

NEEDHAM PLANNING BOARD MINUTES

October 16, 2012

The regular meeting of the Planning Board held in the Charles River Room at the Public Services Administration Building was called to order by Sam Bass Warner, Vice-Chairman, on Tuesday, October 16, 2012 at 7:00 a.m. with Messrs. Ruth and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski. Mr. Eisenhut arrived at 7:10 p.m.

Request for an extension of Temporary Occupancy Permit: Major Project Site Plan Review Special Permit No. 2010-02 (Newman School): Town of Needham by its agent the Needham Permanent Public Building Committee, 470 Dedham Avenue, Needham, MA, and the Needham Historical Society, 1147 Central Avenue, Needham, MA, Petitioner (Property located at 1155 Central Avenue, Needham, MA).

Ms. Newman noted this is a request to extend the temporary occupancy permit. There is an issue with one of the retention swales. It is non-conforming.

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

VOTED: to grant the request for an extension of the temporary occupancy permit for 30 days.

Request to authorize Planning Director to authorize Occupancy Permit: Major Project Site Plan Special Permit No. 2012-01: Grass Roots Performance Training LLC d/b/a Pure Performance Training, 120 Myrtle Street, Unit 3L, Waltham, MA 02453, Petitioner (Property located at 77 Charles Street/19 Wexford Street, Needham, MA).

Ms. Newman noted they anticipate completing the internal renovations and adjustment of 2 parking spaces prior to the next meeting.

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

VOTED: to authorize the Planning Director to authorize a permanent Certificate of Occupancy using her discretion when she is satisfied.

Request to extend Temporary Occupancy Permit: Major Project Site Plan Special Permit No. 2010-03: F & A Farms, Inc. d/b/a Volante Farms, 226 Brookside Road, Needham, MA, Petitioner (Property located at 292 Forest Street, Needham, MA).

Request for reduction in surety: Major Project Site Plan Special Permit No. 2010-03: F & A Farms, Inc. d/b/a Volante Farms, 226 Brookside Road, Needham, MA, Petitioner (Property located at 292 Forest Street, Needham, MA).

Ms. Newman noted this is a request to extend the temporary occupancy permit through 11/30/12. All the work is done except 2 handicap spaces and there is a question if they are ADA compliant. The engineer feels they need to be adjusted. That is an issue. She noted most of the work is done. They would also like a reduction in the performance bond from \$81,000 to \$20,000. The engineer has recommended this reduction.

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

VOTED: to approve the request for an extension from 10/12/12 through 11/30/12 to allow resolution of the issues regarding ADA access.

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

VOTED: to approve the request for a reduction in surety for Volante Farms from \$81,000 to \$20,000.

Board of Appeals – October 18, 2012.

Norfolk Lodge A. F. & A.M. – 1101 Highland Avenue.

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

VOTED: “No comment.”

Sprint, 1 International Blvd, Suite 800, Mahwah, NJ, 07495 – 140 Cabot Street.

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

VOTED: “No comment.”

Mr. Eisenhut arrived at 7:10 p.m.

7:00 p.m. – Major Project Site Plan Special Permit No. 2012-07: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 66B Street, 360 First Avenue, 410 First Avenue and 37 A Street, Needham MA 02494) Note: This hearing is continued from the September 24, 2012 Planning Board meeting.

Mr. Eisenhut noted the following correspondence for the record: a letter from Roy Cramer, dated 10/16/12; a letter from Mark Rubin of MARIC, a business abutter, dated 10/15/12, in support; a letter from Keith Curran of TetraTech, dated 10/10/12, with information requested; an email from Roy Cramer, dated 10/16/12, regarding the draft decision; a letter from Town Manager Kate Fitzpatrick, dated 10/16/12, regarding the town’s support; a letter from Thomas Phillips of Brown Rudnick, dated 10/16/12, regarding issues and requesting a continuance; and a letter from Town Engineer Anthony DelGaizo, dated 10/11/12, with no comments or objections.

Mr. Cramer, representative for the applicant, stated he was opposed to a continuance. At the last meeting they requested a continuance for 2 weeks to meet with abutters and property owners. He is still willing to meeting with Bulfinch but would like the hearing closed tonight. Thomas Phillips, of Brown Rudnick, stated they offered to meet but there was no real dialogue. He sent a list of concerns but there has been no resolution. He feels his client’s concerns have not been addressed.

Mr. Warner noted he does not know what the concerns or the legal issues are. Mr. Phillips stated the concerns are traffic. The intersections level of services are D or lower. He has some thoughts as to how it could be mitigated and would like to share them. Mr. Eisenhut noted the issues from last time were with the façade and frontage. Ms. McKnight pointed to a key intersection on the plan. It does not have good pedestrian traffic flow and there do not seem to be any change responding to her comment at the last hearing.

Mr. Cramer stated he had a meeting with the abutters. The applicant has proposed modifying the traffic mitigation fund payment. He has offered to divide the payments equally over the 4 buildings. He would give \$930,000 due upon issuance of the permanent Certificate of Occupancy for the first office building. He has also offered \$75,000 as a gift to the town to hire a traffic engineer to help approve a traffic mitigation plan. They would give the money to help study traffic issues. He stated he met with town personnel including Town Manager Kate Fitzpatrick who supports the project. Justin Krebs stated they feel it is important that this be acted on today. They will continue to discuss issues with the abutters.

Mr. Cramer stated they filed an MPDES proposal and at the suggestion of Mr. Ruth they have filed a second one with some more things they are prepared to do to address that issue. They designed the plan with a crosswalk and

submitted it to the Town Engineer. The Town Engineer did not want to make that change. Ms. McKnight stated she appreciated their willingness to propose changes.

Mr. Cramer stated he would like them to waive the 300 foot uninterrupted façade for the garages that face each other. The last issue is the doors facing First Avenue. The draft decision is satisfactory to them. The only issue is the doors on First Avenue. If there is a strong objection to granting that relief they would abide by the decision.

Mr. Jacobs noted on the C3 plan correction, on the full build, it says the minimum side length. It should be maximum side length. Mr. Cramer stated that will be a plan modification. Mr. Jacobs stated he has no problem if they do not have doors facing the street but they have a technical requirement. Mr. Cramer stated he will modify the plans so the doors face First Avenue.

Ms. McKnight noted the By-Law is not ambiguous regarding public access doors along public ways in this zone. She can see the reasons for it. It could be waived if the By-Law were changed. She asked if there were any substantive changes. Ms. Newman stated there were no substantive changes.

Mr. Jacobs asked in paragraph 1.12, in the red line section, does it mean the parking structure? Mr. Cramer noted no, each phase will contain a building and a conclusion there are enough parking spaces available. Mr. Ruth suggested adding construction "of both" a structure and parking. Mr. Cramer suggested adding (and parking spaces) in parenthesis. Mr. Jacobs noted it needs to be corrected in both places.

Ms. McKnight noted payment of \$75,000 in 3.1a and asked why it would not be paid if appealed. Mr. Cramer noted it would be paid once it was resolved.

Tom Phillips, of Brown Rudnick, noted he represents 4 parcels. Their goal is to see smart and reasonable construction. This is a great opportunity for the park but there are significant ingress and egress roadway issues. Most intersections are at a level service D or F. There will be a 3 fold increase in vehicle trips per day and the level of service is already unserviceable. People want to see the park improved but there is a traffic issue. He added the level of service needs to be improved with or without this project.

Mr. Phillips has proposed 8 items he would like to see addressed. He is hopeful the state will undertake this. They include Highland Avenue improvements which include a signal and upgrade at First and Highland Avenue; a signal and upgrade at Second and Highland Avenue; completion of the Route 128 Add-a-Lane and the interchange at Kendrick Street. These are proposed by the state but should the escrow funds be used to do the work in the case the state does not want to do it? The \$930,000 could be spent on it. He noted on Fourth Avenue and Kendrick Street a signal and turn lane should be added. There should also be bicycle improvements, such as paths, sharing services, ride share programs and there is a need for sidewalks and street lights for pedestrian safety.

Mr. Phillips stated he has looked at what the Board has required in the past. In 1988-89 there were 680,000 square feet of space and a \$1,250,000 mitigation package. They need to have traffic impacts mitigated. Mr. Jacobs asked how much funds should be escrowed. Mr. Phillips stated \$3,000,000 on top of the other funds. He will get more information.

Mr. Warner stated he is distrustful of the state. He noted he does not hear Mr. Phillips willing to put up the money for traffic mitigation. He added he thinks everyone will be better off with this project. Mr. Phillips stated the Board needs to consider and mitigate the issues.

Mr. Ruth noted his understanding is the buildings are not being built as spec buildings but by commitment from the buyer. Ms. McKnight stated the applicant is asking for a phased project. They could set guidelines for the different phases.

Mr. Eisenhut noted in the decision they are requiring the applicant to put \$3,000,000 in escrow and asked if anyone had any thoughts. Mr. Cramer stated it was preposterous. This is to be phased over 10 years.

Justin Krebs stated they spent considerable time over the last 3 years doing traffic studies, talking with the town and Mr. Cramer to try to come in with a sense of a reasonable mitigation. They feel \$930,000 seemed reasonable and taxes the first project significantly. They are open to advancing further discussions. They would be willing to work with the ownership group. He added \$3,000,000 is larger in context than he has ever seen. He will gladly meet with abutters and noted they have had continuing and ongoing discussion with the town. Mr. Phillips stressed \$930,000 is the minimum required and says "in addition to any other requirements imposed." He is completely open to the phasing plan and his suggestion the money be escrowed was merely a suggestion.

Ms. McKnight noted the corner of A Street and First Avenue and stated the direction pedestrians would want to go is out to Highland Avenue. She asked if there was any sidewalk along First Avenue. She was informed there was a sidewalk on the east side of First Avenue.

Robert Schlager, of The Bulfinch Companies, Inc., stated they are building a Marriot's Residence Inn. He noted he has had an office at 175 Highland Avenue for 20 years. He was excited to be approached by Normandy. He feels this will bring jobs and growth to the area. He stated if they make things onerous it will be a missed opportunity again. He is very much in favor of the redevelopment of the park and feels this will be a catalyst for future growth.

Gregory Zais, of 155 Country Way, stated he is a 24 year resident. He is in favor of the proposal. He sees this is a quality project. He stated it has taken a great deal of effort over the years for quality in Needham. He asked if the company has reasonably met the goals. They have hired a world class architect. This would be a gateway and he would like the Board to promote it if it meets the Town requirements.

Mark Rubin, of American Incorporated, stated they will have 4 buildings for 210,000 square feet, worth \$23.6 million and pay \$1.5 million in real estate tax. This is a good design and well thought out. He stated he was at the meeting with the Normandy project team. He objects to the characterization it was a dog and pony show. This project makes sense and it should go forward. He stated there is not a problem with ingress/egress but a lack of amenity package. There is a concern the town cannot attract high quality. This project is in full compliance and they are willing to go above and beyond.

Chris Adams, of Digital Realty Trust, noted they have a 300,000 square foot building on First Avenue and are expanding the building right now. They are looking forward to a new quality project. He wanted to thank Normandy for inviting them to speak on behalf of the project. Mr. Ruth clarified the Board issued permits for this project.

Mr. Schlager stated these are world class architects. They are using the special permit as a basis. Mr. Krebs is a fellow colleague. He feels this is an excellent project and will enhance revenues. The one issue is traffic. He thinks there are ways to mitigate this. He experiences delays on a daily basis. Traffic is a problem. He stated hopefully the Add-a-Lane is coming. With 2,700 additional vehicles he believes there are ways to mitigate and control this but he has not had an opportunity to discuss it. He would like to work out a satisfactory resolution and requests the Board continue the hearing. He is not looking to stall the project. He just does not want to have to appeal the Special Permit. This will create 2,700 cars or 5,000 vehicle trips per day. They can create various options. He wants to work with the petitioners.

Mr. Warner stated there are a fair amount of issues with the abutters bringing up others. Mr. Jacobs stated he appreciates the quandary they are in. He heard they want a week or 2 to hash out the issues with the developers. The third option is if the Board approves the Special Permit there is a 20 day appeal period. They could use that time to hash out the issues and if not they could still appeal.

Mr. Schlager stated once a permit is given appeal is the only option. They are willing to participate in payment to assist with traffic mitigations. Mr. Cramer suggested suspending the hearing until the end of tonight's other hearings to let them work this out.

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

VOTED: to suspend the hearing until the end of tonight's hearings to give the applicant time to try to work this out.

7:30 p.m. – FY 2009-2013 HOME Funds Reallocation.

Ms. Newman stated there has been notice under the HOME Funds Allocation they will reallocate \$280,000 to the Charles River Center for a project group home on South Street. They had \$50,000 for a proposed project that did not get off the ground and \$15,000 for administration. Newton is changing how they can spend the funds and the money will be allocated into a pot. They should utilize the funds for a Needham project. Charles River is asking for \$500,000. There will be \$280,000 from the HOME Funds Allocation and \$220,000 from CPA funds.

Ms. McKnight disclosed her brother is served by the Charles River Center. He lives in a Charles River home and is serviced by the Charles River day program. She does not feel it disqualifies her but wants to disclose she is his guardian.

Mr. Jacobs asked if it was safe to assume there is no competition for these funds. Ms. Newman noted this is the only project she is aware of. They have funded High Rock Homes in the past.

John Grugan, president of the Charles River Center, stated they have had 60 years in developmental disabilities. There are a number of individuals coming to them. They engaged an architect and opened a program in Wayland. They will use the same for Needham. It will be a ranch style house with oversize hallways and will be handicap accessible. They purchased land in Needham and will take down the current house. He noted any bed they create is counted as one affordable housing unit. There will be 5 beds in this home. They will do their own fundraising. They raised \$355,000 to buy the land. It will be \$1.2 million for the total project. They are only about \$83,000 away from the goal with private fundraising.

Mr. Jacobs asked, once it is built, how will they keep it going? Mr. Grugan stated it would be funded through the Department of Developmental Services, a state agency. He noted Charles River Center serves 120 people residentially and there are 11 programs through HUD. It is a solid operation.

Mark Gluesing, of the Community Preservation Committee, informed the Board they had a public hearing. The vote is tomorrow night. He clarified if they support the project the use will have to be in perpetuity.

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.

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to authorize the use of HOME Funds Allocation for a Charles River ARC proposed home at 1285 South Street.

7:45 p.m. – Article 1:PB Amend Zoning By-Law – Height Limitation Exceptions
Article 2:PB Amend Zoning By-Law – Minimum Side and Rear Line Setbacks: Accessory Structures

Hank Haff, of the DPW Construction Division, stated the language now indicated a lot minimum of 20 acres. They have reviewed the project. They want a salt storage shed. The current one is at the end of its useful life. They have found a site they feel is appropriate at the Recycling Transfer Center that is the greatest distance from abutters. It is 300 feet from Central Avenue. He would like an affirmative vote from the Planning Board so that the Chapter 90 funds can be used for this project.

Mr. Eisenhut asked what height was needed. Mr. Haff noted the current restricts it to 40 feet. They need a minimum of 47 feet to make it work but 3 additional feet would give a little flexibility.

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

VOTED: to close the hearing.

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

VOTED: to recommend to Town Meeting the adoption of the proposed height exception.

Ms. Newman stated they are putting forward an amendment to address the pool house issue. It was built too close to other structures at 43 Morton Street. It is 8.3 feet from the pool edge and also exceeds the height limit. Mr. Warner asked why not take 2.5 feet off the top of the structure. John Jensen, owner, stated it would cost a lot of money and ruin the appearance. He stated he did not know about the 8 foot height restriction and appreciates the Board's assistance. Mr. Ruth asked if the cupola is included in the height and was informed no, it is 10.5 feet to the peak. Mr. Ruth asked if the cupola would come off and was informed it would.

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

VOTED: to close the hearing.

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

VOTED: to recommend adoption of the proposed zoning change in minimum and side setbacks.

8:00 p.m. – Amendment to Major Project Site Plan Review No. 2007-10: Beth Israel Deaconess Hospital Needham, 148 Chestnut Street, Needham, MA, and Beth Israel Deaconess Medical Center, Inc., 330 Brookline Avenue, Boston, MA, Petitioners (Property located at 148 Chestnut Street, 86 School Street and 92 School Street, Needham, MA).

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

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

John Fogerty, CEO of Beth Israel Deaconess Medical Center, noted they want to construct a facility for a community based cancer center. The expertise of the medical center would provide community care. It will be a 30,000 square foot facility that will be truly patient centered. They have had input from the patients and it has been designed by staff. He commented they are proud of the proposal.

Roy Cramer, representative for the applicant, stated this is phase 2 of the expansion renovation. They will demolish the existing 2 story administration building and replace it with a 3 story, 30,000 square foot building. They will renovate portions of the existing building adjacent to it. There are 2 houses on School Street. The one on the corner of Lincoln and School will be demolished and 92 Lincoln Street will be demolished. They will construct a parking deck along School Street. It will go down Lincoln Street and stop 50 feet from School Street. There will be a new curb cut on School Street and a storm water management system. The net increase in square feet is 16,580.

Mr. Cramer noted there are currently 270 parking spaces on site. There will be 313 on site with this proposal. They need 307 so there is a surplus of 7 spaces. There is a surplus of 6 spaces at 73 Chestnut Street also. He reviewed the zoning relief. The canopy on Lincoln Street is pre-existing, non-conforming. They have gone to the Design Review Board, who approved, and the development review team. The changes are minimal. This is the same project that the town's Development Review Team has reviewed and given comments. He noted the hospital will be fully operational while construction is on-going.

Dr. Mary Ann Stevenson, Chief of Oncology, stated this has been a lifetime commitment of hers. She has worked in this community her entire career. They assembled a patient focus group and asked what they valued. They also assembled a full cohort of providers who met for 4 days and planned with the patients the criteria. All treatment will be on the first floor with cross trained nurses and open sight lines. She stated she is very excited about this project.

John Fowler, project architect, stated the ambulance entrance will be maintained and they have brought natural light into the ground floor. The loading dock entrance is maintained and in the same location. The supply center will be moved off site. They are using the same materials as the original. It has been reviewed by the DPW. They wanted them to look at the garage along School Street. He noted they will have shrubs and ivy.

Giles Ham, of Vanasse Associates, stated he looked at 10 intersections in the area in the a.m. and p.m. peaks. Traffic is less than 2007 in the initial phase. They are projecting a 15% increase in traffic with 15 more in the a.m. and 21 more in the p.m. He noted there are 6 parking lots that service the Hospital. There are 323 total spaces. At 10:30 a.m. the peak was 296 spaces with 27 open spaces. There is an increased demand of 45 spaces with a net increase of 43 spaces on site. He noted they are moving people across the street to park.

Chelsea Christenson, of Nitsch Engineering, noted the storm water has been designed to reduce run off. It is directed to the west to an underground filtration to School Street. There will be a sewer to the east to the existing Lincoln Street sewer. There will be oxygen lines and minor lighting. The original submittal was a 36 foot curb cut on School Street. This has been increased to 40 feet to help maneuver trucks. They will get the Town Engineer's input.

Mr. Warner asked how deep is the garden? He was informed the west side has a variation of plants for sun and shade. It is about 20 feet at the widest with a 20 foot setback on the School Street side. Mr. Cramer noted they are working with folks on Lincoln Street to get a consensus on landscaping.

Ms. McKnight asked why the circular drive on Lincoln Street was needed any longer. Corey McNulty stated the outpatient ambulatory bay is still used. Ms. McKnight clarified they are not changing the front landscaping in the south lot. Mr. Cramer stated that was approved in 2007 and there are no changes proposed in the south lot.

Ms. McKnight noted she understands some trees have died. She commented the landscape on the north lot does not look well. Jim Heroux, landscape architect, stated the trees in the center did not do well due to infiltration that changed the chemistry and structure in the soil. Ms. McKnight stated she wants to make sure the plantings are brought up to the condition they should be. Mr. Cramer noted one tree was taken down today and will be replaced.

Mr. Warner asked if there was any way to get rid of the slate. It is not appealing. He asked if it could be brick. Mr. Cramer stated the Design Review Board approved the project.

Mr. Ruth stated they had proposed 2 options. He asked why they were here presenting this option when one Board member said this was unacceptable. Mr. Cramer stated they wanted to see if it was legal or not. Once they got past this it was cost prohibitive. Mr. Ruth asked if the Board had their master plan and noted Mr. Cramer had made several references to it. Mr. Cramer stated he did not know if they had it. The original plans show a multi-level garage on School Street.

Mr. Ruth asked how many phases there were and noted there were a lot of unanswered questions. Mr. Cramer stated this is the last phase as far as he knows. Mr. Ruth stated it may be time to deal with the south lot. He asked if they have been to the Historical Commission. Mr. Cramer stated they have not been to the Historical Commission. Mr. Ruth stated the 50 foot setback is being used for parking. He thinks there is no setback whatsoever. There are noise and lighting issues for the Lincoln Street residents. He asked if anything was being done. There has been no discussion for that. Mr. Cramer stated they have a lighting plan with no spillover. He added they are trying to get information out here first.

Mr. Ruth stated he has not heard about noise. Mr. McNulty stated they did a noise study this summer. Noise fell way under the DEP requirements. Mr. Ruth commented that may be so but there are still issues for the Lincoln Street residents. He feels they are not being a good neighbor. Mr. McNulty stated he disagrees. They have not had a lighting complaint in a couple of years. He is working with neighbors to fix issues. They have a new fan and equipment. He is aware of noise concerns. There is an HVAC system on the penthouse. They have not prepared an HVAC study.

Mr. Ruth stated there have been many neighbor complaints since the 1990s. He commented this is being designed by you, for you, without concern for the neighbors. Mr. Fogerty stated this is a big facility. They try to be good neighbors. He noted it is a tight property. They have open dialogue with the neighbors and they try to address the concerns the best they can. He stated he thinks they are doing better than disregarding the neighbors.

Mr. Jacobs noted the 9/13/12 letter, page 6, next to the last paragraph. He asked if they could explain E. Mr. Cramer explained if there is a portion of the project they choose not to build they would not have to do it. He noted the exiting renovation to the surgery suite. They may not have the budget to do this. It is ancillary space. Mr. Jacobs stated he would like to be more specific about that. He feels it is too broad.

Tony Cavallaro, of GCA Architects, stated the mechanical system is state of the art designed for penthouses. They will look at noise being generated by the new equipment. Mr. Ruth stated the new building created more noise than the old building. Mr. Cavallaro reiterated they will look at that.

Mr. Eisenhut stated the Oak Street/Chestnut Street intersection is awful. He asked what might be done with that. Mr. Ham noted the queuing is timing issues. It is a level C there. They will look at the timing of the signalization. Mr. Ruth asked him to talk on figure 6 where 5% of traffic will go down Lincoln Street. Mr. Ham stated most traffic will be on Chestnut Street with some on School Street. Mr. Ruth stated traffic should be on Chestnut Street and going to a ramp on Chestnut Street.

Steven Smith, of 146 Lincoln Street, stated Lincoln Street tends to flood. He want to be assured there will be no more water going to Lincoln Street. Mr. McNulty stated they have designed the system to reduce the rate on Lincoln Street. It is very sandy soil so more is going to the ground.

Joy Smith, of 146 Lincoln Street, stated the sewer is directed to Lincoln Street. She asked if the pipes can handle that. Carol McCarthy, of 78 Lincoln Street, stated she is a long time resident. She wanted to thank the Board for their concern with landscaping. She has a concern with the garage. She stated the noise is awful. There are lights at night from the trains. She stated this has turned into a commercial area. The traffic has increased and the trees are gone. Ms. McKnight asked what has caused the increase in train noise. Ms. McCarthy stated there were oak trees that were a buffer that were taken down. She added with the grading of the parking lot now the basements are damp. There are multiple concerns.

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 11/5/12 at 7:45 p.m.

7:00 p.m. – Major Project Site Plan Special Permit No. 2012-07: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 66B Street, 360 First Avenue, 410 First Avenue and 37 A Street, Needham MA 02494) Note: This hearing is continued from the September 24, 2012 Planning Board meeting. – Continued

Robert Schlager, representative for the applicant, stated they have come to an understanding and withdraw their objections. They are in support of a vote and ask the town to expedite the approval of the project. Justin Krebs stated conditions will be added into the decision. Normandy will give \$1 million to the owner's fund to cover traffic issues and \$100,000 30 days after expiration of the Special Permit appeal. It will be \$425,000 in 4 payments; \$930,000 will be paid as provided; there will be a statement in the Special Permit to encourage the

hospital to have tenants and ground floor retail available to the public; there will be a construction management plan based on customary and reasonable and there will be a bike share program.

Mr. Jacobs asked what the timing would be. Mr. Krebs stated it would be after the first Certificate of Occupancy and as they work together. There will also be a commemorative sign package for 1st Industrial Park within 12 months of the issuance of the Certificate of Occupancy; a park signage package not to exceed Normandy's cost of \$100,000 as soon as reasonably possible and no later than the first Certificate of Occupancy; it is already in the decision they will join the 128 Business Shuttle; and there will be reasonable efforts to have zip cars included. Mr. Krebs stated they feel it is a good place and a benefit.

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

VOTED: to close the hearing.

Mr. Eisenhut asked if there would be doors on the street and was informed there would be. He asked if they were going to waive the façade and if they would incorporate this in the decision. Mr. Cramer noted they would. Ms. Newman stated she was comfortable with the decision.

Ms. McKnight noted in 3.18 they should add "until satisfactory resolution of such appeal." In 1.12, there should be separate phrases and add "finds appropriate that the project may be divided."

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

VOTED: to grant the relief requested in the form of the decision subject to the addition of 9 conditions described to the Board as resolution between neighbors with those conditions, and others to be clarified, included in the decision to be drafted after this meeting consistent with the agreement.

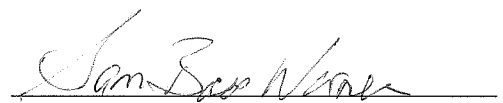
Report from Planning Director

Ms. Newman stated with regard to Wingate, there is sufficient landscaping in the garden and a trailer issue. Mr. Jacobs stated if you take off the wheels; if it can no longer be towed, it is no longer a trailer. Ms. McKnight stated if it is a structure that requires a building permit, it is a building. Mr. Jacobs stated there is no functional difference between a modular and a trailer. Ms. McKnight noted she feels it is first a building and requires a building permit and second it is a motor vehicle. She suggested they ask the Building Inspector if he would consider this structure to be a building that needs a permit. They would need to revise the site plan to allow it. It is either a building or a trailer. Mr. Jacobs stated they would need to amend the Site Plan Special Permit. Ms. Newman noted the Town Engineer is not happy with the plan. Ms. McKnight stated if they gravel it and not pave it it should be ok.

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

VOTED: to adjourn the meeting at 11:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Sam Bass Warner, Vice-Chairman and Clerk