

NEEDHAM PLANNING BOARD MINUTES

July 25, 2017

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Ted Owens, Chairman, on Tuesday, July 25, 2017, at 6:45 p.m. with Messrs. Jacobs and Alpert and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman, Assistant Planner Ms. Clee and Recording Secretary Ms. Kalinowski.

Discussion regarding mobile food vendors with Doug Fox and review of Board of Selectmen draft Mobile Food Vendor Regulations.

Selectman Dan Matthews noted the Selectmen plan to discuss this at their open session tonight. It is a work in progress. Town Meeting wants a report in the fall. He noted there are 3 activities under consideration. One is to have mobile food service available where there is no restaurant like Needham Crossing. There will be permitting under certain circumstances under the Board of Selectmen. The second is the Selectmen are working with the Park and Recreation Department and Memorial Park to have some mobile food service there. There may be some permitting there at the park. The third is whether to allow it in the Business District. The Selectmen do not think it is a good idea upon public ways. It is not fair to the established vendors there. The zoning of private property in the Business District is jurisdiction of the Planning Board. The Planning Board may want to step in and take a major role with respect to private property zoning on this issue.

Ms. McKnight clarified if Selectman Matthews meant areas not in the public way, not zoned for mobile food service and under the purview of the Board of Selectmen. She asked if the Selectmen were seeking input from the Planning Board. Mr. Jacobs asked if any editing comments would go to Selectman Matthews and was informed yes. Ms. Grimes noted there should be a strict analysis of parking requirements, seating, hours and fencing. There are great lengths to go to for permitting a business operating in downtown. Her biggest concern is no one is coming to the Planning Board for a Special Permit. The Board will not see how many are going to use the parking and such. The Board has asked mobile food service proponent, Mr. Fox for information on historical information. He came up dry on that end.

Ms. Grimes does not feel the town can afford to lose any more parking spots. The fee structure seems low to her. Mr. Matthews stated that fee proposal is for Needham Crossing. It will be adjusted for other areas. He noted usually people want one day per week. It would be proportionately higher for more days. Mr. Alpert thanked Selectman Matthews for reaching out to the Planning Board. He stated he seconds Ms. Grimes' concerns. The Planning Board and Selectmen need to work hand in hand. There is overlap here. What happens in the future if brick and mortar restaurants come into Needham Crossing? Selectman Matthews stated there were a couple of thoughts. There could be only a temporary permit or they may be grandfathered in. Mr. Owens echoed Ms. Grimes and Mr. Alpert. He is happy to share his thoughts. The greatest sensitivity is in the downtown area.

Doug Fox gave a disclaimer that he knows very little. He does not own a food truck. This is driven because citizens have had mobile food service in the past and the citizens want it. People leave the town for fast casual. It seems to ring the town rather than be in the town. There are several things to this. The vendors are looking for a main street, some space where people can get the food and there has to be parking. He noted the bench in front of the Post Office has parking there. Highland Avenue at Memorial Field has some parking and a green area. Green's Field is the best option. There is parking and green space. He did a little study and noted there were 19 open spaces from 12:00 to 2:00 p.m. This is a better place for traffic and is close to town. The vision is for people to want to stop and go to other places in town. He feels this is a public amenity. The town needs to make it work so the citizens are happy and there is a place for the vendors. He feels everyone should support doing something downtown.

Ms. McKnight had comments on the 6/28/17 email. Snow is an issue. There are very few places in town where snow is removed completely from the sidewalks. The trucks should not be allowed during those months. Mr.

Fox stated it depends upon the spot. Attention could be paid to removing snow from the spot if the citizens want it. Ms. McKnight stated the Planning Board is looking into engaging a consultant for a Downtown Parking Study so there is no financial burden on applicants. It could be helpful. Ms. McKnight noted the restrictions on the kinds of foods. When she was a staff planner in Framingham the zoning and planning boards would look at menus in deciding whether to permit a certain restaurant. This would be a difficult decision and she doesn't think menu should be considered. Mr. Fox noted he would like diversity. It would make the restaurants less uncomfortable. He feels the Selectmen's fee structure is a good one.

Mr. Alpert stated he has personal experience as a consumer. You can buy a hot dog and eat it while you walk. There are food trucks in Boston where he works. The trucks are only there April through November. He noted you cannot eat and walk with other types of food. He asked how many trucks Mr. Fox sees at a time. Mr. Fox noted one truck in a single spot. He feels the town should start with a single truck. Ms. Grimes stated she is very concerned with downtown parking. She cannot see how the town could afford the spaces. She stated why other towns have so many options is that they have other businesses that bring in other customers. There is not a lot of foot traffic in downtown Needham. She feels it would take parking away from businesses in downtown. It would be ok at Memorial Field.

Mr. Jacobs asked what the questions were that Mr. Fox asked when he surveyed people. Mr. Fox asked if they would like more access to food trucks, yes or no, where would you like them and would you give up 2 metered parking spaces for a food truck. It was simple and unbiased. Mr. Jacobs asked how many people were surveyed. Mr. Fox stated 400 in both years. He noted 80% wanted more trucks, 2/3 wanted trucks in the center and 80% wanted to give up parking meters. Mr. Jacobs asked how would he judge if a food truck is going well. Mr. Fox feels a food truck is going well if the vendor wants to be there for more days or if other trucks hear and want to come to town. It does not affect parking.

Mr. Owens stated the problem he has with surveys is it does not tell what people will do. Not telling what the cost is is a bias. As a Board we have to weigh the cost and benefits. He is not sure the Board knows enough about what the market will do. Downtown Needham is not downtown Boston. He is skeptical it would be a destination place and create pedestrian traffic. He asked if there were any comments on the Selectmen's draft. Ms. McKnight noted the prohibition on selling non-food items. She feels it should say "shall not distribute or sell." Ms. McKnight wants to know if the town has studied this. Mr. Owens will pass her comments along to Town Manager Kate Fitzpatrick.

Public Hearing:

7:30 p.m. – Amendment to Major Project Site Plan Review Special Permit No. 1995-09, Highland Montrose, LLC, 159 Cambridge Street, Allston, MA 02134, Petitioner (Property located at 922-958 Highland Avenue, Needham, MA).

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:

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

Roy Cramer, representative for the applicant, noted this is the Starbucks building. The applicant wants to add 4 parking spaces to the lot. There are currently 47 spaces and 50 with the on-street parking. With adding 4 spaces the property will become compliant as to number of parking spaces. The proposal is for 3 spaces to the left of the rear door near West Street. The 4th space is on the other side of the elevator door. Currently these are open spaces. A deck was planned but was never built. This is a needed addition to a busy lot. There is no change in pervious surface. He noted some waiver relief is needed. He reviewed the waivers. The spaces will be 9 X 18 instead of 9 X 18.5. They want to keep the maneuvering aisle unchanged. It will be 2.7 feet from the building. The police have no safety concerns. The DPW has no comments. The Fire Chief noted a potential dangerous situation with kids hanging around waiting for rides (they now wait in the open space area). Mr. Cramer stated he thinks it will help the parking situation there.

Mr. Owens asked why the applicant is doing this. Mr. Cramer noted the open space is not used. There is no increase in income. It is convenient to have parking spaces near the door. There would need to be a waiver. He noted this is a good thing and there is no downside. Mr. Owens noted the following correspondence for the record: the police had no safety concerns; the DPW had no comments; and the Fire Chief commented on traffic and safety concerns. Mr. Owens noted the Fire Chief comments were confusing to him. Ms. McKnight stated the photo shows a shed. Is there a shed? Mr. Cramer stated the shed is at the back of the bagel shop and not on this property.

Ms. McKnight asked if there was any consideration toward relocating the handicap spaces and putting the 4 new spaces where the handicap space is now. It would be more accessible for handicap people. The spaces also happen to stay more vacant. Mr. Cramer stated it was not really considered. There is a limited amount of space. Ms. McKnight noted she feels the applicant could fit at least 2 handicap spaces where the 3 regular spaces would go. Mr. Cramer stated he would have to measure it. Ms. Newman thought there was a grading issue. Ms. McKnight stated that would ease some concerns about safety. She would prefer 3 handicap spaces over 4 regular spaces.

Mr. Alpert noted the applicant has requested a waiver of landscaping. This lot is very sparse. In the 2.7 feet is there any thought of landscaping? Mr. Cramer stated thought was given to it. He felt it would be more important to have a walkway for pedestrians so they do not have to walk to the back of cars. It could not be irrigated. No tenant has any interest to water and maintain it. There was a consideration of putting bumper overhangs in front of the spaces. Ms. Grimes stated she went to the site today and is not concerned.

Mr. Jacobs noted he was concerned with the Fire Chief's comments. This would add some traffic to that area. He loves that the applicant is adding spaces. There may be some additional risk of pedestrians which is steady all day long. Mr. Cramer noted he looked at it and did not feel it would create additional safety issues. He thought it would be a nice amenity. Mr. Jacobs stated it concerns him that the Fire Chief does not support this. He would like to think if anything additional could be done. Ms. Grimes asked if it was necessary for bumpers. Mr. Cramer noted the applicant could put 1 or 2 bollards at the edge of the parking area. It would be an expense and would not really help. He stated not all departmental comments are right on point.

Mr. Jacobs stated he would like to see the bollard idea. Mr. Owens commented he does not think it is necessary. If the Fire Chief was commenting on fire safety he would be concerned. The Police said it was safe. He does not give the Fire Chief comments a lot of weight. He feels it is more dangerous now as the traffic lane is not defined. Ms. McKnight asked where the area for bollards would be. Mr. Cramer stated the bollards would be where it says no parking now. Ms. McKnight stated she is not sure if bollards would help or hurt. She does not know how a car is going to go in with the dumpster being picked up. Mr. Cramer stated people would not park there if a truck is there.

Ms. McKnight would like to see if the dumpster needs to be fenced, if it is and a change of handicap spaces. She likes the idea of an area that is clearly marked for traffic and pedestrians. Mr. Alpert stated he has considered Fire Chief Condon's comments and disagrees with them. The children are standing there because they can. They are old enough to move. He does not share the safety concerns. Mr. Alpert stated bollards might lend a little more safety but are not really necessary.

Ms. McKnight noted the space near the dumpster should be employee parking only. Giancarlo Micozzi, owner, stated there is off-site parking for employees. He thinks bollards would be detrimental aesthetically. He is not sure it adds safety. Mr. Alpert commented he does not think bollards are necessary in this lot. Ms. McKnight stated she is not prepared to vote on this until she gets information on the dumpster. Mr. Micozzi showed her pictures that satisfied her concerns. Ms. McKnight would not insist on bollards.

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

VOTED: to close the hearing.

Upon a motion made by Mr. Alpert, and seconded by Ms. Grimes, it was by four of the five members present (Mr. Jacobs abstained):

VOTED: to approve the application for an amendment to Special Permit No.1995-09 to add 4 spaces to the lot as shown on the plan in connection with the decision to grant parking waivers to: Section 5.1.3(f) (Maneuvering Aisle) to be 18 feet instead of 18.5 feet; Section 5.1.3(j) (Parking Setbacks) to allow a side setback of 4.4 feet from West Street; Section 5.1.3(k) setback areas to be landscaped; Section 5.1.3(j) for proposed distances from the building to allow 2.7 feet from the building and approve the site plan as submitted under Section 7.4.4 so no variance is required; grant further site plan review under Section 7.4 and Section 4.2 and re-grant all waivers of the 1996 decision due to this permit.

Meeting with Public Facilities to review zoning requirements for the Police and Fire Station on Chestnut Street and the Fire Station on Webster Street.

Mr. Owens stated this was to focus on zoning. Luke McCoy, of Kaestle Boos Associates, Inc., noted the request is for 88 School Street to change from Single Residence B District to Center Business District to make it consistent to continue that block section. Mr. Owens noted the police and fire station is currently on 2 lots that are to be consolidated. One is in the Center Business District and the other is in the Single Residence B District. The 2 lots need to be consolidated for the project to be done.

Mr. McCoy noted 707 Highland Avenue and 257 Webster Street are to be combined for the Heights fire station. There would be a rear yard non-conformity and the side yard setback would be non-conforming at 16.6 feet. There is a setback minimum of 20 feet so the combination of the 2 lots is not feasible. The lots will be kept as separate. The building is compliant with setbacks. The project would need a waiver for shared parking. The FAR is .6 rather than .56 and the site coverage is .25 rather than .216. The applicant is working through the project. Ms. McKnight noted the easement for parking would be in the back lot. Mr. McCoy stated a waiver would be needed in the future. Ms. McKnight stated it could be considered one parcel for zoning purposes as it is owned by the same owner, but Ms. Newman stated it is pre-existing, non-conforming and that protection would be lost.

Ms. Grimes stated she is concerned. Two lots owned by the same person become one lot. Ms. Newman noted the problem is the setback. The building is non-conforming on the side. The town changed the setback 10 years ago. They would lose the pre-existing non-conforming status if the lots were combined. Mr. Alpert noted the Daley Building is run by the School Department and the Fire Station is under the control of the Fire Department. Mr. Cramer commented that thinking of a building on each lot as long as it does not increase the non-conformity may avoid a merger. Ms. McKnight stated she would go along with separate lots if combining lots creates difficulties.

Ms. Newman noted the numbers could be adjusted down to accommodate a merged situation before Town Meeting. Ms. Grimes noted programming is early and changes are still being made. She has a problem bringing this anywhere when yesterday it was .216 and today it is .25. She feels it is too early on. She thinks there are too many unknowns and the applicant does not know what they are doing yet. Mr. McCoy stated it has to be approved in order to follow the timeline. Mr. Jacobs stated he has the same concern as Ms. Grimes unless the applicant knows their numbers are enough. Mr. McCoy stated he feels confident. They just do not have enough for a formal plan yet. He is comfortable with where they are at.

Steven Popper, of the Permanent Public Buildings Committee, stated it is not just zoning at Town Meeting but construction costs also. The envelope has been expanded to give a comfort zone so they do not have to come back. He feels comfortable with the numbers. Mr. Alpert stated he wants to make sure the number has enough flexibility so the applicant does not have to come back. He is willing to go to a higher number if necessary. It can always be cut back. He suggests the abutters get notice of the September hearing. The number can go down then if necessary. Ms. Grimes stated this is not ready to go.

Ms. McKnight stated she agrees with Mr. Alpert's comments. She is satisfied with what has been presented as to what is needed now. The change to the Center Business District makes complete sense to her.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by four of the five members present (Ms. Grimes voted in the negative):

VOTED: to refer Article 1 -- Amend Zoning By-Law, as read by the Chairman into the record, to the Selectmen.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by four of the five members present (Ms. Grimes voted in the negative):

VOTED: to vote to refer Article 2 – Map Change, to change the lot on Chestnut Street from Single Residence B District to the Center Business District to the Selectmen.

Mr. Popper noted the town is in the midst of a communication study for the public safety in town. The town is looking at the location of microwave towers that are now in overlay districts. This is under study now. The outcome may affect an adjustment to the overlay districts. Mr. Owens stated he appreciates the heads up but would not venture an opinion until he sees it. Todd Costa, of Kaestle Boos Associates, Inc., noted towers are being suggested at the Sheraton, Bird's Hill, North Hill and the water treatment plant on Charles River Street.

Mr. Popper noted there are 120 foot line-of-sight towers between North Hill and the Water Treatment Plant. Mr. Owens stated this should be discussed up front. He does not want to get surprises. Tell us now if you need to build towers so there are no surprises. He wants to know all up front.

George Giunta Jr. – Review of proposed draft zoning article.

Mr. Giunta Jr. stated this is 255 Highland Avenue. It has been purchased and redeveloped. There has been one vacant retail spot for a couple of years. The zoning prohibits wellness or alternate health uses. The By-Law has been changed in the district so there can be a single doctor or 2 or a dentist located there but not alternate health uses. He would like the traditional medical uses to expand to alternate health uses for 1 or 2 person offices to locate there by Special Permit. The whole area is in transition. There is more housing going in and retail is shrinking. He thinks this is appropriate and is asking the Planning Board to put it to Town Meeting.

Mr. Jacobs commented he is in favor of this. There is no reason not to. He asked if the Board needs to better define alternate medicine. Mr. Giunta Jr. stated it is already in Section 3.2.4.1. It would be consistent with whatever is in the By-Law already. Ms. McKnight stated alternate medicine practices are ill defined. Mr. Owens feels the timing is too tight to make the change. Mr. Jacobs noted spa-like treatments should be added. Mr. Alpert would prefer to define wellness treatments rather than have "included but not limited to." Ms. McKnight stated she is uncomfortable going forward with this. There should be a definition of wellness treatments. She would not go forward with this.

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by three of the five members present (Ms. McKnight and Mr. Alpert voted in the negative):

VOTED: to approve this and send it to the Selectmen.

Endorsement of Agreement: Scenic Road Act, Reginald C. Foster, 898 South Street, Needham, MA 02492, Petitioner (Property located at 898 South Street, Needham, MA and is shown on Assessor's Map 205 as Parcel 6).

Ms. Newman noted the agreement was in the packet. The Board approved this at the last meeting.

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to approve with the bond amount to be added once the recommendation from the DPW is received.

Endorsement of Bond Agreement and Lot Release for Lot 2: Cartwright Road Definitive Subdivision: Mary Stare Wilkinson and Bradley Wilkinson, 260 and 267 Cartwright Road, Needham, MA, Petitioner (Property located at 260 and 267 Cartwright Road, Needham, Norfolk County, Massachusetts, Assessors Plan No. 2018 as Parcel 1).

Mr. Cramer stated the Board of Selectmen signed the document tonight. He has 2 documents tonight. He wants to get Lot 2 and the road released. A bond agreement has been reached. He would like the Planning Board to sign. The other document is a lot release. The last documents are to be given by Wellesley for the water and electrical. He stated he has a check for \$93,000.

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

VOTED: to sign the agreements.

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

VOTED: to sign the release of lots.

Zoning submittal for the October 2017 Special Town Meeting.

This has been done.

Minutes

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

VOTED: to accept the minutes of 4/25/17, 5/3/17, 5/8/17 and 5/10/17.

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

VOTED: to accept the minutes of 5/1/17 with a correction in spelling on “slick” which should be “slide.”

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

VOTED: to accept the minutes of 4/12/17 with a correction at the top of page 5 for spelling of “League of Women Voters.”

Ms. McKnight noted the minutes of 5/23/17 should be reviewed again.

Report from the Planning Director and Board Members.

Ms. Newman noted there was a Design Review Board meeting yesterday evening regarding the Beth Israel Deaconess Hospital proposed expansion. The hospital is filing for an addition. The hospital is taking down the Lincoln Street medical building and will probably be filing in September. They have been having neighborhood meetings.

Mr. Owens noted there is a meeting with property owners and stakeholders on 8/10/17 for the Chestnut Street redevelopment project. Staff has invited owners and members of the Council of Economic Advisors to open up discussions.

Ms. McKnight noted the 9/12/17 meeting of the Newton Needham Chamber of Commerce. She suggested starting the Planning Board meeting a little later that evening so people can attend. She suggested a 7:30 or 7:45 p.m. start. Ms. Grimes noted she would not be present at the Planning Board meeting on that date.

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 10:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in blue ink, appearing to read "Paul Alpert", is written above a horizontal line.

Paul Alpert, Vice-Chairman and Clerk