NEEDHAM PLANNING BOARD MINUTES

March 15, 2010

The regular meeting of the Planning Board held in the Charles River Room, first floor of the Public Services Administration Building, was called to order by Jeanne McKnight, Chairman, on Monday, March 15, 2010 at 7:15 p.m. with Messrs. Warner, Eisenhut and Jacobs as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski. Mr. Ruth arrived at 7:40 p.m.

Appointment of Stephen McKnight to Transportation Committee through May 31, 2012.

Ms. McKnight recused herself from this hearing.

Upon a motion made by Mr. Warner, and seconded by Mr. Eisenhut, it was by the three members present unanimously:
VOTED: to appoint Mr. Jacobs as Acting Chair for this hearing.

Mr. McKnight provided a disclosure of where he lives due to a conflict of interest with the quiet zone and disclosed the reasons. Mr. Eisenhut asked what other issues have the Transportation Committee been working on other than the quiet zone. Mr. McKnight noted there are several other issues. They meet about 3 times per year.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the three members present unanimously:
VOTED: to appoint Stephen McKnight to the Transportation Committee through May 31, 2012.

Appointment of Linda Hoard to Transportation Committee through May 31, 2010.

Upon a motion made by Mr. Warner, and seconded by Mr. Eisenhut, it was by the three members present unanimously:
VOTED: to appoint Linda Hoard to the Transportation Committee through May 31, 2010.

Ms. McKnight returned to the meeting.

ANR Plan: D. S. and Joy Greenway, Ruth and Joseph Nadol, and James Mullen (Property located at the southwest corner of Charles River Street and Grove Street, Needham, MA).

Ms. Newman noted the Greenway property has a conservation easement placed on it. They asked not to show the entire wetlands. They waived the requirement, recorded the ANR plan and it shows 2 lots.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to adopt the plan as ANR under the Subdivision Control Law.

Review and approval of revised floor plan for certificate of occupancy issuance for Pfizer, lessee: Major Project Site Plan Special Permit No. 2000-02, Sentinel Properties, Needham, LLC, c/o Rose Associates, One Financial Center, Boston, MA, Petitioner (Property located at 128 First Avenue and 72 A Street, Needham, MA).

Ms. Newman noted they got the Special Permit and only so much parking was constructed at the time. They did not need more parking until the employee load exceeds so the Planning Board is tracking. Pfizer needs additional space but the employee count is not changing. There were 193 spaces provided during Phase 1 and they are only using 130. She stated they should allow this.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to approve the expansion as presented per the revised floor plan.

Public Hearings

7:30 p.m. – Article 1: PB: Amend Zoning By-Law – Authorization of Ambulatory Health Uses in the New England Business Center District.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the four members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Town Manager Kate Fitzpatrick stated the Board of Selectmen has voted to withdraw the article to give them more time for review. She would like the Planning Board's assistance for a vote in the fall. Ms. McKnight stated they can dispense with the hearing. Mr. Warner stated he is fine with it being held for further discussion but it is not in the interest of the town for Beth Israel to have a monopoly. They should have other medical clinics. Mr. Jacobs asked if the 2/18/10 letter from Mr. Lewis and Mr. Liebman to Ms. Newman would be a part of the record. Ms. McKnight noted the following correspondence for the record: a joint letter from Stanley Lewis and Jeffrey Liebman, dated 2/18/10, clarifying the point position of Beth Israel Needham and Beth Israel Boston regarding proposed amendments, with comments; and a letter from Lee Newman to Town Counsel David Tobin regarding conditions that could be imposed and comments regarding the taxable status of the property.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to close the hearing and make no comment or report to Town Meeting.

Mr. Ruth arrived at 7:40 p.m.

Request for waiver of filing fee and Decision: Amendment to Major Project Site Plan Review Special Permit No. 2005-06: Pine Village Pre-School, PO Box 35347, Brighton, MA, Petitioner (Property located at 53-83 Fourth Avenue, Needham, MA).

Ms. Newman noted the issue is the drop off and pick up. On page 7, in Section 3.11, she extended the drop off time to 10:00 a.m. which will cover it. She did not include the playground expansion. They will need to come back and show how it will be done. She noted the pick up is staggered. They would like the filing fee to go down to $1,000 rather than be calculated on the entire building.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to reduce the filing fee to $1,000.

Dennis Rieske, of Developmental Resources, Inc., noted there are time limitations. The Building Department has requested changes but they feel Section 3.5 is too restrictive. Ms. Newman noted it would not generate a modification or deminimus change. Andrew Donovan, of The Davis Companies, noted in Section 3.16, there is a tenant in that space now. In Section 3.14 it says the space is vacant. He suggested in Section 3.16 they add "following issuance of a building permit" and after "shall not be occupied" add "by the petitioner." He also suggested in Section 3.14 they delete "vacant office." He asked what a Statement of Compliance was. Ms. Newman explained and noted she would work with him. Once she is satisfied she would issue an occupancy permit. She noted she wants a revised site plan that shows the changes made. Ms. Donovan asked what if the playground is not done. Ms. Newman stated they should add a bond provision to cover the cost if it is not done.

Upon a motion made by Mr. Ruth, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to approve the decision with the change to Section 3.14, add (e) to Section 3.14, to bond outside construction and amend Section 3.16 as discussed.

Zoning Recommendations for 2010 May Annual Town Meeting Warrant.

Article 1 – Amend Zoning By-Law – Temporary Meteorological Towers

Ms. McKnight noted they could recommend adoption, recommend as amended or not recommend. She described the changes. Mr. Jacobs believes "Certification of Attainment" should be capitalized. Ms. McKnight thinks they should leave it as lower case. Ms. Newman will see if it is a specific form. It would be capitalized if it describes a single piece of paper.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to recommend to Town Meeting adoption of Article 1 and Article 2.

Article 3 – Amend Zoning By-Law – Driveway Openings

Ms. McKnight explained this came up due to the Town Hall renovation.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to recommend to Town Meeting adoption of Article 3.

Article 5 – Amend Zoning By-Law – Accessory Uses

Ms. McKnight noted this is a wording issue and there are technical changes to allow no more than 3 cars in a garage space in the Rural Residence Conservation District.

Upon a motion made by Mr. Ruth, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to recommend to Town Meeting they adopt Article 5.

Article 6 – Amend Zoning By-Law – Wireless Communication Facilities

Ms. McKnight noted this was to allow antennas attached to municipal water tanks. Mr. Eisenhut stated he thought this was withdrawn. Mr. Jacobs agreed that was his thought. Ms. Newman stated they could request it be withdrawn or taken off the warrant.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to not place Article 6 on the warrant.

Article 4 – Amend Zoning By-Law – Minimum Side and Rear Line Setbacks: Accessory Structures

Ms. McKnight left the room due to a conflict. Mr. Ruth noted this will allow setbacks of less than 10 feet between in-ground pools and other buildings.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to recommend to Town Meeting adoption of Article 4.

Ms. McKnight returned to the meeting.

8:15 p.m. – Article 1: PB: Amend Zoning By-Law to Create Elder Services Zoning District.
Article 2: PB: Map Change to Create Elder Services Zoning District.

Upon a motion made by Mr. Ruth, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Roy Cramer, representative for the applicant, noted they propose 2 zoning articles – one is a map change and the other is the creation of a new zoning district – Elder Services Zoning District. They have purchased 5 acres behind and propose to make it an elder services district. Currently there is a nursing home. They want to create an

Alzheimer/assisted living unit and an independent living for seniors unit. They want to keep it simple. They want to match the existing as close as possible and would like to be able to get a Special Permit for all portions. They had a neighborhood meeting a couple of weeks ago. Steven Levin, of Wingate, stated they met with the Selectmen to address their concerns. In Plan 1 the nursing home is being expanded by square footage for an increase in footage to private rooms. There will be 60 assisted living units, 48 dementia specific units and 57 independent units. In Plan 2 there is no addition to the existing facility, 44 independent units and 64 assisted living units. There will be emergency egress only to Cross Street. He described the landscape, fences, grade changes and elevations. Mr. Cramer gave the vegetation detail. They want a fence, then a thick vegetative buffer, particularly along Putnam Street. They will plant red maple, red oak, fir and pine trees along with arborvitae. Mr. Jacobs stated 2 plans were presented at the beginning. The first plan is maxed out. He noted he prefers the second plan. Mr. Levin stated both are basically the same without expansion to the current building. Mr. Warner asked if they were thinking 3 stories and was told they were. Ms. Newman stated zoning speaks only to height not stories. Mr. Levin noted 4 stories with a flat roof is more institutional looking than 3 stories with a gabled roof. Mr. Cramer noted everything presently allowed by right will still be allowed. Everything presently allowed by Special Permit will still be allowed by Special Permit. They are only adding independent living.

Ms. McKnight noted the following correspondence for the record: a letter from Sheila Pransky, dated 3/15/10, regarding Needham Opportunity Inc. Ms. Pransky stated she is in conversations with Mr. Levin to discuss affordability due to the large number of seniors with affordability issues. It has been very open and interesting conversations. She would like to keep open the affordability option. The Planning Board should keep in mind the need for affordable senior housing. Mr. Cramer noted they took the 2009 Needham Center affordable zoning and adopted those criteria. Lois Sockol, of 611 Greendale Avenue, stated she is in support. She has not heard from the neighbors but as a senior who has lived here over 40 years she would love to stay in Needham when she can no longer stay in her home. She supports this strongly. John Gould, Vice President at Wingate Health Care, stated he supports the project. They have a similar project in Kingston with the same profile. It brings a continuity of service and has enormous benefits. He would appreciate the support. Karen Gorton, of 80 Putnam Street, stated it is a wonderful endeavor but would be an extreme change to what she is used to. She is not sure how to articulate it. Mr. Eisenhut asked if she would prefer a gabled roof. Ms. Gorton stated absolutely. Bill Davis, of 11 Dartmouth Avenue, noted he recently looked at senior housing for his mother. It would be nice to have more options and he is in support. He recently did work for the Wingate Kingston project. He feels it is a top notch company and this would be an asset to the town. Thomas Lee, of 78 Putnam Street, noted this is a great impact to them. He knew nothing about this as he did not get any notice. He would like better communication. Giles Hamm, of Vanasse and Associates, noted this is a low traffic generator, only staff. There is very low auto ownership. He calculated 108 units will generate 17 a.m. trips and 30 peak trips. This is less than a 1% impact. Sixty percent will go toward 128 and smaller amounts to Hunting and Highland. Mr. Levin noted the maximum employees will be 47 over 3 shifts added to the facility.

Mr. Cramer noted the Planning Director's letter. He stated #3 is fine. In #4, they want to reduce by Special Permit. In 4.2.7 it refers to industrial use. They should use by cross reference. In #2, they are certified not licensed. He suggests "and are certified, licensed or otherwise approved by the Commonwealth of Massachusetts or other governmental entity (authority)." In #1, they seek a Special Permit for an independent living facility. Mr. Levin has financing by one source and if they all run together, and the nursing part goes away, the independent living would be in violation. Mr. Ruth stated they could be tied together with a Special Permit rather than Town Meeting and has a phased concept. Mr. Warner noted the district is created to have these 3 elements together. He asked what we would do if they went bankrupt. Mr. Cramer noted in #5, they should take out "such." In #6, he took the language directly from the downtown Needham change. He did not see any reason to change it. There is no problem adding the Planning Director's adjectives. Mr. Eisenhut suggested they be specific in this zone. Mr. Cramer noted they do not think they can do 25% affordable units feasibly. They feel they can do 10% but not 25%. Mr. Eisenhut stated they should tighten the language to show that 10% is to be rented at 80% of the area median income. Ms. Pransky stated the cost of services needs to be included in the cost. Mr. Eisenhut clarified they need to make it tighter to make it clear they are affordable so they can be included in the affordable housing count.

Mr. Ruth asked if there was adequate capacity for sewer. Theo Kindermans, of Stantec PELA, stated he has done a cursory review. All services are available. They have not done storm water sizing but have designed a rain garden and others would be incorporated. It is too preliminary to give substantial information. Mr. Ruth asked if he was satisfied with the water and sewer capacity and was informed he was. Mr. Warner asked if the railroad creates a pond between the building and the upgrade. Mr. Kindermans noted they have added fill to raise the building to prevent issues. Mr. Ruth asked, with the maximum build out, have they looked at more green space. The buffer with neighbors seems thin to him. He asked if they envision seniors in town coming to this facility. Mr. Levin anticipates seniors coming here and noted they currently do that with groups in town. Mr. Jacobs noted he thinks Mr. Cramer's comments and changes to 2 through 6 are satisfactory. Number 1 is important and he feels they should add "within a continuing care retirement community" at the end. Mr. Eisenhut commented he wished it was 25% affordable housing but he knows it is unrealistic. He would like to see 3 stories with a gable not 4 stories with a flat roof. He would like to see a 45 foot limit. Ms. Newman stated they are maintaining the taxability of this property. They have talked about a development agreement to ensure real estate taxes will always be paid. Mr. Cramer stated they would not have an issue with a development agreement after the zoning is adopted but they would like to build what they want to build. Ms. McKnight commented they should incorporate the concept of independent living within the community or on a campus. Mr. Eisenhut stated they could have pervious surface requirements. Mr. Ruth stated he does not want to require more parking than necessary. Mr. Cramer will look at that. There are parking requirements in the By-Law. If they need less, they should go that route. He will look at the assisted living component. Mr. Ruth stated he would like to keep the hearing open for a traffic study and abutter's comments, etc. Mr. Cramer stated he will do another draft at Ms. McKnight's request.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to continue the hearing to April 6, 2010 at 8:00 p.m. at the Eliot School.

Mr. Ruth commented he echoes Mr. Eisenhut's points on affordability but he will not be here on April 6.

Board of Appeals – March 18, 2010.

Amy and Gary Kaufman, 43 349 Hillcrest Road, Needham, MA 02492 – 0 Eaton Road, Map 33, Parcel 13 (Lot 2).

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: "No comment."

Raman Kohli, 148 Gardner Avenue, Hicksville, NY 11801 – 11 Second Avenue.

Mr. Ruth asked if there were sidewalks there. They need to make sure there is a private sidewalk if there is no public sidewalk.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to comment if a sidewalk is able to be provided it would be desirable.

Minutes

Ms. McKnight noted on the minutes of 12/15/09 the following changes: page 1, 1st paragraph, change "take out is." to "take out requires."; add "requirement" after "7 space"; add the total parking "requirement"; in the second paragraph, add "are" after doors and gates; capitalize Waste Management; on page 2, 2nd paragraph, change "permit" to "agreement"; in the last paragraph, add "in" after "It is"; on page 3, 2nd paragraph, delete "etc."

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to accept the minutes as changed.

Report of the Planning Director and/or Board Members.

Mr. Warner noted a letter he sent to the Board. He asked if they feel they can go behind the gas companies reports to investigate if they think things are not right. Mr. Eisenhut commented he does not think it is practical. Mr. Warner noted Mr. DelGaizo stated if the gas company says it is ok then it is. Mr. Eisenhut commented the Fire Chief said that also. It is not the responsibility of the Board. They could look at it if they were building a roadway over a gas line. That is reasonable. The gas company should be able to tell, then they would need to decide if they were being truthful or not. Mr. Jacobs noted this is also a concern of his.

After discussion it was decided the next meeting dates would be April 6, April 20, May 3 at 7:00 p.m., May 18, June 1 and June 15.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 10:50.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Ron Ruth, Vice-Chairman and Clerk