NEEDHAM PLANNING BOARD MINUTES

February 19, 2019

The regular meeting of the Planning Board held in Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, February 19, 2019, at 7:00 p.m. with Messrs. Jacobs and Owens and Ms. McKnight, as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

De Minimus Change: Major Project Site Plan Review No. 2018-10: 1056 Gyro and Kebab House Corp d/b/a Gyro and Kebab House Greek Cuisine, 3 Capen Hill Road, Sharon, MA 02067, Petitioner (Property located at 1056 Great Plain Avenue, Needham, MA).

Ms. Newman stated this project is not ready to go forward. There is an issue with the dumpster placement on site. The applicant hired an architect to go through the building with the Fire Chief and then let them know where the dumpster should be. The location of the dumpster is too close to the door egress. The Fire Chief is concerned with a dumpster fire and active egress. There will be another conversation. Mr. Alpert stated he looked at the Registry plans for that lot. He asked if the parking lot in back is part of this lot and was informed it was. Ms. McKnight asked if there would still be issues if the applicant got rid of the dumpster fencing; Ms. Newman stated yes, the issue is the proximity to the door.

Discussion of Zoning Articles for the May 2019 Annual Town Meeting

Mr. Alpert noted there were comments from Attorneys Roy Cramer and Robert Smart concerning the Accessory Dwelling Units (ADUs). He stated his recollection was there was not much push back on this article. Ms. McKnight noted she had some comments. The period of time should go from 5 years to 3 years. It should be made clear the caretaker may be an employee. She asked if that was clear enough or should the Board revisit the wording. Mr. Alpert noted in Section 3.15.3(c), first degree would rule out grandchild and step children. Ms. McKnight stated it should be second degree kinship. She wants to include steps, nieces, nephews and grandchildren.

Mr. Alpert noted the word "paid" should be put before "caregiver". Karen Sunnarborg commented there may be an au pair living there and not getting paid. Mr. Jacobs asked if they opened it up to allow the second degree kinship, wouldn't that be making it less restrictive and is that allowed at this point, after being noticed. He noted au pairs and nannies and stated this idea was to help the elderly stay in town and get help. Why are we stretching this to nannies? Mr. Alpert stated the Board is not stretching it but could take out nannies. Mr. Jacobs asked if the intent is to allow for nanny apartments. That is not what he thought. Mr. Alpert stated that was not the intent but is the Board ok with keeping the wording that could allow au pairs or nannies in ADU's. Ms. McKnight commented she is ok with it, though typically she has not seen a nanny suite with a separate kitchen. Mr. Jacobs commented he is not ok with it. Mr. Owens agreed with Mr. Jacobs. That is not what he thought the original intent was. Mr. Alpert commented he is ambivalent. He asked the Planning Director if she could draft something that excludes nannies.

Mr. Jacobs noted in 3.15.3(b) it allows homeowner absence for a period of less than two years. That seems inconsistent with what the Board wants to do. If someone is gone for two years it is just a two-family house. He could see if someone was sick or on vacation for up to six months but not for two years. Mr. Alpert agrees with the concept but it would be more enforcement for the Building Inspector. Ms. McKnight stated she thought it was too long and there were numerous comments on the length of time at the hearing. Ms. Sunnarborg stated the ADU occupant does not have to be a caregiver. It could be a family member. Mr. Alpert stated it could be a young family with a parent in the apartment and the family gets relocated for a year or two, but he agrees two years is too long. Mr. Jacobs suggested 6 months to a year.

The intent is not to allow AirBnBs. Is there any problem adding a sentence to make that clear? Some people may be concerned about that use but why not say it.

Mr. Alpert asked if AirBnBs are currently permissible by law and was informed they are. Mr. Jacobs stated AirBnBs are allowed under the Special Permit process. He just feels the Board should put in the discussion at the end what the intent is.

Ms. McKnight noted in Subset J – use regulation – the occupancy permit is for 5 years but should be shorter. Mr. Alpert agrees and feels it should be 3 years. The Building Inspector is ok with that and does not want less. Another change suggested is in (e) off-street parking and screening. The screening is not required now for dwelling units. Why require it for accessory dwellings? It should be taken out.

Ms. McKnight noted the front door comments made at the hearing and asked why preclude front door entrance. Some current single family homes have 2 front doors. This would preclude anyone who currently has 2 front doors from adding an ADU. Ms. Newman suggested it say "primary entrance and secondary entrance." Ms. Sunnarborg suggested "only one primary entrance." Mr. Alpert noted in (g) add "and exterior entrances" to the second sentence. He noted letters from Robert Smart, dated 1/29/19, and Roy Cramer, dated 1/31/19, with some grammatical changes and some comments. Mr. Cramer stated he agrees with Mr. Jacobs regarding nannies.

Ms. Newman noted Board of Health comments from Tim McDonald. He would suggest allowing ADUs within the footprint to be as of right and amnesty for existing illegal ADUs. Mr. Alpert stated he disagrees with those comments. The intent is to make people go through the Special Permit process. Mr. Jacobs agreed.

Public Hearing:

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 2007-10: Beth Israel Deaconess Hospital-Needham, Inc., 148 Chestnut Street, Needham, MA, Petitioner (Property is located at 148 Chestnut Street, Needham, MA 02492). (Temporary sterile compounding pharmacy addition).

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Roy Cramer, representative for the applicant, stated the applicant wants to construct a temporary addition to the hospital for a sterile compound pharmacy at the old emergency room entrance while the existing pharmacy is being renovated. There are new regulations requiring renovations. The thought is a trailer unit will be on site for about six months and the site will be put back to the existing condition at the end. Time is of the essence with chemo and such and this cannot go outside the hospital building. A unit will be brought in to park parallel to the wall and construct a temporary vestibule. There will be no public entrance. The purpose is to keep the cancer center running efficiently while the renovation is done. The existing canopy will be temporarily removed. The canopy is nine feet from the Lincoln Street property line. The addition will be about 13 feet from the line. He reviewed the requested waivers. The DRB approved the application 1/7/19 and there were no comments or objections from all departments.

Mr. Jacobs stated the DRB decision is not in the packet. He asked what they said. Mr. Cramer noted the DRB approved all plans. Mr. Jacobs asked if it could be better screened. It is not very attractive to the abutters. Mr. Cramer noted the 6 foot high concrete wall in front will stay and there will be a 6 foot fence extended off to the side to screen it more. Mr. Jacobs stated he understands the need and the temporary nature but would like to think of ways to improve the screening. Mr. Alpert asked the time frame. Mr. Cramer stated the unit goes from place to place so the exact start date is uncertain. Jerome Andaya, of BIDMC, stated Needham is next in line.

Mr. Jacobs asked if the trailer creates noise. Mr. Cramer noted there is an air conditioning unit on the side. It does not violate any noise regulations. Mr. Andaya stated the air conditioning is on 24/7 but the operation will only be open from 8:00 a.m. to 5:00 p.m. Ms. McKnight commented she does not see the noise addressed at all. Mr. Cramer stated he contacted the noise consultant from the previous project. The ambient noise is lower. Aaron Farbo, of Cavanaugh Tocci Associates, is the noise consultant. He noted there will be condensing units. He has determined the levels would be within ten decibels above ambient levels across the street and at the property line. During the day it would blend in within the regular noise. It may be noticeable at night when it is quiet. Ms. Newman stated she will review the Cavanaugh Tocci study and determine if it meets the state standard.

Mr. Jacobs stated there should be an easy way to put some noise blockage between the unit and the street. Mr. Andaya commented it is difficult but they may be able to put some bafflers to reduce the noise. Ms. McKnight asked if this is steady noise or an on/off noise. She feels steady may be better. Mr. Andaya stated there will be 2 units but he feels one unit is redundant. His figures are with both running at the same time. With only one running it would be 3 decibels down. Mr. Alpert noted the following correspondence for the record: an email from Tara Gurge of the Health Department with no comments; an email from Fire Chief Dennis Condon with no concerns; an email from Police Lt. John Kraemer with no safety concerns; and an email from Assistant Town Engineer Thomas Ryder with no comments or objections.

Mr. Jacobs asked if the neighbors on Lincoln Street received notice and was informed they did. Dan O'Neill, of 75 Kimball Street, stated he has lived in Needham 9 years and it has been a steady construction site that entire time. There has been traffic, congestion, noise and plenty of aesthetic disruption. He asked why this was constantly on Lincoln Street. He has borne his fair share of construction. There are 4 sides to the hospital. He asked why they are doing this now while there is already construction going on. Mr. Cramer stated the emergency room entrance use to be used constantly but not anymore.

Denise Arena, Pharmacist for BIDMC, stated the hospital is held to a federal standard. By 12/1/19 the hospital needs to be compliant with the standard for chemotherapy. It is a relatively tight timeframe but there needs to be time to build a clean room. The Department of Public Health (DPH) was not happy with the first suggestion for location. They did not want it unattached to the building. This is the location the DPH deemed to be good. Mr. Alpert noted the only impact would be a trailer outside the building. Mr. O'Neill stated he is reacting to the location. He gets the critical nature and regulatory requirements but at what point has Lincoln Street paid their dues. Mr. Andaya stated he presented location options to the DPH and they approved this location. He described the other location options.

Marcus Dandurand, of 92 Lincoln Street, asked what the timeframe for the trailer in that location would be and if there is anything else to be constructed. Mr. Cramer stated the estimated timeframe is six months for the whole process. It will be in the existing driveway and will only be a vestibule constructed at the beginning of the project. He noted there are many inspections by governmental authorities. This is mandated and needs to be done.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to close the hearing.

<u>Board of Appeals – February 28, 2019</u>

<u>Alexander Kogan -- 49 Kenney Street</u>

Mr. Alpert commented that Mr. Kogan is a principal of West View Partners which did the Trout Pond Lane monstrosity. He would like to comment to the Zoning Board of Appeals (ZBA) to be careful of their consideration that the applicant meets our standards. Ms. McKnight stated the application looks like a reasonable request; the garage is on the side. Mr. Owens asked if there is a zoning issue or is it a matter of taste. Mr. Jacobs stated he would not comment.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: "No comment."

<u>AnnaMarie DeDeo, DDS, d/b/a Pediatric Dental Specialists of Needham – 145 Rosemary Street</u>

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by three of the four members present (Ms. McKnight abstained):
VOTED: "No comment."

Fatemeh Haghighhatjoo – 61 Evelyn Road

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: "No comment."

Correspondence

There is no correspondence.

Report from Planning Director and Board members.

Ms. Newman noted the existing parking plan for the Chestnut Street/Lincoln Street lot. The lot currently has 195 spaces. The Select Board is concerned that the 16 permit spaces are gone during the construction. The Select Board would like to take the 15 spaces along the Lincoln Street edge for permit spaces. She asked how the Board would revise a permit that they recently issued. Ms. McKnight asked if the loss of sixteen spaces is temporary for three years and was informed it is. Ms. Newman stated when the Board issued the permit a specific number of spaces was set. The Select Board would like, at their discretion, to change the allocation of spaces. She asked if the Board wants to let the Select Board, or the Parking Management Committee, set an allocation of specific types of spaces. Mr. Owens feels the Board should be involved because the balance of the permit spaces versus 2 hour spaces is important to retail. He feels the Board sometimes gives too many spaces to Town Hall employees and not enough spaces for retail employees. He would want to express an opinion on how it gets divided and how the permit spaces are allocated.

Ms. McKnight stated she has a similar concern. The Board requires permits but does not know if there are enough spaces. She would go along with a deminimus change but would not give the Select Board authority to change anything further. Mr. Alpert stated the Board is constantly struggling with parking downtown. If the Select Board decides to convert twenty of the two hour public spaces to twenty permit spaces it may create more demand for the 2 hour spaces for customers. He feels the Board needs to know what is going on.

Discussion of Zoning Articles for the May 2019 Annual Town Meeting.

Ms. Newman stated, for Article 1, she met with an architect to do a 3D model for the lot and how development under the proposed zoning would look on the property. The architect is also willing to make adjustments on it for height, topography and such. Also, how would as of right look based upon what is decided with an as of right and special permit site plan model. How it will look from different vantage points. Ms. McKnight noted people are very unhappy with eliminating the 50 foot setback from Highland Avenue and Gould Street though the 50 foot setback now does not need to be landscaped and cars can park there. That is going to a 20 foot landscape buffer. Mr. Alpert asked why the setback is being changed from 50 feet to 20 feet. How bad would it be if they stuck with the 50 foot setback? He is inclined to keep the 50 foot setback and 20 foot landscape buffer, then 30 feet to park or whatever. Ms. McKnight agreed it should be looked at.

Ms. Newman stated they were going to drop the as-of-right height to 40 feet. Mr. Alpert noted with a 50 foot setback a 54 foot height might be alright. Ms. Newman will have Ms. Bailin look at that. Mr. Alpert stated the Board could allow more height that further back. Ms. Newman will have the architect model a deeper setback. Mr. Jacobs noted 4.11.2 (3) and asked why the Board would want a public entrance on Highland Avenue. Mr. Alpert stated he agrees with Mr. Cramer that should come out. Front entrances should be along the new driveway and be interior. Mr. Jacobs noted 4.11.2 (4) and commented a 300 foot uninterrupted façade is too long. He would reduce that dramatically and would suggest 100 feet. He also has a concern with commercial development at this site. It is a good idea but may cannibalize other commercial areas in town. This proposed criterion would be limited to impacts on the neighborhood. He does not want to be limited. He wants to consider the impact on downtown. Mr. Jacobs noted the existing by-law provisions for complex development and commented the decision criteria needs broader language. It could have an adverse effect for either the neighborhood or the town. That would give a broader ability if this is having an adverse effect on the town. He suggested the Board should add this new district under a complex development and add it to the Avery Square Business and Hillside Avenue Business Districts as set forth under 6.1. Mr. Alpert noted this provision would not apply to uses by right.

Mr. Jacobs noted they could just adopt that broader language and require that as one of the decision criteria of the new District they are creating. Mr. Alpert stated they should look at permitted uses by right and move "the retail establishment where each is less than 10,000 square feet of floor area" in Section 3.2.7.2 (c) to Special Permit. In 3.2.7.2 (d) it should be changed to "where any establishment contains more than 10,000 square feet." Mr. Jacobs feels that would do it. He is trying to avoid damaging downtown. Ms. Newman stated a third category could be added – use by right, use by Special Permit and use by complex development approval. Mr. Owens stated he would like to consider the impact on the whole town. He noted 3.2.7.1(i) -- wholesale. The Board does not want that. He would delete (i) all together. All agreed. Mr. Alpert stated if the Citizen's Petition for self storage passes we do not want to allow that here. Mr. Owens stated he would not allow it.

433 Chestnut Street

Mr. Alpert stated he took a drive and thinks 6 stories is too massive, mostly for impact on Maple Street but also for Chestnut Street. He would reduce the height to four stories. Ms. McKnight stated it would really be 4½ stories. Mr. Alpert noted he could live with that. Ms. McKnight feels 60 feet is an appropriate height. Mr. Owens stated five stories and 60 feet provided the 5th story is under a pitched roof. Mr. Jacobs commented he does not know how big it has to be to be economically feasible. It makes him uncomfortable to not know. Ms. McKnight noted the number of parking spaces that would be required. This is a transit oriented development. Why is there a minimum number of one parking space per bedroom? She would put a minimum number at 1 space per unit or maybe set a maximum of one space per bedroom with additional visitor parking. She feels the Board is going in the wrong direction with parking. She would also like to limit the number of bedrooms in the development. Ms. McKnight suggested that Section 1 says "provided no unit shall have more than two bedrooms and no development shall have a total of more than X number of bedrooms." Affordable units should be changed to 12½ % from 10%. Mr. Owens commented there is nothing wrong with a percentage of one and two beds or putting in no three bedrooms. Mr. Jacobs agreed with one and two bedrooms. Ms. McKnight commented she is not sure how appealing this would be for downsizers, but she is not sure they will want rental units anyway.

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Owens, it was by the four members present unanimously:
VOTED: to approve the minutes of 10/18/18 with the revision to page 3.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to accept the minutes of 10/30, 11/15 and 11/20 as written.

Ms. McKnight passed in revisions for 12/4/18.

Discussion of Proposed Permit Streamlining Initiatives.

This is off the agenda for tonight.

Ms. Newman noted the next meeting will be Tuesday, 2/26, at 4:00 p.m.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 9:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Martin Jacobs, Vice-Chairman and Clerk