

NEEDHAM PLANNING BOARD MINUTES

April 19, 2022

The Special Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, April 19, 2022, at 7:15 p.m. with Messrs. Block and Crocker and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. 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. He noted this meeting does include 2 public hearings and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Mr. Alpert welcomed new Planning Board member Artie Crocker to the Board.

Public Hearings:

7:20 p.m. – Amendment to Major Project Site Plan Review No. 2018-05: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 28 Glen Gary Road, Needham, MA). Regarding request to remove Condition 3.2 of the existing decision, which would then allow the temporary move of the Needham Public Schools (“NPS”) administrative staff.

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

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

Town Counsel Christopher Heep stated the Town is requesting an amendment to allow the school administrative staff to relocate to the former Hillside School temporarily. The Special Permit, issued in 2008, authorized temporary construction and use for the police and fire departments. That has now concluded. The special permit required the Town to return the property to the original condition upon the completion of use. The main issue last summer was how long the construction fence could stay up. It has now been removed, the parking restriped, and the property has been returned to the previous condition. A stamped As-Built plan with the conditions has been submitted.

Mr. Heep noted the school administration will go there temporarily while Emery Grover is renovated if the funds for the renovation are approved at Town Meeting. The use of the property does not require any relief other than a change to the existing special permit. There are no changes under Section 7.4 and no additional parking. Condition 3.2 stated there be no use of the parking lot for municipal parking except for drop off. The parking lot would need to be used for employee parking, so they are asking the condition be removed. No construction is contemplated. He would request the condition be taken out of the permit.

Mr. Alpert noted the following correspondence for the record: an email from Fire Chief Dennis Condon stating he is ok with the change and an email from Tara Gurge, of the Health Department, noting no comments at this time. Mr. Alpert stated he is confused about deleting 3.2 and if that would delete the requirement for no overnight parking and was informed it would. Mr. Alpert feels that should be left in. Mr. Heep stated he does not anticipate any overnight parking but there could be unanticipated overnight parking. Mr. Alpert asked if the As-Built plan has been submitted and accepted. Ms. Newman stated it is fine. Mr. Block asked why did the Board prevent overnight parking for the previous use. Mr. Heep did not know what the concern was. Hank Haff, Director of Building Design and Construction for the town, noted the police and fire worked 24/7 so there was parking overnight.

Ms. McKnight asked how long it is anticipated the property would be used. Mr. Haff noted the Emery Grover project will begin construction in December 2022 and it would be an 18-month project. He anticipates the school will be used for storage and other things until the town decides to demolish it. Ms. McKnight stated she drove there, and the site looked

clean. She sees no issue with this application for the change requested. Mr. Block noted, in the event the Emery Grover Article is not approved, there would be a situation where the special permit has been amended. The Town will have to come back for a future use. Mr. Heep does not believe it would affect anything. Mr. Haff noted there would be the replacement of some fresh air intakes, air conditioning and a boiler replacement to accommodate the school administration use. All will be maintained until the building is demolished.

Louis Wolfson, of 29 Cimino Road, stated he has no issue with the proposed parking. He asked the current status of the property. It is down gradient of the MDL property. He worries about the future development of the Hillside School property. He asked what adaptive revisions could be done in the future and the status of the Department of Environmental Protection (DEP). Mr. Haff noted the building continues to be monitored for fresh air quality. Any work done on site requires monitoring by a Licensed Site Professional (LSP). The current agreement on the property is that when the schools no longer have use of it the property will be transferred to the Select Board. It will continue to be monitored for interior air quality. Ms. McKnight stated she had heard Hillside might be used as a swing space in connection with future school renovation. Has it been determined it is not feasible? Mr. Haff stated it has been studied. All required code updates would be necessary if used for a school and it would be quite costly. It is not impossible.

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

VOTED: to close the hearing.

Mr. Alpert noted the decision will be drafted and the relief will be voted at the next meeting.

Report from Planning Director and Board members.

Katie King noted the Planning Board and Select Board met regarding the zoning article for breweries. The Planning Board would frame the zoning amendment article, go to Town Meeting, then the Select Board would make any changes to the liquor license regulations necessary based on the framework of the approved article. She recommends, and requests, the Planning Board withdraw the zoning article from the May Town Meeting Warrant and defer it to the Fall Town Meeting. This would allow the Select Board to run a full process on the licensing side so they can go to Town Meeting more comprehensively. Mr. Block commented it makes sense to ensure the zoning and licensing framework are in line for when they go to Town Meeting. Mr. Alpert believes, by deferring to the Fall, they are opening up the draft of the proposed By-Law amendment and legally starting from scratch. There will be a new public hearing and they will have the ability to make changes to the proposed By-Law. The Board will be republishing it. Concerns that have been raised could be addressed and it could be squared away for the Fall meeting.

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

VOTED: to withdraw the Article for Town Meeting with respect to breweries and pick it up at such time as the Board is prepared to return to Town Meeting in the future.

7:45 p.m. – Amendment to Major Project Site Plan Review No. 2008-08: The Learning Tree Preschool, Inc., 225 Highland Avenue, Needham, MA, Petitioner (Property located at 225 Highland Avenue, Needham, MA). Regarding request to expand its current operation at this location to include the abutting former UBreakiFix tenant space.

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

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

George Giunta Jr., representative for the applicant, noted this is the commercial building at the corner of Highland Avenue and Wexford Street. It is a 2-story building on a lot under 16,000 square feet. The top floor has Gardiner Mattress. The first floor has Snip Its on the corner, then a vacant space, and then the Learning Tree Preschool. The preschool currently has 1,109 square feet. There is a common hallway and bathroom. The Learning Tree Preschool was established in 1997 and is operated in 3 locations. The owner would like to expand into 779 square feet of vacant space next door. There would

be minor non-structural alterations and an additional enrollment of 19 students and 2 staff for a total of 42 children and 7 staff. The use and hours would stay the same.

Mr. Giunta Jr. noted the use is allowed as of right and is an exempt use. Under MGL Ch 40A, Section 3, the issue is the existing approved site plan uses. The uses should be x. The preschool use is not in the framework of the existing special permit. There needs to be an adjustment in the parking waiver, but the parking demand has gone down. UBreakiFix and upstairs Gymboree required 39 parking spaces. Now 38 spaces will be required. There are only 22 spaces on site and 5 off-site so there is a shortfall of 11 spaces. There is a net improvement. Gardiner Mattress does not have anywhere near the traffic Gymboree had so the parking situation is much better. Mr. Alpert asked, with only 22 spaces there, how has the flow of pick up and drop off been with the current enrollment and will there be much more traffic with 19 more students? Are there any changes to the play area? Maura Dinnegan, owner of Learning Tree, noted the children are scheduled for the play area per class. Only 10 children at a time can go out. She noted the traffic is fine. The drop off is between 8:00 a.m. and 9:00 a.m. and pickup is 3:00 p.m. to 5:00 p.m. The parents do not go into the school, and it runs smoothly. She noted it is easier for them with the parents not going into the school and they have kept it like that. Mr. Block asked what kind of congestion has Ms. Dinnegan seen at Wexford Street and Highland Avenue. He asked how many parents drop off at 8:00 a.m. Ms. Dinnegan noted there are 4 or 5 parents dropping off at a time. Mr. Giunta Jr. noted Snip Its and Gardiner Mattress both open at 10:00 a.m. and Gardiner closes at 4:00 p.m. most days and one day at 2:00 p.m. Mr. Block noted the site plan has 773 square feet in one area and 779 square feet in another. Mr. Giunta Jr. stated 779 square feet was the original number and the new number is 773 square feet. Mr. Block asked if this required an amended plan. Ms. Newman will look at it. If so, she will require a plan modification. Mr. Crocker asked the procedure for drop offs and pick-ups. Ms. Dinnegan stated there is not a real procedure. The parents come between 8:00 a.m. and 9:00 a.m. They pull into the lot, drop off and leave. Mr. Block commented he had a concern with congestion on Wexford Street but it is fine.

Mr. Alpert noted the following correspondence for the record: a letter from V.S.A., LLC, the Landlord, authorizing Mr. Giunta Jr. to make application; an email from Fire Chief Dennis Condon, noting he is ok with this; an email from Town Engineer Thomas Ryder with no comments or objections and an email from Tara Gurge, of the Health Department, noting the previous comments remain the same as July 2020. Ms. Dinnegan clarified they do not serve food. The children bring their own food. Elizabeth Kaponya, of 27 Highland Terrace and Town Meeting member Precinct J, welcomed Mr. Crocker to the Board and thanked him. She stated she was glad the Learning Tree is doing well and has no objection to this.

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

VOTED: to close the hearing.

Mr. Alpert noted the decision will be drafted and the relief voted at the next meeting.

Recommendation on Street Acceptance – Hutter Ridge Road.

Ms. Newman noted a letter from Town Engineer Thomas Ryder requesting a recommendation on the street acceptance. The street has a distance of 651 feet. He would like the Board to vote to recommend acceptance and send him a copy of the decision. Ms. Newman noted the Planning Board approved the subdivision and the performance bond was reduced down to a maintenance bond as all work had been satisfactorily completed. The street is ready to be accepted at Town Meeting as a public way.

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

VOTED: to report to Town Meeting the road is complete and the Planning Board recommends acceptance of the road as a public way.

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

VOTED: to sign the street acceptance plan when prepared by the DPW.

Board of Appeals – April 28, 2022.

329 Chestnut Street – Shweta Srivastava and Akshay Saxena, applicants.

Ms. McKnight stated she took a walk around. This is located in the basement and access is very awkward. There are steep wooden steps, no handicap accessibility and no handicap parking. Ms. Newman noted the Board could make the comment for the Zoning Board of Appeals (ZBA) to check with the Building Inspector to make sure it is code compliant and meeting handicap accessibility and parking requirements. Mr. Crocker noted this is an existing building with existing businesses. What part does ADA compliance play in being able to rent out this space? Mr. Alpert feels that is with the Building Inspector.

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

VOTED: to comment the ZBA should check with the Building Inspector to make sure it is code compliant and meeting handicap accessibility and parking requirements.

1346 South Street – Scalliwags, LLC, applicant.

Ms. Newman noted this is an increase in enrollment. This is in the Rural Residential Conservation (RRD) District and the Neighborhood Business (NBD) District. Ms. McKnight noted the frontage is in the NB District. The property slopes down so there is no opportunity to add parking. There is no striping in the parking area at all. She asked if they are going to do any parking area upgrade or leave it as it is. Mr. Alpert noted it is a ZBA application. He feels they can leave it up to the ZBA. Mr. Block commented it is setback quite a bit from South Street. He has not heard of any problems. Mr. Alpert noted it is not heavily trafficked there. Cars generally turn onto Charles River Street from there.

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

VOTED: “No comment.”

132-134 Hillside Avenue – East Rock Development, LLC – applicant.

Ms. Newman noted this is a variance. The plan is to tear down the existing 2-family and rebuild a new 2-family. Ms. McKnight thought the original variance back in 1972 was strange. The Planning Board objected at the time. The back lot has 20 feet of frontage in the Single Residence B (SRB) District. This is kitty corner to the new apartment building approved recently and next to the town houses on the corner. It is in an area where it fits with its surroundings. A motion was made to make no comment. Mr. Crocker asked what is being built and how much bigger is it than the previous? He is concerned with the green space. George Giunta Jr., representative for the applicant, noted this is the 4th one in town where a 2-family use was allowed by a use variance. This was a generic use variance. In Section 1.4.7 of the Zoning By-law there are provisions for the reconstruction of 2-families. The maximum footprint is 2,500 square feet and the maximum lot coverage is 18%. He noted with the attached garages the footprint is 2,490 square feet and it is 13 or 14% lot coverage. He noted it is a good-sized lot.

Mr. Alpert noted the current house is roughly 1,500 square feet so there is an increase of 1,000 square feet. Mr. Block stated each unit is 2,100 square feet on the 1st and 2nd floor. Mr. Crocker noted this is fairly big for the lot and more green space is being taken up. Mr. Giunta Jr. stated the strip of land running to the street is 2,100 square feet. The percentage goes up but the size of the footprint is the same size as a single family home. He noted half the increase is the 2 attached garages. Mr. Crocker commented he is concerned with the loss of green space but appreciates what they are trying to do. Ms. McKnight stated she prefers to make no comment and let a consideration of such factors be up to the ZBA. Mr. Block agreed and noted they are adding 13 or 14 trees. Mr. Crocker stated they are taking down more than that.

Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of three of the four members present (Mr. Crocker voted in the negative):

VOTED: “No comment.”

1545 Central Avenue – Needham Pool and Racquet Club.

It was noted this is to redo the paddle court facility at the Pool and Racquet Club. No comment is needed. It is just informational.

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of the three members present (Mr. Crocker was not at the meeting and did not vote):

VOTED: to accept the minutes of 2/1/22, 2/9/22 and 2/11/22 with the red lined changes indicated on the minutes distributed.

Finalize Summer schedule.

Ms. Newman noted the Board can stay with meetings via Zoom through 7/15/22. The Town has to accept the provision for hybrid meetings to have members attend via Zoom after that date, and they have not done that yet. With hybrid meetings, there needs to be a quorum in person. She noted the Board should try to have a meeting prior to 7/15. All members are ok with 7/7 or 7/19 and 8/9 or 8/16. Ms. Clee will touch base with Ms. Espada to firm up July and August dates. This will be firmed up at the 4/25/22 meeting. Ms. McKnight asked if there was any date yet for the Housing Plan Working Group meeting in June. Ms. Clee noted no date has been set yet,

Report from Planning Director and Board members

Ms. Newman noted at the last meeting she was asked to check with George Giunta Jr. regarding the Citizen's Petition change from Single Residence A (SRA) to Single Residence B (SRB) that was on the warrant for the 2021 Annual Town Meeting. Mr. Giunta Jr. and petitioner Bruno DeFazio both feel there was not a lot of support and conceded that. She suggested the Planning Board might consider changing the front yard setback to what is in SRB. Leave the zoning in place and look at an overlay district to front yard setback. Ms. McKnight commented she was disappointed Town Meeting felt the facts were not adequately presented. Mr. Alpert reminded the members this is not the Planning Board's article. Ms. McKnight asked if the Housing Plan Working Group should focus on this. Mr. Alpert noted it is a different issue. If that Committee feels it should be studied the Planning Board would have to look closer at that. Mr. Block does not feel it is the right area to achieve the goal.

Ms. Newman stated this was referred back for a Planning Board report. She asked what the Board members want to do. Mr. Alpert noted the proponents have withdrawn the article and are re-examining what they may want to do in the future. He felt the Planning Board's report should be a handout at the upcoming Annual Town Meeting.

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

VOTED: to accept the Chair's report as articulated now that the proponents have withdrawn the article and are re-examining what they may want to do in the future and to have it written up by the Planning Director.

Ms. Newman noted she is going to a meeting tomorrow morning with Massachusetts Environmental Protection Agency (MEPA) staff on the Muzi property. Highland Science Center filed an Environmental Notification Form (ENF) with MEPA. MEPA will do a consultation session remotely, which she will be attending with Rebecca Brown from GPI. Other Department managers from Needham will also be there to advise on comments that should be raised on the ENF. Any comments are due 4/28/22. There is a formal filing with dedicated space on the website which includes the ENF, notice of the meeting tomorrow and other information. Ms. Newman noted the applicant submitted a traffic report into MEFA. Other departments are giving her comments.

Ms. McKnight asked, since the brewery article was withdrawn, do the members have to attend the League of Women Voter's warrant meetings and cover the different rooms. Ms. Newman will find out but the Planning Board still has the Small Repair Grant Program article on the warrant.

Correspondence

Mr. Alpert noted the following correspondence for the record: 3 emails from Louis Wolfson regarding brew pubs and microbreweries; Dover Planning Board zoning amendments to their Zoning By-Laws with one on accessory apartments and a copy of the Annual Town Meeting Warrant from the Warrant Committee.

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

VOTED: adjourn the meeting at 9:37 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk