

NEEDHAM PLANNING BOARD MINUTES

September 17, 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, September 17, 2013 at 7:30p.m. with Messrs. Warner and Jacobs and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman.

ANR Plan: 8 Curtis Road, formerly 1725 Great Plain Avenue

Ms. Newman noted they signed this at an earlier meeting. This is at the intersection of Curtis Road and Great Plain Avenue. It was divided into 2 lots and this is a lot line adjustment to correct the setback relative to the overhang. The frontage has not changed and has met the lot width requirement on both properties. Ms. McKnight clarified it is just a little 55 square foot sliver that is being exchanged. Ms. Newman noted the overhang was a little too close.

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

VOTED: to endorse this plan subdivision approval not required.

Correspondence

Ms. Newman noted a legal notice from Wellesley regarding the Senior Center project as an FYI to abutting towns. There is also the Attorney General's comments and approval of a moratorium on medical marijuana.

Review of Landscaping Plan: Major Project Site Plan Review No. 2013:03: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property located at 51 and 59 Lincoln Street and 89 School Street, Needham, MA).

Review of Landscaping Plan: Major Project Site Plan Review No. 98-6: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property located at Existing Municipal Parking Lot on Chestnut and Lincoln Streets, and 37-39 Lincoln Street, Needham, MA).

Mr. Eisenhut commented he would like to consider these together. Each is a review of a landscaping plan for public parking lots. He asked what the status of the review is. Ms. Newman noted as a condition of the application they required the applicant to revise the landscape plan along the Lincoln Street edge due to concerns with the neighborhood. She noted the applicant, in conjunction with the Design Review Board, looked at some options and they think they can mitigate the issues the Planning Board has identified and provide a strategy. They would like to discuss it.

Mr. Eisenhut stated he was concerned no neighbors are at the meeting. They raised the issues. Ms. Newman noted they raised the issues but the Planning Board decided to handle it as an issue of the Board's approval. Mr. Eisenhut asked if there was any notice to the abutters and was informed not other than the original notice. Mr. Eisenhut reiterated the neighbors raised the concerns. Ms. McKnight stated the neighbors were clear on what they wanted and are leaving it to the Board to see if what is presented is what they wanted. She noted they wanted a combination of a fence and plantings along Lincoln Street to prevent lights from shining through. It is now up to the Board to decide. Mr. Jacobs agreed with that.

Town Engineer Anthony DelGaizo stated they had 4 trees and myrtle for ground cover 6 to 8 inches high with a stone post and railing fence with a rough iron look. They went back to the Design Review Board and met with Ms. Newman, Marc Gluesing and Nelson Hammer. They wanted a way to block the headlights. The Design Review Board is not in favor of a solid board fence and thought it could be done with plantings. Mr. Hammer came up with this plan which he feels is far superior.

Mr. Hammer noted he recommends the use of a variety of plant materials of different sizes, colors and textures of certain sizes to block headlights from the beginning. He proposes 4 to 5 foot species and others at 6 to 7 feet height to assure the light is blocked from day one. They have staggered the masses of the same species which include emerald green arborvitae, baby blue spruce and for a wider option, junipers and dwarf alberta spruce. He feels they should have different species in groups of 3 to 5. They will all maintain foliage throughout the year. There will be no bare spots. Dogwoods will be located in the corner plantings.

Mr. Eisenhut asked if there was a formal landscaping plan. Ms. Newman stated they are looking to see if the Board approves. If so, they will formalize it on a set of plans the Board approves and signs. Mr. Jacobs stated he likes no board fences but asked if these plantings will be hard to maintain. Mr. Hammer noted they will require virtually no maintenance. All will stay relatively small with the dwarf plants no more than 12 to 15 feet. The only maintenance he would recommend would be topping them off and watering them the first couple of years while they are establishing.

Mr. Warner noted this was a clear solution but costly. Mr. Hammer stated it was no costlier than a fence. Mr. Warner stated plants backed up by a board fence would prevent any run through of lights. He asked if they would build irrigation along here. Mr. Hammer stated he would not recommend irrigation. All the plants are drought tolerant. They could always add one or 2 plants here and there to prevent any future leakage of light and any issues with the abutters. Mr. Eisenhut asked if that could be put in the decision. Ms. Newman stated she would add it.

Ms. McKnight stated she likes this mixture of plant materials of different heights, bushiness and variety. She had hoped or envisioned a metal fence would also be part of the plantings along Lincoln Street. She thought a combination of vegetation and decorative fence would enhance the beauty. She wants to be clear that is not going to be part of phase 2. Town Engineer Del Gaizo clarified that was correct. The plant materials in phase 1 are estimated at \$16,000 and phase 2, with the stone pillars and railing fence along the same stretch, is estimated at \$27,000.

Ms. McKnight noted this will satisfy the neighbors with regards to light. She hears what he is saying about the cost. Mr. Hammer noted Wellesley concurs that ornamental screens made of plants are appropriate. Ms. McKnight commented on the maintenance of junipers. The snow can cause them to bend and break. Is there anything the town intends to do to prevent this? Mr. Hammer noted most do not have that problem until they are mature and large. He is recommending these be kept relatively low. He does not want them to be higher than 8 to 10 feet. He feels they should have no issue.

Mr. Eisenhut stated they should put in a condition with regard to height. He asked if the maximum would be 10 feet. Mr. Hammer noted he would say 8 feet in height maximum. Mr. Eisenhut suggested they put 8 to 10 feet maximum. Ms. Newman will instruct the applicant to revise the drawings.

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

VOTED: to instruct the Planning Director to have the plans modified to reflect the conversation tonight to reflect design drawings they would approve.

Public Hearing:

7:30 p.m. – Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Petitioner (Property located at 36 Rockwood Lane and 5 adjacent parcels, Needham MA, Assessors Plan No. 17 as Parcels 22, 23 and 24 and Plan No. 20 as Parcels 57, 60 and 61). Note: This hearing is continued from the July 23, 2013 Planning Board meeting and will be further continued to the October 22, 2013 Planning Board meeting.

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

VOTED: to continue the hearing to 10/22/13.

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

VOTED: to extend the action deadline.

Informal Conversation with George Giunta Jr.: vehicle storage at 540 Hillside Avenue.

George Giunta Jr., representative for the applicant, noted the property is in the Hillside Avenue Industrial District. Mr. Eisenhut noted you cannot see the building from the street and asked where the access is. Mr. Giunta Jr. stated the existing drive comes in off of Hillside Avenue. Ms. McKnight asked if it backed up to the MBTA right-of-way and was informed it does. She asked about the closest residences. Mr. Giunta Jr. noted the closest residences were the Rosemary Ridge condominiums which are slightly south westerly on the other side of the street.

Mr. Jacobs asked what was at 530 Hillside Avenue. Mr. Giunta Jr. noted he believes it is an electrical contractor. He noted a special permit was issued for this property in 1969 for vehicle storage and repair with a lease to the phone company. The phone company was going to store vehicles there. There is a small building and a huge car port for vehicles. It has been used that way since then. It is no longer the phone company but others are using it the same way.

Mr. Giunta Jr. noted the current owner is now looking at doing something different with it. He was looking at a commercial storage facility for vehicles for multiple tenants. He noted it is an unusual use for Needham. There is a question of where it fits. He feels it fits with storage and use of vehicles category but wants feedback from the Board. He thinks it fits under Section 3.2.1, Industrial Zone, under the business category of uses. Mr. Eisenhut noted they have a use catchall if not specifically assigned. They could find it similar and use that. Ms. Newman stated that applies to all districts.

Mr. Giunta Jr. noted the use involves the same category as parking of vehicles. There will not be repairs, just parking. It would be like condo bays of vehicles. They could park mobile service providers who could set up small offices to do their work. They anticipate small office space. They feel some may want office space and some may not. They contemplate having some office space above one or both buildings. It could be used either separate from, or in addition to, the bays that are proposed below.

Mr. Giunta Jr. noted they will level the existing building and carport and build 2 new buildings. Ms. Grimes asked if the property has a 21E on it. Mr. Giunta Jr. stated he was not sure. He imagines there was. He noted the current owner has not owned it long and assumes he had one done when he purchased it. He added when the building gets demolished one concern may be what they will find. It does not appear to have been used for heavy duty repairs.

Mr. Jacobs asked Ms. McKnight if there is any issue having office space in the Industrial District. Ms. McKnight noted another category called Industrial Services is a by right use in that zone. They could have accessory also which would be parking of vehicles. Mr. Eisenhut noted this was really vehicle storage. Mr. Giunta Jr. noted it was more for a plumber storing a van and materials. They need to work out the details but would expect them to park outside, pull out their work vehicle and then park their car in the bay. Currently it is a landscaping company vehicle storage.

Mr. Warner commented he feels it is a good use. They need a secure place to go at the end of the day. This is an important service to this kind of business. Tools and equipment need to be protected. Ms. Grimes asked what is the demand. Jeff Valeta, applicant, stated everywhere they looked they were all filled. There is a big demand. They would rather do this than park at their homes. Mr. Giunta Jr. noted some in this area have to park their vehicles in Norfolk.

Mr. Warner asked if there would be an issue with lighting. Mr. Giunta Jr. noted they will have to work out the lighting. Primarily it will be interior and the building will shield it from residences. They will need good adequate lighting for security but feel they could do this without disrupting neighbors.

Ms. McKnight stated she feels it is an allowed use as of right. For the concept, it goes up hill to the tracks and they might want to see, facing you from Hillside Avenue, the office profile rather than the garage profile. Mr. Jacobs commented he does not feel you will see either one. Mr. Giunta Jr. agrees. He does not think it will be seen at all.

Ms. McKnight noted the proposal looks like the entry to the garages is in the back of the building. Mr. Giunta Jr. noted the back building bays are along the front. They contemplate the drive will be up the side and bays will be in back as well. The garage doors will face the interior of the property. Mr. Eisenhut stated he feels it is a special permit. They are all on the same page. Ms. McKnight noted she does not expect this to be a problem. Mr. Jacobs agrees but the issue may be the number of businesses this will create with a lot more traffic. That may be an issue. Mr. Giunta Jr. noted that is on the radar as one potential issue. He added it is a lower impact to the area than say medical.

Minutes

Ms. McKnight noted on the 8/6/13 minutes, 2nd page, it is not clear how the parking system works. They need to clarify this is not intended for public employees only. They should add "Town Manager Kate Fitzpatrick stated it is not exclusively for public employee parking but public employees may have a permit and park there."

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

VOTED: to accept the minutes of 5/13/13 as presented.

Report from Planning Director.

Ms. Newman noted there is a request from Needham Music for the authorization of a permanent Certificate of Occupancy. It is completed now. Ms. Newman noted she has not checked but she wants to make sure the sign is down from the window.

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

VOTED: to authorize a permanent Certificate of Occupancy when the Planning Director has the floor plans for use and certification from the architect that the space was completed as shown on the plan.

Ms. Newman noted she spoke with the Superintendent of Schools regarding the parking at Pollard in front on the grass. He agrees it looks like the area is used for convenience purposes only and there is no need for it. He asked her to put together a letter outlining the parking should be moved out and be on the paved area in the back of the school or on Harris Avenue. He will speak with the principal and see if there is a reason. Otherwise, he will see there is no parking there. She noted he agrees there is a surplus of spaces in the lot.

Ms. Newman noted she received revised plans for Needham Mews. They have moved the development outside of the sewer easement. There will be revised drawings to comment on.

Public Hearing

8:30 p.m. – Amendment: Major Project Site Plan Review No. 2008-09: Town of Needham Permanent Public Buildings Committee, Petitioner (Property located at 484-500 Dedham Avenue, Needham, MA).

Ms. Newman clarified the application actually comes from the Engineering Department and not Public Facilities. DPW Director Richard Merson noted this is within the site plan Special Permit for the building. They addressed

the parking issues for the 470 Dedham Avenue property. The concern was with the Town Hall moving to this property and the DPW would there be enough parking spaces. The decision failed to indicate what happened when Town Hall leaves and DPW moves from 470 Dedham Avenue to this building. They want to amend that piece of the decision. Mr. Jacobs clarified this was cleaned up detail to clean up the parking. Ms. Newman stated it was. They have looked at the square footage of the building and how it is utilized.

Ms. McKnight asked if this was all one site. Ms. Newman noted it was 2 separate parcels and this was actually a separate lot. Zoning does not set what the operational side of the DPW demand should be. They backed into it but it was not defined. They are asking to recognize the fact they do not have a parking demand of 29 but 5 for the employees working there. The demand goes from 78 to a total of 54. It was 49 previously for the operational side and 5 for employees.

Mr. Merson stated they would like to have a corrected number of spaces established so they could tell the ZBA. Ms. Grimes asked why it was necessary to change it. Stephen Popper, representative for the PPBC, noted a garage will be replacing some of the parking spaces. It is critical to the garage bay Special Permit with the ZBA to have parking. Ms. Newman clarified it is important to correct the number and amend the existing Special Permit.

Mr. Eisenhut noted the following correspondence for the record: an email from Fire Chief Paul Buckley, dated 9/17/13, with no concerns or objections; an email from Police Lieutenant John Kraemer, dated 9/10/13, with no safety concerns and an email from Janice Berns of the Board of Health, dated 9/9/13, with no comments.

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

VOTED: to approve the reduction in parking from 78 to 54 as discussed based on the representation at the meeting.

Request for modifications pursuant to the Design Guidelines Section of the Decision: Amendment to Major Project Site Plan Special Permit No. 2012-07: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 66 B Street, 360 First Avenue, 410 First Avenue and 37 A Street, Needham, MA 02494).

Mr. Eisenhut noted there was a 4/2/13 decision. Roy Cramer, representative for the applicant, noted Building 3 and Garage B were already approved within 3.38 of the decision. They negotiated they do not need a public hearing. He noted the Fire, Police and Engineering Departments had no comments. They met with the Design Review Board and they have approved. They have moved back one building 3 feet and made some tweaks and modifications. It will be a single use tenant. They feel it is minor in nature. Mr. Cramer showed the present plan.

Mr. Jacobs stated in Section 3.38, the last paragraph focused on language. He noted a 9/11/13 letter from the Design Review Board with comments. Ms. Newman stated they will adjust the plans that fall within the 3.38 design guidelines. Mr. Cramer noted the bumpout is back to 15 feet.

David Manfredi, of Ellars Manfredi Architects, noted for office building 3, this addressed First Avenue, Route 128 and the interior. The material palette has changed. It will be brick masonry with a dark colored metal, specific base and top with clouded metal. There will be red water struck red metal headers and sills, and the orientation within the building is the same. There will be a canopy on the north side of the building, a 2-story bay window and interior courtyard with the front door of the building and continuous glass. There will be a solar balcony on the 5th floor facing the east and north that tucks in in back to a brickface.

Mr. Warner commented he thinks it is a handsome building. Mr. Jacobs noted they cannot really see the amphitheater and asked if it is depressed. He noted he likes that the view from the south has a typical New England Industrial look. He asked why they did not continue it up to the top floor. The brick does not go all the way up. Mr. Manfredi noted, frequently you would see a light monitor down the center and generally you would

see the metal top story. Ms. McKnight noted they may have had it for the sake of day light. Mr. Manfredi stated that was correct. Justin Krebs clarified that parking garage B also is on the application with minor tweaks.

Mr. Eisenhut noted the following correspondence for the record: a memo from the DRB, dated 9/11/13; a memo from Police Lt. John Kraemer, dated 9/17/13, with no safety issues; a memo from Fire Chief Paul Buckley noting no concerns or objections; the draft decision; and a letter from Assistant Town Engineer Thomas Ryder, dated 9/17/13, with no comments or objections.

Mr. Jacobs asked if they think this is the final version. Mr. Krebs stated yes, they are set to break ground on 11/1/13. Ms. Newman noted they are waiting for a generator plan and a check for the traffic mitigation fee. Mr. Cramer stated the traffic is done and will be filed tomorrow. Mr. Krebs stated, with regard to the fee, they feel they would provide a check when they receive a building permit. Ms. Newman stated they can file with the Building Inspector but she cannot issue a permit until she has the check. Mr. Krebs stated they will be there with the check.

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

VOTED: to comment the Planning Board finds the plans fall within the design guidelines and shall therefore approve and endorse the plan and transmit the decision to approve to the Building Inspector via a memorandum.

Report from Planning Director.

Ms. Newman noted they made a recommendation on the Board of Appeals case. Rhythmic Dreams is going in the Gentle Giant site. They will convert the front area to parking. This use is not a called out use but Building Inspector David Roche assigned a parking number in this case. Mr. Eisenhut noted it will have to be on an agenda. Ms. Newman stated basically it says if the Building Inspector cannot make a determination the Board will make a determination. She stated she did not know what he is using to make his determination. Mr. Eisenhut stated she should ask for his rationalization and put it on an agenda.

Mr. Jacobs stated he does not feel they have everything in front of them they need. Ms. Newman stated she does not know what the Building Inspector is calling this. Mr. Eisenhut commented they need an explanation of the basis. Ms. McKnight stated Mr. Cramer says the determination used was a private school. Mr. Eisenhut stated that does not make sense. Ms. Newman clarified the Building Inspector is saying enrollment is 26 so 13 spaces are required.

Mr. Jacobs noted they should say they do not believe a private school is a parking use called out in 5.1.2 and therefore they do not understand the basis for a determination of 13 spaces. Ms. McKnight commented she felt the Planning Board should make that determination under the By-Law. Mr. Jacobs stated because it is not called out it is impossible for the Building Inspector to make a determination under the By-Law.

Ms. Newman gave an update on the Senior Center. She noted the sidewalk goes on abutting property and is handled through an easement. The property owner wanted some assurances and the town could not give those. It now looks like it will be handled through an actual taking. This has been drafted by Town Counsel David Tobin. It will probably be acquired by a gift. She wanted the Board to be aware. It was presented as an easement at the last meeting.

Ms. Newman noted she was contacted by Town Manager Kate Fitzpatrick. She wants an informal meeting with the Planning Board and the Board of Selectmen to discuss some common projects. She will set it up in November or December. Mr. Eisenhut asked if there were specific examples. Ms. Newman noted medical marijuana is one. Mr. Eisenhut stated there is a procedure for that and they should follow strictly the procedure. They should not have an informal meeting with the Board of Selectmen outside of the procedure.

Ms. Newman noted they should encourage a review of the threshold for site plans and special permits, evaluate the impact of broadening the Historic Demolition Delay By-Law, work on zoning provisions related to residential construction, evaluate and make recommendations relative to medical marijuana, the Tree Removal By-Law, options for sitings on digital billboards on town property and review of Needham Center zoning.

Mr. Eisenhut stated medical marijuana is a lawful procedure. Mr. Jacobs agreed. Ms. McKnight noted it was not a problem to meet to come up with a draft By-Law. Mr. Eisenhut stated the Selectmen should do their own draft. He feels they should take medical marijuana off the list. Ms. McKnight asked who was going to initiate the draft. Mr. Jacobs stated he does not feel they should sit with the Board of Selectmen and be lobbied.

Ms. Grimes stated they should try to come to some consensus on the other issues as to how to deal with them and who will tackle them. Mr. Warner and Mr. Jacobs agreed. Mr. Eisenhut stated he feels they should draft the decision for medical marijuana, come to a consensus and hold a public hearing. They already have input from the Board of Selectmen on this issue. He feels the Planning Board needs to put forth their own proposal.

Ms. Newman will put it on the next agenda. She noted the subdivision on Armand Way they approved. There are 3 lots with a turnaround easement at the end. They did not build the houses as on the plans so the place where the turnaround is supposed to be is lawn and not driveway. The Building Inspector has had an issue with these people. She brought up the driveway is not where it is supposed to be. She asked what the Board should do to enforce it at this point. The driveway was going to serve a dual purpose. She added the builder did not build this house.

Ms. McKnight asked if there was any security. Ms. Newman noted the developer is gone and the house is occupied. They have a bond on the subdivision but the people did this after the builder was gone. The problem is with this lot. Ms. Grimes asked how this happened. How was it built different than on the plan and who approved the house to be different? Ms. Newman stated the Board agreed to do a license. The footprints that are being shown are not coordinated between this plan and what the building department was described.

Mr. Eisenhut noted they required a turn around on the plan. He asked if it was discussed in the decision. Ms. Newman stated it was. She noted the recorded plan says a backup easement. Mr. Jacobs stated the license language is on page 2. These are restrictive covenants. The license only pertains to the grant to the town over and across the easement. Ms. McKnight noted there is a permanent restriction. She asked if they have violated it? Have they put obstructions? She noted it is grass. Mr. Eisenhut stated they can drive over grass. They did not require pavement.

Ms. Newman noted it says the intended use is for vehicular movement. Ms. McKnight stated they should have insisted on a cross easement. She noted they did not do it right. Mr. Eisenhut asked if there was a safety concern. They should ask the Fire Department if it is unsafe. Ms. McKnight stated she would not let the bond go until they find out from the Fire Department if there is an issue. Ms. Newman noted they could do like Beard Way where there is a hard surface under the lawn. Mr. Jacobs stated they should also require a sign letting the Fire Department know there is a turn around.

Ms. McKnight asked if the Board could locate the deeds for the 3 lots. She would be interested in seeing if they in fact all have an easement over the private way. Ms. Grimes stated she will pull them. Ms. Newman noted they have \$41,000 in an insurance bond.

Ms. McKnight asked about the Trader Joe's block with the door issue. Mr. Jacobs noted the day after the meeting the door was open and the sign was down.

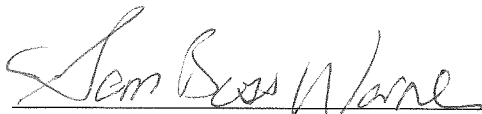
Ms. Newman noted there was a violation at 1501 South Street. They are cutting down trees. She noted the owner knows he will need to mitigate what he took down. She is writing an enforcement letter to him and it will be on an agenda soon.

The Board signed the ANR plans.

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

VOTED: to adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Sam Bass Warner, Vice-Chairman and Clerk