

NEEDHAM PLANNING BOARD MINUTES

June 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 Ronald Ruth, Chairman, on Tuesday, June 15, 2010 at 7:00 p.m. with Messrs. Warner, Eisenhut and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

7:00 p.m. – Charles River Street Definitive Subdivision: Richard J. Gaffney, Trustee, 634 Charles River Street Realty Trust, 420 Lakeside Ave. Marlborough, MA, Petitioner (Property located at Map 305, Lot 23, off of Charles River Street, Needham, MA). Note: This Public Hearing has been continued from the January 25, 2010, February 9, 2010, March 2, 2010, April 20, 2010 and June 1, 2010 meetings of the Planning Board.

Mr. Ruth noted the following correspondence for the record: a letter from Dr. Paul Aswald and Susan Eyler with comments; an e-mail from Tony DelGaizo to Lee Newman with comments regarding the Carr Research Laboratories comments; the response of Kelly Engineering, dated 6/14/2010 discussing the letter with suggestions; and a memo from F. Jerome and Noel Grimm, dated 6/9/2010, to the Planning Board requesting denial with reasons. Mr. Ruth noted they are to discuss gas pipe line issues tonight. He has listened to the tape of the June 1 meeting and feels he is up to date on it. Mr. Cramer introduced Peter Kerrigan, area manager of Spectra Energy for the Westwood area. Mr. Kerrigan noted he has been with the company for 19 years and has an engineering background. He has been doing reviews for 12 years. He has 32 employees and takes care of all maintenance lines. There is a 24 inch line that runs through Needham. It was built in 1952 and commissioned in 1953 and was internally inspected 4 years ago. It is required they be re-inspected every 7 to 10 years. Mr. Eisenhut asked if there is a likelihood construction will result in substantial or measurable risk. Mr. Kerrigan stated he has looked at this with the guidelines. The first set of plans was in 2007. He has been working with Kelly Engineering and they have the guidelines. They do not have 100% approval yet but are very close. The first thing is safety. He added a caveat – if they get approval and it is changed, they need to come back for re-approval. They also meet with contractors and no work is done unless one of his guys is there. They need to let them know all equipment that is to be used and everything passes stress calculations. The main concern is the contractors will have their hands full. There is someone on site anytime there is any work being done in the 50 foot buffer zone. Mr. Cramer noted Kelly Engineering is working from the guidelines. Mr. Ruth requested they please send copies of the guidelines to the Planning Board and Fire Chief Paul Buckley.

Mr. Warner noted on Sheet 3, lots 5 and 6 are at acute angles toward the end of the cul-de-sac, not at right angles. Mr. Kerrigan noted they can construct the road per the easement. Mr. Warner stated the easement is 50 feet and the pipe is 52 years old. He asked if it is getting to the end of its useful life and how would they replace it. Mr. Kerrigan noted it was not near the end of its life. If it needs to be replaced, they close valves, evacuate gas and replace the pipe. Mr. Jacobs asked who is responsible for repairing the road. Mr. Kerrigan noted they will return it to the existing condition. Ms. McKnight asked the depth of the pipeline and is it usual or unusual. Mr. Kerrigan noted it ranged from over 3 feet to 4 feet. This is common for this type of area. Ms. McKnight asked the role of the town in the roadway and if there are any concerns with regard to future maintenance. Mr. Kerrigan answered there are no concerns. Ms. McKnight noted some utilities are going in. Mr. Kerrigan clarified they are outside the 50 foot easement. Ms. McKnight asked which utilities are crossing the easement. Mr. Kelly noted water, gas and electric. Ms. McKnight asked if there would be a burden on the town if they want to replace the water line. Mr. Kerrigan noted no burden but they would notify dig safe. Mr. Jacobs commented on the 6/9 memo, #2, and asked if there were any issues. Mr. Kerrigan stated there were no issues with location and no safety concerns. Mr. Jacobs reiterated there would be someone from his place on location whenever work is done within the easement. He asked what happens if they do work if no one is there or they do something wrong. Mr.

Kerrigan stated he looks at it and determines if they need to contact the Fire Chief. They may pull the building permit. They do not mess around. They have pulled permits before. Mr. Jacobs asked how the Planning Board would know if there is an issue. Mr. Kerrigan would send an e-mail to the Planning Board and the Fire Chief. Ms. McKnight asked if there would be a problem with heavy vehicles such as oil trucks, school buses, fire equipment. Mr. Kerrigan stated they had the roads done to severe highway loading and passed. Fire Chief Paul Buckley stated he was glad Mr. Kerrigan was able to attend the meeting. He appreciates it and has comfort in his statements. Mr. Smart asked if he has had any problem with accidents on his watch and in his territory. He asked if there have there been any problems nationwide in the last 20 years and if Mr. Kerrigan follows the safety record of pipelines. Mr. Kerrigan stated he hears occasionally but cannot comment on records.

John Haslip, of Whitman Road, noted he has lived there 9 years and twice the area has been shut down due to gas leaks. Jeff Steiger, of 199 Whitman Road, stated he has a concern with losing the coating of the pipe during construction. Mr. Kerrigan stated he does not feel there will be an issue but they will keep tabs during construction to see if anything needs to be repaired. They have a cathartic protection system that runs up and down the pipeline and they do readings on a regular basis. David Kelly noted a letter from Spectra to the applicant will be submitted. Mr. Cramer noted the landscape plans. They want a monument sign moved out of the easement area. It will be moved about 4 feet and shrubs will be moved to that area. Mr. Kerrigan stated they do not allow permanent structures within the easement.

Mr. Smart submitted a letter with copies to the Planning Director. He noted the water related concerns have not been adequately addressed. In certain events the drain system is not adequate and the over flow pipe and structure are close to his clients property. They are asking that structure be moved 80 feet west near the boundary of proposed lots 7 and 8. They do not feel it would harm the applicant. The second issue is the road length. They are not required to grant a waiver. He suggests they deny the waiver or grant more limited waivers. They could move the conservation easement back as a benefit.

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

VOTED: to close the hearing.

Mr. Eisenhut clarified 4 waivers have been requested. He asked if they should vote those first, then vote the relief. Ms. Newman stated she did not want a vote tonight. She wants direction from the Board. Mr. Eisenhut stated it is a simple subdivision application. They are all basic waivers except the road length. The critical element is Town Counsel's advice, the right of egress and access for the town. He is not sure what the policy for limiting the street length is but believes it is safety. He feels safety is there if emergency egress and access are there. Mr. Jacobs stated he agrees with Mr. Eisenhut. Ms. Newman noted this is the longest road length waiver. Ms. McKnight suggested they go along with Town Counsel. She feels the validity is there and asked if waivers have been granted before. Ms. Newman noted on the Beard subdivision they created a boulevard. Ms. McKnight asked if there were gates. Mr. Cramer stated there was a gate for Fire/Police/DPW with keys. Fire Chief Buckley stated there were several areas in Needham with gates. It is not uncommon. Ms. Newman added Olin College has a gate. Mr. Ruth stated he agrees with Mr. Eisenhut regarding emergency access. He feels in the long term these areas will get linked together. He thinks the developer should undertake a public easement to Whitman Road. Ms. McKnight noted the utilities are not in the street but in peoples' yards. The DPW has not commented. Ms. Newman stated the road is not going to be accepted. Mr. Warner noted there would be a problem if they depart from their rules. Mr. Ruth suggested they recess the discussion until later in the meeting.

7:30 p.m. – Amendment to Major Project Site Plan Review No. 1987H: 1987H First Avenue, LLC, c/o Maric Inc., 197 First Avenue, Needham, Massachusetts, 02494, Petitioner (Property located at 197 First Avenue, Needham, MA).

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

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

Mr. Ruth noted the following correspondence for the record: a memo from Tony DelGaizo, Town Engineer, dated 6/15/10, with no comments or objections; an e-mail from the Fire Department, dated 6/15/10, with no comment; a

memo from the Police Department, dated 6/11/10, with no comment; and a set of stamped drawings from the Design Review Board, that have been reviewed and approved.

Rob Schlein, representative, noted this is for the installation of a roof mounted solar electric system. This is a 46,000 square foot, 3 story office building. The building was built in 1987 and they have owned it since 2000. They want to modify the 1987 Special Permit. The Design Review Board has approved. It will be mounted on a flat roof and will not be visible from the street except for 2 lines on the gabled portion of the roof. The owner occupies an office suite in the building. This will supply power to the building. It will be 4 feet above the roof and behind an existing parapet. There will be 2 darker panels in the gable portion.

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

VOTED: to close the hearing.

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

VOTED: to adopt and sign the modification.

8:00 p.m. – Major Project Site Plan Review No. 2010-02: Town of Needham, 470 Dedham Avenue, Needham, MA, and the Needham Historical Society, 1155 Central Avenue, Needham, MA, Petitioners (Property located at 1155 Central Avenue, Needham, MA).

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

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

Steve Popper, representative for the applicant, noted this is a request for the first phase to allow them to move ahead with the insertion of the modulators. Mr. Ruth noted the following correspondence for the record: a letter from Tony DelGaizo, of the DPW, dated 6/15/10, noting no comment and a 6/15/10 e-mail from Fire Chief Paul Buckley with no comments. Mr. Popper stated there was one slight adjustment. It has the same basic layout but they have moved the construction gate in off of Central Avenue. The utility configuration is changing slightly, the water line has been moved closer to the school and they are developing the sewer plan more. Ms. McKnight asked how the drop off for kids works with the bus turn around. Do they stay to the right, head to the back and drop off? Mr. Jacobs asked they explain what is different with regard to the Historical Society parking. David Conway, of Nitsch Engineering, stated they are providing temporary spaces along the entrance drive for 2 years of construction. Ms. McKnight noted the Historical Society is not a Commission. They will need to change this. She is a member of the Historical Society as is Mr. Warner but she does not believe it is a conflict of interest. Mr. Eisenhut's wife is a member and Mr. Ruth may be.

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

VOTED: to close the hearing.

Ms. Newman noted she would like them to vote the relief and she will prepare the draft. She will put the plan modification in the draft decision.

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

VOTED: to grant the Special Permit application as requested and other relief as requested subject to the plan modification regarding traffic flow and signage, as discussed, under Sections 1.4.6 and 7.4 and incorporate all in the legal notice.

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

VOTED: to approve the application for Site Plan Review Amendment by Needham Historical Society to the existing permit to allow them to use a reduced amount of parking at the Newman School during the construction from June 2011 through the project completion in September 2012.

They will limit larger public events during this time.

8:30 p.m. – Major Project Site Plan Review No. 2010-01: The Needham Golf Club, 49 Green Street, Needham, MA, 02492, Petitioner (Property located at 49 Green Street, Needham, MA).

Ms. McKnight recused herself from the hearing as she is a member of the golf club.

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.

Mr. Ruth noted the following correspondence for the record: an e-mail from Janice Berns, of the Board of Health, noting no comments at this time: an e-mail, dated 6/11/10, from Patty Barry of the Conservation Commission, noting an oil and water separator should be installed; a memo from Tony DelGaizo, dated 6/15/10, with comments regarding abutters concerns: a memo from the Design Review Board, dated 6/7/10, with comments and suggestions: a memo from Lt. Kraemer of the Police Department, dated 6/15/10, noting no concerns and correspondence, dated 6/15/10, from George Giunta Jr. Mr. Giunta Jr. noted the club was opened in 1901 and incorporated in 1903. The property was acquired from 1926 to 1939. The club also leases property from the town for the course. The house is on their own property. The club house was built in 1933. It has several rooms but has served its life. They want a new state of the art club house. They will have a grill room, function room, club house and pro shop. The club provides many amenities for the town. There are 565 members in 8 classes. The existing house is under 8,700 square feet. The new will be 18,000 square feet with a basement and a cart barn replaces a free standing open air building. It is a nice design and low maintenance. They would like to begin construction in the fall. He noted they need to do this as an addition. They cannot do it as a separate building per the building code.

Warren Daniel, of Daniel Architects, described the plans. The second floor will have a function room, rest room, meeting rooms, a kitchen, grill room and wrap around deck. The first floor will have the cart barn, administrative offices, the pro shop and locker rooms. The basement will be partial and primarily mechanical, electric and storage. There will be vinyl shingles on top with gables. The cart barn faces the abutters. They will have 40-year roof shingles. Mr. Eisenhut asked if the window material would be wood and was informed it would be vinyl. Mr. Eisenhut noted the DPW has required wider corner boards. Mr. Daniel stated he would look at this as it is the first he has heard of it. Mr. Giunta Jr. noted the parking lot design is similar to the existing. There are 2 drives now. One drive has very limited sight distance of 40 to 55 feet. They will eliminate this. Most trees are being retained and others added. George Giunta Sr., of Site Design Consultants, noted the property is served by an 18 to 24 inch drain line. There are 3 existing catch basins. Two will remain and one will be replaced. They will eliminate the existing entrance way and one drive will be widened for 2-way traffic. There will be a new service line into the manhole. They are removing the existing catch basin and will put a double catch basin with a 4 foot pump. They are installing a manhole and a storm sceptor and regrading the parking lot to a double catch basin. They are repaving the lot from 20 to 25 feet. They were approved for 132 parking spaces and have 138. There are 2 separate water lines, one a new 6 inch line. The utilities are underground, the transformer will be screened and there will be a new gas line. There is an island with spruces that will be expanded and there will be a 24 foot wide entrance. Mr. Warner noted the exit to the site is to South Street and asked what the height of the bushes and spruce trees will be. Mr. Giunta Sr. noted they are tall but set back. The sight distance will be 200 feet in either direction. They will put a hydrant in for fire suppression with supplemental plants. The brick footpath will stay. Austrian pines will be put in with a fence behind and all parking aisles are 24 feet wide. He described the lighting plans. There will be shields on the backside and they will shine down. Mr. Jacobs asked the hours the lights will be on. Mr. Giunta Jr. noted they will only be lit at night if there is a function, maybe one time per week. Mr. Jacobs asked about the eating situation. Mr. Giunta Jr. noted the members usually eat lunch. Mr. Daniel noted all lights are on timers. Mr. Ruth asked if they have a liquor license until 2:00 a.m. but was informed it was midnight. Mr. Giunta Jr. gave a brief wrap up. The existing building is non-conforming and the new building will be fully compliant. There is more than adequate parking. There is no bike rack. He noted

there is an unusual provision in the By-Law that requires transition screening. The building complies but the parking lot does not strictly comply. It does comply with all applicable requirements. Chris DeAnzeris, of 40 Green Street, stated he is in favor of the project and commented he is not a member.

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.

Ms. Newman stated they will issue a decision in July. Mr. Eisenhut stated he has some concern regarding the comment about the oil separator but it is being resolved. Mr. Warner stated he would like contours on the map. Mr. Ruth noted the applicant is willing to do that but photos would do fine. Mr. Warner agreed. Mr. Giunta Sr. stated he could get the town topography done 3 years ago. Ms. Newman requested the lighting hours for the parking lot. Mr. Giunta Jr. will propose the hours in writing for Ms. Newman.

Ms. McKnight returned to the meeting.

Enforcement Action: Major Project Site Plan Review No. 2010-01: Bertucci's Brick Oven Pizzeria, 155 Otis Street, Northborough, Massachusetts, Petitioner (Property located at 1257 Highland Avenue, Needham, MA).

Ms. Newman informed the Board this was ok now. They contacted the trash company and it seems to have worked. It is off the agenda for now.

Release of Off-Street Drainage Bond for the Jenna Circle Subdivision Lot 2 (#15 Jenna Circle) and Lot 3 (#16 Jenna Circle).

Mr. Ruth noted correspondence from Tara Gurge of the Health Department recommending release.

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

VOTED: to release the bond for Lots 2 and 3 of Jenna Circle.

Plan Endorsement: Amendment to Major Project Site Plan Special Permit No. 2009-05: 1095 LLC d/b/a Comella's Restaurants, c/o 288 Washington Street, Wellesley, Massachusetts, Petitioner (Property located at 1095 Great Plain Avenue, Needham, MA).

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

VOTED: to allow the Planning Director to sign the plans if there are no modifications.

Board of Appeals – June 17, 2010.

Daniel J. DiSchino, 57 Wachusett Road, Needham, MA – 49 Wachusett Road.

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

VOTED: "No comment."

21 Highland Avenue, LLC, 21 Highland Avenue, Needham, MA – 21 Highland Avenue.

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

VOTED: "No comment."

Robin and Peter Mosgrove, 271 Harris Avenue, Needham, MA – 271 Harris Avenue.

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

VOTED: "No comment."

Paul McPartland and Erin Farrell, 520 Chestnut Street, Needham, MA – 520 Chestnut Street.

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

VOTED: "No comment."

Clear Wireless, LLC an affiliate of Sprint Spectrum, L.P., 200 5th Avenue, Waltham, MA 02451, c/o Anne Malone, Prince, Lobel, Glovsky & Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, MA 02114 – 350 Cedar Street.

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

VOTED: "No comment."

Neehigh, LLC, 93 Union Street, Suite 315, Newton, MA 02459 – 0 Arbor Street and 26 Cross Street, and 629, 633, 659-661-663 Highland Avenue.

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

VOTED: "No comment."

Neehigh, LLC, 93 Union Street, Suite 315, Newton, MA 02459 – 0 Arbor Street and 26 Cross Street.

Ms. McKnight asked if this is a safe situation here. The plan does not really show. Ms. Newman noted they had been segmenting the parking spaces.

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

VOTED: to recommend there be a site plan review of the entire lot including the 17 new spaces and look at drainage and the previous notation on the same issue.

Reservoir Office Realty Trust, Allan D. Gersten, Trustee, 460 Hillside Avenue, Needham, MA – 189 Reservoir Street.

Mr. Eisenhut noted this was as of right. He is being told he needs a Special Permit as the old use is going away or being discontinued. He will need a variance. Ms. Newman noted the By-Law says it could be a Special Permit. Ms. McKnight stated the Building Inspector feels it is a change in use.

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

VOTED: "No comment."

Charles E. MacDonald and Corinne A. MacDonald, 225 Dedham Avenue, Needham, MA – 225 Dedham Avenue.

It was noted a variance should not be granted unless they meet the statutory standards.

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

VOTED: "No comment."

7:00 p.m. – Charles River Street Definitive Subdivision: Richard J. Gaffney, Trustee, 634 Charles River Street Realty Trust, 420 Lakeside Ave. Marlborough, MA, Petitioner (Property located at Map 305, Lot 23,

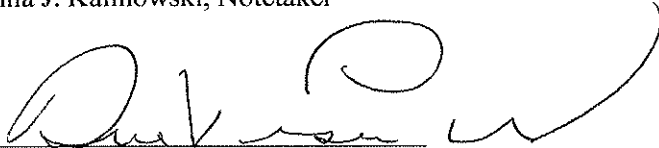
off of Charles River Street, Needham, MA). Note: This Public Hearing has been continued from the January 25, 2010, February 9, 2010, March 2, 2010, April 20, 2010 and June 1, 2010 meetings of the Planning Board. - Discussion continued.

Mr. Eisenhut noted the experts say it is safe and the traffic is safe. Ms. McKnight noted she is satisfied with the scenic road and the tree removal issues. Mr. Warner stated they are giving permission to build 8 houses when they could only build 4. There should be a benefit to the town but he sees no benefit to the public. He feels they have rules, and if there is a compelling public interest, they can overrule them. If not, then they should follow them. Mr. Eisenhut noted they are in favor of development. Mr. Warner stated he feels they need to treat all fairly. Mr. Ruth stated they try to be fair but not rigid. Is there a benefit to the town? Maybe an easement to the river. Ms. McKnight noted she would prefer to see a proper roadway connecting the 2 streets. Mr. Ruth asked if they could take some land from 155 and put a street through there or a legal pathway. Ms. McKnight added they could shift the drainage pit further south and have a 40 foot right-of-way to the corner rather than 20 foot. Mr. Ruth noted a canoe landing area or some public benefit. Mr. Ruth noted he wants to talk with Mr. Cramer about a walking trail along the sewer easement. Mr. Ruth stated they should say to Mr. Cramer they are giving a lot of relief and ask what they are going to give back. Ms. Newman will speak with Mr. Cramer.

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

VOTED: to adjourn the meeting at 10:35 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in black ink, appearing to read 'Bruce Eisenhut', with a long horizontal flourish extending to the right.

Bruce Eisenhut, Vice-Chairman and Clerk