

NEEDHAM PLANNING BOARD MINUTES

July 9, 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, July 9, 2013 at 7:30 p.m. with Messrs. Warner and Jacobs and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearing

7:30 p.m. – Webster Street Definitive Subdivision: Southfield Associates c/o Petrini Corporation, 187 Rosemary Street, Needham, MA 02494, Petitioner (Property located at 1135 Webster Street, Needham, MA).

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

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

Mr. Eisenhut explained the process the public hearing would follow. Roy Cramer, representative for the applicant, gave an overview of the project. Greg Petrini, of Petrini Corporation, noted it is the Single Residence A District bound by Webster Street, South Street, High Rock Street, Laurel Drive and Reddington Street. It is 8 acres. It is set a little high, is dry and slopes gently. There are 7 lots with a minimum of 1 acre each. After studying it, the road is in approximately the same location as the existing driveway off Webster Street. All lots are off a new roadway and access is off the new roadway. The way is proposed to be a public way with 20 foot pavement, no sidewalks and lantern style street lights.

Mr. Petrini stated there is a landscape buffer around the entire project. There is a 6-foot stockade fence along South Street that starts a 15 foot buffer. He noted they will maintain the existing home.

David Kelly, of Kelly Engineering Group, stated they looked at 6 or 7 road layout options. The entrance is most appropriate where the existing driveway is now. The project has been designed to minimize disturbances. It is located in the most appropriate location for site distance. He stated the grading is a little steep in the beginning then it flattens. They will flatten the entry a little, then it will rise a little steeper, and then it will follow the existing grade into the site.

Mr. Kelly stated the site is provided with sufficient utilities. They have designed a drainage system with catch basins, storm water sceptors for treatment and subsurface recharge basins. There will be no runoff from the site to the roadway. He added the peak runoff will be reduced. There is no negative impact to the storm drains. They will connect to the Webster Street drain. Sewer is available on South Street and they will extend the new sewer main to the Webster Street location.

Mr. Kelly stated there is a northwest to southeast slope. They are not changing the grading. He described the requested waivers. They include reducing the right of way width from 50 feet to 40 feet, reducing pavement width from 24 feet to 20 feet, reducing cul-de-sac radius from 60 feet to 50 feet and reducing street cross section to a 24 foot wide width. He noted there is an additional waiver. The slope standard at the entry of the new road requires a 1% slope. They have requested a waiver to permit 2%. He has reviewed this with the DPW and comments have been provided. They are in the process of revising the plan to deal with the comments.

Steven Cosmos, a registered landscape architect, stated they want to preserve and enhance the area. There is much they want to preserve. He noted a specimen trees buffer surrounds the property. There is a stone retaining

wall on the right at the entry and grass strips with plantings. There will be a tree lined street with mostly native plants and large trees for a canopy. He commented it looks natural and maintains the character of South Street.

Mr. Warner asked if they would be poking holes in the walls for driveways for the lots. Mr. Cosmos stated he has allowed for driveway openings so the only thing they would do is shift. Mr. Warner asked what kind of trees they will have. Mr. Cosmos stated the first group of trees is sugar maples, the second grouping is green spire lindens, and the third is red maples. There are also some autumn gold ginkgos and some birch. Mr. Warner commented they should beware of the Asian Longhorned beetle and maples. He stated he is fond of the choice of maples but concerned with the beetle.

Ms. McKnight noted the wall is not existing. Mr. Cosmos stated it is proposed. They are putting it in. Ms. McKnight noted there is an existing stockade fence. She commented she is disappointed it is staying and not being removed. She asked what the intended goals are to keep it. Mr. Cosmos stated the intended goal is not to change the look. Ms. McKnight asked if the sidewalks off site on Webster Street are coming to the site. Mr. Petrini stated they are not. They are on the opposite side of the street.

Ms. McKnight noted the strip of land along the roadway and asked if it is intended the roadway be owned in fee with the homeowners association. Mr. Cramer stated they will request that it eventually be laid out and accepted by the Town as a public way. Ms. McKnight asked if the layout of the way includes that strip. Mr. Petrini stated it does not.

Mr. Eisenhut noted he is concerned with the slope waiver of 2 percent. They are creating a new standard and he does not want that to happen here. He asked what is unique with this site so no precedent could be set. Mr. Kelly stated it is 1% at the beginning and then transitions to an 8% slope. The Town Engineer has a concern that that does not allow the proper 30 mile per hour design speed. Mr. Kelly noted that with a stop sign not far from it, it would be difficult to reach that 30 mph speed. But the Town Engineer felt strongly that because it will be a public roadway, it needs to be designed for 30 mph. to meet the 30 mph design slope, they need to change the approach slope so that the difference between the approach slope and the next slope is a small difference. He noted the DPW will allow up to 4% slope because of the unusual topographic nature of the site. It's actually currently quite steep as you enter the existing driveway and they are flattening it. Because of this, they feel the waiver is justified.

Mr. Jacobs noted the Fire Chief's concern with the fire apparatus. Mr. Cramer stated they have reviewed it and there is no problem. They will be in compliance. Mr. Jacobs noted the memo, dated 6/6/13 from Tara Gurge. Mr. Petrini stated they have no issues. Mr. Jacobs noted the memo, dated 7/3/13, from Town Engineer Anthony DelGaizo. Mr. Kelly stated he met with the DPW and they are ok with the comments.

Mr. Eisenhut noted the following correspondence for the record: a memo, dated 6/3/13, from the Board of Health; an email from Fire Chief Paul Buckley, dated 6/17/13, with comments; a letter, dated 7/3/13, from the DPW noting there will be revisions; an application with a cover letter, dated 7/8/13; and an email, dated 6/18/13, from Police Lt. John Kraemer.

Bill Supple, of Reddington Road, stated he is not in opposition. He has seen a number of Mr. Petrini's developments and they are very nicely done. He stated he questions the enforceability of the 15 foot buffer. Mr. Cramer stated it could be written in the decision and he thinks that would be a condition of the permit. Mr. Supple noted the stockade fence. The land slopes up and he likes the fence for privacy. He would like to see it left. He feels it enhances the rural nature of the property. Mr. Petrini stated it would be the responsibility of each homeowner to keep up the fence.

Mr. Supple noted the benefit of the wooded forest. He stated the more large trees left the better. He would like more maintained. Mr. Petrini stated the houses would be designed to benefit not only the topography but the trees. He stated he believes there is value in trees. Jay Doonan, of Laurel Circle noted the surveying stakes and asked if they were the lot line or start of the buffer zone. Mr. Kelly stated he thinks there are random stakes

installed to create a traverse. He believes they have not staked the boundary. Mr. Petrini stated he will get out there tomorrow and look at it. They will stake the buffer.

Mr. Doonan noted he would like to maintain the level of privacy. He asked which way the houses will face. Mr. Petrini noted he was not sure yet. He noted the development will favor privacy. They are deep lots. Mr. Doonan asked what the timeline would be. Mr. Petrini stated as early as late fall. It will proceed for 2 years. He stated they will remove trees only as needed.

Anthony O'Donnell, an abutter, stated he wanted to echo the comments of Bill Supple. He asked if there would be a 15 foot buffer then the setback. Mr. Petrini stated no. Mr. O'Donnell asked if the topography would stay basically as the maps portray it. Are they maintaining the sloping or moving a lot around? Mr. Kelly stated they will try to minimize cuts and grading. Mr. O'Donnell noted there are a number of very tall trees on his side. He asked how will they deal with high winds and such. Mr. Kelly stated they are saving the buffer. There will be at least 15 feet and probably more to protect them. Mr. Cosmos stated they will be removing dead and unsafe trees.

John Carberry, of 531 South Street, stated he is not in opposition. He asked the size of the buffer along the front and if it was 15 feet from the stone wall. Mr. Kelly stated the stone wall is on the line then the buffer is 15 feet in. Mr. Carberry noted Webster and South Streets are being revised per the town. Ms. Newman stated she will have to check with the DPW. Mr. Carberry asked if there is any consideration to underground power lines. He noted the catch basin just north of the driveway backs up and he would like a fence along South Street.

Mr. Kelly stated he was not aware until last week that the DPW had plans to improve the intersection. This is preliminary and there is no timeline. They will narrow Webster Street for more pedestrian safety. He is not aware of any catch basin problems but he stated there will be no negative impact.

Ms. McKnight noted Lot 4 and the 30 foot wide drive. She asked if the Fire Chief had any concerns with no access to South Street. Mr. Petrini stated the Fire Chief had no issues. Ms. McKnight asked, with the proposed town changes, does the town need any easements or land from this parcel. Mr. Kelly stated the plan he saw did not have any road layout. In fact, they are narrowing the road. They are not proposing any takings or easements.

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

VOTED: to continue the hearing to 7/23/13 at 8:30 p.m.

Appointment

8:30 p.m. – Discussion of proposed Solar Photovoltaic Zoning District Overlay District.

Mr. Eisenhut noted the following correspondence for the record: an email, dated 7/3/13, from Hank Haff to the Needham Planning Board.

Hank Haff, noted he was not an official member of the Solar Energy Exploratory Committee -- he is just an advisor. He stated the Committee was asked by the Board of Selectmen to look at solar. In May the Committee reported back to the Board of Selectmen. They felt, in their opinion, it was a viable, interesting and important matter to pursue. It had several benefits to the town including being a clean source of power, offsetting the carbon footprint for the town, and creating a productive use for the untapped asset of the landfill. It creates an educational component. It would be a 20 to 30 year contract. The best option is on the capped landfill. There will be 2 to 4 MW of power and tax incentives.

Mr. Haff stated they missed out the first time and they feel this is an opportunity for the town. They see that time is of the essence. The Zoning By-Law is a hurdle. The fewer hurdles they can place in front of developers coming in the better. He noted the overlay Districts should be a standard. They will allow for as of right for land

lease and/or equipment lease. Precedent is there with the Needham Historical Society leasing at the Newman School site. There will be general requirements and setback requirements – 200 foot front, 100 foot side and 200 foot rear setbacks.

Mr. Haff stated the installation will most likely be in the top area where the slope is 7 percent or less. The intent is to let the developer propose what is economically advantageous. The primary power line will be on Central Avenue. They are requesting the Board be in support of this approach. He noted they will be requesting a formal hearing and they will need several warrant articles for the November Town Meeting. He added there will be no wind turbines.

Mr. Warner stated he is in favor. He asked if this will be 2 step – first the RTS then the other public properties. Ms. Grimes asked if it would be visible from Central Avenue or behind. Mr. Haff stated there is quite a tree cover. They might see a little at the top of the hill.

Ms. McKnight commented she was glad to see Needham catching up and using the land for this purpose. She asked if the panel installation changes runoff. Mr. Haff stated they will have to go through the Department of Environmental Engineering. Gravel will be put in and panels are ballasted for a support system. Ms. McKnight asked if it changed drainage or runoff from the site. Mr. Haff stated it does not.

Mr. Jacobs stated he is in favor of the basic idea. He noted page 5 of Mr. Haff's memo about known impediments. Mr. Haff stated they want to allow as of right or by Special Permit. Mr. Jacobs asked if a draft overlay proposal was done for something else. Mr. Haff noted they started with the state format, then went through a modification, and revised it to get to this point. Mr. Jacobs stated there are a lot of issues with this. He does not feel they need a definition. Ms. Newman stated they are defining the use. She does not feel there are enough standards in this. Mr. Jacobs stated it is not sufficient. Mr. Eisenhut asked if Mr. Jacobs would work on it. Mr. Jacobs agreed.

Mr. Jacobs stated he is curious why there is no lot size requirement. Ms. Newman stated there will be lot size of the underlying zone. Mr. Jacobs stated they should say that. He asked if this is a structure in the By-Law. Mr. Haff noted it may be a structure. Ms. Newman believes it is a structure.

Mr. Jacobs asked if they have a lot size in mind if the Board requires it. Mr. Haff noted they have more than 20 acres for the salt shed. Ms. Newman suggested they work on it and have a refined draft at the next meeting on August 6. They will have a hearing in September.

Minor Project Review: Fuller Brook Enterprises, Ltd., 264 Edgewater Drive, Needham, MA 02494, Petitioner (Property located at 817 Highland Avenue and 471 Hunnewell Street, Needham, MA).

Mr. Eisenhut noted the following correspondence for the record: a letter from Attorney George Giunta Jr., dated 6/24/13.

Mr. Giunta Jr. noted Mike Tedoldi is the proponent. He stated the existing property has 14,000 square foot area with 176 feet of frontage on Hunnewell Street and 14 feet on Highland Avenue. There is a small box on the front. He noted this was a gas station, then a florist. The back portion was built in 1981 directly adjacent. It was 2 non-conforming lots and the 2 lots were merged into one. Mr. Tedoldi bought the property and would like to redevelop it. He proposes to tear down the front bump out and a small portion in the back. They will renovate the rest and add a tower. There will be 2 apartments on top and medical on the bottom. Currently the parking demand of the property is 27 parking spaces but there are only 16 on site. The parking demand of the proposed project will be 19; the proposal would expand the parking area to create an additional 5 spaces above the current, for a total of 21 spaces provided (2 above what the proposed project would require).

Mr. Giunta Jr. noted they will add 3 to 5 trees on the property with 2 in front of the parking area. They will install a line of posts with railings to run along the parking in the front. He noted they are reducing the impervious surface. There is no green space now. He feels it is a good development with all these changes. He added the Planning Board sends a recommendation to the Zoning Board of Appeals after the minor modification review.

Ms. Newman stated she has called out concerns with the reduction of the project. Mr. Jacobs noted fencing and asked if the 45 foot curb opening is to remain. Mr. Giunta Jr. noted it will remain. Mr. Eisenhut asked about lighting. Mr. Tedoldi stated they are proposing wall lighting.

Ms. McKnight stated she likes what she sees and likes the post and rail. She noted they do not have it all together for the Board tonight. Ms. Newman noted they should indicate they are planting a minimum of 5 trees in accordance with the plan. Mr. Jacobs stated he likes the look of it.

Ms. McKnight asked about a dumpster. Mr. Giunta Jr. noted the residents will use the RTS like all other residents in Needham and the medical use will be a nominal use. Ms. Newman noted she will write a letter to the ZBA referencing the updated site plan, stating they are supportive of the projects, including comments on the site plan, and noting the landscaping should have 5 trees if possible with a 3 inch caliper.

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

VOTED: to authorize the Planning Director to draft a letter to the ZBA outlining the site plan issues as discussed.

Request to authorize Permanent Occupancy Permit and release 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).

Mr. Eisenhut noted the following correspondence for the record: a letter from Town Engineer Anthony DelGaizo, dated 7/3/13. Ms. Newman noted the handicap space is not proper. They need 135% of the cost of work estimated at \$5,000.

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

VOTED: to reduce the bond to 135% of \$5,000 for a total of \$6,750.

Discussion regarding the regulation of medical marijuana dispensaries and accessory uses.

Ms. Newman noted she advised the Selectmen the Planning Board will be holding a public hearing on medical marijuana dispensaries. The GIS Department did an identification and map of areas allowed. She stated a lot are eliminated. Mr. Eisenhut noted it would be only by Special Permit. Ms. McKnight clarified that the map shows dispensaries would be allowed near the junction, Mixed Use 128 District and a small area in the Business District. Ms. Newman stated they could create an overlay district and only allow it in the overlay. It could be done through a medical clinic definition or they can create their own definition. They could define the use and where it is going to go.

Mr. Eisenhut stated it should be treated as any other lawful use. Ms. McKnight commented on the cultivation of marijuana. She noted another town had a moratorium on dispensaries and prohibited cultivation for residents. The Attorney General struck that down. Mr. Eisenhut stated they do not need to say anything. The state heavily regulated this. Mr. Jacobs commented he feels it is premature to make a decision on this.

Review and Recommendation on M.G. L. Chapter 40B Project: Greendale Avenue Venture, LLC, c/o Mill Creek Residential Trust LLC, 15 New England Executive Park, Burlington, MA 01803, Petitioner (Property located at 692 & 744 Greendale Avenue in the Single Residence A District).

Mr. Eisenhut stated they should protest this. Ms. Grimes agreed. Ms. Newman stated there are issues around density, the inability of the site to support this project, environmental issues discussed, trial linkages, traffic study and access to schools. Ms. McKnight stated Town Engineer Anthony Del Gaizo's letter was excellent. She noted the public way was never discontinued. Ms. Newman stated there are issues with the sewer easement and site control.

Ms. Grimes stated the fiscal impact for the town was requested and not provided. Ms. Newman stated they are refusing to provide it. They are doing a peer review for the analysis. Ms. McKnight stated there are a lot of flaws in the storm water analysis. Mr. Eisenhut noted aesthetics are a legitimate concern. Mr. Warner stated it does not fit. Ms. Grimes recommends they tap into the bus line. Ms. Newman will do a draft and circulate it.

Board of Appeals – July 18, 2013.

JBP Holdings, LLC d/b/a The Juice Bar Project, 20 Skyline Drive, Westwood, MA 02090 – 1189 Highland Avenue.

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

VOTED: "No comment."

Dalton L. Murphy, 42 Howland Street, Needham, MA – 42-44 Howland Street.

Ms. Newman noted there are a 2 family and a single family on the same lot. It is pre-existing, non-conforming. Mr. Eisenhut commented they lose the grandfather protection. Mr. Jacobs noted they are relocating the house, enlarging and turning it. There is no provision for allowing this. Ms. McKnight stated she is not going to vote. She does not feel there has been enough time to review it.

Upon a motion made by Mr. Jacobs, and seconded by Ms. Grimes, it was by four of the five members present (Ms. McKnight abstained):

VOTED: to comment there is no provision in the By-Law that allows for what the applicant wants to do.

Fuller Brook Enterprises, LTD, 264 Edgewater Drive, Needham, MA 02492 – 817 Highland Avenue and 471 Hunnewell Street.

Ms. Newman noted George Giunta Jr. wants a variance.

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

VOTED: to state they do not see grounds for a variance, otherwise they make no comment.

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

VOTED: to restate the previous motion to say the Planning Board does not see grounds for a variance.

Minutes

The members of the Board gave changes to the Planning Director.

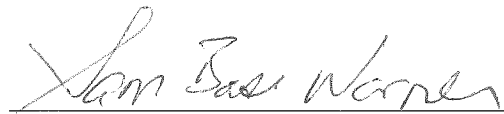
Report from the Planning Director.

Ms. Newman noted Arte Crocker would like to request the Board form a study group for large houses. Ms. Newman states she will create a committee. Beginning work in September is her goal. She informed the Board she is hiring for the Zoning Board of Appeals.

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

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in cursive script, reading "Sam Bass Warner", written in dark ink.

Sam Bass Warner, Vice-Chairman and Clerk