NEEDHAM PLANNING BOARD MINUTES

October 16, 2007

The regular meeting of the Planning Board, held in the Selectmen's Meeting Room at Town Hall, was called to order by the Chairman, Devra Bailin on Tuesday, October 16, 2007 at 7:30 p.m. with Messrs. Eisenhut, Handel and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Appointments

7:30 p.m. – Jennifer Allen and Laurence Shind: Review of proposed changes to Frank Street Subdivision documents.

Jennifer Allen, representative for the Barton's, informed the Board she was a partner of Mr. Catanzaro. Laurence Shind noted he was representative for the Lichtmans. Ms. Bailin noted changes have been made to the document. Ms. Allen stated everything was presented and approved, then provided to Attorney Shind who had some input to the Deed Restrictive Covenants and Roadway Easement. The changes were sent to Ms. Newman. All are in agreement the changes crystallize obligations and are more finite in language. Mr. Jacobs noted he was not participating as he once represented the Lichtmans. Ms. Newman stated she wanted the language clarified. Ms. McKnight noted a couple of typos on the first page and they should correct redundant words on page 2.

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

Decision Review and Endorsement: 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).

Ms. Newman noted there was a draft in the packet. It references letters, architect's certificates and affidavits. It allows her to go back to 10 seats and change the menu. Mr. Jacobs noted he was not voting.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the four members present unanimously:
VOTED: to grant a Site Plan Special Permit pursuant to Section 7.4.

Issuance of Permanent Certificate of Occupancy: Major Project Site Plan Review Special Permit No. 2005-02, Petrini Corporation, 187 Rosemary Street, Needham, Massachusetts, Petitioner (Property located at 392 Chestnut Street, 14 and 24 Junction Street, Needham, MA).

Ms. Newman noted Engineering has not completed the inspection.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to authorize the Planning Director to issue a temporary Certificate of Occupancy upon receipt of a satisfactory letter from the DPW or a bond in that amount.

Release of Performance Bond for the Stonefield Estates Subdivision: Gregory Petrini, Needham, MA, Petitioner (Property located at 60 Stonecrest Drive, Needham, MA).

Ms. Newman noted this should have been released. She has a letter from Mr. Petrini.

Upon a motion made by Mr. Handel, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to release the Performance Bond.

Review of Draft Planning and Economic Development Budget for fiscal year 2009.

Ms. Newman noted she has requested the Specialist go from part-time to full-time. Otherwise the budget is level funded on the staffing side. The adjustment comes as a function of adding Joyce to the staff. She added approximately $5,000 for consultants for economic development. Dues, subscriptions and office supplies and also included is administrative support on a part-time basis in the office. The requests are always denied but they put it in to keep it on the radar screen. She has put in money for the national conference for herself and Alex.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to approve the recommended budget.

ANR Plan: Steven Hyjek and Darlene Corbett, 983 Webster Street, Needham, MA.

Ms. Newman noted some issues have not been resolved. They want to divide the existing lot with the house on Webster and Holland Street. The house will be removed and 2 new ones constructed. There has been no determination regarding a zoning note. If either lot is sold it will make it non-conforming. The error is noted. Ms. Bailin stated they should be able to look and see the total frontage. They should not have to add. They should tell the surveyor they would recommend the total length be shown at the bottom.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to endorse ANR.

Public Hearings

8:00 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). ***Please note that materials were distributed previously on this matter.***

Ms. Bailin noted this is a continuation on Beth Israel Deaconess Hospital Major Project Site Plan Review. She noted some issues were raised at the last meeting. She noted the following correspondence for the record: a 10/16/07 memo from Roy Cramer to Ms. Newman regarding parking calcs and parking; an e-mail from Ms. Newman to Mr. Cramer dated 10/12/07; a memo to the Engineering Department and DPW with additional information; a letter from Mr. Cramer to the Board, dated 10/4/07, with additional information; a memo from Jeff Liebman, dated 10/2/07, with a list of clinical services; a letter from Mr. Cramer, dated 9/26/07, with respect to some issues; a preliminary parking management plan; a letter, dated 9/25/07, from Margaret Wood; plans from the applicant; a letter, dated 9/26/07, from the landscape architect; a letter from Mr. Cramer, dated 9/26/07, regarding comments from the DPW; the Project Manager's illustration of parking and zoning calculations; a memo from Tony DelGaizo to Lee Newman regarding meeting with the School Street residents; a revised notice to abutters dated 9/11/07; a letter to Tony DelGaizo from Vanasse & Associates, dated 8/27/07; a memo, dated 8/31/07, from Tony DelGaizo; a revised notice dated 9/7/07; a memo from Lee Newman to Mr. Cramer regarding the 9/11/07 hearing; and a memo from the State Ethics Commission upholding David Tobin's decision.

Roy Cramer, representative for the applicant, noted at the end of the first meeting the Board had 5 or 6 concerns. These have been addressed in a submission; the landscape, Chestnut Street, south parking lot and lighting. They had filed a plan but the original lighting in the south parking lot is inadequate. The hospital put additional lights on the building but created an issue with spillover. They have been tinkering with the lighting since then. They think the situation has improved. They have continued discussions with the neighborhood and would like to keep tinkering. If all else fails, they will go with a lighting plan but that is very costly. They reviewed the 10/16 e-mail with the responses. He noted there is a typo on one plan with regard to the parking existing and proposed. They have fixed that. The number of spaces is 270 required. They showed 268 post construction. They realized 6 spaces on 86 School Street are being reduced to 3. When the construction is complete the count will go up to 271. They tried to be conservative with the interpretation of the By-Law. Under the By-Law, they need 270 and have 271. They have asked the Project Engineer to look at the plans. They have a row of spaces outside the cafeteria where they can fit one more space. They have filed a proposed management plan for parking and designated a Transportation Coordinator to get the illegal parkers out of there. There will be warnings, then tows. They estimate there are 25 to 30 illegal parkers each day. This is clinical space. Short-term is high turnover but specialties are longer term. They looked at all uses and they qualify for long-term inpatient and emergency room. These are not high turnover practices. The hospital leases thousands of square feet in Needham. A lot of doctors are off-site and do not use the parking. They have responded to all the comments and concerns the Board had. They have met with the abutters several times and think they have satisfied the standards of the Special Permit. They will be improving the intersection at Chestnut and School Streets, at a substantial cost, they will install lighting and a left hand turn only signs. Ms. Bailin noted one issue from the Board's perspective is the proposed overlay district. Certain assumptions are made with regard to the hospital expansion and the assumptions are much lower than the actual. Mr. Cramer stated when the study was done in 1997, there was different management at the hospital and different plans. A larger expansion was planned and a different kind of expansion. This project is very different. Mr. Eisenhut noted they are looking at the volume statistics and they do not know what standards were used. Jeff Liebman, owner, noted they used the actual statistics as recorded in their system and they believe they meet the zoning criteria. He is not sure why the Board is nervous about this as they are expanding only 3 areas – inpatient, emergency and MRI. They cannot run as out-patient services. It is too costly and not efficient. They are not growing this service. He noted the hospital is a lot busier than in 1996-1997. They have 67 less spaces and 40% more business. They made a mistake by not monitoring or policing the lots but that will change going forward. They are correct and the calculations are right or they are wrong and there is a parking issue. If they do not do this, doctors will leave. They have recruited doctors they did not have. They will go from 3% in the black to in the red if 6 doctors leave and they will lose assistance.

Mr. Handel noted all are concerned the hospital do well and have adequate needs for the town. He questioned if there was some way to assure the Board if the assumptions change in the next year there is some way to trip meaningful mitigation. They need to deal with unanticipated success. Ms. Bailin noted the parking generation is close to demand and thinks they will need to gate this. The Board needs to know they can supply parking to their staff and patients without illegal parking. They cannot assure her they have done this and this is her real concern. Mr. Eisenhut questioned their response to the feasibility from the engineering perspective. Mr. Cramer stated they are talking with Ms. Newman. They want to avoid gates right away but lead up to it with warnings, towing, etc. They are prepared to gate the entrances and exits. It has not been to engineering yet but they do not want to lose spaces. They propose they do it as part of the project but with a beginning process now. It will be gated with tickets. The second numbers are close and they believe they satisfy the provisions of the By-Law. He has a sense the Board is still nervous. They have looked at 86 School Street that houses the offices. If it turns out the projection is wrong they would consider knocking the house down and making parking. There is a 10-foot vegetative buffer around the front setback and they believe they could get 18 to 21 spaces on that lot -- 12 to 15 spaces plus the 6 that are there now. On Lincoln Street next to the hospital they would be prepared to indent an area to create 7 additional spaces. They are not sure if they can only be used by the hospital but they are prepared to do these mitigations if they are wrong. He questioned what the triggering event would be. He suggested one year after the addition opens to get up to speed they do a survey from 10:00 to 2:00 for 5 days in the north and south lots and if it is full for one hour on at least 3 of 5 days they will mitigate. They will monitor Lincoln and School Streets to see if anyone is parking there and going to the hospital. Five cars a day for 3 days a week will be the trigger to demolish 86 Lincoln Street and build the parking lot. He is comfortable making the suggestion and is comfortable with their numbers. He stated they need to get this going. Mr. Eisenhut questioned why a specific trigger event rather than a hearing in one year. Mr. Cramer stated he wants an objective criteria. Ms. Bailin noted the assumptions made they will be held to. Higher counts will trigger them coming back anyway. Mr. Cramer stated they want no more than X number of beds and X amount of clinical spaces and a maximum number of employees. Ms. Bailin stated they do not want ambulatory services going in that will trigger higher counts.

Mr. Liebman stated FTEs cannot be a count as a lot of doctors do not come to the hospital. Mr. Jacobs stated he thinks the numbers are ok and within the By-Law barely. He has a concern that the construction process parking will be well under during construction. His other concern is the post construction monitoring. If things change they want to know and the Board will have some say. Mr. Cramer noted they are requesting an expansion for a certain number of feet and a certain number of beds, etc. If this changes they will have to come back. Mr. Jacobs questioned if the hospital would be willing to submit a total number of employees on site occasionally based on the busiest shift. Mr. Liebman noted if will be different, for example, there are a lot of per diem nurses and people shift hours. Mr. Cramer commented this has not been done in other cases and they want to be treated as others have been. If the permit says 182 FTEs that is the requirement. Mr. Handel noted he does not want to micromanage the hospital. They can only look at the affect. Mr. Cramer stated they are close but they satisfy the zoning. They should get the permit as they have offered mitigations. Mr. Handel stated it makes sense. Ms. McKnight questioned what the parking requirement was and what the debate was about – hospital or other. Mr. Cramer noted regular office is 1/300. The medical overlay district is a separate district and has a formula -- # of beds, # of FTE and # of square feet of clinical space. Ms. McKnight noted if successful they will see more people per hour. She does not know how to evaluate that. She stated they need to see traffic consultant input. The idea of using land they already own is great but indenting public ways she is not sure about. They will be taking away grass and tree berms along a public way. She wants more landscaping and trees around the hospital. Mr. Cramer noted they could have done an indent on Chestnut Street but rejected the idea. They would not like to do an indent but stick only with 86 School Street. Giles Ham, of Vanasse & Associates, noted they need to better manage their lot and they can do things to better manage it. They should do 5 days of monitoring. He thinks the numbers are right but if wrong they are not going to want to wait one year. It is in their best interest to implement as soon as they see a problem. Ms. Bailin noted they will see a problem if the lot is full 2 days out of 5 not 3 out of 5. Mr. Ham stated he will work with the Planning Board staff. Tony DelGaizo, of the DPW, stated if there is a way to gate it would be good but he has his doubts if it can be done. They could put in counters to see how many in and how many out. They would get a good idea of the number of people. The entrance on School Street has a very short neck and traffic could back up on School Street and cause a problem. He does not think they will have a problem getting numbers. Ms. Bailin questioned how long it would take to design and see if it would be workable to gate it. Mr. Cramer noted they should grant waivers sufficient to have gates. Mr. Eisenhut stated they should have "not to exceed X number of spaces" so they are all on the same page. Mr. Liebman noted it would be 2 to 3 weeks to come back with designs and a solid proposal. Ms. Bailin suggested they would like to give parameters and hope they meet them. Mr. Cramer stated he would like the hearing closed and a decision drafted.

Sandy Brock, of Nitsch Engineering, noted there are different ways of doing this. They do not need to do tickets but could do other things. They could get them in but they pay on the way out. Mr. Jacobs questioned mitigations to issues during construction. Lawrence Murray, Sr. Management expert, noted there will be no on-site or on-street parking during construction. They are buying 28 spaces for rent and setting up a shuttle. They will have a gated construction area for construction vehicles only. The construction will take 16 to 18 months. They will only lose spaces on the upper lot during construction – sometimes 10 or 15 spaces depending on the staging. Ms. McKnight noted she was concerned with the landscaping and the size of trees but the proposal seems to be logical to her. Jeffrey Becker questioned the number of spaces on School Street and was informed 9 between Chestnut and Lincoln. He questioned how many they will lose. Mr. Cramer stated the first 6 on School Street for the turning lane. Mr. Becker complimented the Board on their completeness and thoroughness but questioned the traffic light. They have 2 locations across from the hospital at 105 and 109 Chestnut Street. He noted a traffic light would be a disaster for 105 Chestnut. People will be stuck in the 105 parking area until the traffic has abated. They need to look at this as it is going to be an issue. He requested a light not be put in front of 119 and felt this was addressed. Mr. DelGaizo stated they discussed indented parking in front of the satellite lot on Chestnut Street. Cheryl McSherry, of 39 Grant Street questioned the construction vehicle route. The project manager noted it will be down Chestnut Street. Ms. McSherry noted people park in front of her house now. There are no signs and she is nervous about the parking. She feels she is a victim of retail success. Charles Long, attorney at 105 Chestnut Street, stated he has been there 23 years. He has never found a need for a light at School Street and Chestnut. He feels it is not necessary and will jam traffic up. He feels it is a waste of money and that a light will make it worse to get into the hospital. The hospital is a benefit to the town and medical services and is a major economic function in the town center.

Dr. Clair Fialkov, of 26 Warren Street, has been there 26 years. She feels they all know the problems in that area and there will be an increase in noise due to ambulances. Her observation is a lack of oversite that is disturbing. What happens if trucks go down School and not Chestnut. She questioned if other town services are helping with enforcement of illegal parking. Ms. Bailin noted there are limitations and directives in the decision but a parking issue is the police. Margaret Wood, consultant to the hospital, noted she had several meeting with the abutters and will meet with the neighbors on a regular basis. Ms. McSherry asked they clarify the parking waivers. Ms. Bailin noted it is a specific number. Ms. McSherry suggested a right hand exit out of Chestnut. Bill Paulson, of 33 School Street, noted he had several concerns. One was the lighting in the south lot. The lights on top of the building now are not working. There is a glare in the whole area and it shines in the face of people of Oak Street. They are bright and dangerous. They should do the same in the south lot as in the north lot. Also, they should add a Chestnut Street exit from the north lot rather than an exit on School Street. Mr. DelGaizo stated they could add access for right turn but will result in the loss of some parking. Mr. Cramer stated they want to eliminate curb cuts and it would interfere with the flow on Chestnut Street. Mr. Paulson questioned how trucks would get to Chestnut Street. Mr. Murray stated they would go down Highland Avenue mostly from the north and they could request they not go on School Street. Mr. Jacobs noted they could stay off Lincoln, Grant and Warren also. Mr. Murray stated he would check as he was not sure but he thought they could stay off all the streets. Mr. Paulson noted School Street is a bypass and asked if this would be important to do. Mr. DelGaizo noted they had a discussion regarding the intersection at Dedham, Warren and Harris to study with the Selectmen. Mr. Paulson questioned the Lincoln Street ambulance entrance and was informed it will be gone. Mr. Liebman noted the lighting and emergency exit sign will be gone but the awning will stay. Mr. Paulson questioned the location of the entrance/exit on School Street. He noted it makes sense to move it back toward Lincoln Street. Ms. Wood stated the alignment was requested by the Fire and Police Departments to have a straight shot to the emergency room. Mr. Paulson commented that he applauded the discussion of a trigger and consequences are an excellent idea. He questioned why not for some other businesses. Ms.

Bailin stated they cannot undo what was already done. Mr. Paulson stated it should not be allowed. It will create issues when 20 or 25 illegal parkers have to find parking elsewhere. Ms. Bailin stated they cannot penalize the hospital because people are abusing their parking lot. It is outside of their jurisdiction to make an applicant resolve an issue that is not of their creation. Rick Davis, Trustee of the hospital, commented Mr. Liebman said it all. They need to stay viable. He agrees with Mr. Long's comments on the economic issues. He added they are mindful of the abutters of the hospital. Ms. McSherry noted she is concerned people will take a right to Grant Street out of the lot. They may want to consider making her section of Grant Street one-way. Mr. Becker questioned if a traffic light is in their jurisdiction. Ms. Bailin informed him it was and she feels it is necessary. Mr. Cramer stated the hospital would rather spend the money on patient care.

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

Ms. Newman stated she would like guidelines. Ms. Bailin suggested a one-year check and a 2-year check. Mr. Handel noted if the Board gets a significant amount of complaints they should be able to revise it. Mr. Cramer agreed with one year plus year 2 but not ongoing. Mr. Handel asked what about year one, year 3 and an option for year 5 if the Board feels it is necessary. Mr. Jacobs commented up to 3 times in the first 5 years. Ms. McKnight questioned why not take the building down and build the parking now. Ms. Bailin stated they do not want it down if it is unnecessary. Mr. Handel noted they could do 2 times in 5 years. It may not be a problem. Mr. Jacobs reiterated he would like up to 3 times at the Board's request. Mr. Cramer stated 2 times makes sense and Mr. Eisenhut agreed. Mr. Handel noted there was no point in doing it if there is no problem. Ms. Bailin noted they should indicate they would gate the entrance/exits and the reserve should be on Chestnut Street in front of the satellite parking. They should indicate they provide reserve spaces on Chestnut to replace spaces on School Street if the Board thinks there is a problem. Tony DelGaizo noted the town will be doing parking anyway on Chestnut Street. Mr. Eisenhut noted they should require Lincoln Street as reserve parking. This was agreed. Ms. Bailin asked about a lighting plan. Ms. McKnight stated they should invest in new lighting. Mr. Handel questioned what the issue was and was informed the glare. Mr. Cramer stated the complaints are it is too dark. They put lights but the glare points to the neighbors. They have been working on adjustments. Ms. Bailin stated they should designate Ms. Newman and Mr. DelGaizo to review the existing lighting and if it is not adequate they should require new lights. Mr. Handel stated they should look at it again in 3 weeks but Ms. Newman stated they need to make a decision. It will require a modified plan to show the reserve parking. Mr. Cramer stated he has a sketch. Ms. Bailin noted they would be required to build the reserve area per the sketch but they do not need a modified plan. She added they should keep construction trucks off residential streets such as Lincoln, Grant and Warren. Ms. Newman noted the transportation aspects need to be in place at the time of occupancy. Ms. Bailin added they need a gating plan. The plan should be modified to reflect not more than X number of parking spaces need to be used. Mr. Cramer stated he does not want to hold up the building permit because of gates. Mr. DelGaizo suggested he do a sketch of the gates. Mr. Cramer stated the decision should refer to the plan subject to Tony DelGaizo approval. Ms. Newman feels the Board needs to approve a gate system and approve it as deminimus. Ms. Bailin disagreed. Mr. Jacobs and Mr. Handel agreed with Ms. Newman. Ms. Bailin noted they should take the signage off the old emergency entrance and reduce the lighting. They also should add the traffic light and staff parking should be incorporated. Mr. Handel added a traffic management plan. Ms. Bailin clarified they have agreed to a transportation coordinator. Ms. Newman stated there will be no employees on site during construction and the only vehicles on site will be construction vehicles. They will require staging plans for the phases. Ms. Bailin does not feel that is necessary. Just say they have agreed to a certain number of spaces and no more than say 25 at any one time. The type of clinics planned should be in the decision.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to direct the Planning Director to draft a positive decision addressing the concerns discussed.

Board of Appeals Recommendations: October 18, 2007.

One and 2 are already done.

Laurence G. and Dennis W. Maloomian, 1257 Highland Avenue, Needham, MA, owners, and A and Z Burgers, LLC, d/b/a Wild Willy's, 280 Boylston Street, Unit 314, Chestnut Hill, MA -- 1257 Highland Avenue.

Mr. Handel suggested they send their standard letter. This was agreed.

Xiaohua Cai, 19 McCulloch Street, Needham, MA -- 19 McCulloch Street.

Ms. Bailin noted this was a variance. They did construction and it is in the setback. They cannot get a variance. It does not meet the statutory requirements for a variance.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 10:55 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Jeanne McKnight, Vice-Chairman and Clerk