

NEEDHAM PLANNING BOARD MINUTES

November 1, 2022

The Needham Planning Board hybrid meeting, held in person at Powers Hall, Needham Town Hall and Virtual using Zoom, was called to order by Adam Block, Chairman, on Tuesday, November 1, 2022, at 7:00 p.m. with Messrs. Alpert and Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. He noted this meeting does include two 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. Due to a technical glitch the Zoom meeting was restarted.

Public Hearings:

7:05 p.m. – Amendment to Major Project Site Plan Special Permit No. 94-5: Coca-Cola Beverages Northeast, Inc., 1 Executive Park Drive, Bedford, NH, 03110, Petitioner (Property located at 9 B Street, Needham, Massachusetts). Regarding proposal to renovate the existing building by removing the existing 14,500 sf office wing, removal of 44,985 sf of the existing Fleet Services wing, associated storage and former railroad bay to be replaced by 14,610 sf attached new single-story Fleet Services wing and addition of 14 loading docks (see legal notice and application for more details). Please note: this hearing has been continued from the October 3, 2022 meeting of the Planning Board.

Erik Bednarik, of Vanasse Hangen Brustlin, Inc. (VHB), noted the planting plan has been revised and is improved from the previous plan. The open-area island within the parking lot has been changed to a biofiltration area with various plantings of winterberry, clethra, gray dogwoods and red maples. A wet seed mix will be used and will increase onsite recharge and improve landscaping in that area. There will be no maintained lawn. They have created approximately 935 cubic feet of depression within that zone where the water will infiltrate prior to going into the catch basin. All plants are native. The landscaping has been increased at the Kendrick Street and Third Avenue corner. There is an area of existing vegetation that will be maintained and supplemented with red maples, arborvitae, red cedars and dogwoods. Mr. Crocker asked what the heights of these will be. Mr. Bednarik noted the evergreens are in the 6-to-8-foot range and there are 24 arborvitae and red cedars proposed. Shrubs and grasses will be mixed in.

Ms. McKnight stated she walked around this perimeter. She observed the existing plantings are minimal and scrubby. She is pleased with the proposal. The line has been drawn perfectly for visibility purposes. She asked if there will be any cleaning out of the areas at the corner where the vegetation will remain, or will it be left as is. She asked to what extent will it be improved. Evans Huber, Attorney for the applicant, noted some trees will remain. Mr. Bednarik stated some trees will be removed and will be replaced with other trees, shrubs, grasses and ground cover. The plantings will all be salt tolerant vegetation. Ms. McKnight would like to be able to have the Design Review Board (DRB) give its views on the landscaping as the changes are in response to their letter. Mr. Bednarik noted the Third Avenue frontage has been upgraded. The DRB asked them to remove the lawn and replace it with ornamental grasses. The ornamental fence will be replaced with a black vinyl coated chain link fence behind the grasses. Mr. Huber stated this all addressed the comments by the Planning Board and the DRB.

Mr. Crocker asked about solar. Mark Nogueira, Civil Engineer with Design Group, stated solar cannot be put on the existing roof designed in the 1950s. Solar can be put on the new fleet roof where 8,000 square feet will be available. That will hold 337 panes for roughly 109 kw array possible at 320 watts per panel. The applicant would prefer not to have a condition but is willing to design the fleet roof to accommodate future solar. Ms. Espada thinks this is positive. She would encourage the fleet roof be solar ready. She noted the parking is being increased from 285 to 380 spaces for quarterly meetings each year. She asked how many spaces are needed on a regular basis. It was noted they would need about 280 spaces.

Ms. Espada noted there is more green space on B Street and asked if there is a site plan showing where the bio swale is. Mr. Nogueira noted there is a bio retention basin. A filter strip is charged to the bio retention basin. A significant amount of building is being demolished. There will be 30,000 square feet of new pervious surface. The existing drainage patterns are being retained. Ms. Espada noted more parking is being added but will only be used quarterly and there is a big swath

of green space that is being eliminated. She asked if there is a way to create more permeable pavers for the rest of the year. More parking area is being created and less drainage. Mr. Nogueira stated the pavement drains to the rain garden. Mr. Huber stated it is useful to look again at the site plan of what is being proposed. There is a new green area being proposed.

Ms. Espada asked if the area could be used more as a garden during the majority of the year with permeable paver material. Mr. Block stated they are talking about aesthetics. The Board wants the green continuity. Ms. Espada stated there used to be green space and now there is not. She wants a continuity of the urban landscape. Mr. Bednarik stated the north lot will be drivers, visitors and employees parking. The warehouse workers will park in the other lot. The lot will be heavily used, and overflow spaces are where the quarterly meetings will park. Everything is paved now, and a 50-foot buffer is being added. Ms. McKnight asked if the chain link fence at the corner of Kendrick and B Street is going to be replaced and, if so, will it be with a black vinyl chain link fence. Mr. Bednarik stated the B Street ornamental fence will transition to vinyl on Kendrick Street. Ms. McKnight would like the decorative fence to continue halfway up Kendrick Street as she feels it will look nicer. Mr. Bednarik responded that with the amount of plantings going in people are not going to see the fence.

Ms. Espada would like to create a more continuous green space. Mr. Block asked if it is possible to add additional green elements to that area. Mr. Nogueira stated he would need to talk with Coke. Ms. Espada suggested writing a letter to the DRB requesting they look at this project as a whole. Ms. Newman noted it is cleaner to have the developer reexamine this and come back to the Planning Board with an alternative that has been run by the DRB. Mr. Huber stated the applicant does not want to redesign the parking lot again. He feels this is where the people are going to park the most. Ms. Espada suggested all the islands be put together to create one area. Mr. Nogueira stated 13,000 square feet of green space is being added along the street edge. He added the slide only shows the green that is being added. There is a lot of green already existing. That was not clear. Ms. Espada is ok with that.

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

VOTED: to close the hearing subject to additional satisfactory comments by the DRB.

7:20 p.m. – Amendment to Major Project Site Plan Special Permit No. 99-2: BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA, Petitioner (Property located at 140 Kendrick Street, Needham, MA). Regarding proposal for solar array canopy.

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

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

Frederick DeAngelis, Senior Counsel, filed an application with the Planning Board and Design Review Board (DRB) to amend the existing special permit approved in 1999. The applicant wants to place a solar roof canopy above the existing roof. The special permit requires 1,323 parking spaces. For solar equipment, 3 spaces need to be taken. The compact area has been restriped, so no spaces are lost and there is no additional pavement. Neetu Siddarth, Sustainability Manager, stated this is a science-based target to reduce carbon emissions. They have completed 13 projects with 8 in the Boston area. These are net zero existing building conversions.

Marcel Rogers, Director of Development, gave a solar canopy overview. This is a long space canopy. It slopes 2% on one end and continues to a higher point. It is 1.2 mw total size of area for 1,300 megawatt hours. He showed the 3 connection types. The minimum clearance height is 8 feet at I-95 going to a total height of 20 feet 4 inches. There is a 672-kw hour energy storage system for about 7 to 12 Tesla cars concentrated in one parking space. The lighting plan minimum requirement is one-foot candles. There will be LED lights with a life term of 27 years. The lights will be mounted flush against the rails and will be maintained for safety.

Nick Scoly, of VHB, reviewed the parking plan. There are 3 spaces where the equipment is going, and the compact spaces will be restriped. This will maintain the parking space count and keep them just below the 50% compact space requirement for the site. For the storm water drainage, the existing water gets picked up in the existing concrete drain line and eventually drains to the pond. Eight down spouts are connected into the same 310 feet of pipe. This will be replaced with HDPE pipe. It will be perforated and have crushed stone around it. The benefit with solar is it picks up water before it reaches the garage surface. The new system will be infiltrating water that is not infiltrating today with the existing system.

Mr. Block commended Boston Properties for taking the climate action seriously. He noted the following correspondence for the record: an email from Fire Chief Thomas Conroy, dated 10/26/22, with no issues; an email from Police Chief John Schlittler, dated 10/2/22, with no issues; an email from Assistant Public Health Director Tara Gurge, dated 10/26/22, with no comments and an email from Town Engineer Thomas Ryder with comments regarding the size of the containment area and recharge. There was additional correspondence by Building Commission David Roche, dated 11/1/22, noting he has the revised stormwater plan, and it will comply with the By-Law.

Mr. Crocker discussed the quality of the solar panels. He noted there may be other panels with better temperature scores. He asked if that has been contemplated. Mr. Rogers stated Hanwha models were available. The project will use a Tier 1 that is either Hanwha or equivalent to that model. Mr. Crocker asked what type of batteries would be used and was informed Lithium Faraphosphate. Mr. Crocker asked how they are being used. He was informed it will be a DC coupled system. Energy goes first to the battery. Ms. Espada commented this is a great project and she hopes it becomes a prototype for other companies.

Ms. McKnight mentioned notes from the DRB from 10/3/22, and supplemental notes from 10/17/22 came in today with questions and responses. She feels the questions have been satisfactorily answered. She observed one condition of the original special permit was to cooperate with MA Department of Conservation and Recreation (DCR) to improve the path along the property by the pond and a beautiful job was done.

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

VOTED: to close the hearing.

Ms. Newman will prepare a decision for the Board to consider at the next meeting on 11/15/22.

The Board took a short recess.

ANR Plan – Needham Enterprises, Inc., Petitioner (Property located at Lot 251 on Lawton Road abutting 93 South Street, Needham, MA).

The lot will be split into 2 lots each with over 11,000 square feet. Ms. Newman noted each lot meets frontage and minimum lot size requirements.

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

VOTED: to approve the ANR plan.

Deliberation: Major Project Site Plan Special Permit No. 2022-02: 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, MA, Petitioner (Property located at 557 Highland Avenue, Needham Massachusetts). Regarding proposal to redevelop the Property with approximately 496,694 square feet of office, laboratory and research and development uses. The proposal also includes construction of one-level of below grade parking under each building and a separate stand-alone parking garage, as well as approximately 10,000 square feet of retail and restaurant uses. (See legal notice and application for more details).

Mr. Block stated he will focus on the relief requested as outlined in the 8/15/22 letter from the applicant's attorney. The focus will be 1) is the proposed project consistent with the special permit criteria in the Zoning By-Laws; 2) is the proposed project consistent with dimensional regulations in the Zoning By-Law; and 3) does the project present impacts that can be dealt with through conditions or are the impact so substantial that they cannot be reasonably addressed through conditions. Mr. Block feels the project is compliant with 1 and 2 and the conditions can be reasonably mitigated through conditions.

Mr. Block noted there are 7 relief items – a special permit for an FAR of 1.21 with the Zoning By-law (ZBL) maximum being 1.35 by special permit; a special permit for a height of 70 feet and 5 stories for the north building and 42 feet and 3 stories for the south building; a special permit for a restaurant use to be determined; a special permit for a retail use for a

single tenant; a special permit for a parking garage height up to 55 feet; a special permit for a parking waiver of 288 spaces; a special permit for site plan special review and approval and any other special permit required.

Mr. Alpert appreciates the applicant bringing the FAR down to 1.21. Town Meeting passed a Zoning By-Law of up to 1.35. There has been a lot of commentary as to the floor space of the parking garage not being included in the FAR calculation. Parking garages used to be included but the Board is moving away from that. The by-law recently passed for this Highway Commercial – 1 zone provided that parking is not included in FAR. He does not want parking space taking away from retail and commercial space. He is satisfied the Board of Health is on top of monitoring bio lab spaces. He is satisfied with the use and the project. Mr. Block noted the Board received correspondence from the Department of Health noting that there is an existing lab in town that is a BS2 lab and he believes the hospital is also a BS2 lab. The Department of Health inspects and monitors and there is a requirement that bio labs renew every year which includes an inspection.

Mr. Crocker stated the FAR is not halfway between the minimum and maximum FAR. The applicant shaved a part of the glass atrium area from the 128 side and took a couple of notches off the building. He does not think this fits the criteria. The biggest problem is the 50-foot buffer-zone setback was never intended to have a road between the building and the Highland Avenue lot line. This is much larger than what he feels will fit in this space. The reductions they made did not have a substantial impact. He would like to have a building that is not crowded in the corner. They have changed the intent of the buffer zone. He would like to see the FAR reduced some so it is closer to 1.1. The tax implications are negligible to the Town.

Ms. McKnight noted the Planning Board's role in granting special permits, to include by right, has 5 criteria. The Board needs to consider infrastructure such as water supply, drainage, sewer and electric and the impact the traffic conditions on site have on surrounding areas. This process has had an enormous focus on traffic mitigation. She is satisfied with the conditions the Planning Board wants to put in the permit and the applicant has agreed to, to address traffic issues. One traffic issue that has not been addressed is the people driving through Utica, Mills and Sachem Roads. For the environmental impacts, the developer will meet the LEEDS green standard. The fiscal impacts to the Town are clear. There will be very high contributions to the tax base of Town. She also considered the benefits to the town. There are a lot of good impacts of the project. For the 50-foot setback, there was a concern to meet the Fire Department emergency way and the developer has responded positively with pervious pavers. Thus, it would appear there is the 50-foot setback the Town voted for.

Ms. McKnight stated the Noanett Road area residents were concerned with sewage. She went to the Planning Board office to review the utilities again. The developer said at the 7/7/22 meeting the sewage would flow in a different direction across 128. She was able to see the sewage would go to Highland Avenue but where does it go from there? She wants to make sure it does not go down to Noanett Road. Ms. Newman will reach out to the DPW and get an answer to that. Ms. McKnight noted the people cutting through Utica and Mills are going west on Highland Avenue. Some said people are confused by the signage. She took a drive, and it is confusing. This project will not make that worse, but the developer said it would work with the Town and state to make improvements. She asked if the developer would cooperate with improving the signage, so people exiting Route 95/128 to Highland Avenue are not as confused.

Mr. Block stated one proposal he would adopt is the preconstruction traffic study that GPI recommended so there is a preconstruction measurement that can be verified with a post construction study. GPI proposed more signage. Ms. McKnight stated she is generally in favor of granting relief. All this can be mitigated and there will be strong post-occupancy traffic mitigation planning. Mr. Alpert stated part of his regular commute is Cedar Street to Route 9 in Wellesley. There are a lot of side streets that cut over to Route 9. Wellesley has put "no turn on this street during specific hours" signs and the police have monitored this. He does not think they can condition that, but the police need to be on board.

Ms. Espada noted she has no specific issue with an FAR of 1.21, as it complies. She has some comments on the massing. The height allowable by right for the garage is 44 feet and they are asking for 55 feet by special permit. She would want it to continue to be 44 feet. She feels it is massive. There was a good job articulating the façade on the main building, but the garage feels out of scale. The landscaping changes are great, and the sustainability is good. The roof screen on the south building is very plain, though. She would like to see it have more depth and materiality. It is very flat. The parking garage in general still looks like a parking garage. It should have a continuous screen around it, so it does not look so massive. She commented Wellesley College has a great screen around its garage.

Mr. Block stated there may be incidents where all the parking will be needed and there would be overflow parking in surrounding areas. The developer would insist they cannot remove a floor but he likes the screening suggestion. Ms. McKnight noted the restaurant use. She observed that some who commented do not want a restaurant that serves alcohol at all, and also commented that it is not an appropriate area for breweries. A restaurant that provides lunch for people working there may be a supper spot also, though, where people may enjoy a glass of wine or a beer with their dinner. She would not like to limit to not serving alcohol. Mr. Crocker clarified the apparent confusion that this path going around the building will have grass growing through it. That is only the 5 feet on either side of the 10 feet of pavement. Ms. McKnight realizes it is a 10-foot paved path, but it could be 20 feet if not for the pavers that allow grass to grow.

Mr. Crocker stated it does not meet the criteria the Board has set. Mr. Block asked what is not compliant. Mr. Crocker stated the 50-foot buffer requires a landscaped buffer, not a 10-foot paved road. That does not meet what the Board is trying to accomplish. All the trees are right along Highland Avenue. He is not sure they will survive. This is not what they envisioned within a 50-foot buffer. He understands there is a concern with the height of the garage. Can the applicant accomplish the same FAR if they move away from the corner? He is not sure. What is truly special about this that allows them to go to a 1.25 FAR? Halfway is 1.025. This is too close to Highland Avenue and the buffer does not meet the requirement for open space. Size and buffer are his issues.

Mr. Block stated the Board can only deal with the By-Law. Does it comply with the dimensional requirements of the setback? Ms. Newman read the By-Law. Walkways and paths shall be permitted within the buffer. Mr. Alpert stated this is not an asphalt road. It meets the definition. The Fire Department would be going along that path. It is not a road but would be permeable and only for emergency access. This gives us the safety requirement this Town requires. Mr. Crocker stated the regulations talk about a sidewalk and not a 10-foot-across structure. Mr. Block encouraged Mr. Crocker to have a conversation with the Planning Director, and asked if the path satisfies the other members. Ms. McKnight stated she is satisfied it is not a driveway or a roadway. It is only for emergency access and would have gates. There will be permeable paving and not asphalt. Ms. Espada concurs with the other members it satisfies the criteria.

Ms. Newman stated she is not ready to draft a decision. She needs more information on the conditions and framework the Board wants. Mr. Block noted at least 4 of the 5 members agree with the FAR, the restaurant use, retail by a single tenant, the parking garage height and the parking waiver. There should be the conditions proposed in the 9/29/22 letter from Greenman-Pederson, Inc. (GPI) included, and Ms. Espada would like more specific screening for the parking garage and mechanical for the roof top. Also, some architectural elements to break it up, a condition there would be no Bioscience Level 3 or 4 and the traditional conditions. Mr. Alpert asked if a condition should be inserted for the developer to perform the traffic mitigation that he has agreed to do, like a light at Gould and Central and reconfiguring the road there. It does show on the plan, but they should expound on that. Ms. Newman will spell that out in the draft.

Ms. Espada stated the garage seems disproportionately large to the buildings. She asked the others for their thoughts. Mr. Alpert stated it was discussed previously to take off the top level and that takes away a lot of spaces. The applicant is already requesting a waiver. The waiver would be closer to 400 spaces if spaces are taken away. Mr. Block noted the traffic-consultant peer reviewer has not recommended removing a floor. Ms. McKnight is comfortable with the garage as proposed. There are 2 factors – the setback from the roadways and there is an elevation difference. She is satisfied as proposed. Mr. Crocker appreciates the elevation change. Opposite this area is the Wingate building. With the right materials the aspects of heights may be able to be mitigated. He is not sure. Mr. Block would rather have the space than not enough. He would be upset if parking was needed, and it could not be built.

Board of Appeals – November 18, 2022

12 Clarke Road – Nick Landry, applicant

The applicant wants to demolish a 3-car garage and build a 4-car garage.

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

VOTED: “No comment.”

69 High Street – Eric Carr, owner

Mr. Block stated this is an ADU. The applicant wants to demolish a section of the existing house and build a new section to accommodate an ADU. He thought ADUs needed access directly to the outdoors. Ms. McKnight stated one means of egress was to the main house. She does not remember a requirement for there to be 2 means of egress. Mr. Block noted the ZBA should look into compliance with the current plan for egress.

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

VOTED: to ask the ZBA to consult with the Building Commissioner to confirm that it is in compliance with the building code.

Minutes

Ms. McKnight noted the minutes of 8/16/22, last page, under the Report, 2nd paragraph, it says the environmental report came out. If this was related to the Muzi site it should say that. It was agreed to add “related to the development of 557 Highland Avenue.”

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

VOTED: to accept the minutes of 8/16/22 as revised and redlined.

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

VOTED: to approve the minutes of 8/23/22.

Report from Planning Director and Board members

Ms. Newman noted the Housing Plan Working Group community meeting on 11/16/22 will present the draft. She hopes all members can attend the meeting in the Powers Hall at 7:15 p.m.

Correspondence

Mr. Block noted a letter, dated 10/12/22 with a request from the Norfolk County Register of Deeds to update the signing authority for permits; an email from Lisa Stavropoulos, of 338 Charles River Street, regarding the Foster property; an email from Jeffrey Katz, of 92 Henderson Street, regarding greater housing density in Needham Center; and a number of comments regarding the Bulfinch property from Chia Ling Chan, Emily Pick, Linyu and Neal Mitra, Shari Stier, Alexa Mukherjee, Larry Nathanson, Bruno DeFazio, Gilad and Rachel Skolnick, Chris Ruggeri and Tamara Small. Mr. Block thanked the public for the comments.

Mr. Crocker stated counting the emergency-access road as part of the buffer will always be allowed if the By-law is interpreted to allow this. He feels all members should speak with Ms. Newman to clarify the requirements. Mr. Alpert agreed. He does not want to set a precedent. The Board members will meet and discuss further but he agrees all should take a look at the By-Law and satisfy themselves.

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

VOTED: to adjourn the meeting at 10:11 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker