Ms. McKnight asked if there is a driveway to the right of way. The driveway is on Hillside Avenue and goes to Easy Street to the back of the building. Ms. McKnight asked if parking in back is intended to be used for parking for 444 Hillside Avenue and was informed it was. She asked if there was notice of this hearing to abutters and was informed yes. She stated she did not get notice, though she lives in the vicinity, and assumes it is appropriate for her to participate. Mr. Crocker commented the landscaping needs to be put back in place. He noted there are different size ~~truck~~trucks, and he wants a better understanding if this is short term or long term storage, the volume of trucks coming and going and signage. He noted some of the trucks are pretty big with signage on the sides. What signage will be on the building? He noted Center Automotive's hours are 7:00 a.m. to 6:00 p.m. He does not want to see this used with trucks coming and going until 8:00 p.m. Mr. Block commented he has work done at Center Automotive and parks in back. He noted large trucks would not be able to get in the back.

Attorney Adam Dash, attorney for the applicant, noted Gentle Giant was in this location for 9 years and it worked for all those years. It has been tested and it worked. Mr. Pachoca noted some customers would store items a couple of days to several months. The usual storage is one month to 3 months. When a customer calls to have their stuff, it is loaded and taken to them. The majority is residential and comes from the area. He does not remember what the requirement for signage is, but he would like a sign. Mr. Crocker asked if it would be a sign up to the maximum allowed and was informed it would be. Mr. Pachoca stated the hours of operation will be 7:00 a.m. to 7:00 p.m. assuming the trucks come back in the afternoon. Some will be earlier and some later. Mr. Dash stated Gentle Giant is located next to residential in another town and they are very courteous to them. Mr. Crocker would be satisfied with having something where trucks cannot idle. Mr. Pachoca noted there is a state law that trucks cannot idle more than 5 minutes. There is no need to have them idle. He is ok with a condition that the trucks cannot idle.

Mr. Alpert is comfortable with the hours of 7:00 a.m. to 7:00 p.m. He has been a customer of Center Automotive and they used to be open until 7:00 p.m. If Mr. Pachoca is comfortable with a 7:00 p.m. closing time he is also. The Board should have the signage consistent with the Needham Sign By-Law. Ms. Newman noted the Design Review Board (DRB) sets that and it is enforced by the Building Commissioner. Mr. Giunta Jr. showed a photo from when Gentle Giant was there before to show the previous sign. Mr. Block noted the ground rules for public comment and opened the meeting for comments.

Amy Gore, of 433 Hillside Avenue, stated she has lived here for 23 years and was there when Gentle Giant was here before. Some weekends they were loading trucks at 6:00 a.m. and were very loud. Sometimes the trucks came back at 10:00 p.m. She understands but is concerned about weekends. Before Gentle Giant left there was an accident where one truck came loose and went down Dale Street and hit a tree just missing some kids. She wants to make sure that does not happen again. Mr. Block stated the Board will look for conditions on landscaping and hours of operation and will deliberate at a future time. Ms. McKnight noted the Board has not discussed weekends and holidays. She asked if there were any thoughts. Mr. Pachoca stated they do work on Saturday with limited crews. Typically, they rarely work on Sunday unless it is a charity event.

Mr. Block asked what Mr. Pachoca could do to ensure no trucks roll down Dale Street. Mr. Pachoca will take precautions. There are chock blocks on all vehicles. He is willing to work with whatever makes the most sense. Mr. Alpert stated Needham has a noise by-law that has a 7:00 a.m. start. The applicant needs to be aware that starting at 6:00 a.m. is in violation of the By-Law. Mr. Crocker would like a condition regarding idling of trucks. Mr. Block noted landscaping, idling, hours of operation and chock blocks when trucks are unmanned. Ms. Newman will write a decision that conditions approval based on an updated landscape plan consistent with landscaping approved under the minor site plan review and that incorporates the conditions discussed tonight.

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

VOTED: to close the hearing.

Decision: Amendment to Major Project Site Plan Special Permit No. 91-7: Henry Hospitality, Inc. d/b/a The James, 18 Clifondale Street, Roslindale, MA, Petitioner (Property located at 1027 Great Plain Avenue, Needham, MA). Regarding request to permit up to 69 outdoor seats by the James Pub on 5 on-site parking spaces.

Mr. Block noted the following correspondence for the record: an email from Fire Chief Dennis Condon, dated 5/9/22, with no objection to the proposal to join the lots; an email from Assistant Public Health Director Tara Gurge, dated 5/10/22, with no comments and an email from Town Engineer Thomas Ryder, dated 5/11/22, with no comments or objections. Ms. McKnight noted 2 typos in the decision. Page 3, Section 1.5, 4th line from the bottom, “stores” should be “store’s.” On page 4, Section 1.6, 3rd line from the top, it should be “proposes.”

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

VOTED: to accept the relief to grant (1) an amendment to a Major Site Plan Review Special Permit No. 91-7, issued by the Needham Planning Board dated February 4, 1992, amended March 23, 1993, November 15, 1994 and September 8, 2015, transferred on September 24, 1996, May 8, 2001, October 20, 2009, October 10, 2017, under Section 7.4 of the Needham Zoning By-Law and Special Permit 91-7, Section 4.2 and (2) a Special Permit under 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 draft decision.

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

VOTED: to adopt the decision as drafted with the 2 typographical changes pointed out this evening.

Approval Not Required Plan & Minor Modification request for Residential Compound and Heather Lane Extension Subdivision Decision, Koby Kempel, Petitioner (Property located at 94 Heather Lane).

Koby Kempel, Manager, stated the family that bought the property next to his needs approximately 6,000 feet for more setback from the abutting property, so he has agreed to move the property line. Mr. Block asked if this was new construction and was informed it was. Ms. McKnight recalled a conservation restriction on the land. She asked if people who owned lots in the Heather Lane subdivision have rights to the conservation restricted area. Mr. Kempel does not know. The neighbor’s lot is only one acre buildable and one acre conservation. Mr. Alpert noted there is a conservation restriction. The land was not transferred to the Conservation Commission. The Board discussed having the conservation area be open to the public. The landowner was against it at the time of approval of the subdivision, and we agreed. He does not know if the owners of lots in the subdivision have rights/limits of access to the conservation land. Mr. Kempel stated there is a 100 foot no touch zone and 200 feet subject to conservation regulation if he wants to do anything in that area.

Ms. Espada stated there is a note in the area that says s the existing pool is to be razed. Mr. Kempel stated he went before the Conservation Commission 2 weeks ago to get approval to remove the pool and plant the area. A motion was made to approve the ANR plan. Ms. McKnight asked if there is an application needed that is separate from endorsement of ANR. Ms. Newman stated there needs to be an approval of a de minimus change. The motion was withdrawn.

A motion was made to approve the division of lots as shown on the plan as presented to the Board tonight to create Parcel A under the condition of the subdivision decision for the Heather Lane Extension Residential Compound, Condition 3, that there shall be no further development of the lot as shown thereon without prior written approval of the Planning Board. Mr. Alpert seconded the motion and made a further motion to treat this as a minor modification. The previous motion was withdrawn.

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

VOTED: to treat this as a minor modification.

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

VOTED: to approve as a minor modification to the subdivision decision for the Heather Lane Extension Residential Compound to allow a further division of the lots as shown in the subdivision to create Parcel A as shown on the Plan of Land Needham Massachusetts, dated 4/29/22, prepared for 94 Heather Lane LLC by GLM Engineering Consulting, Inc.

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

VOTED: to accept the ANR plan.

Board of Appeals – May 19, 2022

68 Garden Street -- Andrew P. Feldman, applicant

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

VOTED: “No comment.”

1330 Highland Avenue (Emery Grover Building) -- The Town of Needham Permanent Public Building Committee, applicant.

Ms. Newman noted this has already been dealt with. She can send a note in the letter to the ZBA this has already been reviewed and commented on separately as a minor project review.

670 Highland Avenue, 284 Webster Street and 28 Greendale Avenue – Temple Beth Shalom and Davenport Holding Properties, Inc., applicants.

Mr. Alpert recused himself from this matter as he is General Counsel to Temple Beth Shalom.

Mr. Block noted the Temple has acquired another property to combine on one lot. The house is to be demolished for a parking lot. Ms. McKnight asked if all cars would be going in through the present entrance, circle around and go out the same way or is there another entrance further up Greendale Avenue. Ms. Newman thought access was provided through the 2 existing driveway accesses. Mr. Block noted presently there is an egress out to Davenport Road. The Board needs to find out how the egress will work. Ms. Espada noted the current curb cut to the house is eliminated.

Mr. Block stated the site plan is not clear. He is not sure it makes sense for the main traffic channel to run through the parking lot. The other issue is the building being razed for a parking lot. The afternoon peak hour pick up is not efficient. He has a concern with children running 250 feet to get to the main building through the active parking lot. The Board should comment the ZBA should closely study and mitigate for pedestrian safety. He feels if the Temple would move the administrative offices to the building at Greendale and Davenport and leave the kids in the main building that would alleviate the issue. Ms. Newman will call that out as a concern and ask the developer to come up with a solution.

Mr. Block asked what the main travel route is at the site entrance and egress. Ms. McKnight stated this is a Dover Amendment use. The parking lot landscaping requirement would apply but no landscaping is shown. It should be made clear where the landscaping is and that it should be in compliance with our By-Laws. All agreed. Mr. Crocker stated the neighbors had raised ~~that~~ as a request that there be landscaping between Webster Street and the parking lot. Ms. Newman will send the comments to the ZBA.

Mr. Alpert returned to the meeting.

Minutes

Ms. McKnight noted in the minutes of 3/15/22, the Needham Gateway property, it says this was discussed at great length at a previous hearing. She feels “at a previous hearing on a separate application” should be added. Mr. Block noted “relating to the same property.” All agreed. Ms. McKnight noted “he has submitted a formal application” not “resubmitted.” On page 2, Mr. Block stated he “would be willing to waive 2 spots.” Mr. Block stated that is correct. Ms. McKnight noted on page 4, 4th line, “it is the name that matters.” She is not sure about that and feels it should be deleted. Mr. Block remembers members from the public raising the comment that corporately it is a clinic but in Massachusetts it is not a clinic. Ms. McKnight asked if “clinic” was in the name of the facility. Mr. Block noted it refers to clinics in the “About them” section

on their website. Ms. McKnight does not see a reference to clinic and would delete the sentence. She requested the spelling be checked for Dr. Mondavia's name. It is spelled incorrectly in one place.

Ms. McKnight noted Mr. Block asked if the doctor is compensated and was informed based on scheduling "they may float." Mr. Block stated the doctor was talking about himself. Ms. McKnight asked if it should be "he" may float. Mr. Block stated it was fine to leave it as "they."

Upon a motion made by Ms. McKnight, and seconded by Ms. Espada, it was by a roll call vote of four of the five members present (Mr. Crocker abstained):

VOTED: to accept the minutes of 3/15/22 as redlined with further changes noted on page 1 and correspondence on page 4.

Report from Planning Director and Board members.

Ms. Newman stated there will be a meeting ~~for~~^{of} the Housing Plan Working Group next Thursday, 5/26/22. There was a meeting this week to work on the agenda. There will be a report on the results from the community survey that was done. She noted the 2020 census data is available and Housing and Planning Consultant Karen Sunnarborg has updated the Need Study to include that information. They are also looking at goals from the 2007 plan and how those can be modified to reflect current conditions. Ms. McKnight stated a direction will be set at the May meeting and an actual draft of the Plan will occur. They will take June, July and August to finalize a draft plan for a public meeting in October. Ms. Newman stated they have talked about having the Housing Authority go over the plan to see if it complements their plans. The plan will be worked on over the summer.

Ms. Espada noted after that meeting there will be a key update for the Planning Board. Mr. Alpert asked if something would be ready to present to Town Meeting next May. He questions where the momentum is -- from the Housing Plan Working Group Committee or from outside. Does the HPWG Committee have consensus already or the changes they want? Ms. McKnight stated, as to amending the Accessory Dwelling Unit (ADU) provisions of the Zoning By-law, the Select Board has spoken in favor of this and the Board of Health also. She heard the ZBA's question of whether a special permit was really needed for Accessory Dwelling Units (ADUs). She does not feel ADUs should be, as a general matter, moved from special permit to as of right until there is a more comprehensive housing plan. She stated they are not talking dimensionals but general concept. A more generous use of ADUs is not a high priority. Ms. Espada stated that is just one piece of the puzzle. Mr. Block stated he wants the Housing Group to set out what the whole puzzle is. Ms. Espada stated they are still in the exploratory phase but that is what they are trying to do. Mr. Crocker noted it is important to look at the aging in place factor for seniors. He does not agree with opening up ADUs by right, but he does agree the Board needs to look at the whole picture, how to address this and what can be done now. How everything is going to fit as part of the puzzle is important. This needs to be a thoughtful project. He stated the Housing Working Group is doing a great job.

Ms. Newman reminded the members that at the 6/7/22 meeting they will be going to their first hybrid meeting. She had a conversation with Tree Warden Ed Olsen regarding the Town Common project. The construction costs came in significantly higher than Beta had estimated, so a number of things will be done within house. They are making a couple of adjustments to the plan to save money. The trees installed were to be a 3½ inch caliper, but they will be going with a 2-inch caliper. They will also move from an exposed aggregate concrete system for the walkways to a paver system. It was recommended they take the change to the DRB. When the DRB signs off on it she will approve it as an insignificant change.

Ms. Espada stated they need to know what the substrate will be. There needs to be really good substrates underneath pavers and bricks. Cost should not be cut in this area. Concrete is less than pavers if you do it right. Ms. Newman will loop Ms. Espada in with Mr. Olsen. Mr. Alpert asked if this is something that can be handled at the DRB level. Ms. Espada stated yes, but she wants to make sure it is done properly. Mr. Crocker stated the DRB does not look into things at that depth. Ms. Newman would like to bring Ms. Espada in with Mr. Olsen and handle it that way. Mr. Alpert stated he would be more comfortable with Ms. Espada as part of the discussions on construction details.

Correspondence

Mr. Block noted a letter, dated 5/9/22, from Planning Director Lee Newman to ZBA Chairman Jon Schneider but they have already met. There was a letter from the Toll Brothers to each of the Planning Board members looking to engage with the Town to take advantage of the MBTA ~~e~~Communities Law. He appreciates them reaching out. Predominantly this is a matter of private property. If the Planning Board decides to discuss it, they will reach out when the time is right. He thinks this is widely premature. Ms. Newman let them know the ~~€~~Town ~~wasis~~ was developing a housing plan and strategy to implement development guidelines and will share it with them. Ms. McKnight ~~wilould~~ will let them know when the community workshop and public comment will be.

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

VOTED: to adjourn the meeting at 10:48 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk