0NEEDHAM PLANNING BOARD MINUTES

October 2, 2007

The regular meeting of the Planning Board, held in the Selectmen's Meeting Room at the Needham Town Hall, was called to order by the Chairman, Devra Bailin on Tuesday, October 2, 2007 at 7:30 p.m. with Messrs. Eisenhut and Handel and Ms. McKnight as well as Planning Direct, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

7:30 p.m. -- 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). ***Note: This Public Hearing will not be opened on October 2, 2007 but will be continued to the Planning Board meeting of Tuesday, October 16, 2007 at 8:00 p.m.***

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the four members present unanimously:
VOTED: to continue the hearing to October 16, 2007 at 8:00 p.m.

Discussion of Permitting Procedure: Amendment to Major Project Site Plan Review Special Permit No. 1995-09: Highland Montrose, LLC, 159 Cambridge Street, Allston, MA, 02134, Petitioner (Property located at 902-910 Highland Avenue, Needham, MA).

Roy Cramer, representative for the applicant, noted this is the Starbucks building. There are parking problems in the lot for Starbucks, CURVES and Brookline Bank. Highland on Blue has no rights to use but they do. The owner hired a man for 2½ weeks to tell people not to park there. Most people told him to give them a ticket but they were not moving. They want a fence along the boundary line. Currently there is a fence but steps going down to the Bagel place, nail shop and pizza place. They want a single fence on their property that goes all around the back. They intend to start towing. They have talked to the Fire Department but they have no jurisdiction. There is no real legal requirement to have an egress in back. It is less than 75 feet. Mr. Eisenhut questioned a gate. Mr. Cramer stated the other side would keep it open all the time. This is a minor modification of a permit. Ms. Bailin questioned if they have talked to the Building Inspector and was informed they have not. Ms. Bailin stated they would need to notify the abutters before hand. Mr. Cramer stated there is no change to the building, parking or use. Ms. Bailin noted it is not a problem as long as notice is give. Mr. Cramer noted they would take the as-built, show the fence and submit it. It was agreed he will send the notice and the fee will be waived.

Plan Review and Endorsement: Major Project Site Plan Review No. 2007-05, 868 Highland Avenue, LLC, 66 Crescent Road, Needham, MA 02494, Petitioner (Property located at 868 Highland Avenue, Needham, MA).

Ms. Newman noted this was approved subject to a plan modification. They are unable to place the transformer near the building as NStar will not deviate from their standards. There are 3 options: no fence, a fence all around or a fence front and back. They will landscape the sides and the landscaping will be 5 feet tall. The transformer is 5 feet so it will be covered. Ms. McKnight asked if it would block the sidewalk when the gate is open. Mr. Giunta Jr. noted the gates will swing all the way open. Ms. Newman questioned if the gates can open on the parking lot side. Mr. Giunta Jr. stated this would be a problem if there were cars parked there. He added bollards will protect the transformer from damage from cars. Ms. Bailin noted it was not a problem but the bollards should be painted the same color as the fence.

Upon a motion made by Ms. McKnight and seconded by Mr. Handel, it was by the four members present unanimously:
VOTED: to authorize the Planning Director to issue approval of a plan modification subject to a satisfactory letter from engineering and a lighting plan.

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

Ms. Newman noted it is 2 parking spaces for 2,000 square feet. It is designed for 193 at the 128 utilization rate.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the four members present unanimously:
VOTED: to authorize issuance of an occupancy permit in line with the Special Permit.

Release of Off-Street Drainage Bond in the Stonefield Estates Subdivision: Gregory Petrini, Needham, MA, Petitioner (Property located at 60 Stonecrest Drive, Needham, MA).

Ms. Newman received a letter from the Board of Health with a recommendation.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to release the bond.

Endorsement of Street Acceptance, 57 Frank Street: Robert and Stephanie Barton, Petitioner (Property located at 57 Frank Street, Needham, MA).

Ms. Newman noted a recommendation went to the Board of Selectmen at the previous meeting. It has been marked a private way dedicated to public use. This was already voted. The Board signed.

Review of Meeting Schedule for November, 2007.

Ms. Newman noted November 6 is the election. All agreed to meetings on November 13 and 27. December meetings will be December 4 and 18.

Minutes: June 19, 2007

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by the four members present unanimously:
VOTED: to adopt the minutes of June 19, 2007.

8:15 p.m. – Major Project Site Plan Review No. 2005-09: Josephine d'Angelo, d/b/a Café Muca Blu, 1498 Highland Avenue, Needham, MA, Petitioner (Property located at 1498 Highland Avenue, Needham, MA).

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

Roy Cramer, representative for the applicant, stated this was a request to modify a decision. They are asking to reduce the number of seats to 10 from 18 and are providing affidavits regarding the types of food and drinks served in the old days. He is asking they grant the request to modify and eliminate the sale of soups and sandwiches. Ms. Bailin noted the following correspondence for the record: a memo from the DPW with no comments or objections; a memo from Ms. d'Angelo to the Planning Board regarding the types of foods served before; a letter from Lucio Trabucco regarding the handicap accessible ADA requirements; a memo from Roy Cramer dated July 23, 2007 and a memo from Roy Cramer noting the request is based on a statement from the Building Department stating if the Planning Board approved they would go along.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut it was by the four members present unanimously:
VOTED: to close the hearing.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut it was by the four members present unanimously:
VOTED: to grant the relief as requested.

8:30 p.m. – Definitive Subdivision Plan Approval: Petrini Corporation, Petitioner (Property located at 708 South Street, Needham, MA).

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

Greg Petrini, owner, described his company and introduced Roy Cramer, representative. This is 15½ acres that slopes from the northern edge of South Street toward the southern side of the Charles River. They have tried to stay respectful of the property. They have met with the Conservation Commission, the DPW, the Fire Department, Police Department and the abutters and feel it has been a beneficial process. Mr. Cramer noted this is an application for approval of a subdivision plan. It is a 5-lot subdivision but they would like to reserve the right to further subdivide Lot 4 into 2 lots. They have requested waivers to reduce the right-of-way from 50 feet to 40 feet, reduce the pavement width from 24 feet to 20 feet, minimum cul-de-sac from 60 feet to 50 feet, maximum street length from 1,200 feet to 1,204 feet and a waiver of sidewalks. Ms. Bailin noted they need a plan showing 4A and 4B. Mr. Cramer stated they will proceed with 5 lots and come back with ANR for the other if needed. David Kelly noted they have showed the existing conditions on the plan. He noted there are environmental constraints on site such as wetlands, the Charles River and a 100-foot buffer zone. They will have a 1,200 foot long road with a cul-de-sac. It conforms except for width waivers. It is a well wooded lot with a gentle slope. Mr. Cramer noted they have spoken to the abutters. Parcel A will be conveyed to the Kissner's and a portion of Parcel B will go to the Allen's. Ms. Bailin questioned the maximum number of lots serviced by this road. Mr. Cramer noted there were 3 possible for the Kissner's and Allen's could be 4. Ms. Bailin questioned if any lots will be rendered non-compliant and was informed no. Mr. Cramer added they will retain partial ownership over Parcel B. Mr. Kelly stated the roadway has been designed with little grading and they have a 25-foot no disturb area. They have been conscious of the abutters. Utilities are all available on South Street. The DPW requires a water loop from the property to Fox Hill Road to the existing line. The lots have fully conforming frontage. Mr. Eisenhut noted in the letter from the Conservation Commission they recommend the Planning Board put restrictions on all property under the 100 year flood elevation. Mr. Cramer stated if Lot 4 is developed they may have an issue but will probably have conservation restrictions. They will have deed restrictions regarding the no disturb areas. Ms. Bailin noted the letter requests they promote a pedestrian easement through the property. They can not make the applicant do this but they could volunteer. Mr. Cramer noted this has been walked extensively with the DPW. Two vertical curves have increased to 100 feet each. The Fox Hill Road layout is tied to the property line of this parcel. The water main is looped from Fox Hill to South Street and the DPW is ok with all of it. The DPW wanted the roadway moved west 8 to 15 feet to ensure adequate site distance. They do not agree with this. They have not been able to meet with Tony DelGaizo yet but they think it is the right location. Mr. Petrini is responsible and thinks it is the appropriate location. Ms. Newman commented Mr. DelGaizo wants the final say on this. Ms. McKnight noted there is no pump station on this project. Mr. Kelly stated that was correct. There will be individual forced mains from each building.

Ms. Bailin noted the following correspondence for the record: a letter from Lt. Kraemer of the Police Department noting no safety concerns; a letter from the Fire Department noting no issues; a letter from the Board of Health with the Off-Street drainage requirements; a letter from the Conservation Commission with drainage requirements and comments; and a letter from Sam Bass regarding possible access. Victor Bird, of 160 Fox Hill Road, commented he was pleased to hear of the no disturb area but is not happy about the water loop. He questioned the construction access width and the length of disturb area. Mr. Kelly noted a dead end line is not a good idea as it requires more maintenance. There will be an issue with only a couple of houses on the line. The preference is to have a loop. This will involve clearing a swath of land with a 20-foot easement. They will plant on the outskirts of the swath. Jack Kerner, of 241 Fox Hill Road noted he abuts Lots 1 and 2. He questioned what would stop the people from using Fox Hill Road. They do not want people using Fox Hill. Mr. Kelly stated they could put a condition in. Ms. Bailin added they cannot clear a no disturb zone. Scott McFarland questioned the setback from the rear of the lot and Terry Carlton, of Fox Hill Road, asked if the 25-foot zone was inclusive of the existing setback. He was informed it was not. Jim Chaston, of Fox Hill Road, questioned the frontage as relative to Lots 1 and 2 -- is frontage on Fox Hill and is it possible to alter the no disturb zone. Ms. Bailin informed him they can take down dead trees and replant but to modify they need to come in to modify a subdivision but it is not realistic to change it. Ms. McKnight noted strips could be added to the Conservation Commission restrictions. Mr. Chaston asked if any of the lots are in the 100 buffer zone. Ms. Newman noted Lot 4 and part of Lot 3. Steve Kessner of 690 South Street noted he had talked with Mr. Petrini. He feels it is a fairly responsible project being proposed and will have a low impact on the property. He is in favor. Ms. Bailin questioned if they would change the name to Killeen Lane. Mr. Petrini stated he was opposed to a name change. It will be maintained as a private way and they will accept it will never be made public. Ms. Newman stated past practice is to name streets after previous Board members but noted there is another member before Killeen. They would like Armand Way to be the next street name. Mr. Petrini reiterated he is vehemently opposed to a name change. Ms. Bailin stated they would leave it open. Several of the abutters stated they liked River Bend.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut it was by the four members present unanimously:
VOTED: to close the hearing.

8:45 p.m. – Scenic Road Approval: Petrini Corporation, Petitioner (Property located at 708 South Street, Needham, MA).

Ms. Newman noted the ash tree is not located in the public way so it is just the relocation of the wall. Mr. Petrini noted he does not feel random placement of stones meets the qualifications of a stone wall. Ms. Bailin noted they would not construe it as a stone wall but it looks like someone took it down in the past. Mr. Petrini is proposing a small low wall.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut it was by the four members present unanimously:
VOTED: to find no stone wall and if there is a stone wall to allow them to break and dismantle.

8:30 p.m. – Definitive Subdivision Plan Approval: Petrini Corporation, Petitioner (Property located at 708 South Street, Needham, MA) -- Discussion.

Ms. Bailin suggested they direct the Planning Director to draft a decision. She stated she does not feel strongly about changing the name.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut it was by the four members present unanimously:
VOTED: to ask the Planning Director to draft a positive decision.

The Board discussed conditions such as the location of the exit and the water main. Ms. Bailin stated she wanted limitations from Mr. DelGaizo regarding the water main and how he expects it to be installed. Mr. Petrini stated they want 10 feet with plantings. Ms. McKnight commented they should put in a requirement for the no build areas. Ms. Bailin stated she does not want a 20 foot width for the water line. Ms. Newman stated it is a public main and they are generally 20 feet although they do not have to clear 20 feet. Ms. Bailin clarified they could take 20 feet but she does not want them to build 20 feet. Mr. Petrini stated he wants permanent irrevocable restrictions on the 25 foot no build area. He is in favor of it. Ms. Newman noted they should limit it to 5 lots with no other lots added to the street. Ms. Bailin stated it could be up to 6 lots with a lotting plan. They should say the subdivision will not exceed 6 lots. If they subdivide Lot 4, if the road is in it would be ANR but if the road is not in they must come in for modification of the subdivision.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut it was by the four members present unanimously:
VOTED: to adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Jeanne McKnight, Vice-Chairman and Clerk