

NEEDHAM PLANNING BOARD MINUTES

December 17, 2024

The Needham Planning Board meeting, held virtually using Zoom, was called to order by Natasha Espada, Chairman, on Tuesday, December 17, 2024, at 2:30 p.m. with Messrs. Crocker, Block, McCullen and Alpert and Planner, Ms. Newman.

Ms. Espada noted this is an open meeting that is being held in a remote manner per state guidelines. She reviewed the rules of conduct for all meetings. This meeting includes no 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.

Decision: Major Project Site Plan Special Permit No. 2024-03: PEX Health and Fitness, LLC d/b/a PEX Health and Fitness, 1451 Highland Avenue, Needham, MA, Petitioner (Property located at 1450 Highland Avenue, Needham, MA). Regarding proposal to operate a personal fitness service establishment.

Ms. Newman noted there were a couple of minor typos and comments that she has incorporated into the decision.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a vote of the five members present unanimously:
VOTED: with regard to Application No. 2024-03 for PEX Health and Fitness at 1451 Highland Avenue, to Grant: (1) the requested Special Permit under Section 3.2.2 of the By-Law to operate a personal fitness service establishment in the Center Business District; (2) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all requirements of the By-Law; (3) the requested Special Permit under section 3.2.2 of the By-Law to operate accessory uses incidental to the principal use, to wit, office use and fitness and nutrition consultants; and (4) the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.2, Required Parking, and Section 5.1.3, Parking Plan and Design Requirements; subject to and with the benefit of the following Plan modifications, conditions and limitations.

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 adopt the decision in the packet with the 2 minor typographical modifications.

De Minimus Change: Major Project Site Plan Special Permit No. 2005-05: Blue on Highland Restaurant LLC, 882-886 Highland Avenue, Needham, Massachusetts, Petitioner (Property is located at 882-886 and 890 Highland Avenue, Needham, Massachusetts). Regarding change to façade.

Ms. Newman noted the applicant is not at the meeting. This is a revision to a door entry and allows a bathroom to be put in. The Building Commissioner has reviewed and approved, and the Design Review Board (DRB) has approved. This makes a minor modification to their decision. Mr. Alpert stated, for the future and not this request, this request is asking for additional bathrooms in the new space – one for male and one for female. He is sure the bathrooms in the old space are probably one male and one female. With multiple bathrooms the Board should consider requiring a unisex bathroom. Ms. Espada stated the state is reviewing gender-free bathrooms. The plumbing code is still male and female. The Board could recommend to the Building Commission this may be something to pursue. Scott Drago, owner, joined the meeting and clarified the gender neutral bathrooms. The handicap bathroom in the original space is gender neutral. He asked the Building Commissioner about gender neutral. With one bathroom it was going to be gender neutral but with 2 bathrooms they had to have one men's and one women's. He noted the door change is to accommodate handicap access to make it easier on people to come into the space.

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

VOTED: to accept this as a de minimus change.

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

VOTED: to grant the requested modification to the decision.

De Minimus Change: Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner (Property located at 589 Highland Avenue, Needham, Massachusetts). Regarding reduction of Independent Living Units (no change to affordable units).

David Feldman, of SVP Development, stated this was originally approved 5/16/23 with 72 independent units. Through plan development it was decided to reduce that number to 63 units by eliminating some studio units and one bed units to make some larger 2-bed units. There is no change to square footage or elevations. Affordable is being kept as is and all other conditions stay in place. Mr. Block asked the average units' size before and now. Mr. Feldman noted the units were 520 square feet to 1,200 square feet and are now 935 square feet to 1,600 square feet. Mr. Crocker asked if there were any change in the size of the affordable units. Mr. Feldman stated the affordable need to be representative of the unit mix so there is a size increase for the affordable as well. Ms. Newman noted the revised floor plans are in the packet.

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

VOTED: to accept this as a de minimus change.

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

VOTED: to accept the requested modification to the decision.

Board Acknowledgement: Notification of Change of Ownership: Major Project Site Plan Special Permit No. 93-3: Wingate Development, LLC, 63 Kendrick Street, Needham, MA 02494, Petitioner (Property located at 589 Highland Avenue, Needham, Massachusetts).

Ms. Newman noted this is an acknowledgement of a change of ownership. Wingate Development Corporation was allowed to change ownership with notice to the Board and acknowledgment of the person buying the facility they had read all previous decisions. The Board members had no questions.

ANR Plan – Marjorie A. Pine, Petitioner (Property located at 321 Cartwright Road, Needham, MA).

Paul Beaulieu, of Field Resources, noted that after the applicant got prior ANR approval, the client felt the lot should be a different size. The ANR approval was not recorded. The applicant would like it to be reissued with the different shaped parcels. Mr. Block stated he would be interested in seeing the previous parcels. Mr. Beaulieu noted the one- and one-half acre parcel is now a 2-acre carveout. Ms. Newman reviewed the plans internally and is ok with them. Mr. Alpert stated the requirement for ANR is that the lots have adequate frontage, which they did and still do. Both meet the zoning requirements for acreage. There is no justification to deny it.

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

VOTED: to accept the revised ANR Plan.

Minutes

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

VOTED: to adopt the minutes of 10/15/24,

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

VOTED: to adopt the minutes of 10/29/24.

Report from Planning Director and Board members

Ms. Newman noted the first meeting of the Large House Study Committee is tomorrow. She reviewed what she hoped to accomplish – introduce all member to each other, make people familiar with the scope of the work and timeline following and give people an introduction of what the framework is under the regulatory zoning. She wants all to understand what the rules are currently that they will be applying. Mr. Crocker stated they would be going around the table multiple times to get people's feelings of what they think the Committee should be looking at, then talk about maybe breakout working groups. He stated it is clear the job is to remove as much bias as possible and to look at all the metrics. He hopes they have something for the October Town Meeting. A report is due in May. The goal is to meet the timeline and to create the correct By-Law for Needham. The schedule will be set tomorrow at the first meeting. Ms. Espada will be interested in feedback at the next Planning Board meeting.

Mr. Block noted he sent comments earlier. He hopes the Committee focuses on the core issues and does not get distracted with issues that do not really relate to the challenge ahead of them. Mr. Crocker noted that is the goal. He asked if, when the group talks through the process, do they talk through the process of the building codes related to additions and how that affects tear downs versus if someone can do an addition without triggering the requirement that the whole house has to be brought up to code. The process is starting tomorrow night. The Committee can pivot along the way if needed. They have the right people within the Committee to look at different parts of the process. Ms. Espada noted subcommittees were created with the Housing Plan Group and the Green Group.

Ms. Newman stated she has planning funds from Town Meeting appropriated. She can pull money from that if needed. Ms. Espada feels the ADU information they just received is something to consider when thinking about the size of houses. She noted Mr. Alpert sent an email earlier with questions about site plan review. The members need to make sure they understand site plan review. Mr. Alpert was questioning when the Board adopts a new By-Law to adopt the amendment to ADUs now required by state law should they put a specific site plan review for ADUs similar to what they did for the MBTA zoning. Do they want to have specific By-Laws for the Dover Amendment site plan review? He is questioning if they should do the same thing for ADUs. Mr. Block stated the purpose of the state statute is to make ADUs more permissible and to remove some regulatory hurdles. He would only consider a site plan review process for detached ADUs and not attached ADUs and mainly only in rare circumstances. He would like if the zoning can be constructed in such a way that assures a reasonable setback.

Mr. Crocker commented he had the same thoughts. Do they want to take into account existing structures less than dimensional requirements from the property line? Mr. Alpert stated the issue is the site plan review. Language in the new statute for new ADUs say ADUs can be subject to clear and objective site plan criteria. The Board has not had that language before. There is a question of whether they need to revise that site plan criteria. Ms. Espada stated they need to keep everything in mind. A discussion ensued. Mr. Alpert feels if it could be done quickly it should be done in May. Mr. Crocker stated they will be looking at everything including how to measure it.

Correspondence

Ms. Espada noted an email from Glenn Mulno, dated 12/11/24, with comments regarding zoning.

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

VOTED: to adjourn the meeting at 3:25 p.m.

Respectfully submitted,

Donna J. Kalinowski, Notetaker

Artie Crocker, Vice-Chairman and Clerk