

NEEDHAM PLANNING BOARD MINUTES

July 16, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, July 16, 2019, at 6:52 p.m. with Messrs. Alpert and Owens and Mmes. McKnight and Grimes, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs noted the 2 scheduled 7:00 p.m. public hearings will be opened at 7:30 p.m. or later and the 7:45 p.m. hearing will probably be further continued. Ms. McKnight stated she was not at the last meeting but has reviewed the tape and feels she can participate.

Discussion of Highway Commercial 1 zoning and Accessory Dwelling Unit zoning.

Mr. Jacobs noted a memo, dated 7/11/19, from Economic Development Director Devra Bailin with next steps. Mr. Jacobs stated there was a joint meeting with the Select Board that was well attended. Specifics were non-unanimous but the Select Board was supportive in general. There is also a schedule of zoning amendments in the packet to make the Town Meeting in the Fall. It is a tight schedule to take to Town Meeting in the Fall.

Ms. Grimes stated she has 2 concerns. She still feels there is a lot to get to in terms of uses. The Board needs to consider what Ms. Bailin wrote with regard to hotels and residential development. The Board has not done that. It is not realistic for a Fall Town Meeting if the Planning Board is changing it and doing a residential component. If a residential compound is not added she feels it could be done this Fall. The Board needs to follow Ms. Bailin's outline. She would like to make sure the Select Board are on board with the details and not just the scope. She did not get that sense at the joint meeting.

Mr. Jacobs explained Ms. Bailin's memo. He noted she added grocery store to the special permit uses if it does not exceed 25,000 square feet and she took out hotel as a special permit use. She also suggested residential uses on the property. He asked if residential uses are something anyone would like to discuss. Ms. McKnight noted one Select Board member stated this should be focusing on empty nesters. She does not see this site as a good one for that purpose. This is not a walk to services as seniors want. She agrees with Ms. Grimes. They are almost there and should back off on the residential component at this time. She stated Select Board member Matt Borelli was saying the Planning Board should create an overlay district. She is not sure if he meant to keep the current zoning and do what the Planning Board is proposing in an overlay district.

Mr. Alpert stated he agrees with Ms. McKnight on residential uses. There are 250 units being proposed behind Staples. There is no need for residential on this parcel. Mr. Owens agreed this would not be ready for the Fall Town Meeting if residential is added. He does not feel this is a good site for residential. He thinks Select Board member Borelli was not thinking of this as mixed use but single family homes. He does not feel that is right for here. One challenge for this site would be traffic mitigation. He also feels a hotel is not for here. The Board should use Ms. Bailin's memo as a template. He would prefer to go forward and not include residential.

Ms. Grimes suggested removing hotels and allowing grocery stores. Ms. McKnight stated she does not want destination commercial. She wants commercial that would serve the offices, and residential if there. She feels grocery is perceived as a destination location. Mr. Jacobs noted there are access problems with this site. He would not add grocery stores and would delete hotels. Select Board member Borelli spoke of a residential component. He would not push for residential uses on this property.

Mr. Jacobs asked if the Board members felt they were close enough to ask the Planning Director to make some changes per the Board so they could make it to Town Meeting. Ms. Newman thinks she could put together a framework the Planning Board could consider. She will speak with Ms. Bailin and Natasha Espada. Ms. Bailin stated she would strongly suggest including the graphics in the actual zoning. Mr. Jacobs and Ms. Grimes agreed. Ms. Bailin feels some suggestion with regard to design guidelines should be put in. Ms. McKnight stated the

maximum FAR (Floor Area Ratio) is 1.75 and that one of the Select Board members is opposed to that. Ms. Bailin stated the FAR is not the issue; parking is the issue and the amount that is needed.

Mr. Jacobs stated the Select Board is supportive of ADUs (Accessory Dwelling Units) but a few details need to be ironed out. There was an email received from Select Board member Matt Borelli expressing concern with the nanny language in the By-Law. He also gave excerpts from the Westwood ADU use for the Planning Board to look at. Mr. Alpert commented he thought a consensus was reached at the joint meeting. He does not want to allow nannies within the definition of caregiver. Mr. Jacobs stated the discussion will continue at the 7/30/19 meeting.

ANR Plan – David Tocci, Petitioner (Property located at 77 Oxbow Road, Needham, MA).

Ms. Newman stated there was no one there to present. Mr. Owens and Mr. Alpert questioned what was happening here. Mr. Jacobs stated a triangular portion is going to be added to Lot 11B to settle a boundary dispute. The neighbor has been using the land.

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

VOTED: to endorse the ANR plan for Lot 11B at 77 Oxbow Road.

ANR Plan – BKG Realty, LLC and David E. & Judy M. Zeltserman, Petitioners (Property located at 22 and 30 Park Avenue, Needham, MA).

Ms. Newman noted this was consolidating 2 lots into one. There should be a note there is a zoning violation currently and there will be a violation with the side yard setback if one of the lots is conveyed and demolition is not done.

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

VOTED: to endorse the ANR plan for 22 Park Avenue and 30 Park Avenue.

ANR Plan – Brian D. Brown, Petitioner (Property located at 770 Chestnut Street, Needham, MA).

Mr. Jacobs noted an application was emailed from James Rheault, of Whitman & Bingham Associates, LLC, that mentions the Fire Department has not issued any comments yet. He noted an updated plan, an email from Police Chief John Schlittler noting no issues and a letter dated 7/16/19, from Attorney Robert Smart as representative for Koby Kemple, that notes upon Mr. Kemple's land sits the right of way. He requested a postponement of the hearing until his client can appear. Ms. Newman stated she tried to facilitate a meeting with the Town Engineer, Attorney Smart and herself but was not able to.

Ms. McKnight stated there is no information regarding the creation of the way. Ms. Newman noted that way predates the Subdivision Control Laws. Mr. Alpert stated this was discussed with 776 Chestnut Street. Ms. Newman stated there are 21 days to act on this. The applicant would have to agree to an extension to 8/6/19 and give a letter requesting the extension. Michael Sauvabeau, representative for the applicant, requested the ANR be signed tonight and a letter will be sent so the Planning Director will have it. The existing way is prior to the Subdivision Control Law. The easement was created in 1941. The houses at the end were built after that. He stated if the Fire Official decided there is a vital access for the end of the way there should be no problem.

Mr. Jacobs suggested the Board needs the Police and Fire input here. He suggested this be continued to the 8/6/19 meeting and get the information before then. The Board would need a letter requesting the extension from Mr. Brown. Mr. Sauvabeau stated there was no issue with that. He is willing to work with the Board. Ms. Grimes asked if there is a full title search on this. Mr. Sauvabeau stated there was and he will have it in advance to the Board. He would like a notation put on the ANR plan. The applicant will pave the way to the full 15 feet in an environmental friendly way. Ms. Grimes suggested the applicant talk to the neighbor to make sure he is aware. Bill Piersack asked if the applicant was claiming frontage from Chestnut Street to the end of his property. Mr.

Sauvabeau stated he was not there to answer questions but stated the applicant knows his rights. Mr. Jacobs suggested Mr. Piersack come to the meeting on 8/6/19. He would be able to ask his questions at that time.

Upon a motion made by Ms. Grimes, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: to continue the action deadline through 8/9/19.

The motion was then restated.

Upon a motion made by Ms. Grimes, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: to extend the action deadline through 8/9/2019 contingent upon receipt of a written request from the applicant or, in the alternate, if the Board does not get the request to deny the applicant.

Public Hearing:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2018-03: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 88 and 66 Chestnut, 89 School, 43 Lincoln Street, Needham, MA), regarding Police & Fire Headquarters. Please note that this hearing has been continued from the June 4, 2019 Planning Board meeting. This hearing was continued to 7:00 p.m. but will not be opened until 7:30 p.m. or later.

7:30 p.m. – Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1407 Central Avenue, Needham, MA). Please note that this hearing has been continued from the June 4, 2019 Planning Board meeting. This hearing was continued to 7:00 p.m. but will not be opened until 7:30 p.m. or later.

Mr. Jacobs noted this is a follow up meeting. At the 6/4/19 meeting certain requests were made. Christopher Heep, representative for the applicant, reviewed the proposal for the site. He stated it is a 100 foot monopole with a 10 foot antenna on top. The base is screened on 3 sides by parking and by fencing on the 4th side. The monopole is set back 136 feet from Chestnut Street, 211 feet from School Street, 259 feet from Lincoln Street and 138 feet from the parking lot. The applicant proposed hot dip galvanized gray in color which would weather over time. The monopole has a diameter of 32 feet at the bottom and 18 inches at the top. He noted camouflage was discussed at the last meeting. George Kent, Chair of the Permanent Public Building Committee (PPBC), investigated and has additional information.

Mr. Kent explained what steps he took to gather additional information. He spoke with 2 camouflage companies – Raycap Stealth and Larson Camouflage. The first question he asked was where in New England do the same conditions exist. Raycap Stealth stated anything you do would make the tower more conspicuous. He stated the best option is a galvanized pole. Any structure such as a clock tower or chimney structure would need a larger pole. Generally the consensus is leaving the poles as is is best. Larson Camouflage said the only camouflage they have done is a 160 foot tree in North Carolina. It does not look good. Mr. Kent asked the companies what kind of warranty would be given if they did something like that and was told one year and there would be necessary maintenance. The monopole with galvanized steel is best. Painting would put a maintenance requirement on the town. The best suggestion is to let the monopole blend in with the sky. He has the same comments for the Recycling and Transfer Station (RTS). He feels the applicants have researched sufficiently and the original proposal is best.

Ms. McKnight stated she is satisfied with the response regarding the pole. Mr. Alpert agreed. Ms. Grimes agreed but would like to see a potential clock tower rendering. Mr. Heep stated the team believes the proposed monopole with hot dip galvanized color and finish is the best option. Some of the camouflage options cause the structure to become larger as a whole, and they believe it is best visually to keep it all smaller. Ms. Grimes asked if there were any pictures of camouflage for the RTS site. Mr. Heep stated there were no camouflage options to show for the RTS site. He could produce some renderings if possible. Ms. Grimes stated it was not necessary. Mr. Kent stated wind loads increase dramatically if plantings are around the location. Mr. Heep stated there is a corrected version of the site plan and a revised report from Anthony Langone, Public Safety Radio Communications Consultant, regarding interference with residential equipment, such as Wi-Fi or cellular.

Ms. McKnight noted there was a question regarding alternative sites at the RTS. Mr. Heep stated there will be a lattice tower at the RTS behind the Jack Cogswell Building that is being constructed. The proposed tower is 180 feet tall with a 10 foot whip antenna. There is 339 feet of setback from Central Avenue and 376 feet from the nearest residential property line. The tower is shielded by the storage building and will not be visible from Central Avenue. He discussed the area and the rationale for the location choice. He noted there was a capped landfill with a solar array and wetlands. He feels the tower will be shielded from Central Avenue by the trees. He stated he gathered additional information and met with the Marked Tree Road resident who had raised issues at the last meeting. He created renderings to show him what would be seen from his property. He showed the Board the renderings and noted the tower would be shielded by vegetation.

Mr. Kent stated he also gathered information on health risks, some provided by the Board of Health. He noted there would be no health effects related to the type of antenna used here. He reviewed the FCC emission levels and noted the proposed facility will not interfere with residential Wi-Fi or cellular devices. The current towers are all tall enough but use a different technology than this proposal. The towers in the distance are the AM radio towers and are hot towers. Those towers are not suitable for co-location. He noted Cabot Street is a tower and not an antenna. That is a different type of tower.

Ms. McKnight stated she has a question regarding putting the towers farther north and the wetland delineation. She toured the area and could see for herself the wetland plants. She asked if the Conservation Commission has weighed in or a determination of applicability been sought yet. Mr. Heep stated, to his knowledge, it has not been. Mr. Jacobs noted there was substantial ledge in that area also. Mr. Alpert stated he wants to clarify the meeting with the resident on Marked Tree Road. Did Mr. Kent feel the resident was satisfied? Mr. Kent stated he felt he was satisfied with the answers for the topics he raised at the last meeting. He provided him with all the information the Planning Board has received. He noted the resident raised one additional concern. He asked if the tower could have adverse affects on his property values. He feels the resident would be here this evening if he had more questions or concerns.

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

VOTED: to close the hearing.

Ms. Newman asked for guidance for any conditions the members want. McKnight stated she would like to see the Special Permit granted as applied for with appropriate restrictions. Mr. Jacobs wants systems in both towers to be operating at FCC approved parameters to be a condition of both permits. Mr. Kent stated the problem is the applicant needs to do the building foundation for the monopole in the center. The Building Inspector will not authorize the foundation and that will mess up the schedule. He asked if the Planning Board could give the Building Inspector the information that this will be approved. This is an important point. Mr. Jacobs stated the Town could do it at their own risk. Ms. Grimes stated if the Board votes, the Building Inspector would move forward. This is an exception and she would remember it in the future for all non-town permit requests.

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

VOTED: with regard to the property at 88 and 66 Chestnut Street, 89 School Street and 43 Lincoln Street, to grant the Special Permit for a freestanding monopole owned by the Town of Needham and approve a site plan for the same in accordance with the plans submitted and request the Planning Director prepare a decision for the Board's further vote and signature, provided the applicant agrees to extend the period of time for filing that extension to August 9, 2019.

7:45 p.m. -- Amendment: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Original Petitioner (current owners: Hillcrest Development, Inc., and Elite Homebuilders, LLC), (Property located at Rockwood Lane consists of the dwellings currently numbered 38, 45, 46, 52, 55, 58, 63, 64 and 69 Rockwood Lane and one adjacent parcel, Needham, MA, Assessors Plan No. 17 as Parcels 71, 72, 73, 79 and 80 and Plan No. 20 as Parcels 86, 87, 88,

89 and 63). Please note that this hearing has been continued from the May 21, 2019, June 4, 2019 and June 18, 2019 Planning Board meetings.

Mr. Jacobs noted a letter from Attorney George Giunta Jr., representative for the applicant, asking for further continuance to 8/6/19.

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

VOTED: to continue the hearing to August 6, 2019 at 7:30 p.m.

Ms. Newman noted there was a format issue with the Tripartite Agreement. Mr. Giunta Jr. is going to try to get his client to re-sign it. Per Mr. Giunta Jr., Steven Venincasa met with the homeowners and has turned the common property over to the homeowners association.

Vote to Adopt Insignificant Modification – Post Construction Policy.

Ms. Newman noted the Board discussed this back in January and she did not give the documents back to the Board to vote on. This will go into effect with the next decision that implements it. She will put it in the tower decisions. This will codify what was discussed back in January and formalize the policy. Mr. Owens asked if there is a set of policies somewhere as there is no date. Ms. Newman stated this is the policy. Mr. Owens suggested changing the heading by putting before Insignificant Modifications “Policy adopted by the Planning Board relative to” and add “as amended through July 16, 2010.” Ms. McKnight noted on the second page, in blue, “while retaining the authority to deem proposed changes to be insignificant” it should be “significant.” That was agreed.

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

VOTED: to adopt the Insignificant Modification Policy as discussed this evening.

Zoning By-Law Amendment: Accessory Use, Customary Home Occupation.

Ms. Newman noted this is a proposed definitional change to update the home occupation definition to the uses they are seeing presented. Newton had some explicit exceptions she did not feel were necessary. Ms. Bailin stated this allows people to act in accordance to the law. The Board discussed the language. Mr. Alpert suggested taking out number 11. He does not know how that could be interpreted or enforced. Mr. Jacobs agreed. He noted number 5 confuses him. Ms. Grimes suggested taking the draft and coming back with comments. All agreed. It will be put on the agenda for 8/6/19.

Correspondence

Mr. Jacobs noted a memo regarding Staples, a memo, dated 7/2/19, to Building Inspector David Roche, regarding the Field House project and a memo from Steven Popper regarding the Emory Grover Committee. Ms. Grimes volunteered to be on the Committee.

Minutes

Mr. Jacobs noted all the minutes were drafts. Comments should be submitted to Ms. Clee.

Discussion of short term rentals.

Mr. Jacobs asked if Newton approved short term rentals. Ms. Grimes believes they did. It was discussed how many airBnBs are in Needham. Ms. Grimes stated it appears to be about 100 right now. She would like to discuss this and would like to implement a no airBnB policy in Needham.

Report from Planning Director and Board members.

There is no report

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

VOTED: to adjourn the meeting at 9:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in blue ink, appearing to be 'Elizabeth Grimes', written over a horizontal line.

Elizabeth Grimes, Vice-Chairman and Clerk