

NEEDHAM PLANNING BOARD MINUTES

March 1, 2011

The regular meeting of the Planning Board held in Public Services Administration Building, was called to order by Ron Ruth, Chairman, on Tuesday, March 1, 2011 at 7:30 p.m. with Messrs. Warner, Eisenhut and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Donna Kalinowski.

Public Hearings

7:30 p.m. – Major Project Site Plan Review No. 2011-01: the Continental Wingate Development Company, 63 Kendrick Street, Needham, MA, Petitioner (Property located on the westerly side of Gould Street between the Wingate at Needham Nursing Home at 589 Highland Avenue and the MBTA Right of Way).

Note: This hearing was continued from the February 8, 2011 meeting of the Planning Board.

Mr. Ruth noted the following correspondence for the record: an e-mail, dated 2/10/11, from Barry Charton; a letter, dated 2/24/11, from Kelly Engineering Group regarding issues; a letter, dated 2/23/11, from Terence Ryan & Pamela Soo Hoo of Evelyn Road; an e-mail, dated 2/24/11, from Sherri Meek; a letter, dated 2/25/11, from Kelly Engineering Group addressing the DPW issues with a number of exhibits; a memo, dated 3/1/11, from the DPW with no comments or objections; and a memo, dated 3/1/11, from the DPW with comments.

Roy Cramer, representative for the applicant, stated they have researched the DPW issues and had a number of conversations to go over the points. The result was 2 packets of information from Kelly Engineering. They are in agreement with just about everything. There is no problem with a separate driveway. He noted Mr. Warner suggested adding sugar maples at the last meeting and they have been added.

Mr. Cramer noted on Sheet 3 of the site plan they neglected to make a change that was agreed to. The access to the dumpster was 14 feet wide. The Fire Department wanted 24 feet. They had agreed to that but did not make the change.

Mr. Cramer noted Town Engineer Tony Del Gaizo raised a comment on the drive on Highland Avenue. The police want a right turn only and an extension of the median strip. That portion of Highland Avenue is still a State highway. They have to apply to Mass Highway. They will do their best but it will take 2 to 4 months to do it. They will make their best efforts and would like the decision to say that.

All employees have been notified not to go across and no left turn. All the other issues have been responded to. Mr. Ruth asked they review for the abutters.

David Kelly, of Kelly Engineering, noted they wanted easements between the properties and they have created the easements. They are granting the rights to pass through the properties. They have agreed to ensure the sound attenuation of the generator is designed so sound attenuation will conform with state regulations. It will be screened by the building and a large slope. It will be an emergency generator only and will be tested weekly. An easement is in place to connect sewer to TV Place and this is being negotiated with Hearst Corporation. Needham has requirements with the EPA with regards to storm water.

Mr. Kelly noted it has been requested they upgrade the drainage on the other property. It was previously approved. They are not touching it but the DPW has requested 2 new state of the art water quality devices. There will be a right turn only and no trees on the water lines. There will be storm water management and education. There will be signage and lane demarcation of the right turn.

On Putnam Avenue there is an existing gate. The DPW has requested they not interfere with that so they can clear the route. They will maintain an open drive at all times for construction. Mr. Jacobs asked about the Gould Street driveway and if it will be 2 way. He was informed it would be. Mr. Jacobs asked if it was likely people

would want to come out onto Gould Street who want to go to 128. Mr. Kelly stated if they know the way they will. He does not think it is likely people will turn onto Putnam.

Ms. McKnight stated she felt the median extension was a good idea. She could not tell if persons from Utica Road would be able to exit Utica and take a left turn. Mr. Cramer stated it was designed just long enough so vehicles from Wingate can not go across but vehicles from Utica can take a left.

Carlyn Uyenoyama, of 73 Evelyn Road, noted the existing conditions. She did a survey of neighbors regarding water. Four had water in their basements, 4 did not and one she was not able to get to. She asked if Mr. Kelly was going to do an assessment of existing conditions so they will know if there are changes due to this development. She asked what the plan was for water management during construction. She wanted to know the depth to the ground water and the results and contingency plans. Who is in charge of the new water management system and who will be mitigating? She also wants to make sure the sewer issue has been addressed. She asked if ordinances cover noise, light pollution, etc.

Mr. Ruth noted the infiltration system is common in this town and most towns. As for the construction impacts, there are extensive conditions and lots of controls developed to work effectively. Ms. Uyenoyama suggested a community garden could possibly be put there.

Terence Ryan, of 79 Evelyn Road, stated he agreed with Ms. Uyenoyama. He asked if the construction entrance would have rip rap or rocks to catch debris. He also asked if there would be a secondary entrance with signs before and after it.

William Dugan, of 29 Pine Street, stated Wingate has been a very good neighbor and he feels this is a good spot. Mr. Ryan noted he thinks they are a great company but actions speak louder than words.

Mr. Kelly stated they have been ultra cautious on the storm water issue. The DPW has reviewed extensively and agreed to document existing conditions. They have ensured the system to be put in place will not change conditions and may have a benefit. It will not be any worse than it is. No more water will leave the site than currently does and there are efforts being made to document it. An extensive hydro geological study has been done. This is not usual but it is an unusual site and they feel it should be done. There were 15 borings and 8 or so test pits. They found the soil was well drained gravel. There is a thick layer of gravel between systems and a rock layer below. No more water will leave the site and it will be spread out in a larger area. The DPW agrees with the data gathered.

Mr. Kelly noted the Operation and Maintenance Plan is a requirement of the EPA. It spells out what is done on a monthly, bi-annual and annual basis such as sweeping sand from the parking lot and cleaning catch basins etc. and that it must be done by a licensed contractor. He is not aware of any blasting needing to be done on this site.

In regards to water maintenance during construction, they are required to do a storm water pollution prevention plan. This must be submitted 5 days prior to construction. The EPA randomly checks. The storm water management system will need to be installed early in construction.

Ms. McKnight noted Mr. Kelly stated the ground water level would not rise so fast or so far. She asked if they can measure actual levels of water. Mr. Kelly noted ground levels fluctuate up and down. There are many factors. It is their responsibility to make sure they do not increase water from the site. Ms. McKnight stated the abutters are looking for some measurement.

Mr. Warner suggested someone could finance a well pipe on Evelyn Road and they could check for themselves after storms what the levels are.

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

VOTED: to close the hearing.

Ms. Newman will prepare a draft decision. Mr. Eisenhut noted there should be disclosure reports on storm water to the Board. Mr. Ruth stated they need a condition for the construction sequence for storm water detention tanks installed early. Mr. Eisenhut noted it should be before construction of a foundation. Mr. Kelly stated it was better tied to impervious surface. Mr. Ruth noted a foundation will change the drainage on site.

Mr. Ruth noted the draft should have the construction drive with rip rap to reduce the dirt on Gould Street. Mr. Eisenhut asked if there would be a truck entering sign on Gould Street. Ms. McKnight asked about a condition on hours of dumpster removal. Mr. Eisenhut stated the current condition is an issue. They should remind people to come to the Board with any concerns.

Ms. McKnight clarified the snow removal site would not be used for snow storage as has happened in the past. Mr. Cramer informed her that was correct. Ms. McKnight stated she did not see how they could limit the snow plowing times. Mr. Cramer stated they could not limit the times. Mr. Ruth noted no off-site snow removal.

Mr. Jacobs commented on the new plan extension of the median and asked what if the state says no. What is the recourse or the back up plan? Ms. Newman noted it was part of the turn back plan. Mr. Ruth noted there would be a right turn only sign and employees have been advised it is only a right turn. Mr. Jacobs suggested "at such time as the town gains control that condition would be imposed."

The hearing will be continued to 3/15/11 at the Community Room at the Library.

8:00 p.m. – Aquifer Protection Special Permit: Luis Vidal, 146 Beard Way, Needham, Massachusetts, Petitioner (Property located at 146 Beard Way) Note: This hearing was continued from the February 15, 2011 meeting of the Planning Board.

Mr. Ruth recused himself from this hearing. Ms. McKnight was acting Chair.

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

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

Ms. McKnight noted the following correspondence for the record: the plans; an e-mail, dated 1/26/11, from Fire Chief Paul Buckley with no comments or concerns; an e-mail, dated 1/26/11, from Janice Berns of the Board of Health with no comments; a memo, dated 2/14/11, from Police Lt. John Kraemer noting no safety concerns; a letter, dated 2/14/11, from Tony DelGaizo with comments and recommendations regarding the fence; the wetlands order of conditions; and a memo, dated 3/1/11, from the Town Engineer noting he has reviewed the plan and has no comments or objections.

Daniel Wallace, landscape architect, noted they want to put a swimming pool in the backyard. All trees and plantings are to remain untouched. There will be a pool, decking, shed house with ½ bath and a storage area. There will be a water slide. The entire area will be enclosed with a 5 foot metal lined fence.

Peter Gramney noted the decking around the pool will be brick pavers with a larger gap between bricks to allow the water to go through. There will be 12 inches of crushed stone under the pavers. The pool house will have down spouts and there will be a 6 foot diameter dry well with a stone wall around it. There will be a large crushed stone sceptor. The existing conditions are 507 cubic feet of water. There will be 975 cubic feet with no mitigations. With stone it will be reduced to 447 cubic feet. There will be a retention pond in back.

Mr. Jacobs noted they need to make sure this does not run afoul of 3.4.6(b)8. He noted there is an incorrect reference in 1.6 to (b)7. It should be (b)8. Mr. Warner asked if the Conservation Commission was ok with this and was informed they were. Ms. McKnight noted they need a 10 foot setback from the pool to the building and asked if they had this setback. They have.

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.

It was noted a couple of revisions needed to be made to the draft. Section 1.7 needs to be renumbered to 1.8; in the vote it should be 3.4.6 not 3.2.2; in 3.5(a) delete "plan" in the first sentence and change the Chairman to Ms. McKnight.

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

VOTED: to grant a Special Permit under Section 3.4.6 of the By-Law to allow in the Aquifer Protection Overlay District a use that will render impervious more than 15% or 2,500 square feet of a lot, whichever is greater, and adopt the decision subject to the amendments and modifications discussed.

Mr. Ruth returned to the meeting.

8:15 p.m. – Major Project Site Plan Review No. 2011-02: Town of Needham, 470 Dedham Avenue, Needham, MA, Petitioner (Property located at 200 Harris Avenue, Needham, MA) Note: This hearing was continued from the February 15, 2011 meeting of the Planning Board.

Mr. Ruth noted the following correspondence for the record: a memo, dated 2/25/11, from the PPBC addressing issues with exhibits; supplemental traffic information, dated 2/25/11, from Tetra Tech; plans; a letter, dated 2/27/11, from Tetra Tech; the Operation and Maintenance Plan; a memo to Tony DelGaizo, dated 2/24/11 from the PPBC and a memo from Christine Brumbach of the School Department.

Nancy Doherty, of Tetra Tech, noted she spoke with the police at the onset and they do not support the staff using the access road. Mr. Jacobs asked if the police have an issue with buses turning left from Dedham Avenue. Hank Haff, Project Manager, noted there was no issue with that.

Ms. Doherty stated enforcement on Dedham Avenue will be difficult. Mr. Jacobs noted staff will be in before students. Why is there an issue? Mr. Ruth commented they could have an electronic gate. Someone will have to monitor a regular gate.

Mr. Haff noted the DPW comments. They reached out to the schools for public education about NPDES requirements including the size of the oil/grit separator. The DPW will provide the Operation and Maintenance Plan.

Ms. McKnight noted the existing parking and clarified the cars lining Glenwood would be parked on Pollard property in the future and would not be parking on the lawn in front. Joel Bargmann stated they have no control over this. Administration can tell staff not to park there. He noted the long term benefits – parking on-site for staff, alternate emergency access, new handicap ramp to the lower Middle School entrance, handicap access to the fields and refurbished tennis courts.

Mr. Bargmann showed the Board a chart with the neighborhood short term impacts. Two buses will travel on the neighborhood streets four times per day. Two buses at 3:15 p.m. would need to make a left from Dedham Avenue.

Mr. Jacobs stated they are missing a good opportunity to allow staff cars to come in the access road rather than force them through the neighborhood. Cars coming in would park and then have to turn around on the access road to go out. Mr. Bargmann agreed they would need to make a 3-point turn at the gate. Ms. Doherty stated they are recommending no parking on the east end of Bradford. They are encouraging bus use. There have been letters and e-mails to parents regarding parking, egress and circulation.

Ms. McKnight asked the location of the crosswalks. She has not seen any on Dedham Avenue. She feels a crosswalk should be put in but locating it seems to be a problem. It is not reasonable to have a condition on this permit. She noted some features would be permanent but there is no plan to show what is permanent. Mr. Haff noted the detail was on the plan. Access down the drive will be removed.

Christine Brumbach noted it is a 615 foot walk through the school with a set of stairs from Harris to the modulars. Five special education vans will deliver the children. There will be 175 students and up to 20% have disabilities. Some cannot do steps or have autism and they would lose a lot of instructional time. Plus the young children will be in the corridors at the same time as the middle schoolers.

John Hodge noted they had an automatic gate and it was removed the third time the arm was broken. The Superintendent has told him it would be a duty of the custodial staff to lock and unlock the gate. On street parking on Glenwood would be removed. The Police Chief has stated it may be necessary to reevaluate if the Pollard parking changes. He asked how additional conversations were going to be done. Mr. Eisenhut stated if there was any use of the drive after this project they would have to come back and start again.

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

VOTED: to close the hearing.

Mr. Ruth noted they had a draft decision. Mr. Warner stated he does not feel they should support this. This proposes to add permanent parking spaces to the school. The town is working hard to encourage walking, carpooling, etc. The town is oriented toward becoming a green town. Initiatives are moving in the wrong direction. He feels limiting parking spaces is the direction to go. Pollard has classrooms near Harris Avenue. Maybe Newman could be in those classrooms and the older kids could be in the modulars. They could have the older kids help with the little kids. He noted there is no improvement to the bike path shown. He feels they should encourage parents to carpool. This is permanent additional parking and it is a mistake.

Mr. Ruth stated there is a lot to what Mr. Warner said. He stated future revisions would included discussions regarding walking, biking, etc.

Marianne Cooley, School Committee member, stated they do have a facilities assessment planned for Pollard and these will be looked at. Mr. Eisenhut stated he is concerned with notices of intentions. This is an application for a temporary solution to an immediate problem but not for permanence after 2012.

Ms. McKnight stated it is not correct to say it is only for Newman at Pollard. This is a permanent expansion of parking spaces. It makes sense to get teachers off the abutting streets. This is 2 phased. She would like to see it more clearly defined. There will be the removal of the access drive but permanent parking is being made. She would like to see what Phase 2 will be. She noted she did not see as a permanent condition the 6 carpool spaces.

Mr. Jacobs stated he hears Mr. Warner but he does not agree. He agrees with Ms. McKnight that parking needs to be alleviated. He wants a distinction between one year and the next defined. Mr. Eisenhut commented cost is not the Board issue.

Mr. Ruth stated he wants a condition there be a provision plan for parking, walking, carpooling, etc. The gates can be manual or mechanical.

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

VOTED: to grant a Major Project Site Plan Special Permit under Section 7.4 of the By-Law; a Special Permit under Section 1.4.6 for the change and extension of a lawful pre-existing, non-conforming use and structure; a Special Permit under Section 4.2.8.4 to modify the provisions of Section 4.2.8 and a Special Permit under Section 5.1.1.5 to waive strict adherence to the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requiriements)

subject to changes to be made to clarify the distinction between temporary and permanent, discussions earlier and 6 spaces be added for carpooling.

Planning Director Update – Discussion of proposed expanded use: Major Project Site Plan Review No. 2008-08: V.S.A., LLC, 1105 Massachusetts Ave., Suite 11G, Cambridge, MA 02138, Petitioner (Property located at 225 Highland Avenue, Needham, MA).

Ms. Newman noted they were granted a permit for mixed use building. They are currently operating under a parking waiver. The existing use profile as authorized in the special permit requires a total of 28 parking spaces. Currently they provide 22 on-site parking spaces with a 6 space parking waiver. As mitigation for the 6 space parking waiver 5 additional spaces are provide off-site through a lease arrangement. Under the exiting permit medical use is not allowed. She asked if the applicant can put medical in and not build out the 300 foot part of the retail to keep the waiver constant. He is looking at purchasing off-site parking nearby. George Giunta Jr. noted there is 3,875 square feet of retail on the first floor and 3,875 on the second floor with 1,800 to become medical. It will be a medical spa which is some medical and some spa.

Mr. Ruth stated he is not crazy about it but is willing to listen. Ms. McKnight asked if there is a concern in general with medical uses in this part of town or do they want it clustered up by the hospital. Mr. Ruth noted next week there is a hearing on medical uses in the business district and industrial district. Ms. Newman stated this is a use problem that is being addressed and will get resolved at Town Meeting. Mr. Eisenhut commented a condition it has to be vacant is fine with him. Mr. Giunta Jr. asked if they would want a professional parking study done for this. Mr. Eisenhut noted if they are in Wellesley currently, that is good enough for him.

Planning Director Update – Follow-Up on 322 Reservoir Street.

Ms. Newman noted Devra Bailin has looked at the personal trainer Mr. Ravelson wanted to put in. In 2009 the karate use was previously allowed and they are proposing similar. In 2010 a permit was issued with grandfathering. Personal trainer is allowed in the uses. Mr. Eisenhut noted Town Meeting said it is not allowed by right or Special Permit. They did not intend to grandfather a use Town Meeting rejected. He feels they should not compound a possible error made in 2009. Ms. Newman stated karate was put in as a school.

Mr. Ruth stated in 2003 they said they could have a personal trainer by appointment. It is a continued use and he agrees with Ms. Bailin. Ms. McKnight stated all conditions in 2003 are still in effect. Mr. Ruth noted if the use is reestablished within 2 years he is ok with it. Mr. Eisenhut commented zoning disfavors prior non-conforming uses. Ms. Newman noted within 2 years he can come in with a use similar to karate.

Planning Director Update – Discussion of possible Amendment: Major Project Site Plan Special Permit No. 1998-05, Intex Solutions, Inc., 110 A Street, Needham, MA, Petitioner (Property located at 110 A Street, Needham, MA).

Ms. Newman noted they are required to supply a shuttle service for employees. They only have one employee participating. They have asked if they could get the condition relaxed due to the large cost. Mr. Eisenhut noted if he can provide transportation, why not? Ms. Newman stated people have joined the 128 Business Council. Mr. Jacobs noted there is nothing here that requires the 128 Business Council. How he transports employees is fine.

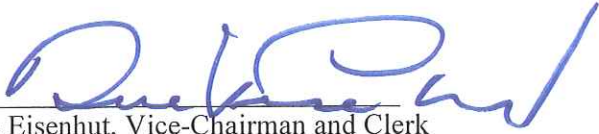
Endorse Nehoiden Street Definitive Subdivision Plans (Property located at 198-200 Nehoiden Street).

Ms. Newman noted she and Town Counsel David Tobin are reviewing the final plan. It has been signed by the Town Clerk and the DPW. The Board endorsed the plan. Ms. Newman will release it only after the review is complete.

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

VOTED: to adjourn the meeting at 11:10 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in blue ink, appearing to read "Bruce Eisenhut", written over a horizontal line.

Bruce Eisenhut, Vice-Chairman and Clerk