

NEEDHAM PLANNING BOARD MINUTES

October 27, 2015

The joint meeting of the Planning Board and the Selectmen held in the Selectmen's Chambers, Needham Town Hall, was called to order by Jeanne McKnight, Chairman, on Tuesday, October 27, 2015 at 7:00 p.m. with Messrs. Eisenhut and Alpert and Ms. Grimes, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

7:00 p.m. Selectmen Chambers, Needham Town Hall

Presentation and Discussion of Draft Housing Strategies Plan for Needham.

Discussion of Proposed "Act Promoting the Planning and Development of Sustainable Communities."

Presentation of Zoning Articles for November Special Town Meeting.

Planning Director Newman gave a brief overview of where the Board is and how they got there. She noted in 2004, the first housing plan was funded with a grant. Affordable housing goals were followed in 2007 by an Affordable Housing Plan. Chapter 40B guidelines were drafted and in 2013 the housing needs assessment was done for Linden Chambers, which was used as a foundation to develop a draft housing production plan. She noted a 2015 application for a "LIP" filed for the New England Business Center (Needham Crossing) will take the Town of Needham over its 10% affordable housing goals under Chapter 40B.

Karen Sunnarborg, Housing Specialist, presented a Powerpoint presentation titled "Needham Housing Strategies" dated October 27, 2015. She stated she feels the town has been very effective with using the 40Bs with approximately 1344 units of rental housing. She acknowledged the issues with the housing need and assessment and reviewed the demographics and economic status. She noted getting some affordability is compelling. Ten percent of all households spend 50% of their income on housing. She reviewed the housing trends and rentals based on the 2013 census. She noted some initiatives are to promote mixed income housing, redevelop the Linden/Chambers project, monitor subsidized housing, utilize 40B guidelines for affordable housing proposals, preserve the existing rental housing, support scattered site developments and explore updating and expanding multi-family housing.

Selectman Daniel Matthews stated the real estate values have risen to the extent the town needs to take direct action. He said within the past decade the Board has been committed to achieving the 10% subsidized housing inventory. He said the Town must maintain the 10% level or better, remain inclusive, and craft policy that builds community support. Mr. Matthews said it is important to have agreement between the Board of Selectmen, Planning Board, and the Housing Authority on a housing strategy so the public, developers, and prospective homeowners know the policy. He noted the draft strategy highlights a number of things; some are shared responsibilities. The Boards need to follow through with the commitment they have made to allow housing. He said there is an overall focus in the strategy on the development of permanent affordable housing, both subsidized and rental at moderate prices. There is a need to define affordable. There is subsidized and there is also affordable without government assistance, market affordable. The town needs both here. Rental housing should be the focus. The Boards need to focus on keeping or adding to the number, in the Needham Crossing area in general, and the 40B Guidelines describe some additional recommended areas as well

Selectman Matthews noted secondly, Linden/Chambers is all income levels but this serves the lower level. They need to work on getting better conditions for the people who live there, as well as more units in the neighborhood. Thirdly, there are going to be over 1,100 subsidized housing inventory units in town. The Boards need to continue to work with the 40B guidelines. Also, there is the possibility of an Affordable Housing Trust. He noted there is a lot to work on. The Boards need to work on the things that have been called out as priority.

Selectman John Bulian thanked all. He stated, when over the years they asked how many children would be coming in as a result of 40Bs, the response by the state is that it is the Town's problem, which they understand. He said there are many budgetary and school construction pressures, as well as dealing with enrollments and rebuilding. They are responsible to the town. There were 526 new units added by 2 recent approvals. The town should be proceeding slowly on any other new housing, other than Linden Chambers. He is concerned with more financial burdens of taxes on low income homeowners. The town needs to absorb the 526 new units and see how it looks and how many new students. For Linden/Chambers, the area has been in place for decades. It needs major rebuilding/renovation. He stated he is all for adding to the inventory here. The housing strategy is long term initiatives. There are too many unknowns. There are a lot of new people the town needs to service.

Selectman Matt Borrelli noted he does not want to do too much too fast. He wants to keep the grandfathering stock. The Boards should look at condos as well as rentals. Charles River landing rents for \$2,491 to \$4,863. The town can make their own path. He wants to make sure the town takes care of the people who cannot afford this. He supports Linden/Chambers. He feels the town does not need more luxury units.

Selectwoman MaryAnne Cooley stated she supports much of what has been said. Selectmen Bulian is right on target. The town needs to absorb 2 big projects. She noted a reduction of 392 units and asked how that was possible. Ms. Sunnarborg noted it was mostly through a conversion of multi-family to single family. Selectmen Maurice Handel summed up that the Council of Economic Advisors (CEA) has done a lot of work on the other side of the issue.

Ms. McKnight stated the Planning Board had reviewed the proposed strategy at the 9/1/15 meeting and come up with comments. The Mixed Use 128 Overlay District would allow for multi-family housing. She reviewed the comments and noted the Board discussed the value of accessory apartments and losing them. The Board strongly endorsed establishing an affordable housing trust and are interested in rezoning in some areas. They discussed a buy down program and noted the cost of condos is generally high. She feels the town should promote multi-family ownership housing as well as rental. Mr. Handel stated the Selectmen will take it under advisement.

Ms. Newman noted Articles 6 (Mixed Use Overlay District) and 7 (Map Change to Mixed Use Overlay District). The changes will help with development in the office parks and follows up on the Goody Clancy plan. The Planning Board can give a Special Permit up to 250 housing units and it creates a larger minimum lot size. It could be one large project with 250 units or 2 smaller projects with 100 and 150. The first article is framework and special permit use. The second article is rezoning the map in the Mixed Use 128 District.

She noted the last article, Article 8 (Historic Preservation Dimensional Special Permit) creates some flexibility for historic home owners who want to renovate through the special permit process through the Zoning Board of Appeals (ZBA). Properties have to be on the historic register, the work needs to be approved by the historic commission and the work needs to be accurate.

Selectman Borrelli clarified that new housing under Article 6 could be rentals or condos. Ms. Newman agreed. Selectman Borrelli noted the 10% state mandate and asked if it is still true that a project must have some 3 bedroom units to be countable on the state's 40B inventory. Ms. Newman stated that is not currently a requirement.

Ms. Grimes noted a small committee for the large house review has been meeting over the summer to further the goals. The smaller committee will be meeting with the larger committee soon.

Ms. McKnight noted there is concern from time to time with issues raised at Planning Board hearings that are not strictly in the purview of the Planning Board. She stated the Planning Board sent letters to the Selectmen, with all due respect, to bring things to their attention. The Planning Board adjourned to Powers Hall to continue their meeting.

7:45 p.m. – Powers Hall, Needham Town Hall.

Public Hearing:

7:45 p.m. – Amendment to Major Project Site Plan Special Permit No. 1995-09: Needham Driving School LLC, 910 Highland Avenue, Needham, MA, Petitioner (Property located at 902-910 Highland Avenue, Needham, MA).

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

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

Robert Smart, representative for the applicant, stated this is an amendment to the existing Special Permit to expand into the Curves space. Their space is currently 662 square feet and the applicant will be adding 1,599 square feet. There will be a maximum of 50 students. He reviewed the special permits. He noted there will be a small office area and classroom space. There will be Saturday classes from 9:00 a.m. to 3:00 p.m. for 5 weeks. There will be classes during December, February, March and April vacations for 5 days from 9:00 a.m. to 3:00 p.m. and on Tuesday and Thursdays from 6:00 p.m. to 8:00 p.m. He noted parents need to attend a 2 hour class.

Mr. Smart stated there will be one teacher and one administrator. The maximum number of students at one time will be 50. He noted the parking analysis is in the zoning memo. There were 4 building occupants and now there will be three. The total parking demand is 54 and the total supply is 50 spaces. There are 47 spaces on site and 3 on-street spaces. He stated the applicant needs a waiver of 4 spaces. There was a waiver of 4 spaces granted previously. Paul Caminiti, owner, stated he has been there for 5 years. There are no changes proposed to the exterior. He stated registration is mostly on-line processes.

Ms. McKnight noted the following correspondence for the record: an email from Assistant Town Engineer Thomas Ryder, dated 9/30/15, noting the impact is minimal; a memo from Police Lt. John Kraemer, dated 10/5/15, with no safety concerns; an email from Assistant Town Engineer Thomas Ryder, dated 10/21/15, with no comments or objections; and a memo from Fire Chief Dennis Condon, dated 10/23/15, noting no issues.

Ms. McKnight asked if people would use the lot in back that is owned by the town. Mr. Caminiti stated the students are dropped off or ride bikes. Mr. Alpert asked if there were bike racks that the students can use. Mr. Caminiti stated there is one near Café Fresh Bagel that the students use. Mr. Eisenhut suggested the landlord be asked about looking into a space for a bike rack. Giancarlo Micozzi, landlord, stated he will look into it. Mr. Caminiti clarified there are bike racks across the street at the park.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to close the hearing.

Mr. Smart stated the draft decision does not make reference to the December vacation classes. December needs to be added to the first page, Section 1.6 and in Section 3.6.

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

VOTED: to grant a Major Project Site Plan Review Amendment as required under the terms of the application that the Board grant a Special Permit for more than one non-residential use on a lot and for a private school in the Avery Square Business District and to waive strict adherence with the off-street parking requirements of Section 5.1.2 (Required Parking) and grant the required waiver of 4 parking spaces.

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

VOTED: to approve the Special Permit decision as the Board's own with the edits discussed.

8:15 p.m. – 1001 and 1015 Central Avenue Definitive Subdivision: RRNIR, LLC, 20 Beaufort Avenue, Needham, MA, Petitioner (Property located at 1001 and 1015 Central Avenue, Needham, MA). Please note: This hearing has been continued from the June 23, 2015, August 11, 2015 and September 29, 2015 meetings of the Planning Board. The Applicant has requested that the application be further continued to a future Planning Board meeting.

Ms. McKnight noted the applicant would like to continue to December 1. Ms. Grimes stated she would like the applicant to stop continuing. The hearings are taking agenda space that could be used for others. A motion was made to grant a continuance to 12/1/15 with no further continuances as to the commencement of the initial public hearing. Ms. McKnight asked if there were any issues regarding this site. Ms. Newman noted the demolition permit was issued. Ms. McKnight asked if there were any issues brought by the abutters. There have been no complaints.

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

VOTED: to grant a continuance to 12/1/15 with no further continuances as to the commencement of the initial public hearing.

ANR Plan – 61 Kingsbury Street (Ruth Bonsignore, Petitioner).

Ruth Bonsignore, of 55 Kingsbury Street, stated a developer bought the abutting property. She made a deal to buy 73 feet of the property. She plans to build a 2,800 square foot house for her mother next year and would like a buildable lot. The shed is within 2 ½ feet of the property line. The overhang on the landing will be short of the 12 ½ foot offset. There is a note on the plan that lists all this. Mr. Eisenhut stated it is pretty straightforward.

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

VOTED: to endorse the subdivision ANR.

Discussion of Permit Conditions and Issuance of Temporary Occupancy Permit: Major Project Site Plan Special Permit No. 2014-06: New Garden, Inc., 250 Chestnut Street, Needham, MA, Petitioner (Property located at 40 Chestnut Place, Needham, MA).

Douglas Stefanov, of Stefanov Architects, gave a letter to the Board highlighting the differences in the original plan. He noted the paving contractor failed to put in the sidewalk, they have restructured the roof of the building and eliminated curb cuts. The sidewalks will have to be level with the street and cannot keep cars off it. He would like to suggest the existing sidewalk end at the dance studio. There are some issues with drainage. Ports will be put in.

Mr. Eisenhut stated Mr. Stefanov was arguing for an amendment to a Major Project Special Permit. This is not diminimus to him and he does not want to discuss what the applicant will do to fix this. He will not approve issuing a permanent Certificate of Occupancy until the applicant goes through the process to get an amendment with a public hearing and 4 votes. He feels it will be a hard sell on an amendment. Ms. McKnight stated there should be a discussion because a failure to build in compliance with the terms of a special permit is very serious. Ms. Newman noted some issues are to be bonded. The Board could vote the timeline, authorize the Planning Director to get a bond amount, set aside the funds and get a signed agreement.

Ms. Grimes commented she has been to the site twice. How do you define a sidewalk? She feels this is diminimus. There is ample space to walk and there is clear pedestrian access in her opinion. Mr. Eisenhut stated it is a safety issue and not diminimus. Ms. Grimes stated the spaces are lined. There is no confusion between parking and walking. Mr. Alpert stated it is a request for a temporary occupancy permit tonight. These issues are a future discussion.

Ms. McKnight recalled the reasons the Board had for wanting the sidewalk. She thinks there are 2 violations of the plan. One strikes her as a minimal change. Immediately in front of building the walkway is not elevated – it is at the same grade as the parking lot. The handicap spaces are right in front of it which is no issue for wheelchairs. If that were the only failure to comply with the plan she would be ok with that. The applicant could just come back with an application for a diminimus change. The reason the Board wanted sidewalks was for pedestrians coming from Chestnut Street down to the restaurant. The Board wanted a sidewalk for pedestrian access. To have the sidewalk at grade does not work. The applicant stated the reason for that is drainage. If there are drainage issues the issues will have to be resolved and the applicant would have to come in for a new public hearing for a major modification.

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

VOTED: to grant a temporary Occupancy Permit for 90 days subject to the conditions outlined with a bond satisfactory to cover the work items.

Presentation on M.G.L. Chapter 40B Project: A Street Residential, LLC, c/o Normandy Real Estate Partners, 99 Summer Street, Boston, MA 02110, Petitioner (Property located at the corner of A Street and Second Avenue, being a portion of 77 A Street, 189 B Street, 156 B Street and 0 A Street in the New England Business Center Zoning District).

Roy Cramer, representative for the applicant, stated he would like to give a summary of the project. This is a 390 unit 40B project and the Board of Selectmen has signed its consent for a 40B application to the ZBA. All departments have commented and there are no issues. This project has been well received.

Brian Roessler, of Elkus Manfredi Architects, described the project. The applicant has created an overall master plan using landscaping. The landscaping around Second Avenue is consistent with the rest of the site and the lighting is consistent with all sites. There are 390 units and 5 levels approximately 60 feet in height. The garage is surrounded on 3 sides by the building. There is an elevator and stairs. There are 2 internal courtyards and one has a pool. The affordable units will be scattered about. There will be amenity spaces with vertical and horizontal architecture treatments. Most balconies are internal in the courtyards. There are some common materials in the buildings and a durable paneling system.

Mr. Eisenhut asked about the waivers. Mr. Cramer stated the FAR is about 2.31. It is a 5 acre mixed use site with 8 surface parking areas. It is 15 feet all around with 20 foot side and rear setbacks. Mr. Alpert asked how many 1, 2 and 3-bed units there are. Mr. Cramer stated there are 39 3-bed units, one bed units are 50% of the project and 2-bed units are 38% of the project. There will be 19,000 square feet of retail and 128 East is within walking distance.

Ms. McKnight asked what the issues were that were expressed at the ZBA hearing. Mr. Cramer noted the abutters from Highland Terrace had questions about traffic. Several abutters asked about lighting. Ms. McKnight stated she took a ride out and you can see the roof of the existing garage and you can see lights on top of the roof. Ms. Newman asked if there were strategies to use light sensors or something. Kevin Daly, of Normandy, noted there are safety concerns within the garage. The employees work all hours. The applicant is looking at the issues but they need to balance that with safety. Ms. McKnight asked if the Second Avenue residents will participate in the van service. Mr. Daly stated they are looking at that.

Ms. McKnight noted the walkway along Charles River is under construction now. Mr. Eisenhut noted the condition considering a transportation service for citizens is a good one and should be included. Ms. Newman asked if there was any money dedicated for improvements to the park system along the river and was informed no. Ms. McKnight asked if there was access to the playground on Highland Terrace. Mr. Cramer noted access was by Second Avenue to Highland Avenue. Ms. Newman noted the Board should call out a concern about lighting on the top floor. She would like to see some improvements along the Charles River and property.

A motion was made to support the project subject to the concerns raised. Ms. Newman stated she would like some assurance as to lighting, some type of 128 Business Center Council and adequate funds to manage transportation improvements.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to support the project subject to the concerns that the Planning Director has raised such as lighting, the 128 Business Center Council and adequate funds to manage transportation improvements that are recommended.

Vote and Decision: Major Project Site Plan Special Permit No. 2015-05: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property is located at 77 A Street, 156 B Street, 189 B Street & 0 A Street, Needham, MA 02492).

Roy Cramer, representative for the applicant, suggested the Board close the hearing. He noted he went over the decision and has some comments. There are no major issues. He feels it would be helpful to go over the comments. He will do a red lined version with comments and send them via email. Mr. Daly stated he has met with the owner of 300 First Avenue on 3 occasions. He wanted some connectivity and a more cohesive environment as you walk along. He thought they were there but in the last 24 hours they have not heard anything from the abutter.

Mark Roopenian, of Normandy Real Estate Partners, stated he had 3 meetings with the abutter. The abutter does not feel connected to the overall park. The applicant took down the fence between the properties. The applicant has hired a landscape architect to hear Mr. Goldberg's concerns and they came up with a plan. The applicant will change the parking lot lights, create a speed table out of brick pavers and there will be heavy landscaping. It is not insignificant. It is a large expense but the right thing to do. The abutter called last night to ask for something on another property in another town. He stated he is happy to do the landscaping part.

John Fantasia, representative for the abutter, stated there are some additional issues to go over with Normandy. The traffic is the biggest issue. He would like a little more time to discuss. Ms. Grimes commented she wants the client to be conscientious of the Planning Board timeline. The Board will close 128 East and will close 128 West on 11/10/15. Mr. Alpert stated he wants to reiterate what Ms. Grimes said. He wants this closed on 11/10/15.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to close the 128 East hearing.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to continue the hearing for 128 West to 11/10 for a limited purpose.

Vote and Decision: Major Project Site Plan Special Permit No. 2015-07: Great Plain Hospitality, LLC, d/b/a RFK Kitchen, 42 Birch Street, Needham, MA, Petitioner (Property located at 948 Great Plain Avenue, Needham, MA).

Ms. Newman stated Mr. Cramer went back to the Design Review Board (DRB) and made some modifications to the floor plan and exterior façade. The DRB has approved and the applicant has filed the approved plans. This is still a full service restaurant. The back of the property is the same with a new enclosure for the dumpster. The applicant has added 2 benches along Dedham Avenue that were discussed last time. The floor plan is going to be moved around somewhat. The entrance had been moved a bit down Dedham Avenue and is now moved a bit back toward Great Plain Avenue.

Ryan Noone, project architect, noted the entry is shifted down toward Great Plain Avenue to allow people to get to the crosswalk and the floor plan has a more open kitchen. The awning over the entry is about 18 inches. There are 2 benches with planters on either side. The windows are transparent. There is a regular dining area with a bar. The basement is a prep space and storage. Mr. Cramer noted Section 3.1.2 and 3.1.1 and asked if it is necessary for the Planning Board to have approval rights if the applicant wants to sell. Ms. Grimes stated the Board did this with the Rice Barn. It seems silly to come back when selling to someone for the same use.

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

VOTED: to adopt the Major Project Site Plan Special Permit decision as drafted by the applicant's counsel.

Vote and Decision: Amendment to Major Project Site Plan Special Permit No. 2004-01: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property is the location of the Needham High School at 609 Webster Street, Needham, MA).

Ms. Newman noted the applicant came back with a sketch plan of how the upgrade will be done. Ms. McKnight stated the landscaping plan approved by this Board was not adequately implemented. She feels this is a good time to raise the issue again to enhance the landscaping behind the school on the Webster Street side. Ms. Newman stated the Board approved the plan as one of the exhibits in the decision. The Board needs an As-Built landscape plan under 3.3(b). The Board approved issuance of a temporary occupancy permit and bonded it. Ms. McKnight stated there are some trees in the lawn from the bus circle that have died. The applicants are going to replace a couple of trees. The decision reflects that.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to approve the amendment to the Special Permit.

Correspondence

Ms. McKnight stated the By-Laws approved by the Attorney General were approved at the May Town Meeting and are now part of the Zoning By-Laws. She noted the Planning Board schedule and a clipping from the New York Times sent by Sam Bass Warner.

Minutes

The minutes were in draft form. Members passed the changes in to Assistant Planner Alex Clee.

Report from Planning Director and Board members.

Ms. Newman wanted to talk about Town Meeting. She wanted to call to the Board's attention the first time acceptance of an easement through a subdivision. The first one is Rockwood Lane. She will warn Moderator Michael Fee. It could possibly divert a little. Mr. Alpert asked if this could be deferred until spring. Ms. Newman noted it is on the warrant. She stated there is a site supervisor at Rockwood now. Mr. Eisenhut suggested the Board should prepare a chronology.

Ms. McKnight commented the Board should note the need for modifications on the Needham Center parking lot. She is observing along the platform a row of trees were planted that are now mostly dead. There are still big beds of stone where there were planting beds. One tree is thriving but beyond that tree the area around the other trees were paved and the trees are dead. She is not sure where the towns lease begins and ends. Who did the paving? Was it the MBTA and can the Selectmen do anything about it? Ms. Newman noted the Belle Lane tri-party agreement needs to be signed. It has been approved by Town Counsel.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by the four members present unanimously:

VOTED: to adjourn the meeting at 10:58 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in blue ink, appearing to read 'Elizabeth Grimes', with a long horizontal flourish extending to the right.

Elizabeth Grimes, Vice-Chairman and Clerk