

NEEDHAM PLANNING BOARD MINUTES

April 2, 2013

The regular meeting of the Planning Board held in the Charles River Room of the Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Tuesday, April 2, 2013 at 7:30 p.m. with Messrs. Warner, Ruth and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Correspondence

Ms. Newman stated she has a copy of the Burlington warrant article on marijuana. She noted this law was adopted. She stated the Highland Avenue Corridor project has been advanced and is a priority.

Public Hearing:

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 2012-07: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 66B Street, 360 First Avenue, 410 First Avenue and 37 A Street, Needham, MA 02494).

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Roy Cramer, representative for the applicant, stated the design has been requested by Trip Advisors. They want a little more at about 285,000 square feet. It is in the same locations and the same footprints. Garages are also the same but one is a little larger. There is no overall increase in the square footage that has been approved. The building now is horizontal to the highway rather than vertical. They have created a larger common area for the whole campus. They have maintained all that was originally approved.

Mr. Cramer stated this is a phased project. They are on garage B and Building 3 now. They have gone to the Design Review Board and they have approved both building and landscaping. They are requesting to approve the additional set of plans limited to Trip Advisors. The square footage of the project is not changing. He noted one building is getting bigger and one is getting smaller. Building 1 is currently 150,000 square feet and 4 stories. It will become 190,000 square feet and 5 stories. He noted Building 4 goes down to 135,000 square feet. The parking stays the same.

David Manfredi, of Elkus Manfredi Architects, stated the rotated building changes the design guidelines. It gives a more corporate headquarters feel. He noted 2 buildings have been shaped to form a courtyard for Trip Advisors. A gathering space is important to them. They have created a 4-story living room. Mr. Manfredi noted the building has a base with meeting areas. There will be a red brick, modern exterior and atrium space that is 4 stories with a series of balconies around it. The façade is streamlined. Each elevation is different and there is a lot of glass and metal. There is a masonry base. They wanted a building with a lot of energy. The framed expression wraps around an L shape. It is high quality in terms of nature.

Justin Krebs stated he feels it will be remarkable for 128. Keith Curran, of Tetra Tech, noted they got rid of the one way. It creates more open space. They have removed some parking spaces. It has a campus feel. He noted pedestrians come first. They are still utilizing sub surface infiltration systems and rain gardens. The systems are the same just oriented differently. He stated the sewer is all out to A Street. It is just different where they tie into the building. The landscaping is the same. It is just changed due to the building change.

Jade Cummings stated they will continue to use a mixed pallet of natural materials and some exotic. Mr. Cramer noted the traffic and parking are the same. He has an updated letter.

Mr. Eisenhut noted the following correspondence for the record: an email, dated 4/2/13, from the Town Engineer, with recommendations and analysis; an email from Janice Berns of the Board of Health noting no comments; 2 emails from Fire Chief Paul Buckley with 3 requests in the first email and noting the height in the second email; a 3/22/13 letter, from John Perten, regarding TIF; an email from Justin Krebs regarding tractor trailer hours; and an email from Lt. John Kraemer with general traffic concerns.

Mr. Cramer noted the Fire Department had 3 recommendations in the first letter. They are fine with those recommendations. They can put them in as conditions. Ms. Newman noted they have been incorporated.

Mr. Cramer stated the DPW letter had 11 comments. He noted they had no problems with 8 of them. He suggested for the loading dock they prohibit backing out from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. He noted between the 2 buildings there are 2 transformers and 2 generators. He takes issue with the DPW comment. He feels it is an appropriate place for them. They will propose enhanced screening. It will be screened by arborvitae if they are allowed to keep them in the same place. Mr. Krebs asked what is the front of the building? He noted they feel the current location is the least intrusive.

Mr. Cramer noted the comment regarding the cisterns for additional irrigation. They would prefer not to do a well. It is very expensive. They propose to keep the first line "during drought conditions domestic water may be used" after "if needed."

Keith Curran, of Tetra Tech, stated the project is LEEDS certified. They are limiting irrigation and using drought resistant plants. Mr. Jacobs asked for the loading dock location. Mr. Curran explained. Mr. Ruth noted the plantings and commented it looked like the transformers were screened originally. Mr. Cramer stated they were screened with lower shrubs.

Mr. Ruth stated he would like to hear from the landscape architect to see if arborvitae is really an improvement or not. Jade Cummings, landscape architect, stated it is not her favorite but this is in response from the town. She would use her original plan. Mr. Ruth asked what the motivation was for the comment on the alternative well. Ms. Newman stated they want to move it off the town's well system. Richard Merson, DPW Director, stated they are trying to minimize the impact on the Charles River system. They are trying to strenuously engage in the conservation of water. They need to make sure there is no cross connection between the potable water supply and the non-potable water supply.

Mr. Warner commented he would like to agree with Mr. Eisenhut for no arborvitae. He feels they should lighten up as a Board on transformers.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to close the hearing.

Mr. Cramer stated he is satisfied with the draft decision. He found 1 typo. He would like Trip Advisors clarified. Trip Advisor LLC is the actual name. It should be changed. They need to match up the name with the tenant. All agreed. Mr. Ruth noted the building is already using water conservation abilities.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to accept a note that the cisterns will be used for irrigation purposes only.

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to leave the screening of the transformers as is.

A motion was made to restrict the hours of truck traffic. Ms. Newman stated they will need to incorporate the balance of the DPW comments into the decision.

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

VOTED: to grant the relief requested in the form of the decision presented to this meeting with the inclusion of the Engineering comments as adjusted by our various motions and discussions.

Request to authorize Temporary Occupancy Permit and establish surety: Lot A Amendment to Major Project Site Plan Review No. 2000-02: Digital Realty Trust, c/o Walter Greaney, 451 D Street, Suite 912, Boston, MA 02210, Petitioner (Property located at 128 First Avenue and 72 A Street, Needham, MA).

Ms. Newman noted she has received the As-Built plan and noise analysis. The engineer has conducted a site investigation and prepared a list of items to be done which totals \$160,000. They need to multiply this by 1.35 percent.

Mr. Eisenhut noted the following correspondence for the record: a letter, dated 4/2/13, from the DPW with a bond amount of \$216,000. They are waiting for an agreement and a completion date. Walter Greaney stated they would like a temporary occupancy permit for around 4 months.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to authorize a temporary occupancy permit and establish surety in the amount of \$160,000 times 1.35% for a total of \$216,000 for 6 months.

8:30 p.m. – Major Project Site Plan Special Permit No. 2013-02: Town of Needham by its agent the Needham Permanent Public Building Committee, 500 Dedham Avenue, Needham, MA, Petitioner (Property located at 1407 Central Avenue, Needham, MA). Note: This hearing is continued from the March 19, 2013 Planning Board meeting.

Mr. Eisenhut stated this is a continuation. He noted the following correspondence for the record: a letter, dated 4/1/13, from the DPW; an email, dated 4/2/13, from DPW Director Richard Merson: a memo, dated 4/2/13, regarding parking analysis; a draft decision; and a proposed salt shed traffic plan.

Steve Popper, representative for the applicant, stated they met with a number of abutters on 3/28/13 to hear their concerns. He stated they had a productive meeting and gave a summary of the meeting. He noted they decided to do a couple of trial runs with regular traffic and a salt spreader. They ran the trial run on 4/1/13 in the afternoon and again at 8:30 that night with the DPW and the abutters in the closest residences. The issues are negligible and non-disturbing to the occupants of that residence. There is a large amount of buffer between the residence and the route. They mutually concluded there would not be a problem.

Mr. Ruth commented on excess salt dropping in the loading process and spilling as the truck exits. He noted during the construction phase there will be gravel mats. He asked if it is possible to do something like that to get the excess salt off the trucks. Mr. Merson believes it is proposed for a different purpose. Hank Haff stated they could also leave the gravel mats in place and do not remove them.

Ms. McKnight clarified they summarized the trial runs and there is no difference in the 2 routes. Mr. Popper stated that is correct. Mr. Merson stated it is barely negligible.

John McCarthy, an abutter, stated he was previously opposed. He does not want to delay construction any further. He stated they have done a good job addressing the concerns. He noted his 3 main concerns are still open but he is confident the town will continue to work with them. Michael Lieberman, an abutter, stated he would also add the town did a terrific job and have been very responsive. He hopes they can have open discussions regarding the other noise issue.

Mr. Eisenhut noted the following correspondence for the record: a letter, dated 4/2/13, from John and Catherine McCarthy. Ms. Newman noted she received a red lined copy with comments. On page 6, Section 1.8, they do not have the parking numbers. There is one additional space for the salt shed in addition to the projected demand. In Section 1.13, they recognize one additional space for the salt shed. Mr. Jacobs commented the numbering was off. Ms. Newman noted there are a total of 66 spaces on site in Section 1.13. In Section 3.6 there are 9 spaces.

In Section 3.16, they should add “in accordance with the current Town of Needham regulations” rather than bullets a, b and c. Mr. Jacobs stated they need to add the plan modifications they have talked about.

Ms. Newman stated she needs to point out one provision that is in there. They need to recognize the fact this is being run as the RTS. The DPW may look to move some building or add on in the future. This is an existing facility. They have created some flexibility moving forward in Section 3.2. As long as it is not over 5,000 square feet it does not trigger a site plan review and they do not need to come back. Ms. McKnight noted if they were not coming for the Salt Shed they would have the right to make changes without coming back. Mr. Eisenhut asked if they have done this for the private sector. Ms. Newman noted they have not done this on the private side but they have done permits when they wanted to give people some flexibility.

Ms. Newman noted they are retaining jurisdiction but are allowing certain things without them having to come back. Mr. Eisenhut commented he is concerned about this. He added this came out of the blue for him. Ms. McKnight suggested they reword it so it is not so broad. A motion was made to remove the language in Section 3.2 from the word ‘Notwithstanding’. Mr. Jacobs stated that was fine but he wants it clear they need to think this through. An amendment was made that Section 1.8 was also affected and was a finding. Ms. Newman stated she will revise Section 1.8 so it states the applicant requested that flexibility.

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

VOTED: to approve the decision with Section 3.2 removed from “Notwithstanding...”, with the amendment discussed tonight and grant the relief in the form of this decision.

8:45 p.m. – Article 3:PB Amend Zoning By-Law – Lot Width Definition/Measurement

Note: This hearing is continued from the March 5, 2013 and March 19, 2013 Planning Board Meetings.

Ms. McKnight reviewed the newest version. She stated she still does not think it is clear. Mr. Eisenhut stated it is perpendicular from a line at a point. He read Mr. Jacobs suggested language. They need to measure the lot width to the extent possible. Ms. Newman noted other towns do not have these descriptions. They take a sphere approach. Mr. Ruth noted it should be to the maximum extent possible. Mr. Eisenhut stated they should take Mr. Jacob’s language and see if the Building Inspector can live with it. Ms. McKnight stated her language covers all situations. She feels comfortable with that. Mr. Jacobs commented the Building Inspector needs to be comfortable with the language.

Michael Zafiropoulos stated he had expressed concerns at the last meeting when he was here on behalf of his family and the Hyams. Mr. Eisenhut clarified they do not have a definition yet. He suggested Ms. Newman share the draft once they prepare it and Mr. Zafiropoulos can review it. He noted they are also going to run it by the Building Inspector. Mr. Zafiropoulos stated, based on equities of situations, he would like the Board to recommend the definition be applied prospectively and not retroactively.

Ms. McKnight asked that Mr. Zafiropoulos clarify he would like the definition to be parallel to the front lot line. Mr. Zafiropoulos stated he would like it parallel to the street and would like it retroactive to the publication date. He feels parallel to the street works. Mr. Hyams stated they have a total of 3 lots and he wants to request he be grandfathered.

Gary Kaufman, of 12 Eaton Road, noted he is a 20 year resident. He read a letter he submitted for the record. He stated the rules are already stringent and feels the land will lose value and they will have higher taxes. Mr. Eisenhut noted Mr. Kaufman’s letter for the record. Mr. Jacobs asked how many lots would be affected by the change. Mr. Kaufman stated maybe 50 lots over the next 10 years.

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

VOTED: to continue the hearing to Monday, April 8, 2013 at 7:30 p.m.

Ms. Newman stated she will make sure Building Inspector David Roche is available.

ANR Plan – 171 Warren Street (J. Derenzo Properties, LLC, Petitioner).

Ms. Newman noted the plan has been refiled. Lot 5 is being cut into 5a and 5b. Both lots are in excess of 10,000 square feet and have frontage and lot width. She noted the building has been razed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Warner, it was by four of the five members present (Mr. Ruth voted in the negative):

VOTED: to endorse subdivision approval not required.

Ms. McKnight left the meeting to review the minutes of the Wingate hearing.

Request to authorize Permanent Occupancy Permit: Major Project Site Plan Review No. 2010-03: F & A Farms, Inc. d/b/a Volante Farms, 226 Brookside Road, Needham, MA, 02492, Petitioner (Property located at 292 Forest Street, Needham, MA).

Request to release bond: Major Project Site Plan Review No. 2010-03: F & A Farms, Inc. d/b/a Volante Farms, 226 Brookside Road, Needham, MA 02492, Petitioner (Property located at 292 Forest Street, Needham, MA).

Ms. Newman stated the Needham Commission on Disabilities is satisfied and it meets the site plan approval. The inspection was done. The plaza is noncompliant. They will work with the Commission on Disabilities.

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the four members present unanimously:

VOTED: to advise the applicant there will be no release of money until the issue is resolved and extend the temporary Occupancy Permit for 4 months.

Minutes

Ms. Newman noted any comments on the minutes should go to Ms. Clee.

Ms. McKnight returned to the meeting.

Deminimus Change: Major Project Site Plan Review No. 2011-01: Wingate Senior, 63 Kendrick Street, Needham, Massachusetts, Petitioner (Property located at 235 Gould Street, on the westerly side of Gould Street between the Wingate at Needham Nursing Home at 589 Highland Avenue and the MBTA Right of Way).

Mr. Eisenhut noted Mr. Ruth was not at the hearing. Roy Cramer, representative for the applicant, noted these are minor modifications to the building and associated changes with the landscaping due to the modifications. He stated they want to fill in the depression for a net increase in storage capacity. Tom Ryder wanted the detail of the materials in the catch basin. This will be a plan modification. Ms. Newman stated she is satisfied with the decision.

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

VOTED: to close the hearing.

Mr. Cramer stated the draft decision is fine.

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

Mr. Cramer stated the draft decision is fine.

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

VOTED: to accept the decision and sign it as written.

Mr. Ruth returned to the meeting.

Vote Recommendations on Proposed Zoning Articles.

- **Article 1:PB Amend Zoning By-Law – Interim Regulations for Medical Marijuana Uses**
- **Article 2:PB Amend Zoning By-Law – Lot Width Definition/Measurement**

Mr. Eisenhut stated he thinks it is important for the Planning Board to make a unanimous recommendation on the warrant articles. He noted he and Ms. McKnight have come up with language which is Draft #2. He would like support from the Board. Mr. Ruth stated they both deserve a lot of credit for the care and thought given.

A motion was made to adopt the draft as their position before Town Meeting. Mr. Jacobs noted they should say in the draft it would not become final until at least some time in May. All agreed.

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

VOTED: to adopt the draft with the one change discussed as their position before Town Meeting.

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

VOTED: to adjourn the meeting at 10:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Sam Bass Warner, Vice-Chairman and Clerk