NEEDHAM PLANNING BOARD MINUTES

November 10, 2015

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Jeanne McKnight, Chairman, on Tuesday, November 10, 2015 at 7:00 p.m. with Messrs. Eisenhut, Jacobs and Alpert and Ms. Grimes, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Correspondence

Ms. McKnight noted the following correspondence for the record: a letter from the Board of Health to the Zoning Board of Appeals (ZBA) with a copy to the Planning Board, dated 11/10/15, regarding housing in proximity to highways and an email from Janice Epstein, dated 11/10/15, regarding Normandy construction hours.

Public Hearing:

7:00 p.m. – Amendment to Wellesley Avenue (August Way) Definitive Subdivision: Viola E. Miller, 21 Wellesley Avenue, Needham, MA, Petitioner (Property located at 9 August Way, 13 August Way, 16 August Way and 21 Wellesley Avenue, Needham, MA). ***Please note: This hearing has been continued from the August 11, 2015 and October 6, 2015 meetings of the Planning Board and will be further continued to the December 1, 2015 meeting of the Planning Board.***

Ms. McKnight noted a letter, dated 10/27/15, to the Planning Board from Attorney George Giunta Jr., to continue the hearing to the 12/1/15 meeting and extend the applicable action deadline.

Upon a motion made by Mr. Jacobs, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to continue the hearing to the 12/1/15 meeting and extend the action deadline.

Appointments:

7:00 p.m. – De Minimus Change: Major Project Site Plan Review Special Permit No. 2011-02: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property located at 200 Harris Avenue, Needham, MA).

Ms. Newman stated this is the Pollard School and improvements to the landscaping in the front courtyard. Ms. McKnight noted the following correspondence for the record: a letter from Assistant Town Engineer Thomas Ryder, dated 11/10/15, with a summary of changes and noting no comments or objections.

Rae Mong, Principal at Pollard School, stated a tree had to be removed from that area due to damage. The school has 2 open spaces and is asking to expand the side for better symmetry. Town Tree Warden Edward Olson donated 4 trees. There is a small tree in Area C that is unprotected. She would like a small wall to protect it. They want to fill the spaces with plants and a tree, build a small wall and add benches. She noted original benches were removed due to safety. The Design Review Board (DRB) has recommended a height of 24 inches and made of technoblock. The school would like to make these changes with a gift the Parent Teacher Council gave them.

Mr. Jacobs asked why the benches were removed. Ms. Mong stated the cement blocks were deteriorating due to being hit so many times. Tamantha Bibbo stated the new benches will be solid cement and noted snow plows need to maintain distance from the benches. The retaining wall will be made of the same material as the benches. They are changing the main entrance and feel this will help.

Ms. McKnight stated Area C does not show any plantings. There is nothing new that shows there should be plantings there. Ms. Mong stated a wall will be going around it. Ms. McKnight asked if it should be referenced on the plan as existing. Ms. Mong agreed. Ms. McKnight asked if areas of activity are shown on the plan. Ms. Mong stated they are highlighted. Ms. Newman will write up a deminimus approval. The decision will reference the existing tree.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to determine the changes as described are deminimus and approve the change in the plan.

7:15 p.m. – De Minimus Change: Major Project Site Plan Review Special Permit No. 1995-09: Timothy Rafferty, Highland Montrose, LLC, 159 Cambridge Street, Allston, MA 02134, Petitioner (Property located at 922-958 Highland Avenue, Needham, MA).

Tim Rafferty, agent for Highland Montrose, LLC, stated Trader Joe's feels the travel lane is restricted when getting deliveries, when cars are in the 2 spaces. The applicant feels it is a safety threat to the employees and the public. Mr. Jacobs agreed. Mr. Rafferty is requesting the applicant be allowed to paint "compact cars" in those 2 spaces. Ms. McKnight noted the following correspondence for the record: an email from Assistant Town Engineer Thomas Ryder, dated 11/10/15, noting no comments or objections.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to declare the change as deminimus and approve the change as described.

Request for Occupancy Permit: Major Project Site Plan Special Permit No. 2013-02: Needham Solar, I, LLC, 40 Walnut Street, Suite 301, Wellesley, MA 02481, Petitioner (Property located at 4017 Central Avenue, Needham, MA).

Ms. Newman noted this is off the agenda.

Review and Approval of Design Review Board fee schedule.

Ms. Newman noted the Design Review Board was just taking a look at the fee schedules for comparable towns and wanted to revise their fees so they are more in line with the others. She reviewed the fees. Mr. Jacobs asked if the DRB had fees now. Ms. Newman noted it is $25 for almost everything. Mr. Jacobs asked why have fees at all? Ms. Newman stated there are costs associated with the applications and a lot of staff time is used. Mr. Jacobs asked if the Board has a sense of what the costs are. Mr. Eisenhut stated it was too difficult to estimate. Mr. Jacobs stated if the rationale is to recoup the costs then adopting others' fees is not appropriate. Mr. Jacobs stated he would not have fees. Ms. Grimes stated she is not in favor of it and would not vote for it. Mr. Eisenhut feels the Board should defer to the DRB. Ms. Newman stated all Boards in Needham have fees.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by three of the five members present (Ms. Grimes and Mr. Jacobs voted in the negative):
VOTED: to approve the fee schedule as presented.

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 is located at 360 First Avenue, 410 First Avenue, 66 B Street and 37 A Street, Needham, MA 02494). *Please note: This hearing has been continued from the September 8, 2015, September 29, 2015, October 6, 2015 and October 27, 2015 meetings of the*

Planning Board. This hearing has only been kept open for the limited purpose of addressing concerns raised by the abutter at 300 First Avenue.

Ms. McKnight noted this hearing was kept open due to concerns raised by the abutter at 300 First Avenue. Roy Cramer, representative for the applicant, stated it was kept open to see if an agreement could be reached. The applicant and abutter have not been able to reach an agreement and he would like the hearing closed. Ms. Grimes commented the developer indicated at the last meeting the landscaping would be increased in back. Kevin Daly, of Normandy, stated there was no positive response from the abutter so it has been tabled. Ms. Grimes noted it was back to the original plan. Mr. Eisenhut asked the developer if there is anything they would do on their own to improve it. Mr. Cramer stated the applicant's feel it is fine as it is. Ms. McKnight asked if the Board wants to see a different plan. Ms. Grimes stated it was not necessary. Mr. Alpert stated the purpose was to help the abutter. The plans were fine before. Ms. Grimes agreed. Mr. Eisenhut stated the painted crosswalks do not work. John Fantasia, representative for the abutter at 300 First Avenue, read a letter he brought. He stated the plans proposed are unacceptable. His client is concerned with a 2,800 space garage and the height of the garage. It is not fair for one property owner to benefit at the detriment of another owner. His client has hired a traffic consultant. They do not have any information now. He is very concerned with the Normandy traffic study. The garage does not have to be that large.

Mr. Daly stated he is working with the Town of Needham. The developer has put about $1,000,000 in a traffic mitigation fund. The Add-a-Lane will alleviate a large amount of traffic congestion as has the town. Mr. Cramer stated the developer has paid another $1,000,000 to the Needham Property Owners Association. Mr. Eisenhut asked the distance from the edge of the property to the edge of the garage. Mr. Daly stated it was about 300 yards. Mr. Jacobs asked the name of the traffic engineer. Mr. Fantasia did not have it with him but will get it to the Board. He does not know when the study will be ready.

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

Ms. McKnight noted the following correspondence for the record: an email from Janice Epstein commenting on the proposed decision regarding construction hours. Mr. Daly stated the applicant did agree to hours on the East side. On the West side, the applicant would like 7:00 a.m. to 8:00 p.m. Mr. Alpert noted an 8:00 a.m. start is ok for the new project. The parking garage is an old project and a 7:00 a.m. start will not cause a lot of noise for residents. Mr. Daly agreed the garage is not near the residences.

Roy Cramer, representative for the applicant, stated he and the Planning Director are in agreement with the decision. He noted the 2012-07 decision and text. Then Ms. McKnight wanted some language changed. He received the changes about one hour ago. Ms. Newman stated there is one other issue. The language needs to reflect Garage A goes through the DRB process and the approach on Garage B will follow that.

Mr. Cramer noted on page 8, the architectural elements designed for the garage had been talked about for months. The purpose is to make it look less like a garage. The architectural elements will cut down on the glare coming from the garage also. He would not say minimize light pollution to neighboring residences and businesses, just neighboring residences. He noted on page 11, Section 3.2, has no standard and is open ended as to how it will be fixed. He does not feel it would be prudent to go along with it. He suggests working with the Board to look at scaling back the lighting and the density that is there today. He would like to use that as the measure for other garages.

Mr. Cramer noted the applicant can take the zones of the garage lighting down but it needs to be safe on the inside. Section 3.2 does not provide any standard. Mr. Daly stated the applicant would reduce lighting levels 10:00 p.m. to 6:00 a.m. Ms. Newman asked if the lighting could be on sensors. Mr. Daly stated he would not like a dark spot for safety reasons. He would like to resolve this now so everyone is happy.

Ms. Grimes stated she went out and looked around. It was not Charles River Landing lights that worried her. This garage is far from residences. She thinks the rest of the light for the neighbors is coming from something else. She would like the applicant to do a lighting mitigation plan of the current garage, with a recommendation of what they would do, and submit it to the Board prior to issuance of building permits. Mr. Alpert stated light pollution is being mitigated with light illumination and screening. He asked if Mr. Cramer is suggesting a solution can be reached. Mr. Cramer suggested the Board go out and look at the mitigation. The Board can then approve it or not. Mr. Cramer noted Section 1.5 on page 8 of the decision. In the red lined section, delete "and to minimize light pollution into the project area" and "to minimize light pollution into the project area and to provide light trespass protection to the neighboring residences and businesses." Ms. McKnight stated she would leave the second line and change "to the neighborhood."

Mr. Cramer stated screening is not for the purpose of mitigating lighting. He will draft language and get it to Ms. Newman. He will give a plan, the Planning Board will review and do a site visit. The Board will then approve or not. Mr. Jacobs clarified the Board is considering all lighting, not just the internal lights. Mr. Daly clarified there is no exterior lighting at all on the garages. It is all interior. Mr. Eisenhut stated the Board should have a site visit now and then after. Ms. Newman noted Garage A is through the DRB process. They will use Garage B as its model.

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

VOTED: to grant a Major Project Site Plan Review Amendment under Section 7.4 and further Site Plan Review under Section 4.2 and further zoning relief as set forth in the Major Project Site Plan Special Permit, Normandy Real Estate Partners, 2012-07, as set forth in the draft decision subject to language dealing with the DRB process and a lighting plan as discussed.

Mr. Cramer noted on page 2, paragraph 4, he crossed out the mix of units, corrected the conference/function space and deleted the last sentence. Ms. Newman stated this was modified after Residence Inn. Mr. Alpert noted the decision says "hotel." The applicant needs to build a hotel with no more than 128 units. Ms. Grimes agreed. Mr. Jacobs stated "hotel" does not seem to be clear enough. Mr. Eisenhut suggested 128 guest units consisting of studio, 1-bed and 2-bed units. Mr. Cramer is fine with that.

Mr. Jacobs suggested on page 2, saying 12,551 feet of combined space. Mr. Cramer stated not more than approximately 1,300 square feet of conference space and take-out. Mr. Eisenhut noted approximately 12,550 square feet. Mr. Cramer suggested approximately 12,550 square feet of common area including conference/function space, a guest dining area, lounge/bar area, indoor pool, exercise room and keep amenities in.

Mr. Cramer stated on page 7, Exhibits 25 through 29 should be deleted as they were submitted after the close of the hearing. These were not submitted by Roy Cramer or MEPA as part of the Special Permit process. Mr. Alpert stated the Exhibits should not be included and should not be accepted if submitted after the hearing. He is ok taking them out as the Exhibits are irrelevant to this Special Permit. Mr. Eisenhut stated these were not read into the record and should be struck. All agreed.

Mr. Cramer noted on page 9, d, should be matched with page 2. The same with page 10, Section 1.5 and page 18. Page 9, add "strict" to "adherence." Section 3.1 should be the same as the first. The emergency generator is ok to leave in. Page 25, Section 3.37(c), delete the number and type of plant material; it is in twice. Mr. Alpert suggested adding "substantially "before "showing" on the second line. Mr. Jacobs noted page 29, Section 4.6(b), remove "or Permittee." It should be removed all 4 times it is in the decision.

Mr. Eisenhut asked if there is a waiver on the height of the garage and was informed there is. He noted the Board needs to state a rationale for the waiver. He stated the Board should find the waiver is consistent with the character of the neighborhood. Mr. Jacobs suggested "or the proximity to 128." Mr. Cramer stated in Section 1.11 on page 11, change 128 Center West to 128 Center East.

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

VOTED: to grant a Major Project Site Plan Special Permit under Section 7.4 on the Needham Zoning By-Law and all other zoning relief as set forth in a decision dated November 10, 2015, Major Project Site Plan Special Permit, Application No. 2015-05, as set forth in the decision subject to the edits the Board discussed and unanimously agreed on.

Board of Appeals – November 19, 2015.

Salib Fanikos Dental Care, LLC – 905-915 Great Plain Avenue.

It was noted any special permits in downtown should be granted by the Planning Board. Ms. Newman will send a letter to the ZBA stating the Board's interpretation that the Zoning ByLaw does not allow this use on the first floor. She will include the evolution of the zoning and the history.

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

VOTED: to send a letter to the ZBA stating the Planning Board does not believe the Zoning By-Law allows this use on the first floor.

Hawthorne Builders – 132 Washington Avenue.

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

VOTED: "No comment."

Minutes

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

VOTED: to accept the minutes of 8/11/15.

Ms. McKnight noted on the 7/21/15 minutes, bottom of page 3, it should say "Town Engineering Department."

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

VOTED: to approve the minutes of 7/21/15 with the one change.

Report from Planning Director and Board members.

Ms. Newman noted there is a new site supervisor at Rockwood Lane. It is not perfect but a lot better. There is better communication with abutters. Ms. Newman stated she has prepared a budget for the Planning department. She is continuing to work with Ms. Grimes on the Large House Committee. She informed the Board she would like to get a working group for a tree by-law that would include: Ms. Grimes, Mr. Eisenhut, Ms. Clee and Town Tree Warden Ed Olson.

Ms. McKnight noted the League of Woman Voter's want a Friday forum on teardowns to help people understand what the rules are.

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

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Elizabeth Grimes, Vice-Chairman and Clerk