

NEEDHAM PLANNING BOARD MINUTES

October 17, 2023

The Needham Planning Board meeting, held in the Charles River Room of the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, October 17, 2023, at 7:00 p.m. with Messrs. Crocker and Alpert and Mmes. McKnight and Espada, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block noted this is an open meeting that is being held in a hybrid manner in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes one public hearing and public comment will 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.

Discuss Open Meeting Law Complaint filed by Gregg Darish on October 11, 2023.

Mr. Block stated there was an open meeting law complaint made by Gregg Darish regarding the 9/11/23 Executive Session and that Ms. Espada and Mr. Alpert were recused so they will step aside. Mr. Alpert stated he would not step aside. This complaint goes beyond that the matter from which he had recused himself. He noted there was also a joint meeting before that. Mr. Block has asked Town Counsel to be present and he will represent the Board. Town Counsel Christopher Heep stated there are 2 matters cited in the complaint, that Ms. Espada and Mr. Alpert were recused from one of the matters, but not the other, yet he would them both to be recused from discussion of this complaint. Ms. Espada and Mr. Alpert both left the room.

Town Counsel Heep stated the meeting complained of had 2 items – one in Executive Session and one in open session. He needs to reply with a written response within 14 days so 10/31/23 would be the last day to respond. He reviewed the complaint and would like to discuss it tonight and vote to have him respond to the complaint. He ran down the points of the complaint. One complaint was the meeting notice was defective as the Planning Board did not post notice of the meeting separate from the Select Board. Under the law a joint notice can be done as long as it provides a time to meet and an agenda of the meeting. The notice clearly stated it was a special joint meeting and when and where it would happen. That is sufficient under the Open Meeting Law. Going forward he would suggest that both Boards post notice of such a joint meeting. Another complaint was that the 9/11/23 meeting was outside the Board's regular meeting schedule and that no minutes were issued for that meeting. Town Counsel Heep noted there will be minutes issued for both the regular and Executive Sessions, but 2 appeals remain outstanding, so the Planning Board may be drawn back into this. He feels there should be no release of the Executive Session minutes while the case is still active.

Town Counsel Heep noted there is an allegation that the Planning Board deliberated whether to have an Executive Session outside of the open meeting. He feels the Board should authorize him to respond prior to the deadline. Mr. Block asked if any members remember this. Mr. Crocker stated he did not remember anything outside of the meeting. The members definitely did not discuss it. Town Counsel Heep stated in the open meeting part the Planning Board voted to go into Executive Session with the Select Board.

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

VOTED: to authorize Town Counsel to respond to the open meeting complaint filed by Gregg Darrish on 10/11/23.

Ms. Espada and Mr. Alpert returned to the meeting.

117 Kendrick – discussion of proposed new loading access.

Mr. Block stated there were materials in the packet from Bulfinch. This is an informal discussion to add a new one-bay loading dock on Third Avenue. Attorney Tim Sullivan, with Goulston & Storrs, noted 117 Kendrick Street is subject to a special permit. There is the opportunity to make the space more desirable if a loading bay is added for use one or 2 times per week. Michael Wilcox, of Bulfinch, showed the site location and noted the site is just over 200,000 square feet. In 2000, it was converted to creative office space with high ceilings. There are 7 different tenants that are lab or lab related. The applicant is trying to grow that footprint. The heights of the building allow direct access to the roof. The big thing is functional space. There is a loading dock on the opposite side of approximately 17,000 square feet. Everything has to go through the amenity spaces to reach the loading dock. The lab market is competitive now. There needs to be functional and efficient space. The applicant needs to create loading into the space off Kendrick Street. The intent is to create a loading dock specifically to serve the lab area. The other loading space will still be a general dock. This will be more specialized with direct access to the lab area. Loading and service is at the existing dock. Special lab users will have specialty type of deliveries that should not go through the building.

Mr. Wilcox showed where the new loading dock will be located. He noted the building face is about 47 feet off the edge of Third Avenue and 40 feet behind the existing sidewalk on Third Avenue. There are a number of different life science tenants and differences in how deliveries are done. He noted 17,000 square feet of tenant space will generate approximately 5 to 10 deliveries per day. Amazon, UPS, etc. would go to the main dock. Only specialty deliveries would go to the new dock. There will be about 1 to 2 deliveries per week via the new dock. The delivery vehicles will be mostly refrigerated vans but they could have 30-40 foot gas trucks. Vans will be about 2/3 of all deliveries. The sidewalk will remain at the sidewalk elevation and trucks would back up. He showed the elevations with landscaping existing and proposed and noted there is a little more work to be done. There will be no ramp and he showed the queue for vehicles.

Mr. Block asked for an estimate for the number of cars that might queue behind a delivery truck. Mr. Wilcox noted 8 or 9 cars. This will be restricted to 30 feet or less. He feels there would be no impact on traffic. The loading is almost entirely in the morning. Mr. Alpert asked if the loading dock was approximately 250 feet from Kendrick Street. Mr. Wilcox stated it is. He tried to understand gaps on Third Avenue to verify that the trucks would have enough time to maneuver. The gap is around 15 seconds. In the a.m. peak there were 72 such sufficient gaps to support maneuvering. Attorney Sullivan noted there is no change to the footprint. The dock will comply with all requirements.

Ms. Newman stated the Board will need to decide if this is a minor modification or if it needs a special permit. Mr. Alpert asked when the applicant will be filing an application with the Board. Attorney Sullivan stated he would like to do it as soon as possible. Mr. Alpert feels this requires a full hearing. There will be a curb cut and construction on the street. He feels people should have input. Mr. Block asked how long the road would be disturbed while doing work on the street. Mr. Wilcox noted the loading dock door construction would be the most time consuming and would be done from inside. Essentially a driveway is being built. Mr. Alpert stated a minor modification is not usually construction. There is nothing in the By-Law regulating minor modifications.

Attorney Sullivan agreed it would be a minor project. There have been some minor amendments to this site. This is not much different. Ms. Newman stated these have been handled as minor amendments before. Ms. McKnight sees this as minor. It must be approved by another Town Board because of the curb cut. She does not see this as a driveway. Given the anticipated minor use she sees it as a minor modification. She commented that Bulfinch keeps the property well maintained. Ms. Espada also feels this is a minor modification. She would like the Town Department of Public Works (DPW) to review and wants them to review the sidewalk next to the driveway. She feels maybe bollards could be put in.

Mr. Crocker stated he respects what Mr. Alpert was talking about. He does not see this as having a real impact. He feels it is minor but sees the need to go before the Design Review Board (DRB). Mr. Block noted there is nothing in the By-Law that says there needs to be a formal amendment for a curb cut. He agrees they need to market the lab space. He is inclined to regard this as a minor modification as well. The next step is to prepare an application for a minor modification and the Board can vote at that time.

Public Hearing:

7:30 p.m. – Major Project Site Plan Special Permit No. 2023-03: Neehigh, LLC, 93 Union Street, Suite 315, Newton Center, Petitioner (Property located at 629-661 Highland Avenue, Needham, Massachusetts). Regarding request to demolish the five existing buildings on the property and build a single two-story 50,000 square feet Medical Office Building (25,000 square feet footprint) with two levels of parking (one at-grade and one below grade) totaling two hundred and fifty (250) spaces. Please note: This hearing has been continued from the September 5, 2023 and October 3, 2023 Planning Board meetings.

Evans Huber, Attorney for the applicant, stated the Town requested the petitioner to agree that the Town would engage a Peer Reviewer for traffic. Greenman-Pedersen, Inc. (GPI) conducted the traffic peer review and submitted a letter. Mr. Block noted the following correspondence for the record: an email, dated 9/26/23, from Jay Steeves for the Fire Chief, with no further questions as they are satisfied; a GPI letter dated 9/20/23; an email, dated 9/8/23, from resident Joanie Freidman regarding trash with comments; an email from Building Commissioner Joseph Prondak noting he is satisfied; a memo from the DRB noting they are satisfied and Mr. Block noted the Town Engineer referred traffic to an outside firm with comments. Mr. Block stated he would like a letter from the Police and Town Engineer. He asked Mr. Huber if there were any non-traffic or site circulation issues that are unresolved at this time. Mr. Huber is not aware of any.

Mr. Block noted they received some comments from abutters who live in the nearby condos. They raised several issues that may have an adverse impact such as trash. The Health Department has noted some conditions such as pest control. Mr. Block would like to see the trash disposal area on the side that abuts the other commercial properties. Mr. Huber stated the dumpster is located next to Cross Street. The pickup mechanism would be Arbor Street and across the back to pick the dumpster up. It would not go down Cross Street. Moving to the middle of the property would work best. It was noted one comment was to show truck turns for trash pickup with the trash in the current location. It is the same movement if put in the middle. It would impede on nearby residents if in the opposite (Cross Street) corner in the back. Ms. Clee clarified that the trash disposal area is on the upper level of the parking garage.

Mr. Alpert stated a concern was raised with the time of trash pickups. Some are at 4:30 a.m. Colby Cavanagh, of Mangel DeStefano Architects, stated in order to move the dumpster location it would affect parking spots. Currently the project meets all requirements. Mr. Block stated to move to the extent possible is reasonable. Ms. McKnight noted the DRB said plans show no light will transmit beyond the property. She noted that the Trip Advisors parking garage was highly lit. She wants to make sure there is a condition in the decision that parking areas beside and under the building are not overly lit. Ms. Cavanaugh stated the DRB was satisfied with the lighting. There are louvers in the details that would block light.

Mr. Block noted parking spaces on Cross Street are for occupants and guests of Gateway Condominium abutting Cross Street and Cross and Arbor Streets are private ways. He wants to make sure the tenants' employees and patients are not using these private spaces. Mr. Huber stated currently there is closer access to parking off Cross Street adjacent to the building, so people would park there to go into the building. It would not make sense with the proposed plan to park along Cross Street which is further away from the building entrance.

It was noted there is an electrical pole across the street. An abutter asked if that pole would be removed and electric put underground so when it gets hit they do not lose power. Ms. Cavanaugh stated that was something the applicant wants to do but they have to work with Eversource. Mr. Block is not sure the Board has the authority to require that as a condition. He asked how long from demo to completion and was informed 18 months. Ms. Cavanaugh stated the site will be constantly watered down during construction. Mr. Block stated the Board could require a sign that says for any problems contact the supervisor with a name and number.

Steven Sussman, of 30 Davenport Road, noted his concerns. The landscaping will be tree heavy and set back as far as possible. He lives behind the insurance company directly across the street. Lighting is very intrusive with the other buildings. He suggests using light blocking shades for the offices. There is HVAC noise in the neighborhood. The applicant could put in built in buffers that minimize noise and exhaust away from the condos. He commented that this area gets a lot of light and noise pollution. A comment was made that motion detectors are usually put in buildings now, so they are not lit constantly. The Board members discussed lighting and shades. Jodie Zussman, of Boston Development Group, noted the applicants could do something with shades. Mr. Block stated that would be a voluntary condition. The building will meet the state standard for noise. The site plan changes were reviewed.

Ms. Zussman noted the architect's parking layout plan. They were asked to put the dimensions of all parking spots and label the patient drop off, pickup, elevator and trash areas. She put a chart on the plan and showed the spaces on each level. She stated the layout has not changed. Just the dimensional labeling. VHB also provided to GPI the circulation for garbage trucks, delivery vehicles and Fire access. Mr. Block noted the Fire Chief was satisfied and asked if GPI had any comments. Ms. Cavanaugh stated one concern is how close the parking-garage driveway is to Highland Avenue on the north side. She looks forward to looking at the revised traffic study but would like them to look at a one-way circulation on the north side to have people come out on the south side. She feels it is an idea worth exploring.

Jeffrey Dirk, of Vanasse & Associates, stated they are looking at disbursal and trying to balance traffic. The goal is the disbursal of the traffic, and it is a valid issue to go back and look at. Ms. McKnight mentioned that Joanie Freidman's email noted the steep slope at Cross Street. She is concerned with cars coming out of the garage and taking an immediate turn with the steep slope. She asked if there is a conflict with having the exit there with the slope right there. Jon Cocker, of Mangel DeStefano Architects, noted that is an existing condition with the existing grade. Trucks currently use this exit with the slope. Mr. Block noted trucks going through Putnam Street and into the condo area is totally disruptive. He asked if the traffic could be navigated around the building to Arbor Street. Mr. Cocker showed the potential plan for the upper deck. He noted cars can come in and out from Cross Street and in and out from Arbor Street. Ms. McKnight asked if the exit from the upper level was only to Arbor Street and was informed it was.

Mr. Block noted trucks only come in and out on the upper level. His sense from the Board is there is a strong preference to recirculate so the exit is on Arbor for all vehicles and augmented by signage that no one goes into Putnam Street. Mr. Huber stated it is clear, for the residents in the condos, this is a primary concern. The applicant has thought about mitigations, signage and no right or left turn. If the residents want, the applicant could put a speed bump in. It might be helpful to have a provision in the leases that tenants need to tell the employees they are not allowed to use Putnam Street for any purpose. Mr. Block wants all vehicles to enter through Cross Street and exit through Arbor Street. Ms. McKnight stated Putnam Street is a private way. The street that connects Putnam to Highland seems to be only a condo driveway. The Board needs to be careful. They cannot encourage people to trespass on a private way.

John Diaz, of GPI, noted the reason they are looking for a one-way entrance off Cross Street is a safety operation. There is not enough room to get in the lane to make the turn. He feels it would be a zip across and someone coming out of the garage would not be seen. He is concerned with a conflict of vehicles exiting. Arbor is a 2-way entrance/exit. This is only on the top level. He feels Cross should be an entrance only. They are concerned with movement at the driveway at Cross because it is so close to Highland Avenue. Mr. Crocker stated it was worthwhile

to take traffic off Cross and there needs to be signage. Mr. Diaz noted the parking is 2 levels that are not connected. The 1st level can still go out and go to Cross. They are not forcing traffic to Arbor as they are just talking about the 2nd deck. Cross Street is an entrance only and not an exit for the upper deck. Ronald Greenwald, of 615 Highland Avenue, noted people living on Putnam Street are not allowed to use the condominium driveway to connect to Highland Avenue to exit. They have to go down to Cross Street.

Ms. McKnight stated there are 3 2-family homes on Putnam Street that are not part of the condominium. They do not have access through the condo driveway and have to go to Cross Street. Ms. Cavanaugh noted just the entrance into the parking garage is one-way; Cross Street is not one-way. Walter Tennant, of 605 Highland Avenue and a Trustee of Gateway Condominium, noted with Putnam out through the lower driveway there is an 80 second light to get onto Highland Avenue. There could be a 3 or 4 car delay wanting to go to Highland Avenue. People will take the quicker left on Putnam to avoid the queue. Mr. Diaz stated the exit onto Cross is being eliminated so there will not be that queue. There will be exiting onto Arbor from the top level. Howard Goldman, from the Gateway Condos, commented this is setting people up to go through the private property. Even if there are signs, how do you enforce that? What is the enforcement mechanism? Ms. McKnight noted Ms. Friedman's memo suggested an electronic gate could be at the condominium driveway after the 2-families so cars can only go to Highland via Cross Street and would not be able to take a right off Putnam to Highland Avenue.

Alan Freidman, of 71 Putnam Street, is concerned that signage would not eliminate the problem. It is not practical. He asked what is Plan B when this does not work. Having a gate at the Putnam and Cross intersection is a possibility to look at. The occupants of the 2-families use Putnam Street. This would allow UPS and others to back up and turn around. Mr. Alpert asked who plows the snow on Putnam and was informed it was private. Mr. Alpert is not sure people on a private way can put a gate to prevent the town from having access such as the Fire and Police. Mr. Block stated dispatch would have the access code.

Mr. Sussman stated the people making the decision do not know the neighborhood. He commented they are making a mess. Cross Street should be one-way in only. Arbor Street has no one living there and is easy access to Highland Avenue. Taking a left out of Cross Street to Highland Avenue is impossible. The dangers are on Highland Avenue. Speed is an issue there. How many people are going to take Mills Road as a cut through? Signs can be put up but they do not work; special permits given are not enforced and speed bumps would not deter people. Putnam does not go through to Webster Street. Mr. Huber noted it seems possible to set it up so all traffic has to exit on Arbor. It would make the queues longer but would solve problems on Cross Street. They will look into it.

Mr. Block stated he wants to get into the other elements in GPI's letter. Ben Daniels, of 5 Sachem Road, noted it was talked about with the Muzi project and they are still waiting for signage at Mills and Utica Roads. The 1st step of enforcement is acting. He is not sure who to talk to about that. He hopes the Planning Board could help facilitate that. Mr. Crocker feels the Traffic Advisory Committee would be a reasonable place to start. Mr. Daniels stated the name of the Planning Board is Planning and not reaction Board. Traffic issues will get worse and there is no plan. Things are pushed through, like Muzi, against people's thoughts and wishes. There is no overall plan for dealing with traffic on Highland Avenue. He is not criticizing but the Planning Board needs to plan. Betsy Zisi, of 615 Highland Avenue, walks her dog and is concerned for her safety. People park on Putnam. The entrance is near the top of the hill on Cross Street and she sees a conflict.

Mr. Block noted this will be explored by the traffic engineers. In their response, dated 10/10/23, a catalogue of outstanding issues was given to GPI. Adrianna Santiago, of GPI, noted outstanding issues include site access and technical comments regarding new traffic counts done a couple of weeks ago that will be addressed in an updated traffic study. Mr. Dirk stated they need to prepare an updated traffic study with new study information. The new traffic counts are lower than pre Covid and will be provided to GPI. Mr. Block asked when the report will be completed and was informed next week. Mr. Block feels there should be a revised analysis and review by the 11/7/23 meeting. Mr. Greenwald stated the Board needs to look at all the sites together – Muzi, this site, Oak Street and Wingate as it is adding a floor.

Ms. McKnight feels the additional traffic report should have comments reviewed again and responded to by the Police Chief. It was noted that, historically, there was not really traffic on Cross Street. Deana Krieger, of 7 Utica Road, has lived here for 18 years on the corner of Highland Avenue and Utica Road. The most important thing Mr. Sussman said is a lot of people do not really know what goes on here. Every day cars whip through their neighborhood. She is pro-development but requests the conversation be elevated to address the fast cul-de-sac cut through traffic. Cut throughs happen every day. There needs to be a way to help the residents feel better about all the projects in the area. She requests this be a priority. She invited all to come to her house to see the cut through traffic.

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

VOTED: to continue the hearing to 11/7/23 at 7:00 p.m.

The Board took a brief recess.

ANR Plan – 969 South Street LLC, Petitioner (Property located at 969 South Street, Needham, MA).

Mr. Block noted this will be subdivided into 4 buildable lots in the Single Residence B District. The plan is compliant. Lot 31 on the site plan has a 25-foot wetland buffer. He asked if it is allowable to put a driveway over a 25-foot buffer. Ms. Newman stated the applicant will need a permit from the Conservation Commission. The only issue for the Planning Board is whether they meet the zoning and they do. Ms. McKnight asked if there is an issue that the lot needs to have actual access on South Street. Ms. Newman stated they can physically drive onto the property. The people next door would not grant an easement for them to drive on their property so the applicant had to put the driveway in the 25-foot buffer. Mr. Alpert stated when he was on the Conservation Commission they could not deny access or it could be considered a taking so they would allow applicants to put the driveway in the 25-foot buffer.

Mr. Crocker stated this lot does not exist right now so it cannot be approved because the applicant does not have access to it. Ms. McKnight stated they cannot deny it. Mr. Alpert noted all the Board has authority to do is look at the frontage. If it conforms the Board cannot deny ANR.

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

VOTED: to endorse plan of land subdivision Lot 14, Land Court Case 2417-Q, creating 4 lots as subdivision approval not required at 969 South Street.

Request to extend subdivision plan submittal: 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).

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

VOTED: to approve the request to extend the period of presentation of the Plan through and including November 15, 2023.

HONE Advisory Group Status Report.

Ms. Espada gave an update. The HONE Advisory Group is meeting tomorrow night at 7:00 p.m. There was a kick-off meeting that looked at different scenarios. The meeting tomorrow will recap the minimum requirements for modeling. She has not seen it yet. Ms. Newman stated the revised modeling went out to the HONE Committee and will be discussed tomorrow. Mr. Block stated there was a difference in the results. Initially it modeled the

existing conditions provided in the Mixed-Use concept. The Industrial District was taken out. Housing is allowed at the multiple family level as of right. Existing multi-family is allowed in the Apartment District, General Residence, Business District, Avery Square District and the Hillside Avenue Business District. That is around 1,200 units. This is a starting point.

Ms. Espada noted they need to figure out how it is moving forward with the tweaks in different areas. She thinks there is an education piece. People do not understand the density that is allowed. Ms. Newman stated the Group wants to get people's feedback on appropriate density in the different areas. Mr. Block noted the difference between what is allowed by special permit and allowed by right. Ms. Espada stated this will be looked at specifically by area. One interesting thing is certain areas of lost opportunities in the main corridor. Anything with density needs to look at the size of the lots. She feels more information is needed.

Minutes

The Board did not discuss the minutes.

Report from Planning Director and Board members.

Mr. Block noted the Board had talked about a Solar By-Law. He would like that added to the 11/7/23 agenda but there may need to be another meeting to deal with that. Mr. Crocker stated there need to be visuals of what can be achieved with solar on top of mechanicals. Mr. Block would like Mr. Crocker to get some information and pictures.

Correspondence

Mr. Block noted the following correspondence for the record: an email, dated 9/28/23, from Joe Abruzese regarding release of the 9/11/23 Executive Session meeting minutes; a letter from Town Counsel Christopher Heep, dated 10/5/23, responding to Mr. Abuzese's letter and an email, dated 9/18/23, from Heather Finnegan, of 15 Mellen Street, regarding stormwater runoff from new construction. Mr. Block feels the Town is looking for something regarding if people are affected by runoff and letting them know what can be done. Ms. Newman stated it would be the Building Department. Mr. Alpert feels the answer is it is a private matter. He feels there should be something in the Stormwater Management but it is not a Planning Board issue. It should be the DPW or Building Department that would look at that. Ms. McKnight stated the Traffic Safety Committee is another route to go. People say there are problems with traffic but there are solutions. Mr. Block noted 2 emails from Reg Foster, of the Housing Authority, dated 9/30/23 and 10/2/23, with attachments from Boston Globe Articles.

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

VOTED: to adjourn the meeting at 10:25 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk