

NEEDHAM PLANNING BOARD MINUTES

January 19, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, January 19, 2021, at 7:30 p.m. with Messrs. Jacobs, Alpert, Owens and Block, as well as Planning Director, Ms. Newman.

Ms. McKnight took a roll call attendance of people expected to be on the agenda. She 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. She reviewed the rules of conduct for zoom meetings. She noted this meeting includes public hearings and will allow for public comment. If any votes are taken at the meeting the vote will be conducted by roll call.

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

VOTED: to automatically continue the meeting to 2/2/21 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 and authorize the Vice-Chairman to continue the meeting if the Chairman has technical difficulties.

Public Hearing:

7:30 p.m. – 390 Grove Street Definitive Subdivision: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA). Please note this is a re-noticed hearing that began on February 4, 2020 and is continued from the July 21, 2020, August 11, 2020, September 8, 2020, November 4, 2020 and December 15, 2020 Planning Board meetings and will be further continued to February 2, 2021.

Ms. McKnight noted a request was received from Attorney George Giunta Jr. to continue the hearing to the 2/2/21 meeting.

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

VOTED: to continue the hearing to 2/2/21 at 7:20 p.m.

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 extend the applicable action deadline to 3/31/21.

Request to Release Performance Surety: Belle Lane Definitive Subdivision, Richard J. Gaffey, Trustee, 634 Charles River Street Realty Trust, 420 Lakeside Ave. Marlborough, MA, Petitioner (Property located at Map 305, Lot 23, off of Charles River Street, Needham, MA).

Ms. McKnight noted a letter from Annmarie von der Goltz, Trustee of the Belle Lane Realty Trust, dated 12/9/20, requesting release of surety. Under a Tripartite Agreement between the Bank and the Planning Board, \$123,500 in surety was held in escrow for the completion of work. The applicant has completed most of the requirements and is requesting release of 95,500 for roadway completion leaving \$28,000 for off-street drainage. There is a memo from Assistant Town Engineer Thomas Ryder, dated 1/13/21, noting work still needing to be completed. He calculated it would cost \$20,000 for this work to be completed and requested a total of \$48,000 be retained.

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

VOTED: to approve a reduction in the bond for the subdivision at Belle Lane by \$75,000 so remaining bond will be a total of \$48,000.

Request to Extend Temporary occupancy permit: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, Petitioner, (Property located at 1407 Central Avenue, Needham, MA.

Ms. McKnight noted a letter by Town Counsel Christopher Heep, dated 1/13/21, regarding number of available parking spaces on the property as requested by the Planning Board. He noted there is sufficient area to accommodate a total of 16 parking spaces. Ms. McKnight noted a letter was received from Stephen Gentile, Project Manager, dated 1/7/21. Due to Covid 19 the required 81X Plan is going through the land court and is taking longer than thought. He is requesting an extension of the temporary Certificate of Occupancy from 1/13/21 through 3/8/21. Mr. Jacobs feels there should be a longer extension.

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

VOTED: to extend the temporary Occupancy Permit on 1407 Central Avenue until 5/31/21.

Highway Commercial 1 Rezoning and Planning Study: Review of Urban Design Plan, Discussion of Next Steps and Project Schedule.

Ms. Newman updated the Board on the 2/3/21 Community Meeting preparation process. There is a Planning Board meeting on Thursday at 8:30 a.m. to review the updated presentation. Ms. Newman, Mr. Block and Select Board member Marianne Cooley met with Greenman-Pedersen, Inc. (GPI) to discuss what they would like to see presented. They came up with key strategic slides to hit key issues. GPI will be at the meeting on Thursday and will present for about 10 minutes on traffic.

Mr. Block noted there will be about 45 minutes of content from consultants and about 45 minutes of questions. He is hoping GPI can present in less than 15 minutes. Mr. Block noted Natasha Espada, of Studio ENEE, will have 12 to 15 minutes for her presentation on the urban design plan. Ms. Cooley may speak on the fiscal impact. Mr. Block stated he will give the introduction and overview. He will highlight some key dimensional and use changes. Mr. Jacobs noted he will not be able to attend Thursday's meeting.

Ms. Newman stated she will not be able to get materials to members until late Wednesday. The members will see the presentation on Thursday. The Board may want to look at this in a more formal way to create incentives to encourage the creation of a build along Gould Street and Highland Avenue and to actually create a framework to encourage multiple buildings on site and to create a street edge. She asked if this was something the Board wants to see happen. If so, does the Board want to see this in the Special Permit or as of right? Mr. Owens suggested thinking about this for the meeting on Thursday morning. He noted, as a Board, they have talked about this for 5 years. They need to put down their pencils. They should not be talking about changing the proposed zoning at this point. He would strongly advise to make a final decision and stop tinkering with it.

Ms. McKnight noted a vision has been developed and that will be presented to the public. She wants to make sure the language of the proposed By-Law carries out the vision. Mr. Block asked what the actual status of the By-Law amendment is. Ms. Newman noted the foundation is the 2019 Town Meeting's version. She decided to use that foundation and make revisions on FAR and setbacks. There would have been minor changes to the framework. It would require some additional thought if there are multiple buildings. Mr. Block noted significant changes have been made. He would agree with Mr. Owens. He does not want to further complicate it. He would like to move on the proposed By-Law amendment expeditiously. He feels they need 2 versions – one with residential included and one without residential.

Mr. Alpert stated he agrees with Ms. Espada that a streetscape is important. If a developer does not want to use a streetscape concept, he would like to see a large green space buffer. He agrees with Mr. Owens and Mr. Block. The Board does not have the time now to make changes. He sees it as a major drafting problem. Mr. Block stated he thought there was some discussion regarding reducing height as of right to incentivize the developer to go for a Special Permit. The Board would have some control. Mr. Jacobs stated he believes Mr. Owens had left the meeting when the discussion regarding a streetscape occurred. He wanted to make sure Mr. Owens knew this was discussed after he left the last meeting. Mr. Owens feels the vision sketched out last week is fine. He has no objection to reducing height as of right.

8:15 p.m. – Major Project Site Plan Special Permit No. 2020-03: Hunnewell Needham, LLC, 393 South Main Street, Cohasset, MA 02025, Petitioner (Property located at 400 Hunnewell Street, Needham, MA). Regarding request to build new residential building with 8 units (see legal notice for more info). Please note: this hearing is a continuation from the December 15, 2020 and January 4, 2021 meetings of the Planning Board.

Ms. McKnight noted this is a continued hearing. George Giunta Jr., representative for the applicant, gave a recap of the project. It is a 20,123 square foot property in the Hillside Avenue Business District. Currently there is an 8,520 square foot commercial office building. The applicant is proposing an 8-unit residential building. The numbers are very close to the condo development next door; it is very similar in size and dimensions. He described 4 projects that have been done in the area. He noted there was a lot of discussion around shading on the property next door. They looked at the shading and how to address it. The heights of the parapets have been reduced by 2 feet after he met with the neighbors. The applicant is willing to eliminate the parapets on the neighbors' side of the building except the middle parapet. That is to break up the roof line and it is set back 5 feet. The thought is to reduce the shade. The actual height of the building is 27 feet, which is 8 feet less than the 35-foot maximum height allowed. He also noted a typo which says "attic floor." There is no attic.

Ms. McKnight asked what the height of the existing building is. Mr. Giunta Jr. noted it is 22 to 23 feet high. There is about a 5-foot increase in height over the existing. He has submitted revised drawings. The landscape plans have been made formal and are part of the plan set. The dumpster area in back shows as enclosed and they have added arborvitae and evergreens. He has also added photos so the Board could see there is not a substantial change. He took photos for shadowing and showed the results. The project has tried to limit the shading onto neighboring property. He feels it is reasonable as it is 8-feet less than the maximum allowed. He spoke with the abutters. A fence is proposed and the abutters want an 8-foot fence along that side. The fence will be 6-feet by the street and 18 inches of lattice along the top.

Ms. McKnight noted a letter from Assistant Town Engineer Thomas Ryder, dated 1/12/21, regarding a tree being removed per the Town's request and other comments regarding drainage. The letter from the abutters was noted at the last meeting. There was an email from Martin Raffol, owner since 1981 and former Trustee of 210 Hillside Avenue. He stated 8 units is excessive. There are visibility issues at the drive and he objects to a 7:00 a.m. construction start time. He would like an 8:00 a.m. start on weekdays and 9:00 a.m. on Saturdays. He is concerned with construction close to their building. He wants photos taken pre-construction and wants funds set aside by the developer for cleaning of adjacent properties such as windows and drives. There was also an email from Inga Puzikov, Trustee of 210 Hillside Avenue, dated 1/19/21, with the same issues as Mr. Raffol. She feels 8 units is too much and is concerned with the construction start time and the demolition noise.

Mr. Giunta Jr. stated Mr. Raffol and Ms. Puzikov are not immediate abutters. They are across Hunnewell Street. He is not sure there will be an effect. He noted the project is at the bottom of the density scale and noted 210 Hillside Avenue has a density of 57 units per acre. His density is 17 units per acre and he feels 8 units is appropriate for this site. He noted the corner lot has a density of 27 units per acre. The FAR is half of the building across the street. He noted FAR is not an appropriate issue as the project is in keeping with the Zoning By-Law. Mr. Giunta Jr. noted, with regards to start time, the Town has a General By-Law in place to address construction start and noise. This is already regulated. The General By-Law should apply to this project just like everyone else and he noted the project could stretch into a longer period if they are forced to work shorter work days. There will not be any

blasting, dynamiting or ramhoe as this is ordinary construction. He feels a pre-blast survey is not warranted for the building across the street with their parking lot in front.

Mr. Owens has no questions. Mr. Jacobs stated the abutters across the street commented on the driveways being across the street from each other, but Police and Fire did not have concerns. Mr. Giunta Jr. noted the driveways across from each other are existing conditions. This project will not change the drive and the curb cut will remain the same. This is currently an office building and requires 28 parking spaces. There will be less traffic with 8 units. He feels the likelihood of 2 cars coming out and having an accident will be reduced. Paul Beaulieu, Field Resources, noted the Town has a By-Law regulating streets coming into other streets. He feels the opposing driveways lining up make it safer just like roads are lined up.

Mr. Block has no questions. Mr. Alpert noted he has some concerns. He appreciates the applicant doing the presentation on the shadowing on the condos next door. The shadowing was concerning. An extra 5 feet of shadow on the building next door caused them to lose a considerable amount of light across the entire building. He is not sure if the Board has a right to do anything about that, but he wants the neighbors to know he is thinking about it. He stated he was opposed to the hours of construction when the General By-Law was passed. He felt it should be an 8:00 a.m. start. He feels the Board can put in a condition that noise cannot start until 8:00 a.m. Construction can begin at 7:00 a.m. but not noise. He is also concerned with the construction regarding soil testing and how much blasting. This is a legitimate concern for the abutters. He wants more explanation if the project will need to do blasting and mitigation. They need to document existing conditions. He feels that is a legitimate request on the abutters' side.

Ms. McKnight stated she is concerned with shade. She went to the site and took photos. At 10:30 a.m. the sun line was about the same as shown by Mr. Giunta Jr. At 8:00 a.m. the sun went to the middle of the center windows on the condos next door so they only got sun on the upper part of the windows. Adding 5 feet would mean in the early morning the upper rooms would get no sun. She had an idea whether the second story could be moved 4 or 5 feet toward the driveway and cantilevered out over the driveway. One advantage would be it would give a roof over the main entrance. She noted in the corner behind the building in the left rear there were proposed parking spaces. She suggested they are not needed and should be landscaped but Mr. Giunta Jr. stated there needs to be a place for snow. There is landscaping that is hardy and people could sit out there. She agrees with the start-time comments. For the driveway, she noted the building abuts a site that is used as a day care center. Parking spaces are painted in the rear. The dividing line between the 2 properties is not clear. She asked if different surfaces could be used for the drive to make clear it is the applicant's property.

Mr. Giunta Jr. noted there was a full Geotechnical survey done. There is no evidence of rock or ledge being found. If blasting or hammering is necessary, if anything is found, a pre-blasting survey will be done but he does not feel this will be necessary. The applicant has no issue doing the survey in that event. He stated they looked at moving the building out but there is an elevator that services the basement, first and second floors so it gets tricky. There would need to be a wholesale redesign of the building, which is not realistic. The parking spaces are in a recessed area and is set down 4 feet below the adjacent property and would not impact them. He feels more spaces at a building is a good thing. He questions if there is more value with spaces or hardscape. He feels there is more value having 5 spaces there.

Mr. Giunta Jr. noted the dividing line between the 2 properties. The line goes right down the middle of the property and has a shared driveway between the 2 properties. He does not feel it is feasible to have different materials for the drive. For the shading issue, the property is in a commercial zone, which has no side yard setbacks. A building could be put right on the property line and be 35 feet in height. He feels there is a conflict addressing concerns with the residential and commercial zones. He feels the question is if it is fair for this property to redesign when they have made concessions. They do not intend to do a pre-construction survey of conditions. If they run into ledge they will do it then. He noted 210 Hillside Avenue raised this issue. The building next door was knocked down and did not have to do a pre-blast survey. It is not required for others and this applicant should not be compelled to do it. Mr. Alpert stated he objects to a pre-permitting condition. If they encounter ledge then a pre-construction survey will be done. Mr. Giunta Jr. stated he has no issue with that.

Mr. Raffol noted, regarding density, all was good and clear in the explanations. He thinks this is a good idea but he has a few concerns. The applicant has a right to build the building. He would like them to consider looking at the hours of work. He is concerned about noise and particularly on Saturday. He would like an 8:00 a.m. start on weekdays and a 9:00 a.m. start on Saturdays. There are about 50 people in his building of all ages. The applicant is well within his rights but he would like to request a later start. Project Developer Dennis Cronin stated they are prepared not to have any major noise or vibrations on Saturday. He noted it is difficult to get people to start at 8:00 a.m. but major noise will be postponed until 8:00 a.m.

Mr. Raffol stated, if there is blasting, he would like something in writing regarding noise. He is supportive of the project and does not want to interfere with the developer. He is concerned about trucks going in and out. There will be dirt and mud on the street and it will be dragged into their parking lot. There will be dirt on the windows and awnings. He would appreciate a letter regarding the start time and noise. He would also like it to include blasting with a pre-blasting survey and assurance if the parking lot and building gets mud and dirt they will get assistance in cleaning if needed. The real hope is we want to be in the same position as we are now. He would like a letter to the Association. Ms. McKnight stated the Town would not write a letter of assurance. The Board puts conditions in the decision to address these issues.

Ms. Puzikov asked if there will be lighting on top or sides of the building that will shine onto their property. Mr. Giunta Jr. noted the landscape plans includes a lot of lighting information. The lighting is mostly ground based and subdued. There will be a series of bollards that line the walkway and fixtures mounted into retaining walls and steps. The lights are not high on the building. There are lights on the canopies in the front and rear. The lights in the rear will be on timers but motion activated. The lights in front could be done the same if needed. Mr. Owens stated in a non-residential zone where the height limit is 35 feet, it seems the abutters complaining about sun should not be a concern. The Board does not have in the Zoning By-Law that they will regulate sun. The building heights are set at 35 feet. He does not find that a persuasive argument. If Town Meeting has set a General By-Law with hourly construction limits he does not feel he can change that. The developer is making a good faith effort. He would not be in favor of any condition that makes the developer conform to these conditions.

Kent Duckham, project architect, arrived at the meeting and was available for questions. Ms. McKnight asked about doing a cantilever on the second floor. Mr. Duckham stated he went up on the roof at 10:00 a.m. in September to project where the sun hit. Then they lowered some parapets to the roof line. Ms. McKnight asked if the hearing needs to be continued. Ms. Newman stated she has all the information needed and nothing warrants continuing this hearing.

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 close the hearing.

Minutes

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

VOTED: to accept the minutes of 11/4/20.

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 accept the minutes of 11/17/20 with the changes noted.

Correspondence

Ms. Newman stated she received a letter from Town Counsel Christopher Heep regarding the Cogswell Building. The Board had asked for a parking plan with the maximum number of cars that could be parked there. They have done that and it will be 16 parking spaces.

Report from Planning Director and Board members.

Mr. Jacobs noted the Board members also received the Select Board goals. Ms. McKnight stated some of the goals may pertain to Planning Board work. Mr. Block stated there are a couple of the goals the Board may want to discuss. Time should be found at another meeting to discuss this. Mr. Owens noted he does not intend to run for re-election to the Planning Board.

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

VOTED: to adjourn the meeting at 9:50 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk