

## **NEEDHAM PLANNING BOARD MINUTES**

July 7, 2020

The Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Vice-Chairman, on Tuesday, July 7, 2020, at 7:15 p.m. with Messrs. Jacobs, Owens and Block and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of people expected to be on the agenda. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. This meeting will allow public comment. He noted if any votes are taken at the meeting the vote will be conducted by roll call.

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

VOTED: to automatically continue the meeting to 7/21/20 at 7:15 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight.

### **Vote to refer and Schedule Public Hearing: 100 West Street, Redevelop and zoning change of the property to enable an 83 unit Assisted Living and Alzheimer's/Memory Care facility and 71 Independent Living Apartments.**

Mr. Alpert noted there are 2 Zoning By-Laws. Article 1 is the creation of the Avery Square Overlay District and Article 2 is a map change. A motion was made to refer the 2 Articles to the Select Board for referral back to the Planning Board for public hearings. Mr. Jacobs noted a typo in the first paragraph, 4<sup>th</sup> line from the bottom, the word "southerly." Ms. McKnight stated she listened to the Select Board hearing and one issue that was raised, particularly by Dan Matthews, was train noise and his insistence that the developer and then the lessor make sure all prospective tenants are aware of the train noise. She noted that Mr. Bloom had mentioned at a prior Planning Board meeting that his company owns many developments and one is at a railroad crossing in Melrose and it was found the noise was not all that hard to live with. She further noted, however, that Melrose established a quiet zone, so the trains do not blow their horns, whereas Needham has no quiet zone. She wanted the proponent's team to be aware of this.

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

VOTED: to refer the 2 Articles to the Select Board for referral back to the Planning Board for public hearings.

### **Public Hearing:**

### **7:15 p.m. – Amendment to Major Project Site Plan Review No. 2008-08: V.S.A., LLC, 180 Country Way, Needham, Massachusetts, Petitioner (Property located at 225 Highland Avenue, Needham, MA).**

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

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

George Giunta Jr., representative for the applicant, noted this is an existing building at the corner of Highland Avenue and Wexford Street. He gave the background of the building. It is a 2-story building with the top floor occupied by Gymboree. The first floor has Snippets and U Break I Fix. The 3<sup>rd</sup> space was Huntington Learning Center and is currently vacant. The Learning Tree Preschool is similar to Huntington but not the same. It was established in 1997, is fully licensed and open in West Roxbury. The space is on the left side of the first floor and

is 11,009 square feet. There are 2 programs – one for toddlers 15 months to 2.8 years of age and the preschool is for 2.9 years of age to 6 years. There will be 9 toddlers and 10 preschoolers. The original request referenced 13 toddlers not 9.

Mr. Giunta Jr. noted the staff has been reduced from 4 plus 1 and is now 3 plus 1. The hours are 7:30 a.m. to 5:30 p.m. with drop off being 7:30 a.m. to 9:00 a.m. and pick up between 3:00 p.m. and 5:30 p.m. There is a proposed outdoor play area. A new fence will be connected from the building to the existing fence at both ends to create an outdoor play area. The indoors is predominantly open space with restrooms and office space for meetings. There is a common hallway in back with common bathrooms. There will be 2 sections with 4 foot partitions for the toddler and preschool areas. He noted the use falls under the G.L.C. 40A Dover Amendment, Section 3. It is exempted under Section 3.2.5.1A of the Needham Zoning By-Laws. There are no material changes to the building, parking or exterior. The only change is the addition of the fence and play area. There is no set parking designation for this use.

Mr. Giunta Jr. stated he would like the Planning Board to designate a childcare standard for parking spaces. If the enrollment is known and is under 40 students there would need to be a total of 8 spaces. That is the same as the Huntington Learning Center. There is already an existing waiver for Huntington so no new waiver is needed. He noted drop offs are done before Gymboree opens and pick-ups are done after Gymboree closes so there are no conflicts. He stated Huntington was there for several years and there were no issues. There are 22 spaces on site and 5 spaces available down the street. He feels there will be no negative onus or impact. Mr. Alpert noted he is the General Counsel for Temple Beth Shalom, which has a children's center. He does not see a conflict and has spoken with the Temple who do not see this as a competitor. Mr. Giunta Jr. stated he has no objection to Mr. Alpert participating.

Mr. Alpert noted the following correspondence for the record: an email from Fire Chief Dennis Condon, noting he was ok with the changes; an email from Town Engineer Anthony DelGaizo, with no comments or objections; an email from Building Inspector David Roche with no issues; an email from Tara Gurge, of the Public Health Department, with comments regarding food and COVID 19 protocols; and an email from Police Chief John Schlittler with comments regarding parking, walkers and the congested area. Chief Schlittler noted if the lot is full there is only one way in and out, which may cause an issue. He is concerned with traffic at the intersection of Wexford and Highland, which at one time was the most dangerous intersection in town. He is concerned with safety getting in and out of the area and he hopes there will be designated parking in the lot adjacent to the building for parents.

Mr. Block echoed the police comments regarding safety. He would like Mr. Giunta Jr. to talk to the timing of the others stores with Snippets and U Break I Fix. He noted he takes his son to Snippets after school between 4:00 p.m. and 6:00 p.m. He asked whose property the white fence is on that is between the buildings. Mr. Giunta Jr. noted the fence is on this property and the new fence will be connected to it. Mr. Block asked if the tree will be removed to put the fence up. Mr. Giunta Jr. feels it will be fit in around the fence. Maura Dinnegan, prospective tenant, stated there are no plans for play structures but toys and maybe a play house. There will be no climbing equipment. Mr. Jacobs asked how the play area will be accessed. Mr. Giunta Jr. stated the door on the end of the building near the play area. He noted Snippets hours are 10:00 a.m. to 6:00 p.m. and U Break I Fix's hours are 10:00 a.m. to 5:00 p.m. He feels there will be no conflict for the morning drop off. Pick up time is spread out so he does not feel there is a conflict there either. He noted Huntington had no conflicts. The existing conditions are not really changing except drop off is earlier. He does not feel there are any substantial problems.

Mr. Jacobs asked if there would be any problem with a condition that the off-site available spaces would be used for staff. Mr. Giunta Jr. stated that is how the off-site spaces are used now. John Giannacopoulos, owner of the building, noted all tenants are required to park off site or the lease can be broken. He has invested a lot of money in traffic Improvements. It is a busy area but much improved. He noted he has not had a problem in all his years in Needham. Mr. Jacobs asked if the 5 off-site spots are deeded. Mr. Giannacopoulos stated he owns the whole parking lot with dedicated spaces for tenants.

Ms. McKnight stated she is concerned with off-site spaces. She would like a condition that all employees should park off-site and feels the owner has agreed to that. She sees the traffic as being different from the Huntington Learning Center. There are more at peak hour drop off. She is concerned with safety at that intersection. Improvements to Highland Avenue are to be undertaken soon by the state. She asked if there will there be a light at the corner of Highland and Wexford and was informed no. She asked if there would be any improvements. Ms. Newman noted there will be a left turn lane into the gas station, a left turn lane onto Wexford Street and raised bike lanes. Construction was supposed to start in September but has been delayed. Mr. Owens had no comments or questions. Mr. Jacobs noted the 11,009 square feet should be 1,109 square feet. Mr. Giunta Jr. agreed.

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

VOTED: to close the hearing.

Mr. Giunta Jr. stated he made some edits to the draft decision with Ms. Newman. He did not change the use section. This was written as a Special Permit. He feels it is an exempt use. Mr. Alpert agrees. He feels the decision should be changed to reflect that. He noted the discussion will be after the next hearing on this agenda.

**7:30 p.m. – Major Project Site Plan Review No. 2020-02: Corben Properties, LLC, 22 Comeau Street, Wellesley, MA 02481, Petitioner (Property located at 330 Reservoir Street, Needham, MA).**

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

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

Shuang Meng, owner of Star Fencing Academy, introduced with comments on the art of fencing. She noted it is an Olympic sport with 2 fencers at a time. She and her husband come from China and moved here 10 years ago. They have been training fencers since then. She gave a background on herself and her students. She noted there is a 44 foot long stage and the fencers move back and forth. She explained the different levels of classes. The hours will be 3:00 p.m. to 9:00 p.m. There will be private lessons, beginner classes, competitive classes and high rank classes. She noted there are 8 parking spaces and a lot of street parking. Scott Ravelson, owner of the building, stated he is excited about the fencing school. It is the perfect use and complements the neighborhood. This use will replace a retail auto parts store with higher parking demand. He noted the lease does not allow parking until after 2:30 and restricts the number of students allowed between 3:00 p.m. and 4:30 p.m. There is very minor construction being done.

Ms. McKnight asked for the parking to be clarified. This use would need 15 spaces and only 8 are provided on site. Mr. Ravelson stated he has 102 parking spaces, mostly in the rear of the building. He has given 8 spaces in front of the building and along the side that have been attached to the lease. He felt parking on the street was better than the safety issue of parents walking down the alley from the back of the lot. He noted this is a private street. Ms. McKnight asked if this was a for profit business and was informed it was. Mr. Jacobs asked if all students are under 20 years old. Ms. Meng noted the ages are between 6 and 18, but they also have some college students. She also has adult classes with the oldest being 70 years old.

Mr. Alpert noted the following correspondence for the record: an email from Fire Chief Dennis Condon with no issues; an email from Police Chief John Schlittler with no issues; an email from Town Engineer Anthony DelGaizo with no comments or objections; an email from Building Inspector David Roche with no issues and an email from Tara Gurge, of the Public Health Department, with comments regarding retail food and state COVID19 protocols.

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

VOTED: to close the hearing.

### **Discussion regarding 225 Highland Avenue.**

Mr. Alpert noted on the draft decision on page 1, the chart needs to be changed to his name as the Acting Chair of the meeting and in Section 1.10, language needs to be added regarding off-site parking for staff. He agreed with Mr. Giunta Jr. that this is an as-of-right use and not a special permit use. All other members agreed. Mr. Alpert noted in Section 3.4, the Board retains jurisdiction regarding the number of kids; in Section 3.7, “Allston” is misspelled and in Section 3.12, add “Department of Early Education and Care.” He noted if the ownership interests of the LLC, Inc. are transferred such that the current owner does not own more than 50% of the voting of the stock, it is considered a transfer and is in violation of the permit.

Mr. Jacobs noted the decision needs to be changed to reflect the number of students represented tonight. Ms. Newman stated she needs to have plan modifications that call out how the play area is on site. Mr. Alpert stated the Board needs a revised draft to review. The vote will be deferred until the 7/21 meeting. Ms. McKnight noted in Section 1.7, 2<sup>nd</sup> paragraph, top of page 4, she would like it to say where the 5 off-site spaces are; in Section 1.9, the traffic pattern is changing – this is a change of use and not a change of the building. This should be clarified. In Section 1.10, it seems the waiver of parking has been resolved by lowering the number of students and staff and off-site parking should be in the conditions and limitations. Mr. Giunta Jr. stated the off-site parking is at 43 Wexford Street. Ms. Newman will revise the draft to reflect the discussion tonight.

### **Discussion regarding 330 Reservoir Street.**

Mr. Alpert noted the decision needs to be changed to reflect he was Acting Chair of the meeting. Ms. McKnight commented on the parking analysis. There are 63 spaces for the whole building with 102 available. This tenant is limited by the lease to 8 spaces and 5 on the private way. She wants to make sure they can use any parking. Mr. Ravelson stated there is always an issue on Reservoir Street in the day time. He has specifics in the lease. Mr. Alpert commented they need to know there are 15 spaces available for this tenant on this property. The Board does not need to know where. Ms. Newman noted there is a change in class times from 3:00 p.m. to 4:30 p.m. not 3:00 p.m. to 5:00 p.m. She will make the change in the decision.

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

VOTED: to grant (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law; (2) the requested Special Permit under Section 3.2.1 for a private school, nursery or kindergarten not otherwise classified under Section 3.2.5.1 in the Industrial Zoning District; and (3) the requested Special Permit under Section 3.2.1 for more than one non-residential use on a lot, subject to and with the benefit of the Plan modification, conditions and limitations to be set forth in the draft decision.

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

VOTED: to adopt the draft decision with the changes discussed tonight.

### **Board of Appeals – July 18, 2020**

#### **J. Derenzo Properties, LLC – 123 Pickering Street.**

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

VOTED: “No comment.”

#### **Catalyst Development, LLC – 249 Garden Street.**

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

VOTED: "No comment."

Needham Pool and Racquet Club, Inc – 1545 Central Avenue.

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

VOTED: "No comment."

### **Minutes**

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by a roll call vote of four of the five members present (Mr. Block abstained):

VOTED: to accept the minutes of 4/15/20 and 5/5/20 as written.

### **Correspondence**

There was no correspondence.

### **Report from Planning Director and Board members.**

Ms. Newman noted there was a meeting this morning of the Highway Commercial 1 working group. The primary issue is traffic and what next steps should look like. There was some new state data collected prior to COVID after Add a Lane went on line. The town took some counts at Gould and Central prior to COVID. The group felt it made sense to go back to the traffic consultant to see how it might look with this new data, how they are doing traffic studies now in this environment and come up with a new scope of services that would be reviewed by the group at the next meeting. Mr. Block noted there was a brief conversation regarding residential at this site but it was decided to keep this as office with some retail. The retail component was not discussed but the consensus is office and retail. Ms. Newman noted both office and retail will be modeled. Mr. Jacobs noted there was no consensus in the meeting whether to include residential or not. Ms. Newman stated this is just to create the framework for what will be modeled.

Ms. McKnight noted she is a proponent of residential, but the problem with this site is it is not transit oriented. She is not enthusiastic about residential for this parcel. Mr. Owens agreed. There would be a benefit from a residential development and he knows the supply and demand issue. The tax rate on commercial is greater and this land is much more valuable as commercial. He feels the town does not need any more residential along the highway. The idea of studying for residential use is just a delaying tactic in his mind. Mr. Jacobs noted it was expressed there was not a clear vision for this site. People thought it made sense to model for residential as well. He feels there may be some opposition to just retail and office at Town Meeting. The Board should be able to say it was modeled all ways and have decided to stick with office and retail. He feels the consensus of the group would agree with that.

Mr. Block has spoken with a number of Real Estate agents. The 128 Commercial Real Estate remains high and strong. He does not feel this location would be good for residential. He feels the Board should be in unison with their position. Mr. Alpert noted the Board did discuss residential but came to the conclusion it should not be in and only commercial should be considered. However, Town Meeting wants to know why residential was not considered. The Board needs to be able to answer people why there should not be residential. The Board needs to have the facts to present the counterargument. Mr. Owens stated he is willing to model residential and consider it so it can be said it was looked at. A discussion ensued.

Mr. Jacobs asked if there was a sense of how long it would take for a study to be performed. Ms. Newman felt not too long. Existing traffic data is being used. The question is if there is sufficient data to go forward. Mr.

Owens stated he is willing to consider all options but in the end the Board needs to bring forward what the Board thinks is best for the town.

Mr. Alpert asked what happened to the proposal to put 200-250 apartments behind Staples. Ms. Newman stated the first deal fell apart and she hasn't heard anything lately. Ms. Newman noted the Council of Economic Advisors (CEA) is moving ahead with hiring the Economic Development Director within the month. She noted Town Meeting is set for 10/5. The zoning change hearing is set for August because of the Town Meeting date. Mr. Block noted LCB Senior Living has reached out to him as the Chair of the CEA and President of the Needham Heights Neighborhood Association. LCB wants to do a presentation for the Heights Association in September.

Mr. Alpert noted the Chair and Vice-Chair meeting last Friday. Regarding the Heather Lane subdivision, Ms. Newman mentioned the possibility that Mr. Piersiak may give a consideration of a Conservation easement on a portion of the land that abuts the Charles River. He would not want the public to have access to the easement. Mr. Alpert noted he and Ms. McKnight think there should be some push back to see if they could get access. He reached out to the Chair of the Conservation Commission, Janet Bernardo, to see if they would agree with the Planning Board. She was ambivalent due to people walking on the vegetation along the river and destroying it. He feels a couple of members of the Planning Board and the Conservation Commission should approach Mr. Piersiak to allow for a site visit to see what is there. Then the Conservation Commission can make a decision if they want to approve or not.

Mr. Block asked if the Town would have the responsibility to maintain the easement. Mr. Alpert noted the owner and whoever holds the easement would be responsible for maintenance in accordance with a written agreement between them. Mr. Owens is in favor of speaking with Mr. Piersiak. Mr. Block agreed. Mr. Alpert asked Ms. Newman to coordinate with Debbie Anderson to see how to get a site visit with Mr. Piersiak.

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

VOTED: to adjourn the meeting at 10:01 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

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Paul S. Alpert, Vice-Chairman and Clerk