

## NEEDHAM PLANNING BOARD MINUTES

December 22, 2022

The Needham Planning Board meeting, held virtually using Zoom, was called to order by Adam Block, Chairman, on Thursday, December 22, 2022, at 2:00 p.m. with Messrs. Alpert and Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting does not include any public hearings and public comment will not be 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.

**Deliberation: Major Project Site Plan Special Permit No. 2022-02: 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, MA, Petitioner (Property located at 557 Highland Avenue, Needham Massachusetts). Regarding proposal to redevelop the Property with approximately 496,694 square feet of office, laboratory and research and development uses. The proposal also includes construction of one-level of below grade parking under each building and a separate stand-alone parking garage, as well as approximately 10,000 square feet of retail and restaurant uses. (See legal notice and application for more details).**

Mr. Alpert stated he is satisfied with the draft decision. Ms. McKnight stated she is satisfied but failed to notice solar ready for the garage was not addressed. It was discussed and she expected solar ready on the roof with appropriate language. Ms. Newman noted this can go in the plan modification section. In Section 2, paragraph a, on page 27, she will add "The North and South buildings shall be solar ready and, subject to Section 3.12, shall incorporate solar arrays." She noted there was a question of solar ready for the garage. She asked if the Board will require this to happen now. Mr. Crocker stated solar on the garage had not been discussed with the public so the garage should just be solar ready. The main thing is it should be structurally sound for solar. Mr. Block noted the drawing showed only potential solar. The developer has agreed to the requirement to install solar on the North and South buildings and the garage be solar ready. If the garage is 55 feet that may exceed the height beyond the maximum allowed. Ms. Newman noted there is an exemption under zoning for up to 15 feet for solar under Section 4.11.1 (e).

Ms. Espada noted in the future, solar could happen in other ways. The garage should be solar ready. She listened to the meeting and they talked about phasing. It appears the project may need to be phased. The 2 buildings are contiguous with a lobby in the middle. Which building would be built first and where would it be cut? She asked if the lobby would be part of phasing. She is concerned she never saw a plan and asked if they would still have a garage. Mr. Block stated this was addressed in the draft. Ms. Espada reiterated she has never seen a plan. Mr. Block noted the applicant would have to come back to the Board. The project would have surface parking and would not be required to build a garage. If the applicant intends to phase, a phasing plan will be submitted. Ms. Espada stated she would prefer to have the building on Highland Avenue be the first one built. This creates an edge for the site. She asked, if phased, what does this applicant anticipate – Building 1 or Building 2. Ms. Newman noted the Board could allow phasing provided the building along the Highland Avenue edge be the first one built.

Ms. McKnight noted the applicant will still be required to have the 50-foot landscape setback, will still have trees and green and the running path. Mr. Crocker agrees with Ms. Espada. He questioned if there would still be a walking path and fountain. Ms. McKnight was concerned that all amenities be built before any occupancy permit. She asked if that was correct. Ms. Newman noted there is an exception where an amenity could be bonded. Mr. Alpert stated the way he read the decision, the applicant only has to file a phasing plan and is not subject to the Board's approval. Mr. Crocker noted Section 3.37 says the applicant needs to file an approved phasing plan. Mr. Alpert was fine with that.

Tim Sullivan, from Goulston & Storrs, noted "solar ready" is ok. This plan is tighter than what they talked about the other night with the requirement to file, the Planning Board approve and a phasing plan. There should not be any concern as the draft requires a phasing plan. Ms. Espada asked if any building is more advantageous to build first. Robert Schlager, of Bulfinch, noted neither was more advantageous. Ms. Newman will change the plan modification section to include a solar ready garage. Ms. Espada asked where the mechanicals and acoustics review was. Ms. Newman noted there was a review

of generator and acoustics. Ms. Espada asked if they could add all mechanicals. Mr. Schlager stated that was ok. Ms. Newman noted the applicant is providing sound information to the Building Commissioner who will review for compliance with the state codes.

Ms. Espada noted in Section 2.0, (a) (5), she had mentioned depth for the roof screen materiality. Ms. McKnight noted Ms. Espada had articulated the roof screen with depth and materiality to the sky so as not to present a single plane. Ms. Newman will clarify this under Section 2.0 (a). Mr. Block would like “with depth and materiality to transition to the sky such that this façade is not on one plane” added. Ms. Espada would like in there the decision that if there is phasing the Board would like the Highland building to be built first. The point was for the site to have an edge and a restaurant to have that use. Mr. Block noted the members had decided not to grant a restaurant. Ms. Newman clarified a restaurant use is allowed but they decided the applicant would need to come back for a special permit. Mr. Alpert noted the Board decided there are too many issues to just allow a restaurant now. Mr. Schlager clarified a restaurant use was approved but the restaurant itself is not approved. The applicant will come back with a request to amend the special permit for a restaurant.

Mr. Alpert noted the language in Section 3.37 (g). He suggests adding “, preferably with Phase 1, including the South building.” Mr. Schlager has no issue with “the Planning Board prefers the South building be constructed first.” That would require a phasing plan be submitted at the time of application. Mr. Sullivan wants “if applicable” at the beginning. The project may not be phased. Ms. Espada noted in Section 3.37 (g), it should say “if applicable, the applicant shall include the phasing plan for the project as described in Section 1.5 of this decision and the Board preferring the South building on Highland Avenue be built first.” All agreed.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, discussion ensued. Mr. Crocker wants to verify the parking garage is down to 48 feet and down to 4 stories. Ms. Newman explained that the Petitioner will modify the plans in accordance with the decision and the plans will return to the Board for final approval. Then those plans will go to the Building Department for a building permit.

it was by a roll call vote of the five members present unanimously:

VOTED: to Grant: a Major Project Site Plan Special Permit under Section 7.4 of the By-Law and Article II of the Planning Board Rules; (2) a Special Permit pursuant to Section 4.11.1(5) of the By-Law to increase the floor area ratio to 1.21; (3) a Special Permit pursuant to Section 4.11.1(l) to increase the maximum height of the North Building to 70 feet; (4) a Special Permit pursuant to Section 4.11.1(l) of the By-Law to increase the maximum number of stories of the North Building to five (5); (5) a Special Permit pursuant to Section 4.11.1(l) of the By-Law to increase the maximum height of the South Building to 42 feet; (6) a Special Permit pursuant to Section 4.11.1(l) of the By-Law to increase the maximum number of stories of the South Building to three (3); (7) a Special Permit pursuant to Section 3.2.7.2(d) of the By-Law for retail use by a single tenant of between 5,750 -10,000 square feet as part of the Project; (8) a Special Permit pursuant to Section 4.11.2(l) to increase the maximum height of the Garage (defined below) to 55 feet; (9) a Special Permit pursuant to Section 5.1.1.5 of the By-Law for a deviation from the required number of parking spaces under By-Law Section 5.1.2 for the Project to provide 1,390 parking spaces; and (10) a Special Permit pursuant to Section 6.11.5 of the By-Law for deviations from the design requirements for retaining walls all subject to, and with the plan modifications, as set forth in the decision.

Ms. Newman noted conditions will be modified to allow solar ready on the garage, the issues Ms. Espada raised on the screening on top of the South building to include depth and to modify the required sound studies for roof mechanics and the façade preference on the South building if the project is phased. Mr. Crocker is not sure in the future how the Board would handle setback issues. He wants to keep that in the minds of all Planning Board members.

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 approve the decision dated 12/22/22, with the modifications discussed tonight.

Mr. Block stated there are a number of things to think about for the May Town Meeting. He wants specific actions to improve the By-Laws such as ADUs, 3 car garages in the Single Residence B District, changing the definition of setback to include certain mechanicals including energy efficiency, housing and solar canopies for the Climate Action Committee.

They need to think about this and put a draft together. This needs to be done by 2/7/23. It is a short window, but he wants action for this May. He wants the members to think about these initiatives. Ms. Espada asked the timeline. Mr. Block noted the language needs to be finalized by 2/7/23 to be included in the legal notice. Ms. Clee stated that is the absolute latest and it should be the end of January. The Board discussed the time frame. It was noted 2/10/23 is the last date to include it in the newspaper, it will be referred back 2/14/23, the notice will be posted with the Town Clerk 2/16/23, a hearing will be held on 3/7/23 and the language should be finalized on 3/15/23 for the Warrant for the 5/1/23 Annual Town Meeting.

Mr. Block noted the language change can only make it more restrictive and not broader. He feels there may need to be additional meetings to get these done. Mr. Alpert suggested scheduling a special meeting just to discuss By-Law proposals. Ms. Newman noted on 1/3/23 there may be time to discuss zoning issues as there will be a good window to talk about those issues. Ms. Espada noted Climate Action and solar should also be discussed. The last meeting of her climate action group is 1/6/23. Mr. Crocker would like to look at the Tree By-Law. Ms. McKnight will call Jon Schneider to discuss the garage issue and the ADU issue.

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

VOTED: to adjourn the meeting at 3:00 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

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Jeanne S. McKnight, Vice-Chairman and Clerk