

NEEDHAM PLANNING BOARD MINUTES

May 17, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, May 17, 2022, at 7:15 p.m. with Messrs. Block and Crocker and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman.

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 one public hearing 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.

Reorganization

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

VOTED: to nominate Adam Block as Chairman.

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 nominate Jeanne McKnight as Vice-Chairman.

Mr. Block continued the meeting as Chairman.

Public Hearing:

7:20 p.m. – Amendment to Major Project Site Plan Special Permit No. 97-12: Four Forty-Four Group, Inc., 444 Hillside Avenue, Petitioner (Property located at 442 and 444 Hillside Avenue, Needham, MA).

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 waive the reading of the public hearing notice.

George Giunta Jr., representative for 444 Group, Inc., noted the property is owned by Jim O'Brien and Paul Gardiner, owners and operators of Center Automotive. There are 2 properties next door to one another with 444 Hillside Avenue currently occupied by Center Automotive. The building at 442 Hillside Avenue is a large warehouse building for the Gentle Giant Moving Company. Gentle Giant left in 2013 and then it was a gymnastics academy. Gentle Giant would like to move back in and would like to acquire ownership of the building. The transfer was started but they ran into a snag. When the lot was created in 1999 it was built to the 80-foot width rule which was different than today. They could get 80 feet across the back of the building but now the Zoning By-law specifies the way to measure lot width. At that, they are just under 2 feet shy of 80 feet.

Mr. Giunta Jr. noted this parcel is an L shape and wraps around Center Automotive. Center Automotive wants to keep the parking they use. The plan was to carve out the parking and add it to the Center Automotive lot. With the lot width issue no lot lines can be altered. The applicants looked at the abutting property but do not have the 2 feet needed. They came up with the solution to combine the 2 lots and form a commercial condominium so Gentle Giant can purchase the lot they want and Center Automotive can keep its lot and parking. This is an application to do something that should be allowed. Only the parking in front of Center Automotive is changing. The gymnastics academy went to the Zoning Board of Appeals (ZBA) with a parking plan which is laid out. Gentle Giant does not need or want all those parking spaces.

Mr. Giunta Jr. noted the Board should have a plan that shows the new parking. It is being used the same as the original permit 99-13. The site plan decision says no changes to the property. There is one unified ownership but technically 2

separate owners. Combining the 2 properties will have 2 principal buildings on a lot and 2 principal uses on a lot. It is ok for the Center Automotive lot where the primary use is mechanics and the accessory use is sales. The Gentle Giant use is allowed by right. The Center Automotive use is allowed by special permit. The total parking demand for both buildings is 44 spaces and there will be 87 spaces on site. Adam Dash, representative for Gentle Giant Moving Company, stated the building is just going back to what it used to be.

Mr. Alpert stated he is curious if there is a need for the transfer of the parking lot in back. Would the 80 feet be grandfathered and be ok or is there a problem because of 2 lots under current ownership? A long-term lease could be done for the parking lot. Mr. Giunta Jr. stated he explored all options. Because the lot at 442 Hillside Avenue will be changed all By-Law requirements need to be complied with. Ms. Espada asked Ms. Newman if there is anything that could occur in the future when this becomes a condominium. She asked if the Board is putting themselves at risk by making this one lot. Ms. Newman stated the Board has the flexibility to allow more than one use on a lot and share the parking. She noted this originally went through as a minor modification, so no operational conditions were imposed. Now would be the time to make changes if the Board has any concerns.

Mr. Alpert asked if Ms. Newman has any concerns the Board should be aware of like a use by Gentle Giant that should be conditioned. Ms. Newman stated it was permitted as an industrial use/warehouse use. She understands the need to condition hours of operation and when trucks will be coming and going. The Board has imposed those types of conditions on similar projects. Gentle Giant originally went in as of right and needed only a minor project, so these types of conditions were not imposed when it went in. Mr. Block sought clarification as to whether it used to be by right in that location and was informed it was. He asked the hours of operation. John Pachoca, owner, noted the hours will be 7:00 a.m. to after 5:00 p.m. They try to get everyone back by 5:00 p.m. if not a little after. Mr. Block asked if 7:00 a.m. to 6:00 p.m. was manageable. Mr. Pachoca noted it may be different at times from a traffic standpoint. Mr. Block commented the closing hour is undetermined. He asked the administrative hours and was informed the hours would be 8:00 a.m. to 5:00 p.m.

Ms. McKnight commented on the notice of this hearing. Across the street are 2 family homes in the Residence B District and she brings her car to Center Automotive. She has complemented them on their landscaping at their building at 444 Hillside. There is none at the building at 442 Hillside. She asked if landscaping is required in parking lots and how is it 442 has no landscaping whatsoever. Ms. Newman noted it is required as a condition. She does not know what the Zoning Board of Appeals (ZBA) did. Mr. Giunta Jr. noted there is a little bubble of landscaping in front, which is really just grass, with a little along the property line. Landscaping was part of the minor project review. The front part was all asphalt. That piece did go before the Planning Board as part of the minor project review. Ms. Newman stated someone must have granted parking waivers. If not the Planning Board it must have been the ZBA. Mr. Giunta Jr. noted there were a couple of other small areas of landscaping.

Ms. McKnight stated the proposed site plan and existing condition plans do not show landscaping. Mr. Giunta Jr. stated the existing condition plan does not call out the landscaping on site. Ms. McKnight stated she wants to go back to what was approved and make that a condition. She thinks it is important when an industrial use is across from residential, and she wants it shown on a site plan. She sees parking for trucks up front. She asked if trucks would also be traveling down the right of way and have some rights to the rear of the property. Mr. Giunta Jr. stated the plan is to have access to spaces 9 through 18 in the rear. Ms. McKnight asked if the applicant considered big trucks out back instead and small trucks and cars in front. Mr. Giunta Jr. noted there is a steep ramp. The building was built so the storage area is at grade in front. There is a small mezzanine office area in back. The building was designed for trucks to come in front.

Ms. McKnight asked if there is a loading dock. Mr. Giunta Jr. stated spaces 6, 7 and 8 were a loading bay at that location. The bays were turned into windows and will revert back to a loading dock per the minor project review. He noted a handicap ramp was put in and is shaded as with the parking. Ms. McKnight asked where the handicap parking spot is. Mr. Giunta Jr. stated there is not a designated handicap space. Gentle Giant is not open to the public. He noted there is a ramp in back also, but a handicap space would need to be added. Ms. McKnight wants to see the handicapped parking space on a plan and wants to see plantings done as originally approved. She asked if vehicles are driven up the right of way and then into a basement area. Mr. Giunta Jr. noted customers park in front. Vehicles are taken around the back for repair. The ramp provides access to the service bays on the upper floor. There are 8 bays where the repair work is actually done.

Ms. McKnight asked if there is a driveway to the right of way. The driveway is on Hillside Avenue and goes to Easy Street to the back of the building. Ms. McKnight asked if parking in back is intended to be used for parking for 444 Hillside Avenue and was informed it was. She asked if there was notice of this hearing to abutters and was informed yes. She stated she did not get notice, though she lives in the vicinity, and assumes it is appropriate for her to participate. Mr. Crocker commented the landscaping needs to be put back in place. He noted there are different size trucks, and he wants a better understanding if this is short term or long-term storage, the volume of trucks coming and going and signage. He noted some of the trucks are pretty big with signage on the sides. What signage will be on the building? He noted Center Automotive's hours are 7:00 a.m. to 6:00 p.m. He does not want to see this used with trucks coming and going until 8:00 p.m. Mr. Block commented he has work done at Center Automotive and parks in back. He noted large trucks would not be able to get in the back.

Attorney Adam Dash, attorney for the applicant, noted Gentle Giant was in this location for 9 years and it worked for all those years. It has been tested and it worked. Mr. Pachoca noted some customers would store items a couple of days to several months. The usual storage is one month to 3 months. When a customer calls to have their stuff, it is loaded and taken to them. The majority is residential and comes from the area. He does not remember what the requirement for signage is, but he would like a sign. Mr. Crocker asked if it would be a sign up to the maximum allowed and was informed it would be. Mr. Pachoca stated the hours of operation will be 7:00 a.m. to 7:00 p.m. assuming the trucks come back in the afternoon. Some will be earlier and some later. Mr. Dash stated Gentle Giant is located next to residential in another town and they are very courteous to them. Mr. Crocker would be satisfied with having something where trucks cannot idle. Mr. Pachoca noted there is a state law that trucks cannot idle more than 5 minutes. There is no need to have them idle. He is ok with a condition that the trucks cannot idle.

Mr. Alpert is comfortable with the hours of 7:00 a.m. to 7:00 p.m. He has been a customer of Center Automotive and they used to be open until 7:00 p.m. If Mr. Pachoca is comfortable with a 7:00 p.m. closing time he is also. The Board should have the signage consistent with the Needham Sign By-Law. Ms. Newman noted the Design Review Board (DRB) sets that and it is enforced by the Building Commissioner. Mr. Giunta Jr. showed a photo from when Gentle Giant was there before to show the previous sign. Mr. Block noted the ground rules for public comment and opened the meeting for comments.

Amy Gore, of 433 Hillside Avenue, stated she has lived here for 23 years and was there when Gentle Giant was here before. Some weekends they were loading trucks at 6:00 a.m. and were very loud. Sometimes the trucks came back at 10:00 p.m. She understands but is concerned about weekends. Before Gentle Giant left there was an accident where one truck came loose and went down Dale Street and hit a tree just missing some kids. She wants to make sure that does not happen again. Mr. Block stated the Board will look for conditions on landscaping and hours of operation and will deliberate at a future time. Ms. McKnight noted the Board has not discussed weekends and holidays. She asked if there were any thoughts. Mr. Pachoca stated they do work on Saturday with limited crews. Typically, they rarely work on Sunday unless it is a charity event.

Mr. Block asked what Mr. Pachoca could do to ensure no trucks roll down Dale Street. Mr. Pachoca will take precautions. There are chock blocks on all vehicles. He is willing to work with whatever makes the most sense. Mr. Alpert stated Needham has a noise by-law that has a 7:00 a.m. start. The applicant needs to be aware that starting at 6:00 a.m. is in violation of the By-Law. Mr. Crocker would like a condition regarding idling of trucks. Mr. Block noted landscaping, idling, hours of operation and chock blocks when trucks are unmanned. Ms. Newman will write a decision that conditions approval based on an updated landscape plan consistent with landscaping approved under the minor site plan review and that incorporates the conditions discussed tonight.

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.

Decision: Amendment to Major Project Site Plan Special Permit No. 91-7: Henry Hospitality, Inc. d/b/a The James, 18 Clifondale Street, Roslindale, MA, Petitioner (Property located at 1027 Great Plain Avenue, Needham, MA). Regarding request to permit up to 69 outdoor seats by the James Pub on 5 on-site parking spaces.

Mr. Block noted the following correspondence for the record: an email from Fire Chief Dennis Condon, dated 5/9/22, with no objection to the proposal to join the lots; an email from Assistant Public Health Director Tara Gurge, dated 5/10/22, with no comments and an email from Town Engineer Thomas Ryder, dated 5/11/22, with no comments or objections. Ms. McKnight noted 2 typos in the decision. Page 3, Section 1.5, 4th line from the bottom, “stores” should be “store’s.” On page 4, Section 1.6, 3rd line from the top, it should be “proposes.”

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 accept the relief to grant (1) an amendment to a Major Site Plan Review Special Permit No. 91-7, issued by the Needham Planning Board dated February 4, 1992, amended March 23, 1993, November 15, 1994 and September 8, 2015, transferred on September 24, 1996, May 8, 2001, October 20, 2009, October 10, 2017, under Section 7.4 of the Needham Zoning By-Law and Special Permit 91-7, Section 4.2 and (2) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking), subject to and with the benefit of the following Plan modifications, conditions and limitations as set forth in the draft decision.

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 adopt the decision as drafted with the 2 typographical changes pointed out this evening.

Approval Not Required Plan & Minor Modification request for Residential Compound and Heather Lane Extension Subdivision Decision, Koby Kempel, Petitioner (Property located at 94 Heather Lane).

Koby Kempel, Manager, stated the family that bought the property next to his needs approximately 6,000 feet for more setback from the abutting property, so he has agreed to move the property line. Mr. Block asked if this was new construction and was informed it was. Ms. McKnight recalled a conservation restriction on the land. She asked if people who owned lots in the Heather Lane subdivision have rights to the conservation restricted area. Mr. Kempel does not know. The neighbor’s lot is only one acre buildable and one acre conservation. Mr. Alpert noted there is a conservation restriction. The land was not transferred to the Conservation Commission. The Board discussed having the conservation area be open to the public. The landowner was against it at the time of approval of the subdivision, and we agreed. He does not know if the owners of lots in the subdivision have rights of access to the conservation land. Mr. Kempel stated there is a 100 foot no touch zone and 200 feet subject to conservation regulation if he wants to do anything in that area.

Ms. Espada stated there is a note in the area that says the existing pool is to be razed. Mr. Kempel stated he went before the Conservation Commission 2 weeks ago to get approval to remove the pool and plant the area. A motion was made to approve the ANR plan. Ms. McKnight asked if there is an application needed that is separate from endorsement of ANR. Ms. Newman stated there needs to be an approval of a de minimus change. The motion was withdrawn.

A motion was made to approve the division of lots as shown on the plan as presented to the Board tonight to create Parcel A under the condition of the subdivision decision for the Heather Lane Extension Residential Compound, Condition 3, that there shall be no further development of the lot as shown thereon without prior written approval of the Planning Board. Mr. Alpert seconded the motion and made a further motion to treat this as a minor modification. The previous motion was withdrawn.

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 treat this as a minor modification.

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

VOTED: to approve as a minor modification to the subdivision decision for the Heather Lane Extension Residential Compound to allow a further division of the lots as shown in the subdivision to create Parcel A as shown on the Plan of Land Needham Massachusetts, dated 4/29/22, prepared for 94 Heather Lane LLC by GLM Engineering Consulting, Inc.

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 accept the ANR plan.

Board of Appeals – May 19, 2022

68 Garden Street -- Andrew P. Feldman, applicant

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

VOTED: “No comment.”

1330 Highland Avenue (Emery Grover Building) -- The Town of Needham Permanent Public Building Committee, applicant.

Ms. Newman noted this has already been dealt with. She can send a note in the letter to the ZBA this has already been reviewed and commented on separately as a minor project review.

670 Highland Avenue, 284 Webster Street and 28 Greendale Avenue – Temple Beth Shalom and Davenport Holding Properties, Inc., applicants.

Mr. Alpert recused himself from this matter as he is General Counsel to Temple Beth Shalom.

Mr. Block noted the Temple has acquired another property to combine on one lot. The house is to be demolished for a parking lot. Ms. McKnight asked if all cars would be going in through the present entrance, circle around and go out the same way or is there another entrance farther up Greendale Avenue. Ms. Newman thought access was provided through the 2 existing driveway accesses. Mr. Block noted presently there is an egress out to Davenport Road. The Board needs to find out how the egress will work. Ms. Espada noted the current curb cut to the house is eliminated.

Mr. Block stated the site plan is not clear. He is not sure it makes sense for the main traffic channel to run through the parking lot. The other issue is the building being razed for a parking lot. The afternoon peak hour pick up is not efficient. He has a concern with children running 250 feet to get to the main building through the active parking lot. The Board should comment the ZBA should closely study and mitigate for pedestrian safety. He feels if the Temple would move the administrative offices to the building at Greendale and Davenport and leave the kids in the main building that would alleviate the issue. Ms. Newman will call that out as a concern and ask the developer to come up with a solution.

Mr. Block asked what the main travel route is at the site entrance and egress. Ms. McKnight stated this is a Dover Amendment use. The parking lot landscaping requirement would apply but no landscaping is shown. It should be made clear where the landscaping is and that it should be in compliance with our By-Laws. All agreed. Mr. Crocker stated the neighbors had raised as a request that there be landscaping between Webster Street and the parking lot. Ms. Newman will send the comments to the ZBA.

Mr. Alpert returned to the meeting.

Minutes

Ms. McKnight noted in the minutes of 3/15/22, the Needham Gateway property, it says this was discussed at great length at a previous hearing. She feels “at a previous hearing on a separate application” should be added. Mr. Block noted “relating to the same property.” All agreed. Ms. McKnight noted “he has submitted a formal application” not “resubmitted.” On page 2, Mr. Block stated he “would be willing to waive 2 spots.” Mr. Block stated that is correct. Ms. McKnight noted on page 4, 4th line, “it is the name that matters.” She is not sure about that and feels it should be deleted. Mr. Block remembers members from the public raising the comment that corporately it is a clinic but in Massachusetts it is not a clinic. Ms. McKnight asked if “clinic” was in the name of the facility. Mr. Block noted it refers to clinics in the “About them” section

on their website. Ms. McKnight does not see a reference to clinic and would delete the sentence. She requested the spelling be checked for Dr. Mondavia's name. It is spelled incorrectly in one place.

Ms. McKnight noted Mr. Block asked if the doctor is compensated and was informed based on scheduling "they may float." Mr. Block stated the doctor was talking about himself. Ms. McKnight asked if it should be "he" may float. Mr. Block stated it was fine to leave it as "they."

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

VOTED: to accept the minutes of 3/15/22 as redlined with further changes noted on page 1 and correspondence on page 4.

Report from Planning Director and Board members.

Ms. Newman stated there will be a meeting of the Housing Plan Working Group next Thursday, 5/26/22. There was a meeting this week to work on the agenda. There will be a report on the results from the community survey that was done. She noted the 2020 census data is available and Housing and Planning Consultant Karen Sunnarborg has updated the Need Study to include that information. They are also looking at goals from the 2007 plan and how those can be modified to reflect current conditions. Ms. McKnight stated a direction will be set at the May meeting and an actual draft of the Plan will occur. They will take June, July and August to finalize a draft plan for a public meeting in October. Ms. Newman stated they have talked about having the Housing Authority go over the plan to see if it complements their plans. The plan will be worked on over the summer.

Ms. Espada noted after that meeting there will be a key update for the Planning Board. Mr. Alpert asked if something would be ready to present to Town Meeting next May. He questions where the momentum is -- from the Housing Plan Working Group or from outside. Does the HPWG have consensus already or the changes they want? Ms. McKnight stated, as to amending the Accessory Dwelling Unit (ADU) provisions of the Zoning By-law, the Select Board has spoken in favor of this and the Board of Health also. She heard the ZBA's question of whether a special permit was really needed for ADUs. She does not feel ADUs should be, as a general matter, moved from special permit to as of right until there is a more comprehensive housing plan. She stated they are not talking dimensionals but general concept. A more generous use of ADUs is not a high priority. Ms. Espada stated that is just one piece of the puzzle. Mr. Block stated he wants the Housing Group to set out what the whole puzzle is. Ms. Espada stated they are still in the exploratory phase but that is what they are trying to do. Mr. Crocker noted it is important to look at the aging in place factor for seniors. He does not agree with opening up ADUs by right, but he does agree the Board needs to look at the whole picture, how to address this and what can be done now. How everything is going to fit as part of the puzzle is important. This needs to be a thoughtful project. He stated the Housing Working Group is doing a great job.

Ms. Newman reminded the members that at the 6/7/22 meeting they will be going to their first hybrid meeting. She had a conversation with Tree Warden Ed Olsen regarding the Town Common project. The construction costs came in significantly higher than Beta had estimated, so a number of things will be done within house. They are making a couple of adjustments to the plan to save money. The trees installed were to be a 3½ inch caliper, but they will be going with a 2-inch caliper. They will also move from an exposed aggregate concrete system for the walkways to a paver system. It was recommended they take the change to the DRB. When the DRB signs off on it she will approve it as an insignificant change.

Ms. Espada stated they need to know what the substrate will be. There needs to be really good substrate underneath pavers and bricks. Cost should not be cut in this area. Concrete is less than pavers if you do it right. Ms. Newman will loop Ms. Espada in with Mr. Olsen. Mr. Alpert asked if this is something that can be handled at the DRB level. Ms. Espada stated yes, but she wants to make sure it is done properly. Mr. Crocker stated the DRB does not look into things at that depth. Ms. Newman would like to bring Ms. Espada in with Mr. Olsen and handle it that way. Mr. Alpert stated he would be more comfortable with Ms. Espada as part of the discussions on construction details.

Correspondence

Mr. Block noted a letter, dated 5/9/22, from Planning Director Lee Newman to ZBA Chairman Jon Schneider but they have already met. There was a letter from the Toll Brothers to each of the Planning Board members looking to engage with the Town to take advantage of the MBTA Communities Law. He appreciates them reaching out. Predominantly this is a matter of private property. If the Planning Board decides to discuss it, they will reach out when the time is right. He thinks this is widely premature. Ms. Newman let them know the Town is developing a housing plan and strategy to implement development guidelines and will share it with them. Ms. McKnight will let them know when the community workshop and public comment will be.

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 10:48 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk