NEEDHAM PLANNING BOARD MINUTES

September 20, 2011

The regular meeting of the Planning Board held in the Charles River Room of the Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Tuesday, September 20, 2011 at 7:00 p.m. with Messrs. Warner and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Correspondence

Mr. Eisenhut noted a letter from Sam Warner, dated 9/6/11, regarding "walkability" scores.

Review of proposed zoning for Fall Special Town Meeting

Ms. Newman noted she asked Devra Bailin to join them. She has been working with herself and the Council of Economic Advisors (CEA) identifying some zoning changes they feel are timely to proceed with in the fall. The most substantial one deals with the NE Business Center. Others are parking lot illumination and how lots are treated when taken by eminent domain and artist studios.

Ms. Bailin reviewed the changes made at the spring Town Meeting, where the dimensional changes were withdrawn. There are some gaps they are trying to fill. Basic changes were ones that were recommended by the consultant and include a slight reduction in the setback, an increase in maximum lot coverage from 50% to 65%, an increase in FAR "as of right" from .4 to 1.0, and a change in height from 68 feet to 84 feet. Planning Board can waive the requirements up to 25%. CEA does most of its permitting on large projects by Special Permit. They feel they need to increase the "as of right" going forward or they will see a lack of development in the NEBC. It should be put forth as broadly as it can be.

Ms. McKnight asked if the setback for structured parking applies only for stand alone. Ms. Bailin informed her it does. Mr. Jacobs noted Section 4.8.3 and asked the maximum percent of 25% of what? Ms. Bailin noted whatever the requirement is. It would be the Board's discretion to reduce whatever the requirement is. Mr. Jacobs stated they should include an example or 2 to clarify.

Mr. Eisenhut stated the Fire Department had an issue before regarding the height. Ms. Bailin will speak with Fire Chief Paul Buckley regarding that issue. Ms. Newman noted they need to discuss what the "as of right" height in feet should be. They want to keep it broad so they can back it down if needed.

Ms. Bailin stated there is a CEA meeting on 9/27 to discuss how to work the public workshops on October 5, 2011. The CEA will then give input to this Board. She noted illumination is generally a one-foot candle minimum. She stated any language changes should go to her.

Ms. McKnight stated eminent domain language is so helpful to towns. She agrees giving examples or giving the maximum they can go to will be helpful to the reader. She asked if it was also intended for minimum lot size. Ms. Bailin stated it was. Ms. McKnight noted they may not want to change the lot size to less than an acre.

Ms. Bailin stated artist's studio is interpreted as artist's workshop. She has attempted to resolve this with a clear definition of studio.

Ms. Newman stated she needs for the Board to make a motion to move forward and send these proposed zoning amendments to the Selectmen to refer back for further study.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to send this to the Selectmen to refer back for further study.

Parking Determination: Proposed Senior Center, property located at 300 Hillside Avenue, Needham, MA.

Ms. Newman noted she received a letter from the Engineering Department. They recommend adopting the ITE standard of 1 per 1,000 or 65 parking spaces.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to adopt the recommendation of Town Engineer Tony DelGaizo that the parking requirement for this project be 65 based on the computation set forth in his letter on page 2, second bullet.

Request for Certificate of Occupancy: Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham MA, Petitioner (Property located at 1471 Highland Avenue, Needham, MA).

Tiffany Shaw, representative for the applicant, requested they grant the Planning Director the authority to review the documents requested and issue a letter to the Building Inspector authorizing the issuance of a temporary Occupancy Permit.

Ms. Newman noted it is anticipated the As-Builts will all be complete by November. Ms. Shaw stated they are finalizing the site As-Built and anticipate it will be complete but they may need a temporary. She noted a temporary or permanent as applicable.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to authorize the Planning Director to do such documents as necessary to grant a temporary or permanent, whichever is applicable.

Public Hearing

7:30 p.m. – Major Project Site Plan Special Permit No. 2011-04: Permanent Public Building Committee for the Town of Needham proposed Senior Center, Petitioner (Property located at 300 Hillside Avenue, Needham, MA.)

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.

Joel Bargmann, representative for the applicant, noted the conceptual plan has not changed significantly. They considered the MBTA site as a site they may want to control drainage. They met with the MBTA several times and are not treating it as a unified site. There is an underground culvert and stormwater will be treated, with the costs being covered by the town. The MBTA will not pay. They have kept the building height at 35 feet. The 2 story building fronts on Hillside Avenue. There are 65 parking spaces and on-street parking is being created on Hillside. There will be staff parking at Mark Lee. There is an agreement there will be parking available at Avery Crossing for special events with a shuttle. No height variance is needed. There is a fair amount of landscaping being added.

There will be 2 stories. The ground floor will have public access with multi-purpose rooms, a kitchen and social rooms. The second floor will have an outdoor deck, administrative offices, etc. They comply with all dimensional requirements. There is a 20 foot setback from the lot line. They comply at the north entrance but not at the MBTA or Hillside. They are providing a lot of plantings. In 5.1.3(k) 10% of the parking area needs to be landscaped. They have 8.7% rather than 10%. 25% should be interior to the parking but they have 11.8%.

Under 5.1.3(m) parking needs to be in the same lot as the principal use. With the overall spaces some do not comply. Mr. Eisenhut noted a traffic study has been submitted. Mr. Warner asked if they have given away spaces in the Mark Lee lot. Ms. Newman noted they did require other Petitioners in the past to make available to their employees some space in the MBTA lot. They will have to find other parking to satisfy their permit conditions.

Mr. Jacobs asked what the nature of the relationship the town has with the MBTA. Mr. Bargmann stated the agreement allows the Sr. Center to cross the easement line and use the access way. The MBTA will maintain their portion of the site, lights, plantings and adding a collection basin to the site.

Mr. Jacobs noted a curb cut is being eliminated. Mr. Bargmann clarified it is being moved down on the site.

Steven Popper noted the MBTA is in agreement with the Town of how the Town is going to reconstruct the MBTA lot. The Town will renovate the MBTA lot first, then build the building.

Liz Peart, of HSH Associates, reviewed the transportation study. She noted it is a nice use to have for traffic. They will be open 9:00 a.m. to 4:00 p.m. The peak hours are 7:45 a.m. to 8:45 a.m. and 5:00 p.m. and 6:00 p.m. This does not change the level of service at the intersections when built and operating. The peak parking occupancy is about 60 spaces for visitors. There will be special events one time per month and the overflow will use primarily Avery Crossing. Special events will usually be 1:00 p.m. to 3:00 p.m. and overflow will be less than 12 vehicles.

Mr. Eisenhut stated the issue is the intersection at Hillside and West has been rated D or F. Is anything being done to improve that intersection? Ms. Peart noted there will be approximately 30 more vehicles in the morning peak and none in the afternoon. The crash rate is higher at this intersection but there is not a significant increase in the traffic at this intersection due to the Sr. Center. She does not feel this intersection warrants a signal. There is no obvious solution from a traffic control issue.

Ms. McKnight asked if there were crosswalks in the area, where and if they are in the best location for safety. Ms. Peart noted most visitors will park on site. West and Highland has the ideal crosswalk. There is also a crosswalk at Hillside and West across Hillside.

Mr. Jacobs asked if the special events were any day of the week or on weekends. Mr. Bargmann noted they are on week days. Mr. Jacobs stated the Hillside School lets out at 2:30 p.m. to 3:00 p.m. There is a lot of traffic on West Street when school lets out. Ms. Peart noted the Council on Aging could encourage car pooling, etc. to help address the problem. Mr. Bargmann noted the multi-purpose room is only so large so the numbers are limited.

Michael Vendun, of Precinct F, asked the nature of the special events and the number of the crowd. Jamie Brenner Gutner, of the COA, noted it could be entertainment and reiterated the room only holds a certain amount of people. The times are not set in stone. It could be 150 to 200 people. They will be campaigning for car pooling, etc.

Walter Panzuk asked how they are going to widen Hillside Avenue. Mr. Bargmann noted the gutter line runs along the edge. They will widen 4 to 4½ feet and will move the grass strip closer to the setback. Ten spaces are being made plus a drop off space.

Eddie Brucker asked if there is going to be paid on-street parking. Mr. Bargmann stated there is permanent Sr. Center parking only.

Ted Shaughnessy, representative for the abutting building, noted they cannot help out with parking. He objects to them taking the street parking in front of their building and making it available for the Sr. Center and not the public. This will restrict those spaces.

Mr. Vendun asked if the town would put in a crosswalk from Avery Crossing to the Sr. Center. They should put a well marked crosswalk across West Street. There is a safety concern. Mr. Eisenhut stated someone should speak with the Selectmen regarding that intersection. It should be brought to the Selectmen's attention.

Mr. Eisenhut noted the following correspondence for the record: a letter from the Town Engineer, dated 9/19/11, with comments and recommendations; 2 letters from the architect with supplements, dated 9/2/11 and 9/8/11 regarding the issue of parking; a memo from the Engineering Department, dated 8/26/11, responding to the architect; a letter from Lt. Kraemer of the Police Department with issues regarding parking; and a memo from Fire Chief Paul Buckley commenting they were all set for now.

Ms. Newman noted there are further revisions of the plans to be done to address the engineering concerns. Mr. Jacobs stated they need to pick up on Lt. Kraemer's suggestion to increase pedestrian safety during large events.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to continue the hearing to the next meeting at 7:30 p.m.

8:15 p.m. – Amendment to Major Project Site Plan Special Permit 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).

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

Roy Cramer, representative for the applicant, noted they are seeking approval for an amendment. There are a number of minor changes. They have made adjustments as work was completed. He noted there is a 33 square foot increase in the footprint and there has been a 700 square footage decrease in the total square footage The unit mix has changed There will be 91 units total with 9 independent living units, 45 assisted living and 37 assisted living specializing in memory loss and Alzheimer's conditions. This changed the parking requirements. A 1.2 acre parcel will be pulled off for financing reasons. They are including the affordability requirement now.

Mr. Jacobs noted the plan sought to be endorsed as Subdivision Approval Not Required and asked what they are excluding. David Kelly noted the 1.2 acres on the northeast side bounded by the railroad and east by Gould Street. Mr. Eisenhut noted his concern is the parcel could be sold to someone who could come in and build "as of right". He asked if they could assure legally that parcel would not be sold to a builder for one or 2 family homes. He feels they told Town Meeting one story of the vision given to Town Meeting. Mr. Cramer noted the intention is to build another assisted living or independent living units but it is not written in stone. They are splitting it now for financing reasons. They do not want it as part of the mortgage.

Steve Levin, representative for Wingate, stated they are building phase 1 then the 1.2 acres will be phase 2 if they decide to do it. The 20 independent units have decreased to 9 units. Mr. Jacobs stated they want to be consistent with what they presented at Town Meeting. Mr. Cramer stated it is not inconsistent. Their intention is to build it out. Mr. Jacobs stated they should seek the flexibility from the bank this time not from this Board. Mr. Cramer reiterated they have said all along there are several phases.

Mr. Eisenhut noted the following correspondence for the record: an e-mail from Fire Chief Paul Buckley dated 9/6/11; an e-mail, dated 9/15/11 from the town engineer; an e-mail from Janice Berns of the Board of Health, dated 9/9/11; and a memo, dated 9/15/11, from Lt. John Kraemer of the Police Department.

A motion was made to continue the hearing to the next meeting. Mr. Cramer commented he was surprised. There was no indication there was any problem with the drainage. They will lose a year of construction if this is continued. The Town Engineer has given his ok. Ms. McKnight stated there were too many changes to sort it out tonight.

Upon a motion made by Ms. McKnight, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to continue the hearing to 10/4/11 at 7:00 a.m.

ANR – Assessor's Map No. 302, Parcels 20, 22 and 23 (WHC Needham, I, Limited Partnership, owner).

Ms. McKnight asked if there was anything unusual or if it was just routine. She then disclosed that William and Deborah Pryor go to the same church as her and she knows them well. Ms. Newman noted all lots have the required frontage and area as noted on the plan.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to endorse this plan dated November 15, 2010 as Subdivision Approval Not Required (ANR).

ANR -- 201 Elmwood Road, Needham, MA

Ms. Newman noted this has been checked by Engineering and it is ok.

Upon a motion made by Ms. McKnight, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to endorse the plan dated September 19, 2011 as Subdivision Approval Not Required (ANR).

Request to withdraw application without prejudice: 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).

Ms. Newman noted this has been re-filed and there will be a public hearing on 10/4/11.

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

Discussion: Needham Farmer's Market, procedural issues.

Mr. Eisenhut stated he asked this be put on the agenda. The issue is finding a location. One location is the Chestnut Street parking area. There are about 63 parking spaces and it is never used on Sunday's. He noted as a Planning Board they exert authority over that lot. He has been told the hospital does not want to go through a formal procedure to amend the Special Permit to allow for a farmer's market to be there on Sunday's. The hospital would allow it. He asked if there was a way to do a diminimus change or something that allows this. Ms. Newman noted someone from the Farmer's Market should bring proof from the hospital they do not use it on Sunday's.

Ms. McKnight stated she feels the hospital needs to be willing to seek a change to their permits. Mr. Cramer stated the hospital did not really want to reopen their 2 permits but are willing to give authority to use the lot on

Sunday's. Ms. McKnight noted the hospital sometimes has community events. Mr. Cramer stated he can talk to the hospital regarding the farmer's market on Sunday's. Mr. Eisenhut noted they will continue this to the next agenda and Mr. Cramer will report back.

Endorse Decision: Diminimus Change: Major Project Site Plan Review No. 2007-10: Beth Israel Deaconess Hospital Needham, 148 Chestnut Street, Needham, MA, Petitioner (Property located at 148 Chestnut Street, Needham, MA).

Mr. Cramer, representative for the applicant, noted they would like the Board to delegate authority to the Planning Director to sign the plans when she is satisfied. Mr. Eisenhut stated he read the draft and it seems to be fine. The Board voted at the last meeting.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to authorize the Planning Director to sign the plans when she is satisfied.

Request to authorize Planning Director to authorize Building permit: Amendment to Major Project Site Plan Special Permit No. 91-3: North Hill Needham, Inc., Petitioner (Property located at 865 Central Avenue, Needham, MA).

Ms. Newman noted it is the same decision. It is the end of the appeal period and there are no site plan modifications.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to accept the drawings and transmit authorization to the Building Inspector.

Minutes.

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to approve the minutes of 6/21/11 as altered and edited by previous comments.

Report from the Planning Director.

Ms. McKnight noted there are several meetings coming up. The Selectmen's meeting on the Stretch Energy Code is on the 27th and she would like people to come if they could.

Mr. Eisenhut stated by not adopting the stretch code they have a competitive edge and it will be cheaper to build in Needham. He feels there is a moral argument. The towns should not be competing with each other. Mr. Warner stated Austin, Texas required similar green standards. Houses not meeting the green standard sold at a price below the conforming houses, but only by a reduction that equaled the cost of an upgrade, indicating that buyers expected to meet the higher green costs. Ms. McKnight noted there is about $180,000 a year in grant money that could come to the town. It makes Massachusetts more economical.

Ms. Newman noted they have a grant application. They have partnered with Newton for a sustainable planning grant of $104,000. There are alternate uses for the railroad bed and to study a couple of uses for it. They are well positioned and hopeful they will get the grant. The grant is $81,500 and the rest from the Planning Department in kind. The Board of Selectmen should agree to authorize.

Ms. Newman noted Mr. Warner has identified someone at MIT that does consensus investigation. The MWRA sewer line goes from Wellesley through Dedham. There was a discussion regarding talking to each landowner pertaining to a trail that the Board might build a policy on. She wants to see if there are any similarities and asked if it made sense to follow the line. She feels it could be a useful discussion.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 10:18 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Sam Bass Warner

Sam Bass Warner, Vice-Chairman and Clerk