

NEEDHAM PLANNING BOARD MINUTES

October 24, 2017

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Ted Owens, Chairman, on Tuesday, October 24, 2017, at 7:00 p.m. with Messrs. Jacobs and Alpert and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman and Acting Assistant Town Planner, Ms. Collins.

Transfer & DeMinimus Change: Major Project Site Plan Special Permit No. 2008-06 – 45 Chapel Street, Capella (Property located at 45 Chapel Street).

Roy Cramer, representative for the applicant, stated Petit Robert Needham, LLC has been purchased by Robert Picardi and Robert Picardi Jr. Mr. Picardi Jr. has been the head chef at a North End restaurant. This is a request for a special permit transfer. The original permit was issued in 2008. There will be the same number of seats at 100. In 2011, the permit was transferred to the current owner. In 2012, a permit was requested for 16 outdoor seats. The new owner will keep the same number of seats outside but will change the design of the barrier around it. The same square footage of the outside area will remain.

Mr. Cramer reviewed the requests: a request to approve the transfer to Capella, LLC; to modify the Chapel Street elevations; to change the internal floor plan and approve the transfer of the outside seating plans. He has filed a letter with the Board stating the applicant is aware of the existing conditions. The Design Review Board (DRB) has approved. Ms. McKnight asked if Mr. Spencer will still own the French Press across the street and was informed he would.

Mr. Alpert requested Mr. Cramer explain the change in elevation and why the change to the outside seating. Are the current barriers being changed? Mr. Cramer noted the barrier location will be the same but will have a different look. The project will change some millwork and there will be a new awning with a canopy. A sign will be on the canopy. All changes are cosmetic. Mr. Owens noted the following correspondence for the record: a letter from the Assistant Town Engineer with no comments or objections; a letter from the Fire Chief noting no issues; a letter from the Building Department stating no comments at this time but they may have additional comments later; and a draft decision.

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

VOTED: to treat the application as a deminimus change.

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

VOTED: to allow the transfer of Special Permit No. 2008-06 and the outdoor seating permit for 45 Chapel Street.

Ms. McKnight noted there were a couple of commas and “propose” should be changed to “proposes.” In Section 8, there should be a comma between “Capella” and “LLC.” She noted all are minor edits.

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

VOTED: to approve the decision as presented with the changes proposed by Ms. McKnight.

ANR Plan – Robert J. Roach and Noel & Tamiko Watson, Petitioners, (Property located at 1600 Central Avenue and 29 Carleton Drive).

Ms. Newman noted there are 2 lots. One fronts on Central Avenue and the other fronts on Carleton Drive. The 2 lots will become 3 lots. All lots have required frontage and meet build factor. The lots are large. The 35 foot setback easement line is to be retained. Mr. Owens noted the lots will be 101, 102 and 103.

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

VOTED: to approve to endorse the plan titled ANR 1600 Central Avenue & 29 Carleton Drive, Needham, MA Subdivision as approval not required.

Decision Review – Special Permit Amendment Under Site Plan Review: Beth Israel Deaconess Hospital – Needham Addition and Walkway. (Property located at 158 Chestnut Street, Needham, MA).

Roy Cramer, representative for the applicant, noted the Draft Decision. Ms. Newman reviewed the changes suggested by Mr. Jacobs. On page 1, 3rd paragraph, insert “Amendment” after “Permit.” On page 8, Mr. Jacobs would end the sentence after “Application” and delete the rest. Ms. Newman noted that in her draft she did not delete it as it was embedded in the original decision. In Section 1.15(c) it should be 153 not 246.55. In Section 1.16 (7), Mr. Jacobs feels town oversight should be added. It was suggested to add “after recommendation by the traffic engineer and approval of the Town Engineer...” Ms. Newman stated she would be comfortable with a condition that runs back to this that is clear. Ms. Grimes suggested removing Section 7 in its entirety. She feels it should be up to the Town to deal with traffic on the town streets. Mr. Owens agrees. Mr. Alpert stated it should read “prior to full occupancy the traffic signal timings will be reviewed by the Petitioner’s traffic engineer at the Chestnut Street intersections with School Street and Oak Street and any recommended changes shall be reported to the Town Engineer.” All agreed.

Mr. Jacobs discussed, as to the last sentence of 1.18, that there is a lot of construction traffic on Lincoln Street. He asked if there was any way to discuss it. Mr. Cramer stated there is no way to avoid it. It is the quickest and easiest route. He noted the construction site is fenced off. He feels if the trucks have to go to Chestnut Street they will interfere with the hospital traffic. This will minimize the impact. Mr. Jacobs stated the neighbors will be upset about this. He asked how much traffic is being talked about. Mr. Cramer noted workers arriving in the morning and leaving in the afternoon and deliveries. He stated there used to be the south parking lot, the emergency room and the 111 Lincoln Street medical building with traffic coming and going. The project is closing off that entrance. Mr. Alpert stated if the neighbors have an issue they will raise it at the neighborhood meeting.

Ms. McKnight asked why there are deliveries on Saturday. Mr. Cramer noted there will be 4 50-foot long girders to support the walkway. The girders will be delivered on Saturdays from Chestnut Street and departing on Lincoln Street. They want them to come in at a time when there are the fewest cars in the lot. Ms. McKnight stated it should say “occasional” and not “limited.” It needs to be changed in Section 3.16 also. Ms. Newman noted Mr. Jacobs had a concern in Section 1.25 with “a redevelopment project” in the last line. Ms. Grimes suggested ending the sentence at 3,409 square feet and deleting “and is considered a redevelopment project.”

Mr. Alpert noted an issue with Section 1.31. He spoke with Mr. Cramer and it was agreed to add at the end “which are affected by any conditions and limitations contained in this decision.” His concern was the language said all conditions under Sections 3 and 4 were being superseded. Mr. Alpert noted in Section 3.3 there are 3 elements to the square footage of the clinical space: the number of parking spaces, number of beds and number of full-time employees. It was decided to add after “the mix of said beds” the words “and square footage devoted to.” In Section 3.1, remove “as modified by this decision.” In Section 3.9, add after “Building Permit” “per compliance with Section 3.39(c).” In Section 3.16, change “limited” to “occasional.”

In Section 3.30, remove "That" and start with "The." The Board reviewed other minor changes. In Section 3.4 and 3.41 the reference to phased project will be removed. In Section 3.44, line 5, it should say "period" and remove "30 day." Ms. McKnight noted on the first page, first paragraph, it should say "Parcels" on the 4th line. On page 6, in Section 1.6, the Westwood Executive Center should be 35 spaces. In Section 3.19, it should say "The Petitioner shall strongly encourage and advise carpooling and public transportation." In Section 1.33, add "number of spaces" before "design requirements." In Section 3.1, remove "as modified by the decision." In Section 3.30, it is in the past tense. Remove "shall" and add an "s" at the end of "include." The last sentence in Section 4.6 should be removed. All agree.

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

VOTED: to grant a Major Project Site Plan Special Permit Amendment under Section 7.4 of the By-Law and Section 4.2 of the Major Project Site Plan Special Permit No. 2007-10 dated December 4, 2012; to grant a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.2 and 5.1.3 of the Zoning-By-Law; and to grant a Special Permit under Section 1.4.6 of the By-Law for the structural alteration, enlargement and/or reconstruction of a non-conforming structure, subject to the following plan modifications, conditions and limitations as set forth in our draft decision as modified by our discussion tonight.

Public Hearing:

7:30 p.m. – Special Permit Amendment -- Needham High School Addition and Renovations. (Property located at 609 Webster Street).

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

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

Hank Haff, representative for the applicant, noted minor changes are being proposed and scheduled. A construction manager has been hired. Construction will start in February and will be completed before the start of the school year in 2018. The applicant will go back to the Design Review Board on 11/6/17 to get approval and will return to the Planning Board on 11/14/17. There was a public hearing at the High School. There were some issues regarding traffic and parking that came up, which will be discussed. The applicant is proposing the same traffic pattern as before.

Michele Rogers, of Dore and Whittier Architects, reviewed the changes. Revisions include some window renovations and removal of some stair front. The biggest change is the relocation of some columns, which is a cost change measure. There will be a retaining wall and stairs over one area to make the building more cohesive. There will be an emergency exit from the building to Webster Street. The building height is well below the existing height of the building and meets the average height of the building.

The project will match the silver color metal panels and will match the existing older brick. The different pattern for metal panels will break up the large front. In the plaza area the additional columns have been moved out. They will maintain the handicap access and main set of stairs. There will be a second handicap access up to the first level. The floor plans have remained the same since the project started with general classroom and special education teaching spaces. There will be renovations to add additional classroom space where the space has been underutilized.

The project is adding a storage area to the gym at the end of the building. The chiller and boiler vent is being increased to vent properly. The project removes the existing chiller and adds 2 smaller chillers. There will be a

temporary traffic plan during construction. The proposed plan is to reopen access to Rosemary Street. Cars will come up Admiral Gracey Way, drop kids off at the front of the building and continue to Rosemary Street. Buses will have access to the current drop off area. The contractor will take out about 1/3 of the front area of parking. Students and teachers will all be parking in the lots on the other side of the building. Students also have parking available at Memorial Park. Due to the reduced number of spaces there will be a reduced number of parking permits assigned during construction. Construction will go through the summer and the school will be ready to open 9/1/18. There will be full time construction during both the February and April vacation breaks.

Ms. McKnight stated she has reviewed the plans in the packet. The landscape plan ends in a certain area and just shows grass. It appears nothing is going to be done about the existing poor conditions. There is nothing growing on the hills that go up except black mulch. Mr. Haff noted there are updated plans. The hill to the right has a whole series of plants and bushes and around the cafeteria is a whole landscape plan.

Martha Bassett, of 4 Fair Oaks Park, stated she lives at the corner of Fair Oaks Park and Kingsbury Street. This is the third construction project at the High School that she has been through. Her children went to the High School. She has had several concerns with the projects over the years and nothing has ever changed. She has just heard about this. She asked when is the right time to raise issues so it is official. Her biggest problem is safety. She was assured by the Chief of Police that there may be a temporary no car parking on Kingsbury Street and Fair Oaks Park. She feels there should be no parking on either side of the street. Her car has been sideswiped twice when she has been parked legally next to her home. She noted traffic in this area is insane. Opening the Rosemary access and making Admiral Gracey Drive one way should be permanent. Ms. Bassett feels it is a great plan and should be permanent. The area is extremely dangerous now and drivers are very disrespectful. She stated she has always supported the High School.

Mr. Jacobs asked if her objections are to traffic coming in and out of Admiral Gracey to Kingsbury or to this project. Ms. Bassett stated she would like traffic to go out to Rosemary. There needs to be some permanent solution to the traffic problem. All the traffic should not be funneled into a tight traffic pattern. Traffic is horrifying and there is massive speeding. No one is watching and there is no enforcement. There is a policeman that ensures the safety of the kids at the High School but there is no one that ensures the safety of the neighbors.

Ms. Bassett noted during the last project the town's in-house traffic person advised opening Rosemary permanently. She does not know what happened with that. During the school day there should be restricted parking on Fair Oaks Park and Kingsbury Street and it should be enforced. Ms. McKnight asked if Admiral Gracey Drive was a public way or a driveway. If it is a driveway the Planning Board could consider this but if it is a public way the Planning Board has no authority. Mr. Haff will find out.

Mr. Jacobs suggested Ms. Bassett take her concerns to the Selectmen and outline the problem for them. The Selectmen need to hear directly from residents and they should be able to make a permanent change. Mr. Owens noted the following correspondence for the record: a letter from the DPW with no comments or objections; a letter from the Fire Chief noting no issues; a letter from the Building Inspector with no issues; a memo from the Department of Health with no comments; a letter from the Police Chief noting he is working with the PPBC and the School Department to work on a traffic plan for the project; and a letter from abutters at 55 and 61 Kingsbury Street with a memo and requesting a copy of the school transportation plan.

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

VOTED: to continue the hearing to 11/14/17 at 8:00 p.m.

Informal Informational Presentation – Memorial Park Reconstruction, 1154 Highland Avenue.

Mike Retzky, Project Manager for the Needham Public Facilities Department, noted the feasibility study has been done and funding has been received for the schematic design at the May Town meeting. He noted this is an

informal discussion tonight. There will be a formal presentation on 12/12/17. The land was acquired in the early 1920s to commemorate the armed services people. The original house is gone. In the mid-50s a one story brick building was built and in the 80s a second floor was added with handicap accessibility. It is a hodge podge of uses – storage, maintenance of equipment, concession stand. There are a couple of rooms upstairs for storage and a kitchen. It is used for commemorative services, the Exchange Club and football programs. The High School golf carts are stored there. The initial funding was received in May 2016. There was additional funding in May 2017 and more funding will be requested in May 2018. There have been a lot of meetings with people to determine what is needed.

Mr. Retzky stated the Memorial Park Trustees, an elected Board, manages the scheduling of the building. The town maintains the building. There will be a new 2-story building which will expand it from 8,300 square feet to 11,600 square feet. There will be an elevator. The building will slide to the right and will have all proper setbacks. Daniel Weider, of Winter Street Architects, stated the design conforms to zoning by-law dimensional requirements. He received a lot of good comments today. Mark Meche, of Winter Street Architects, described the site. There are 151 parking spaces. One space will be relocated for better access to the field. There will be 2 handicap spaces. He noted there are 3 major functions for the building: the Memorial Park Trustee Board meetings are on the top floor; the Park and Forestry garage activity will stand alone; and event staging to support field events and the fruit sale. There will be a concession stand and public bathrooms. There will be 2 entrances for football half time and the barn door will open up. There will be a little more storage, it will be much more organized and there will be separated uses.

Mr. Meche noted the second floor will have the Veteran's American Legion space, a bigger board room, a multi-function room, a full set of bathrooms, catering kitchen, chair storage and an egress deck with one step to the deck. There will be field storage for the off season. The upper floor is air conditioned and the first level is heated only. Mr. Weider walked through the façade treatment. He noted the applicant looked at historical field houses and boat houses in New England. There will be a brownstone strip at the base that wraps around to the egress deck. There will be hardi planks and some clapboard in the upper story for a historic look. There will be hip roof throughout. They have been to the DRB and received comments. He noted brick is more costly. The project is moving into the design and development phase.

Mr. Retzky noted 30 additional parking spaces need to be occupied for the Rosemary Lake Pool functions 4 times per year. There are also 116 spaces designated for the High School students during the day per the High School agreement. There are 35 spaces available until after school hours. The parking lot space availability opens up around 2:30 p.m. He noted waivers will be sought. They are looking at parking as the worst case scenario. Ms. McKnight asked if the parking area will change. Mr. Retzky noted it is pre-existing, nonconforming and will not change. Steve Popper, of the Permanent Public Building Committee, noted construction will begin July 2018. Mr. Owens noted the Board needs to consider everybody using the building when counting required parking spaces.

Rockwood Lane Subdivision

Ms. Newman stated the applicant is requesting a reduction in the Performance Bond. There needs to be a vote. Engineering has recommended no reduction. The applicant needs to submit an As-Built, some deficiencies were identified and some still remain. The swale was not constructed as required and some trees were damaged on the town land.

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

VOTED: to deny the request for a reduction of the Performance Bond at this time.

Accessory Apartments Report Draft – Needham Health Department.

Tim Muir McDonald, Director of Public Health and Human Services, and Chris Miara, Advisor to the Public Health Division, provided an overview of the draft of the *Accessory Dwelling Units: A Report for Needham Public Health Division*. The report recommends the adoption of zoning bylaw regulations to allow accessory dwelling units (ADU) in Needham. The study indicated no cons and only positive outcomes in communities that have allowed ADUs. Ms. Miara noted that Lexington has 200 ADU's since its adoption of an ADU bylaw in 1983 without impact to the schools, traffic or parking. Mr. McDonald expects a similar outcome in Needham.

Mr. Owens stated the study is very persuasive. He noted Town Manager Kate Fitzpatrick wanted more information for the Selectmen. This will be on a future agenda.

Mr. Alpert stated he is in favor of the concept for families and health aides. His concern is it will lead to rentals through the creation of two-family homes. He is also concerned about the politics. AirBnB was also an issue.

Mr. McDonald responded that some key elements to a successful bylaw is that it not be limited to family-only rentals, that it be as of right within the footprint of the main house, that leases be for a year and that the owner be on site. Research indicates that accessory apartments do not increase property values but that they provide needed income for individual families.

Request for Comment – Needham Crossing.

Mr. Owens noted a memo from Town Manager Kate Fitzpatrick regarding the Needham Crossing Plan. This area is outside the N2 District. There is a consensus that more information about the area is needed and clarification about the Manager's specific inquiry. Ms. Grimes volunteered to gather more information regarding Needham Crossing.

Recreational Marijuana – Request to consider zoning options.

Ms. McKnight attended a workshop for communities who were considering zoning options for Recreational Marijuana. Some zoning options discussed at the workshop were the establishment of limited defined areas, and the allowance of Medical Marijuana Dispensaries to convert to recreational marijuana. Ms. McKnight reported that there were 20 towns that prohibit recreational marijuana. She was interested in drafting zoning that would prohibit the retail sale of marijuana in Needham. Mr. Owens thought it was important to have a zoning draft to allow the Town Manager to arrive to a decision on Marijuana. Mr. Alpert suggested that the Board prepare the Zoning Article and leave the general by-law draft to Town Counsel.

Ms. McKnight and Ms. Grimes volunteered to draft zoning language regarding recreational marijuana options in Needham.

Report from Planning Director and Board members.

NNCC Letter of Support - Ms. Newman reported that John Foggerty, CEO of Beth Israel Deaconness-Needham, had made a presentation to the Newton Needham Chamber of Commerce regarding the proposed addition. As a result, the Newton Needham Chamber of Commerce submitted a letter of support for the project.

Rosemary Recreational Complex and Memorial Park Parking Agreement -

The Board was provided an undated "Inter-Departmental Agreement" between the Memorial Park Trustees and the School Committee regarding the use of 116 parking spaces and asked if it was an acceptable form of parking agreement to satisfy the condition in the *Rosemary Recreational Complex, SPMP 2016-03, December 20, 2016*. The Board found the "Inter-Department Agreement" inadequate. The Board agreed that an agreement shall

include a term of years, terminable with 60-90 day notice, and a plan identifying the spaces. Mr. Jacobs will craft the language acceptable to meet the SP condition for the Town Manager.

Quarterly Planning Board Meetings – The Board agreed to hold quarterly meetings, preferably in the morning before work, to focus on long-term planning issues, such as Accessory Apartments and Chestnut Street. Accessory Apartments was the selected discussion topic for the first meeting. Ms. Collins will follow-up to schedule the meeting.

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

VOTED: to adjourn the meeting.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Paul S. Alpert, Vice-Chairman and Clerk