

NEEDHAM PLANNING BOARD MINUTES

April 2, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, April 2, 2019, at 7:00p.m. with Messrs. Jacobs and Owens and Mmes. Grimes and McKnight, as well as Assistant Planner, Ms. Clee.

Discussion of Citizens Petition: Joshua Levy

Joshua Levy noted this petition adds some predictability in terms of content and timing to Town Meeting. This will create 2 business meetings – one in the Spring and one in the Fall. The zoning articles would be in the Fall. He noted the annual Town Meeting is quite long and the separation out to the Fall would be beneficial. He noted Dedham, Natick and Westwood all divide their time between 2 meetings. Spring is mainly for budget articles. This gives a bit of flexibility for zoning articles. He noted predictability is a benefit. The hope is this will reduce the number of nights for Spring Town Meeting.

Mr. Alpert asked, other than the zoning articles, what does Mr. Levy see moving to the Fall Town Meeting? Mr. Levy noted only the zoning articles. Mr. Alpert stated the only change is requiring the zoning articles in the Fall. He is not sure if this is a Town charter amendment article. Zoning articles could be brought in the Spring if necessary, but this requires a Fall Town Meeting. Currently the Town only calls a Fall Town Meeting if there is a need. Mr. Levy stated this article speaks to the Annual Town Meeting only. He does not want to tie the Planning Board's hands. It is important to have predictability for when there will be zoning articles.

Ms. Grimes does not feel it is a good idea. The Board's hands are already tied by the Board of Selectmen in terms of how many articles the BOS want to see on the warrant in the Spring. The Board of Selectmen feels all zoning should be in the Spring. This is completely tying the Planning Board's hands and making their jobs almost impossible. She does not think Mr. Levy has any idea of how much the Board of Selectmen pressure the Planning Board into how many articles they allow the Planning Board to bring to each Town Meeting. It is a constant struggle for the Planning Board and is a big problem. When Town projects are in play the Planning Board has to assist in moving those forward, so to limit in any way impedes the Town from moving forward with projects. She would love to see 6 articles in the Spring and maybe 4 or 5 in the Fall. It is a detriment to limit this in any way and she would be vehemently opposed.

Mr. Alpert stated he cherishes flexibility. The more you have the better it is. He discussed the process. There are meetings, public hearings, changes are made in the proposed articles based on the public hearings and there may be a need for a second public hearing. If zoning articles are restricted it should be in the Fall and not the Spring. People are away for the summer and do not come to meetings. There is no time to prepare for a Fall Town Meeting. Mr. Jacobs noted September is also a bad month to get people. For the Spring Town Meeting there is January, February, March and April to prepare. Ms. McKnight agreed. She noted it also comes down to customs in various towns. This Board works hard on zoning articles and spends a lot of time perfecting them. Generally the Board only meets once in July and August. It is difficult to have more than 2 meetings in the summer. She stated she would not vote without an opinion from Town Counsel. She would like to know if this would violate General Laws c. 40A.

Mr. Levy stated he spoke with Town Counsel and they were both unsure. He is looking further into it. Ms. McKnight commented that generally a Fall Zoning Article is because the town needs something enacted. Mr. Owens stated he admires the creativity and initiative. He asked if Mr. Levy believes if there is really support for this at Town Meeting. Mr. Levy stated he spoke with several Town Meeting members who were enthusiastic but others were not. Mr. Owens stated he worries about the law of unintended consequences but he tends to go along with the other Board members.

Public Hearing:

7:15 p.m. – Article 1PB: Amend Zoning By-Law – Self Storage Facilities in Mixed Use – 128 District.

Mr. Alpert noted this is a Citizens Petition to allow Self Storage.

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

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

Attorney Robert Smart, representative for the applicant, stated his client owns a parcel of land in the Mixed Use 128 District with frontage on Wexford and Charles Streets. He noted he has a Citizens Petition signed by 42 citizens for an Article that would allow self storage in Mixed Use 128 by Special Permit. The Article provides a definition for self storage facilities and also establishes a parking standard to be added to the parking section of the By-Law. In 2006, Curves was added as a use in the Center Business District. In 2011, single family and 2 family uses were added as of right in the Neighborhood Business District. The marijuana use was added in 2014. There have also been some Citizen's Petitions that have been supported by the Planning Board and were passed by Town Meeting. He noted 5 properties were rezoned on the right side on Central Avenue. He also described multiple past projects. He noted, if this passed, Blue Hawk would apply for approval for a special permit for self storage at 77 Charles Street. This would include some kinds of pedestrian-generating activities on the first floor along Charles Street and Wexford Street. It could be restaurant or retail. He commented he hopes the Board will support the Article.

Paul Ferreira, principal with Blue Hawk Investments, stated Blue Hawk is a real estate investment group. He noted he has redeveloped a number of Class A properties. He commented Blue Hawk has a pretty good reputation for Class A projects. He noted he last met with the Board in December to discuss the process for a use change. The Planning Board outlined 3 options. As a result he decided a Citizens Petition filing could help alleviate the burden of time on the Planning Board. They have commenced an extensive outreach program with abutters, citizens and other business owners. They have contacted all area abutters and none registered any objections to including self storage in the MU128 District. He believes the proposal will be a catalyst to revitalize the area and will bring business to this area.

Mr. Ferreira noted there will be substantial tax revenue. It will be low impact on town services and will have low traffic and parking impacts. He noted self storage is passive in nature. This project will activate the streetscape with attractive retail while offering significant economic benefits. Eric Vogel, Design and Construction Manager, Blue Hawk Investments, stated this is a precursor to open meetings to view designs and progress. He looked at what the intent of the Mixed Use 128 District is and what the vision is. He then sculpted that into a conceptual plan. The vision creates a mixed use commercial area and focuses on the population that occupies the area. He looked at current and future uses of the area.

Mr. Ferreira noted they looked at different uses for this area. They looked at parking and feel self storage is a good use if you can counter the passive use of it. He noted the middle of this site cannot work under any zoning without adding a whole bunch of parking. Mr. Vogel stated this project is getting parking off the street and putting it adjacent to other parking. He explained their thinking as they developed this plan and discussed the appropriate architectural elements.

There were no comments from the public. Ms. McKnight stated the applicant seems to be saying there is no economic feasibility for other uses. She commented she does not understand why that would be the case. She wants a lively use in this area. Why, for example, is a parking garage with offices not feasible? Why not a nice office building? Mr. Ferreira stated he could easily do an office. He looked at the vacancy rates, construction costs and such and the demand will not support it. If office was a viable use they would be discussing office. Anything else would create a lot of traffic and there is already a traffic issue here. He feels this area needs streetscape retail and not more office.

Ms. McKnight noted the downtown Overlay District allowed for multi-family housing with first floor retail. She stated retail is difficult these days. She is doubtful of retail as being a viable use. Mr. Ferreira stated he feels Ms. McKnight has a good point, but thinks there is enough scale in this area. He feels retail could provide a service just from the office buildings nearby. It needs to be merchandised right. He feels a bakery could be good there. Ms. McKnight asked what use was there now and was informed a flex office, bike store and golf simulation company. It is single story.

Mr. Jacobs stated he really likes this idea and is all in favor of it. Ms. Grimes stated she is adamantly opposed. Mr. Alpert stated he will hold his comments for the presentation. He commented he is disappointed more of the public is not at the meeting. Ms. Grimes stated self storage in Needham is not her vision. The goal is to plan for the future. She does not want Needham to become Waltham in the next 5 years. She thinks the vision is great and appreciates it. This is not just for their lot but for all of Mixed Use 128. The Board could have 3 others coming in next year. She feels this is opening a can of worms.

Mr. Ferreira stated he would submit that when people drive by this they will not know this is self storage. Mr. Alpert gave the history of the Hillside Avenue self storage and the Industrial District. He noted how "storage" was removed from the Mixed Use 128 District when it was created in the early 2000's. Mr. Smart stated he believes self storage can work in this district. The Town has the opportunity to determine what makes sense in this district. Mr. Ferreira noted there are 2 options: do this or keep it as flex office. He feels this is a good use.

Mr. Alpert stated he is hearing the applicant is willing to work with the Board on the vision of retail on the first floor. The question becomes what would the rest of the building be that can be economically supported. He hears from the proponent that self storage is the best use but something else could be done. Mr. Ferreira stated he does not feel there is any other use. He cannot justify building anything new without the retail. Self storage is a pretty high value use. He noted he is going through the same process right now in Watertown, which allows self storage as of right. He is always concerned with too much, but feels this will be the only one in this area.

Ms. McKnight stated the developer at the Hillside self storage had a lessee in mind. She drove around and looked at examples of the lessee's facilities. She asked if the applicant has a lessee in mind. Mr. Ferreira stated there was a lessee in mind but they have not committed to anyone yet. He noted Blue Hawk has a project in Marlborough. Marlborough does not really care about doors and design. He stated Mr. Vogel designed it well. Ms. McKnight asked if this Article were drafted so as to require a combination of uses. She stated there would have to be retail or restaurant on the first floor in order for it to be more acceptable. She feels complicated amendments cannot be presented at Town Meeting.

Mr. Ferreira noted the town actually already has it. Retail is already an allowed use; the Board could withhold approval if there is no retail proposed as part of the project. He feels Ms. McKnight is saying the way to go is to create a mixed use storage. Mr. Alpert noted the following correspondence for the record: a letter in support of Mixed Use 128 on Charles Street with 14 signatures; a separate letter in support from Sira Natural and a letter in opposition from William Curtis.

Informal Discussion with Bob Smart: 766 Chestnut Street.

Robert Smart stated this is a potential ANR plan for 766 Chestnut Street. He supplied a copy of the statute G.L.C. 41 Section 81P and the definition of subdivision. He gave the site history from the Needham GIS map. The parcel is about 6.5 acres with an old 15 foot right-of-way that runs within the bounds of the lot and continues past the property. The map shows the dates each property was built. In 1914 the land was owned by Hannah Pond. She sold Lot D to Constantine Hutchins and retained Lots A, B and C. Lot D is land locked so the right-of-way was created for access to Chestnut Street sometime before 1916. The deed includes the right to pass and repass. In 1928 the owner of Lots B and C divided to Lots E, F and G. Lot H, which is 4.314 acres came out of Lots E and F on the 1928 plan and was added to Lot G to make Lot G wider. Lot H was divided in 1981 to Lots H1 and H2 and a triangle piece was added to Lot G.

Mr. Jacobs asked if the right-of-way with the 15 foot width has served the 9 houses since 1965. Mr. Smart stated it has. His client wants to divide a roughly 6 acre lot. The existing house will be left as is with the same frontage.

His client would like to add one lot with requisite area and frontage. Mr. Alpert pointed out the Zoning By-Law defines street or way. Joyce Hastings, of GLM Engineering Consultants, Inc., explained the conditions of the right-of-way. This past fall Koby Kemple, owner, put a gas line down the road so the driveway is paved and runs 15 to 16 feet wide down to 12 feet wide. This spring some sections will be repaved.

Mr. Jacobs asked if the whole length would be 15 feet wide. He was informed it will be the same width it is now. Mr. Jacobs asked whether the 15 foot right-of-way is the whole length but it is not necessarily 15 feet of paved width. Ms. Hastings confirmed that is correct. She noted it also widens out past the client's property. The proposal is to have another driveway entrance off the right-of-way. Mr. Smart stated he has not filed the official ANR plan yet. Mr. Alpert noted the right-of-way has been in existence since 1960. If the Fire and Police agree the 15 foot right-of-way is wide enough to provide emergency access he is good with that. He noted it sounds like the Planning Board has the authority to deny the ANR if they find the road is insufficient for emergency vehicles. Mr. Jacobs asked if the applicant would be willing to widen the road to 20 feet if the Police and Fire want that. Mr. Owens stated he would like to hear what the Police and Fire say. Mr. Jacobs agreed that Police and Fire input was necessary before being asked to sign an ANR. Ms. Grimes noted she does not feel it is a problem. If the Fire Chief says no the house can be accessed from Chestnut Street.

Ms. McKnight stated she would like to see the right-of-way widened to 24 feet wide and pave 18 feet wide for 2-way traffic. She feels that is an adequate width. She feels there should be a formal application under the Subdivision Control Act. Mr. Smart noted he thought about filing a formal application but it does not make sense. The statute provides alternatives to the formal process. He does not feel it is necessary to do a formal subdivision. The Board could say they want an additional paved width and could do an ANR without a formal process. Ms. Grimes stated she would vote against a full subdivision because there is no circle and such. She is fine with this. Mr. Jacobs stated the one lot they are talking about is the easiest to get to. He would be looking for input from the Fire Department but this road has been there so long it has proven its width is adequate.

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

Report from Planning Director and Board members.

Mr. Alpert noted he and Mr. Jacobs met with the Board of Selectmen to discuss the zoning articles. They advised the Board of Selectmen that the Planning Board is not going forward with amendments to Highway 1 Commercial Zoning at this time but would move as quickly as they can to get it to Town Meeting. The Planning Board would like to bring it in the Fall Town Meeting if able. He noted there was some pushback on the schedule for the Fall Town Meeting. The Selectmen had no problem with Accessory Dwelling Units (ADUs) and are supportive.

Mr. Alpert noted the proposed amendment for 433 Chestnut Street was discussed and it was noted there was not much in the way of changes being made. The Selectmen seemed to accept the technical changes. There were 2 issues – getting rid of the first floor having to have retail, and height. After discussion, his feeling was there may possibly be 3 votes from the Selectmen if it was knocked down to 4 stories. There would not be support at 5 stories and 60 feet.

Mr. Owens noted the Sandy Silk letter from Jefferson Development. The MBTA is supportive of the inclusion of their lot in the area to be rezoned and have expressed a willingness to continue the lease. He noted it is impossible to build a structure on the MBTA land with the MBTA constraints. More feasible would be a 5 story, 60 foot height with parking below and 4 stories of residential. Mr. Owens feels it is either 60 feet or the article be withdrawn. Mr. Jacobs agreed but he asked if it was accurate to say no one will develop this parcel without rezoning. Sandy Silk spoke, stating that this land has a use today. Hartney Greymont has leased it for several hundred thousand dollars a year. Hartney Greymont has made no overtures about wanting to leave. It is a good location for them. It is valuable for a tree company and is very accessible. The challenge of size and scale of the project is one of value. The economy of scale is dramatically reduced when you go to 75 units with 3 stories of units over one story of parking. That is 25 units on a floor with roughly the same number of parking spaces. The surface parking spots are less desirable. The alternative is to build 4 stories with all surface parking which the applicant does not think is viable in this market or 3 levels of residential with one level of parking but that is not financially viable.

Mr. Jacobs asked if it has to be 5 stories to be economically viable or 4 with a 5th story set back. Ms. Silk stated it has to be 5 stories with a top floor pitched within a height limit of 60 feet. Mr. Alpert stated the MBTA triangle would need to be rezoned in order for the setbacks from Residential zone to not apply. He asked if Ms. Silk would be able to use that triangle for anything else. Ms. Silk stated that it would be used for parking. Ms. McKnight commented she anticipates the rents would be greater than at Webster Green which are about \$2,400 per month. Ms. Silk noted the rent would be comparable to Charles River Landing.

Mr. Jacobs feels Mr. Owens is saying go back to 5 stories and 100 units or forget it. Mr. Alpert feels that it is reasonable to look at it that way. Mr. Owens noted the point the Selectmen made was that they were so concerned with height and density they want nothing built. Mr. Jacobs noted that is correct. Given what he heard, if it were to go back to 5 stories and 100 units, there would be no support by the Selectmen. Ms. Silk stated, if it were brought down to 48 feet, it would tank the project. She noted the site is in a bit of a depression and may not even be able to be seen. Mr. Alpert commented he does not feel it would be seen. He agrees with Mr. Jacobs and Mr. Owens to go forward with what they have, send it to Town Meeting and see what happens. Ms. Grimes agreed. Ms. McKnight stated she would go along with that but feels new sketches may be helpful. Mr. Jacobs would like to have facts and figures at Town Meeting that could be shown to support economic viability if it could get above 4 stories. Ms. Silk stated she could do something like that. She would suggest the Planning Board engage a peer reviewer to look at the fiscal analysis and traffic study. That gets a third party to look at it and that person could be asked for the economic viability. It would give more credibility if vetted by someone else. She noted Barry Abramson did that for the City of Malden.

Correspondence

Mr. Alpert noted the following correspondence for the record: an article from the Needham Newton Chamber of Commerce by John Rufo regarding Proposed Zoning Initiatives; an article titled "Northland modifies Needham Street mixed use project"; an email from Rick Hardy, dated 3/28/19, regarding 1473 and 1479 Great Plain Avenue and a draft of the Town of Needham Demographic Economic Profile and Housing Profiles.

Mr. Owens noted 1180 Great Plain Avenue which is owned by the Congregational Church. He stated it is being sold for development and is going through review by the Board of Selectmen. It will be 2 stories with 16 units and 4 would be affordable units. He noted this is a problematic site for parking and no one has informed the Planning Board. Ms. Clee stated this came in one week ago to everyone's surprise. She was told there was a very preliminary meeting a while ago, then this came in last week. Ms. Clee explained the process for the site eligibility process and noted the Selectmen have invited the Board to attend the applicant's presentation on April 23.

Ms. Clee stated the Planning Board required a lease and easement plan before a building permit is issued for 13-15 Highland Place. She received it today and asked how the Board wanted to handle it. Ms. Grimes suggested the members review it electronically and all agreed. Ms. Clee informed the Board the dumpster at 1056 Great Plain Avenue will be moved immediately but the enclosure cannot be built until there is better weather.

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

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Martin Jacobs, Vice-Chairman and Clerk