NEEDHAM PLANNING BOARD MINUTES

August 9, 2011

The regular meeting of the Planning Board held in the Needham High School Media Center was called to order by Bruce Eisenhut, Chairman, on Tuesday, August 9, 2011 at 7:00 p.m. with Messrs. Warner, Ruth and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Correspondence

Mr. Eisenhut noted the following correspondence for the record: a letter from Roy Cramer, dated 8/1/11, regarding the Northbridge easement access; 2 newspaper articles and a memo from Town Manager Kate Fitzpatrick regarding the close of the Town Meeting warrant date.

Request for Extension of Temporary Occupancy Permit: Major Project Site Plan Review No. 2004-01: Permanent Public Building Committee for the Needham High School, 609 Webster Street, Needham, MA 02492, Petitioner (Property located at 609 Webster Street, Needham, MA).

Steven Popper, representative for the applicant, noted they are requesting an extension for 2 months due to the inspectional requirements. The inspections will be in August as the town officials are too busy. Some of the work is being done by facilities that is not contractor work.

Ms. McKnight noted the landscaping is bad and asked who is responsible for it. Mr. Popper stated it went in as per the plan. They need to upkeep the mulch. They have started putting new plantings in. It is a maintenance issue. Ms. McKnight commented she expects the landscaping would be kept in good condition until the Certificate of Occupancy is granted. It looks like it is all mulch. Mr. Popper noted the plantings are there but overwhelmed by weeds. A motion was made to extend the temporary certificate of occupancy for the High School from 8/31/11 through 10/31/11 advising the issuance of a permanent certificate would be conditioned upon the landscaping be put in the condition in the original plans. Mr. Ruth suggested amending that to add "or any other suitable arrangement made." Ms. McKnight added "or as appropriate for the site."

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

VOTED: to extend the temporary certificate of occupancy for the High School from 8/31/11 through 10/31/11 advising the issuance of a permanent certificate would be conditioned upon the landscaping be put in the condition in the original plans or other suitable arrangements made or as appropriate for the site.

Diminimus Change: 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).

Steven Popper, representative for the applicant, stated minor modifications have been made. There is a request by the town to move the awning. They have agreed the necessity for the awning was not there. They would like an official endorsement to take the awning off the plan. There are also a couple of drainage issues. These are minor adjustments to accommodate the site requirements.

Mr. Jacobs noted he stated his opinion when the awning issue came up he felt there should be a public hearing so the abutters could object. Mr. Popper stated he does not think the abutters knew an awning was going in. Mr. Jacobs commented that may be true but he still feels they should have a hearing.

Ms. Newman stated the Police Chief has suggested, and may implement, changes at the Harris Avenue parking lot to pull some cars off the streets. They may allow buddy parking in the lot and moving the bike racks off the pavement. Mr. Eisenhut noted a letter from the police, dated 8/4/11, regarding this issue.

Mr. Popper stated they would like 14 teachers to have access prior to the start of school and the certificate of occupancy. They have requested interim access for teachers.

Ms. McKnight noted a phrase was missing in paragraph 3 after 2. She noted "has been completed" is missing.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by four of the five members present (Mr. Jacobs voted in the negative):
VOTED: to allow the request for a diminimus change.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by four of the five members present (Mr. Jacobs abstained):
VOTED: to adopt the decision as drafted with revisions.

Request to authorize Planning Director (or designee) to authorize Temporary Occupancy Permit: 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).

The Planning Director will be away so they will delegate the authority to Devra Bailin and Alexandra Clee. This is a 2 phased occupancy. They would like to allow 14 teachers access to the building without an As-Built and they would like to allow occupancy when the As-Built site plan is completed.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to authorize the Planning Director, or her designee, to be so authorized.

Request to authorize Planning Director (or designee) to authorize Temporary Occupancy Permit: 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, Petitioner (Property located at 1155 Central Avenue, Needham, MA).

Steven Popper, representative for the applicant, noted the auditorium is to be completed for occupancy. The materials for clouds came in a week ago. They were found to be defective and need to be redone, which is a lot of work. It is integrated with HVAC, etc. The only option is to not have space available for a period of time through Thanksgiving. The schools have agreed to this. They would like a delay of completion of the auditorium through November. He clarified the clouds are panels that conceal the ductwork. Ms. Newman stated the occupancy has been granted until December 1.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to authorize the Planning Director, or her designee, to issue a temporary occupancy permit.

Parking Determination: Gymboree and V.S.A. LLC, 1105 Massachusetts Ave., Suite 11G, Cambridge, MA 02138, Petitioner (Property located at 225 Highland Avenue, Needham, MA).

Ms. Newman stated Engineering recommended an occupancy load consistent with the advisory report. Mr. Giunta Jr. stated they should discuss that during the public hearing.

Public Hearings

7:00 p.m. – Amendment to 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).

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

George Giunta Jr., representative for the applicant, stated his client would like the entire second floor. This is a mixed use commercial building with retail on the first floor and office or retail on the second floor. Gymboree has a series of classes for 6 months to 5 year olds. They will have a large open space and play and learn classes. There are 7 levels dependent on age and stage. There will be learning and physical movement. Also, music classes for different levels and a family music class. There will be art classes at several levels and sports classes for kids and grown ups and family fun classes. He feels this is closest to the private school category. Their goal is intellectual and whole body development.

Mr. Giunta Jr. stated the average enrollment per class is 12 and 2 staff. There will be a student maximum of 16. There is a total parking demand of 29 for the building which is up one space from the current. There are 1.52 spaces for the basement space which has mechanicals. They are asking for an additional waiver of one space. He feels it is appropriate for the building.

Mr. Warner asked how many spaces the landlord has? He was informed there are 22 on-site and 5 off-site. Ms. McKnight noted the 15 minute gap between classes and asked if there was any opportunity for on-street parking. Mr. Giunta Jr. clarified there was none in the immediate area.

Mr. Ruth asked if it would be a problem if they reduced the class size at a later time. Mr. Giunta Jr. noted 16 is a good comfort level for them. He added that parking issues create problems for them. They would deal with them before it ever came back to the Board.

Mr. Jacobs asked if 15 minutes was enough time to clear out one class and get another in with cars. It was noted 15 minutes is enough and actually works well. They cannot come in more than 10 minutes before the class starts. Ms. Newman stated she needs an amended application specific to the applicant.

Mr. Eisenhut noted the following correspondence for the record: a memo from the police with no concerns; a memo from Fire Chief Paul Buckley with no concerns; a memo from engineering noting no comments or objections; a Play and Learn level description; Board of Health comments; a memo from the Town Engineer, dated 7/19/11, with comments and a memo from the DPW with a recommendation of 18 parking spaces.

Mr. Eisenhut commented he feels it is similar to an educational use. Ms. McKnight noted she feels it is similar to an exercise use.

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

Ms. McKnight reiterated she feels it is similar to an exercise establishment. She feels it fits well with the number of spaces available. Mr. Jacobs stated it fits better but he feels it is more like a private school use. Mr. Eisenhut feels it is closer to education.

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

VOTED: to treat it as an education facility.

Mr. Eisenhut stated the worse case scenario for parking is 18 spaces.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to adopt the recommendation made by the Town Engineer.

Mr. Eisenhut noted the applicant has represented he will take steps to prevent issues and the non use of the basement is real.

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to grant a waiver of a total of 6 parking spaces.

Mr. Ruth noted they need to write it as the Board retains jurisdiction and the Board can change the class size dependent upon the issues.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to grant the Special Permit Major Project Site Plan under Section 7.4.

7:30 p.m. – Amendment to Major Project Site Plan Review No. 2000-02: Digital Realty Trust, c/o Walter Greaney, 451 D Street, Suite 912, Boston, MA 02210, Petitioner (Property located at 128 First Avenue and 72 A Street, Needham, MA).

Upon a motion made by Mr. Warner, 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 disclosed his law firm has done work with Partners from time to time but there is no issue.

Joshua Bows, of Merrill Associates, Inc., stated this is 7.3 acres with an existing building. In 2000 a Major Project Site Plan was approved and has been amended since. The major frontage is on A Street. There are 193 parking spaces in 2 parking lots – one on First Avenue and one in back. They propose a new stand alone data center building in back. There is no vegetation and some existing pavement. A makeshift ball field is there and there is some exposed ledge. There will be 129,000 square feet of gross floor area and new parking lots. There are 37 spaces in the lot to the west and 8 spaces in the lot to the east. If it is a 1/3,000 square foot determination they would need 43 spaces and they are proposing 45 spaces.

Mr. Bows noted they have a detention center to the rear and a swail in front. It discharges to a bio-detention area with the overflow to an underground detention center. The landscape plan is completed. They have met with the Design Review Board and received approval on the sign and building. They have met with the Fire Chief and provided a diagram of the site movement. They have also met with the engineering department.

Mr. Ruth asked about noise mitigation. Mr. Bows stated they have performed a noise study and the information was used in conjunction with the design engineering. It meets state standards. Mr. Warner clarified it was mostly machinery with a few employees. Walter Greaney confirmed it was mostly machines with maybe one or 2 employees. The generators are located in back and exhausting toward their own building.

Matthew Kiefer, representative for Partners Health Care, noted they are concerned with the request. They own one of 2 units in the existing building. That is where their Mission Critical Data Center is. They have no fundamental objection to the building but it affects the permits they have with their building. It may affect them to have conditions on their occupancy. They request the land be subdivided and they request their own. They could easily function as a separate parcel.

Mr. Greaney stated they recognize they have an obligation to Partners. He is not sure what direction they are going in. He cannot be definitive. He stated this application should stand on its own. He added Partners owns a 12% interest.

Paul Laudano stated Digital owns all reserve land. He thinks the use of condo documents is inappropriate here. Mr. Keifer stated one special permit controls 2 properties. He thinks this is unwise. This is about the zoning path they are taking and this is only a matter of administration clarity. Mr. Greaney noted this is still in the study stages.

Ms. McKnight stated they should continue the public hearing. She is not sure of the issue. Mr. Laudano stated they do not feel it is appropriate for Partners to try to force them to subdivide their own property. He noted all they want to do is further develop their one lot.

Mr. Jacobs stated he has a lot of questions in his mind. He asked Mr. Kiefer clarify what he was trying to get across. Mr. Ruth noted they are not sure they can protect themselves if issues arise. Mr. Kiefer stated subdividing was suggested in the master deed and it seems to be the clearest way.

Mr. Ruth suggested they ask for a memo from both partners with their positions and how the issues could be resolved.

Mr. Eisenhut noted the following correspondence for the record: a letter from Brown Rudnick, dated 7/12/11, with a cover letter; a letter from Goulston & Storrs, dated 8/4/11, with the issues discussed; an acoustical study dated 6/10/11 and another dated 6/12/11; a letter from Merrill Associates, Inc., dated 8/1/11, with minor modification to the site plans; a letter from Chad Fowler of Integrated Design Group with literature; a memo from the DPW, dated 8/8/11, with 4 bullet points; a memo from the Police Department with no comments; a memo from the Fire Department, dated 8/9/11, noting no concerns or comments at this time; an e-mail to Alexandra Clee from Josh Bows regarding the fire truck turning plan; a traffic study dated 6/27/11 from Vanasse & Associates and a 12/8/10 traffic study.

Mr. Bows noted in the first study were the parking and vehicle trips. The second study has the bigger picture of traffic such as the intersections, etc.

Rebecca Bauchand, landscape architect, described the landscaping. Mr. Eisenhut clarified there is 26% open space. Mr. Ruth noted they should limit to the issue with the reserve area status and the acoustical issue. Ms. Clee stated the police would like to review this further.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to continue the hearing to 9/8/11 at 8:00 p.m.

8:00 p.m. – Amendment to Major Project Site Plan Special Permit No 91-3: North Hill Needham, Inc., Petitioner (Property located at 865 Central Avenue, Needham, MA).

Upon a motion made by Mr. Warner, and seconded by Mr. Ruth, 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 this is a 60 acre parcel and has been operating since the early 1980s. Mr. Cramer gave an overview of the project. Kevin Burke, CEO, gave a background. He noted 30 years ago this was unique and innovative. This is life care. He noted the industry has changed and they need to update. They are changing to maintain growth and relevance.

Mr. Cramer stated they will renovate 53,000 square feet of existing facility. It will be mostly common areas with a small increase in the footprint of the building – about 4,500 square feet. The existing maintenance facility will be taken down and moved to another location. They will build a new 72-bed skilled nursing building and another 45-independent bed unit with underground parking. There will be extensive site work. They want a town green look. They will redo the loading dock.

Christopher Nowak, Project Engineer, stated the primary access is off Central Avenue with a second service entrance off East Militia. There are 39.8 acres in the conservation easement. There are 3 buildings on site currently. There are 478 parking spaces with 82 underground. Loading is done at the front door. There is a 375 resident apartment build out and they are permitted for 341. Water and sewer are provided by the town. Drainage is a closed system on site to a 3 acre detention center on the Babson property. There will be 375 units with a 72-bed skilled nursing facility. They are adding common space and a 45 independent apartment wing is being added. There will be loading dock improvements. They will maintain access off Central Avenue and East Militia. They will have less surface parking and more underground parking and create a town green. They will maintain the water and sewer connections. They are planning significant upgrades to the storm water management system. Roy Cramer went to the Design Review Board and they have approved.

John Copley, of Copley Wolff Design Group, described the current conditions. He noted they are creating a town green. This creates a direct visual to the front door and creates a place to gather with seating areas. They have shifted the parking a little bit.

Kristopher Tiernan, of JSA, stated they are adding new program spaces and creating visuals down to the wellness spaces. They are creating a galleria connection to the wellness areas. All units are being changed.

Mr. Cramer noted 341 units were created. Some combining has happened and there are now 308. Ten units will be taken away for 298 but that may go as low as 285. They are adding 45 new units at the end for 330. He reviewed the relief and waiver requests. He stated the last relief was granted in 1999. He noted in 5.1.3a, they would like "an average of" 1 foot candles for parking lot illumination. They have 478 spaces now and there will be 562 at the end of the project.

Mr. Ruth asked if the storm water calculations were based on all impervious surfaces. Mr. Tiernan stated they have accounted for a full build out.

Mr. Ruth asked what the schedule will be. Mr. Cramer stated they want to begin Phase 1 as soon as possible this fall. They hope to go to Special Town Meeting this fall with the zoning. They will redevelop the old skilled nursing facility to offices.

Ms. McKnight asked if they will still have the same number of studio apartments. Mr. Burke noted they will still have some but not as many. He noted no one wants the smaller ones.

Mr. Cramer reviewed the internal renovations. He noted this is an ongoing active facility and they would like to break it into components. In the larger phasing they will do units, maintenance building, driveway and loading dock.

Mr. Ruth asked about the financing arrangements. Mr. Burke stated there is a life care contract. An entrance fee is paid of $200,000 to $800,000, of which 90% is refundable, plus a monthly fee. They are getting construction loans, they have some reserves of about $75 million and there is new movement in.

Ms. Newman asked if any affordable units are being considered. Mr. Cramer stated they are not changing the zoning districts. They are not really real estate units. You are buying in and get services.

John McQuillan, of 865 Central Avenue, spoke in favor 30 years ago and is back again now to speak in favor. He has been a resident for the last 3 years.

Jack Cogswell, former Selectmen and resident of 865 Central Avenue, noted all the financial being proposed is critical. They need to be competitive.

Theresa Combs, of 7 Utica Road, noted the affordability and asked if there is a medical social worker in the community. She is concerned they need to keep some affordable units. She stated she is confused what the enhanced is. Mr. Burke noted it is independent living with services provided by their own agency.

Shelley Kaplan, Associate Vice-President of Babson College, stated he supports the proposal.

Mr. Eisenhut noted the following correspondence for the record: an e-mail from Janice Berns noting no comments; a memo from Fire Chief Paul Buckley noting no concerns or objections; a memo from the police, dated 8/4/11, with no safety concerns; 5 letters from Roy Cramer dated 7/1/11, a traffic and parking evaluation dated 6/2011; a memo from the Town Engineer, dated 8/8/11, with one recommendation; and a memo dated 8/9/11, from the project manager to the town engineer with comments.

Mr. Ruth asked the minimum number of studio apartments they will keep. John Childs, Trustee, stated 64 units were studios at the beginning.

Upon a motion made by Ms. McKnight, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to continue the hearing to 9/8/11 at 8:30 p.m. with a focus on affordability.

8:30 p.m. – Amendment to Major Project Site Plan Review No. 2011-01: Wingate Senior Living, 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). *Application to be withdrawn by petitioner.*

Mr. Eisenhut noted a letter from Roy Cramer, dated 7/28/11, requesting this be withdrawn without prejudice.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to withdraw the request without prejudice.

Vote and Endorsement of Decision: Major Project Site Plan Special Permit No. 2010-04: The Mackin Group, LLC, 7 Harvard Street, Brookline, MA 02445, Petitioner (Property located at 916-932 Great Plain Avenue and 36-58 Dedham Avenue, Needham, MA).

Ken Mackin, proponent, reviewed the draft decision. On page 12, 1.9, he noted the sidewalk is in very poor condition. They want the flexibility to do the sidewalk sooner rather than later. Mr. Eisenhut noted they should get a credit off the $40,000. Mr. Ruth clarified the Town Engineer get a design. If they want to build to those specifications they get an offset.

Ms. McKnight stated they could do like a subdivision escrow with DPW approval. Put the funds in a contribution account to be used by the town for these improvements. If they are not done within 2 years, they get the money back. Mr. Jacobs noted they need to approach the Board of Selectmen to prioritize this so the DPW will follow their lead. Ms. McKnight stated they could put $30,000 aside for the long term and $10,000 put aside for work they could do.

Mr. Mackin stated on page 27 in 4.7, he would like 2015. Mr. Ruth noted failure to obtain an extension shall cause the Special Permit to lapse with regard to phase 2. Mr. Mackin noted on page 22, 3.16, he would like "including but not" deleted. That was agreed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Ruth, it was by four of the five members present Mr. Jacobs voted in the negative):
VOTED: to adopt the draft decision with changes discussed tonight.

Request to release off-street drainage bond: Sachem Road Definitive Subdivision.

Ms. Newman noted she is satisfied and the Board of Health has approved.

Upon a motion made by Ms. McKnight, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to release the off-street drainage bond for 3 lots in the subdivision.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 12:00 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Sam Warner, Vice-Chairman and Clerk