

NEEDHAM PLANNING BOARD MINUTES

July 23, 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 Acting Chairman Jeanne McKnight, on Tuesday, July 23, 2013 at 7:30 p.m. with Mr. Jacobs and Ms. Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

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.

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

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

Ms. McKnight noted they have received a communication from the developer that he will redo the plans in response to comments by the Town Engineer. The developer has asked to continue the hearing to the 9/17/13 meeting at 7:30 p.m.

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

VOTED: to continue the hearing to 9/17/13 at 7:30 p.m.

Ms. Clee, Assistant Planner, stated the applicant has committed to getting new materials to them by 8/23/13. She commented that anyone who wants to look at them can do that.

Correspondence

Ms. McKnight noted the following correspondence for the record: 2 letters sent to the Chairman of the Zoning Board of Appeals. Ms. Newman noted the Needham Mews letter did not go out. There are a couple of issues -- one with the paper street. This has been revised and she will send it out tomorrow. Ms. Newman noted in paragraph 5 she added a sentence after the first sentence regarding Mass Housing approval. She stated she put the paper street issue under paragraph 7. She reviewed the changes.

Request to authorize Permanent Occupancy Permit and release surety: Lot A Amendment to Major Project Site Plan Review No. 2002-02P: 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 stated she was hopeful the site inspection would close it out. There is a handicap ramp at the side but it was not put in properly. They did not get it inspected last week.

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

VOTED: to authorize the Planning Director to issue a permanent Certificate of Occupancy and release the bond upon a satisfactory site inspection by the Engineering Department that the ramp has been put in correctly.

Request to authorize the Planning Director to authorize Occupancy Permit: Major Project Site Plan Review No. 2011-01: Wingate Senior Living, 63 Kendrick Street, Needham, MA, Petitioner (Property

located at 235 Gould, on the westerly side of Gould Street between the Wingate at Needham Nursing Home at 589 Highland Avenue and the MBTA Right of Way).

Ms. Newman stated the applicant wants the Board to authorize her to issue a temporary occupancy permit and establish a bond with an agreement to implement it. She noted there are a couple of issues left. There is a drainage structure that was not put on the old Wingate site that needs to be done and she is not sure if the island on Highland Avenue has in fact been constructed. There is some confusion in reading the drawings. The DPW went out and spray painted the area. She noted Engineering will do an inspection and set an amount at 135 percent.

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

VOTED: to authorize the Planning Director to issue a temporary Certificate of Occupancy and establish a bond on the advice of Engineering.

Request to authorize the Planning Director to authorize Occupancy Permit: Amendment to Major Project Site Plan Review No. 1993-03: the Continental Wingate Development Company, 63 Kendrick Street, Needham, MA, Petitioner (Property located at 589 Highland Avenue, Needham, MA).

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

VOTED: to authorize the Planning Director to issue a temporary Certificate of Occupancy and establish a bond amount.

Report from Planning Director

Ms. McKnight noted 3 of the members attended the Selectmen's meeting on medical marijuana. Ms. Grimes noted the Selectmen talked more about the fines rather than where the dispensaries will be placed. Mr. Jacobs stated the Police Chief's big concern is about crime. He is concerned with issues around safety as it is mostly a cash business. He noted the Police Chief cited California. He was asked if he had looked at other states and gave a vague answer. Mr. Jacobs noted our law is different from California's law.

Mr. Warner clarified the 500 foot provision is a default setting. Others spoke about allowing it in other areas than just 128 including near the hospital. He noted there were under 20 people in attendance. Ms. McKnight stated she got the idea the Police Chief said dispensaries would be best on the other side of 128. Ms. Grimes noted she thought he was commenting on a map that showed that area. He said he felt some in that area would be good spots because they had 2 egress and exits.

Ms. McKnight stated Kim Nichols commented on the Crescent Road industrial area. She noted they do not have good roadways or access. She feels they should look at how that area is zoned. It would be tricky to single it out. Or they could have an overlay to have it where they want it. She noted several people said they should not be focusing on the other side of 128. Mr. Jacobs noted the Board of Selectmen did not say much of anything toward expressing their own opinions.

Ms. McKnight stated she sent Ms. Newman a disapproval of aspects of the Town of Westborough's zoning amendments. The disapproval focuses mainly on Westborough's effort to require a Special Permit or prohibit growing your own marijuana. The Attorney General points out that some people can get approved for a hardship permit. The prior opinion talked about it as an accessory use. They need to be aware of it as an issue. It may be an as of right accessory use.

Mr. Jacobs noted the Board cannot regulate but they can put forth some requirements. Ms. McKnight stated it also deals with commercial/agricultural use. She noted the state standard is 5 acres. Ms. Newman clarified Needham is below that at 2.5 acres. They may want to look at that and bring it up to the state standards. Ms. McKnight noted, under state law, there are 2 limits. They need to think about this.

Ms. Newman stated she had an applicant file in front of the ZBA to put a cellular tower antenna on top of our antenna. He thought he had to file with the Town Clerk a site plan application. This was filed in error. Ms. Newman noted she would like the Board to vote to withdraw the application without prejudice.

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

VOTED: to withdraw without prejudice the accidental application.

Ms. McKnight noted she needs to find an example of a town solar By-Law that has been approved by the Attorney General. Ms. Newman commented she would appreciate that. They need to get that going.

Ms. McKnight asked for an update on the Central Avenue rezoning. Ms. Newman noted the architect got pulled off the job and could not do any more. Then Mark Gluesing committed but got distracted. She noted they should get back to it.

Public Hearing

8:30 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). Note: This hearing is continued from the July 9, 2013 meeting of the Planning Board.

Ms. McKnight noted this hearing was continued to tonight. Roy Cramer, representative for the applicant, noted he met with Town Engineer Anthony Del Gaizo and Thomas Ryder. They had some suggestions. They have filed revised plans and received comments. They got a letter late this afternoon with comments. There are no problems.

Ms. McKnight noted the following correspondence for the record: an email dated 7/23/13 from Town Engineer Anthony DelGaizo to Planning Director Lee Newman. Mr. Cramer noted comment #1 regarding granite curbing is done and they are fine with comment #2 regarding ownership. He stated they have no problems with the recommendations. He commented the neighbors were pretty positive the last time they met.

Gary Petrini stated there are no issues with the abutters. Mr. Cramer noted they have made the engineering changes and Mr. Warner's landscaping change. Ms. McKnight asked if the plans address comments made by Town Engineer DelGaizo and how they were addressed. David Kelly, of Kelly Engineering, noted they have a Lotting Plan and there will be a separate lot maintained by the Homeowner's Association. On the Plan and Profile Plan they have made a modification to the length of the vertical curves. It is a 100 foot curve. They have located the storm drain as much as possible outside the roadway.

Mr. Kelly stated on the Grading, Drainage and Utility Plan they have added another hydrant and the water line will be cement lined. The sewer line will be 8 inch PVC and there are minor revisions on the detail sheet. The Landscape Plan has been modified, specifically the light pole locations.

Mr. Jacobs commented on the Sheet 3 note. He stated he does not find it on any other sheets. He asked if it should be on all sheets. He asked if the Board has a draft restrictive covenant. Ms. Newman noted she did all that and it is covered in the decision. Mr. Kelly states Sheet 3 is the only one that gets recorded. It is only the Lotting Plan. Ms. Grimes asked if they could approve it so they do not have to delay. Ms. McKnight noted they could instruct the Planning Director to draft a favorable decision. Mr. Cramer stated he would like them to close the hearing tonight.

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

VOTED: to close the hearing.

Mr. Cramer stated he would like to avoid getting the draft decision the day before or the day of the next meeting. He stated he would like the Board to delegate to the Planning Director authority to authorize an Occupancy Permit for the nursing home component and set a bond. The storm water management devices by Highland Avenue are not done but he has a bond amount. Ms. McKnight informed him this was done previously in the meeting.

Mr. Cramer noted the median strip on Highland Avenue was scheduled for last Wednesday. The question was how long the extension was going to be. He noted someone canceled the police detail so they were told they could not do it. They had to call the Mass. DOT to set a new date. They do not want this to delay the Certificate of Occupancy if all else is done. Mr. Jacobs stated he does not see why there should be a bond to do it to get a Certificate of Occupancy. If they do not get state approval, they do not have to do it. Mr. Cramer noted he does not feel they should be penalized because of something the town did to delay them. Ms. Newman clarified the decision says the Certificate of Occupancy is contingent upon completion of the median. If approved, it shall be installed prior to the Certificate of Occupancy. Mr. Jacobs stated he has no issue with Mr. Cramer's position that it is unfair. Ms. Grimes agreed.

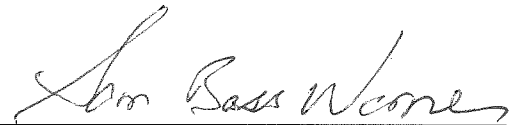
Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by two of the three members present (Ms. McKnight voted in the negative):

VOTED: to amend the motion that the bond amount for the Continental Wingate project should not request any amount for the median strip.

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

VOTED: to adjourn the meeting at 9:10 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in cursive script, reading "Sam Bass Warner". The signature is written in dark ink and is positioned above a horizontal line.

Sam Bass Warner, Vice-Chairman and Clerk