

NEEDHAM PLANNING BOARD MINUTES

October 8, 2013

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, October 8, 2013 at 7:30 p.m. with Messrs. Warner and Jacobs and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman.

Correspondence

Mr. Eisenhut noted the following correspondence for the record: a letter from Planning Director Lee Newman to Robert Riemer, dated 10/4/13, regarding 868 Highland Avenue; a letter to the ZBA from the Planning Director, dated 9/19/13, with recommendations; a letter from Town Counsel David Tobin to the Planning Director regarding dismissal of a lawsuit and a public notice from the City of Newton regarding medical marijuana. Mr. Eisenhut stated they need an appointment to serve on the Facilities Working Group. Ms. McKnight stated she could do it if the commitment began after January 1, which proposal was accepted by the Board. Mr. Warner stated he could do it if the meetings were at the end of the day.

Public Hearing

7:30 p.m. – Article 1:PB Amend Zoning By-Law – Large Scale Ground-Mounted Solar Photovoltaic Installation Overlay District.

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

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

Mr. Eisenhut explained the public hearing process. Ms. Newman noted the Planning Board is sponsoring this article. Their role is to make a recommendation and present it at Town Meeting if approved. Hank Haff stated he supports a solar exploratory committee. It has been discussed in draft form and the amendments have been incorporated. They are recommending the warrant article that relates to solar at the RTS. He noted he had 11 respondents to the RFP (Request for Proposals) at the RTS. He stated all 6 articles need to go forward and he explained them. He is asking for assurance of removal in the RFP.

Mr. Eisenhut noted the following correspondence for the record: a letter from Town Counsel David Tobin suggesting the last sentence of proposed section 3.13.6.12(b) not be included. Ms. McKnight stated she agrees with Town Counsel and does not feel the lien should be there.

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 to the Selectmen the article be put on the warrant as advertised with the change recommended by Town Counsel and to recommend adoption of the 2 articles.

Discussion: Senior Center and Associated Sidewalk at 280 Hillside Avenue.

Ms. Newman stated Town Counsel David Tobin asked for clarification from the Planning Board on the Senior Center. Mr. Tobin noted the gift has a reverter condition. He wants input from the Board if they would prefer a taking for the sidewalk. Ms. McKnight stated the reverter was only good for 50 years. Mr. Jacobs asked the size of the piece. Ms. Newman noted it was very small. Mr. Jacobs stated he feels Town Counsel has no concern either way and they have the option to do a taking. Ms. McKnight commented they can always do a taking years

from now but they have the gift now. Ms. Grimes stated she does not agree. She feels they should take it now. It is inevitable.

8:00 p.m. – Major Project Site Plan Review No. 2013-03 Town of Needham Permanent Public Buildings Committee, Petitioner (Property located at 20 Saint Mary Street, Needham, Massachusetts).

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

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

Andy Dennehy, an architect with Beta, gave an overview of the proposal. He noted the existing pumping station and noted it supplements wells and water. It is used mainly May through September during the high water use. The PPBC has looked at rehabbing the station. They had a working group that did a feasibility study that considered rehabbing, building new or some combination. Based on the cost they felt they should build a new station on the site. They considered meeting planning and zoning requirement and minimum impact to the area.

Mr. Dennehy noted there will be a pump room, storage room, vehicle storage area, meter workshop, small kitchen and bathroom. Access is at the existing access and there are 5 parking spots. There is no increase in traffic and no additional employees. There will be an engine generator with a sound attenuation enclosure and landscaping. They have added planting for screening. They have not completely screened for security. There will be a rain garden with mature plantings. They meet all dimensional requirements. It is a one story building, 27 feet at its highest. He noted the station is a little larger than others in the area. They have tried to blend it in. There is a sloped roof that bumps out and dormers. There is split block siding with asphalt shingle roof.

They are requesting 2 waivers – parking spaces and illumination of parking. There are 3 employees typically. There will be one handicap space. He noted this is not used at night or by the public so they do not feel they need the illumination. There will be no pole lights but building mounted lights. Mr. Eisenhut asked how they will be widening it. Mr. Dennehy stated they will be removing some current parking. The existing station will be demolished and the foundation demolished 2 feet below grade. They will use an infiltrator for drainage. Ms. Newman asked if this has been presented to the Conservation Commission and the Design Review Board. Mr. Dennehy noted the easement and piping in back are owned by the MWRA. The pipe goes down Saint Mary Street and is an existing pipe that is being used with a hook on to the piping outside the MWRA easement and connecting to the town system on Saint Mary Street.

Ms. McKnight clarified part of the building is being used for vehicles. Stephen Rafferty, of CDM Smith, noted this is correct. Ms. McKnight noted they will be going in and out. Mr. Rafferty clarified these are not large utility vehicles and they are used during the day and parked at night. Mr. Rafferty noted there will be a small office for the pump station operator who will not be there full time but will stop by once a day to make sure everything is working correctly. There will be a kitchen/conference room for the meter crew, 2 restrooms and a mechanical room.

Mr. Warner asked if there is a backup generator. Mr. Rafferty stated there is an emergency generator. Steven Popper noted the existing station is 2 levels with one in the ground. Ms. Grimes asked why such a large area is needed for the meter workshop. Mr. Rafferty noted there is a lot of equipment. There will be a monorail in the building. In case the pump needs to be worked on, it can be moved to another room on the monorail. Mr. Eisenhut clarified the new building is 6,100 square feet. The old building was 3,800 square feet. Mr. Dennehy commented the meter crew has outgrown their area.

Ms. Grimes asked if the exterior lighting will be solely against the building and was informed it would be. There will be wall sconces and a couple of lights mounted to the generator. Mr. Jacobs asked if he understood correctly that from the months of December through April there will be no one working out of this building. Mr. Rafferty stated the station, generally speaking, is not used during the winter because the water demands are not high. That does not mean the operator will not be stopping by the check things and the meter crew will not be there. They will be there.

Water Superintendent Vincent Roy stated they are checked every day to make sure everything is working ok. There is a meter crew there every day now. They are trying to consolidate to one area. Mr. Eisenhut asked him if there was noise. He commented there is no noise as all work is done inside the building. Mr. Warner asked if the pumps makes noise. Mr. Dennehy stated they did ambient sound test and the ambient sound levels are 42 decibals. They are well under that. It is under 50 at the closest neighbor. They have not increased the noise. The current station is not efficient with windows and such. This will have less noise.

Lester Levenbaum, of Daley Street, stated this is zoned for residential. It would be nice to use part of the footprint of the existing station so it is further back. He asked if they need 2 toilets with 3 people and a staging area. Mr. Rafferty noted the MWRA owns an easement and land that really restricts them. They do not want an interruption of water during construction. He noted there are state plumbing codes and it is hard to get permission for unisex toilets. The town is building a new pump station on Reservoir Street and the contractor was allowed to use the front portion of this lot during construction. That project is winding down.

Keith LaFace, a direct abutter at 137 Central Avenue, stated he has similar concerns with proximity to buildings. This looks very close to their lot. He asked if it was necessary to be so close. Mr. Rafferty stated the closest corner is 26 feet away from the LaFace property line. He noted 137 Central Avenue is 4 to 5 feet away from the property line. He added there will be a group of plantings along the property line. There is somewhat of a border there now. They will fill in with more of the same. He explained the plantings with lower plants and taller trees. Mr. Eisenhut stated Mr. LaFace should speak with the landscape architect to see if there is something he would prefer. Mr. LaFace commented he would like the landscaping to be taller. Mr. Jacobs asked about the lights near Mr. LaFace's house. Mr. Dennehy stated there are 3 down lights under the portico. They will be on and go off at a certain time that can be negotiated. Mr. LaFace stated he is concerned with sound. Mr. Jacobs noted it is larger and closer but will be more screened.

Tim Mulhern stated he lives 2 lots away from this property. They are going from a small building with a little pavement to a large building with lots of pavement. He asked where the vans park now. Mr. Roy stated they currently park at the DPW. Mr. Mulhern reiterated they are going from small to enormous. It would be nice to use the existing building. This is not going to blend in. He lives at 11 Saint Mary Street and they have not minded the existing building. His concern is the look of the new building. He understands it is hard to create functional space but he does not understand a pseudo second floor that bumps it up another 10 feet. There is also a wider driveway that will have a lot of vehicles in and out during the day.

Mr. Eisenhut noted they went to the Design Review Board on 9/23/13. Mr. Rafferty stated a certain height has to occur for the pumps. Tan block will break up to contrast. It is better than being a square box. Ms. Grimes asked if there is no opportunity to go down and shrink the footprint. Mr. Rafferty stated they are back to if a pipe breaks there will be serious problems. Mr. Popper noted there are issues with ledge on this site.

Mr. Eisenhut asked if the Design Review Board discussed scale. Mr. Rafferty noted they did. They went through several iterations with the layout. They are trading open land in front with open land in back. Historically there was a school there and there is an old foundation there from that. Ms. McKnight stated she understands needing the height in the pump room but it is carried across the back. She asked if it really needs to be that high all across. Mr. Rafferty stated the monorail runs from the pump room to the vehicle room.

Ms. McKnight stated the first gentleman stated this was a good site for storage. She would not want outdoor storage here. Mr. Mulhern noted one of his concerns is with construction. He feels the staging area has been poorly managed. He is not excited to see this. Christopher Barbieri, of Saint Mary Street, stated he feels it is twice the size of most homes on this street. He is very concerned with the size of the structure. It is massive. It is a commonly traveled sidewalk for kids with bus stops at the end of the street. It is good no big trucks are parking there. He noted there are many big trucks in and out now.

Mr. Dennehy stated the large transformer in back will be removed and a smaller one put in closer to the driveway.

He noted they will award the contract in January and it will take 18 months until the end of June 2015. A temporary fence will be put up during construction.

Stephanie Novak, of Central Terrace, stated she echoes the same concerns with size. There is a 6 foot wall then it goes up a hill. She added 128 is enlarging and they are adding a lane.

Nick Larsen, of 120 Central Avenue, stated he is across the street. He stated this will tower over his house. He would be more comfortable with the project if it were half the size.

Mr. LaFace asked if it was necessary to have an empty garage all day. He feels they should use that room for fixing meters instead of having two rooms. Mr. Rafferty replied that they have a lot of meters and parts they need to store. They are making the town operations more efficient.

Mr. Eisenhut asked if there was a compelling need to have the trucks in the garage. Mr. Dennehy stated the hope was to get the trucks at the location the work is done at. Ms. Grimes asked if it was feasible to eliminate the garage. Mr. Jacobs stated they could delete the far left section and have people work in the second section as Mr. LaFace suggested. The building does not look as big and they do not seem to lose anything.

Stephen Rafferty, of CDM Smith – OPM, stated they actually cut down the size of the meter workshop. They shrank it down to 600 square feet at one point. Mr. Jacobs noted they have storage space on the other side and asked if they couldn't make the meter people work there for now. Mr. Rafferty stated the roof line at either end could be revised. They could cut off a small portion on the side but it would have to be added in the future. They need a 20 foot by 34 foot bay.

Mr. Warner made a motion to continue the hearing to ask the applicant to look at the abutter's issues to change the scope of the scale. Mr. Grimes amended the motion to include the potential of eliminating the garage. Mr. Warner accepted the amendment.

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

VOTED: to continue the hearing to ask the applicant to look at the abutters issues to change the scope of the scale and to include the potential of eliminating the garage.

8:30 – Amendment to Major Project Site Plan Review No. 2012-05: VO2 Max Elite LLC, 23 Francine Road, Framingham MA 01701 & MMM Property LLC, 7 Harvard Street, Brookline, MA 02445, Petitioner (Property located at 916-918 Great Plain Avenue, Needham, MA).

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

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

Mr. Eisenhut noted the following correspondence for the record: a letter from Town Engineer Anthony DelGaizo, dated 10/8/13, with no objections; an email from Frank Bond, dated 10/7/13, in support; an email from Denise Bruno, dated 10/8/13, in support; an email from Suzanne Williams Connelly, dated 10/7/13, in support; an email from Ellen Winston, dated 10/7/13, in support; an email from Fire Chief Paul Buckley, dated 10/4/13, with no issues or concerns; an email from Janice Berns of the Health Department, dated 9/24/13, with no comments; a letter from Matthew Dupee, applicant, dated 9/19/13, with expected occupancy numbers and a partial floor plan marked Bay 1.

Nicholas Shaheen, Attorney for the applicant, noted one third of the space will be selling athletic wear and casual wear. Sandy White, a customer, noted she has been a member for one year and she loves the gym. The style is different, fun and engaging. They are very professional and clean. They have created a great community of people and she is glad to hear they are expanding.

Mr. Shaheen noted this is a different tenant. This will be one on one with 2 trainers at any time. There is some retail so it is a viable tenant. They feel it is a perfect fit. There are 4 designated parking spaces in the rear and there will be a fee for use. He noted much of the use of the space will be during off peak hours from 5:00 a.m. to 9:00 a.m. and 6:00 p.m. to 9:00 p.m. and not during high traffic times. There will be less impact during the day. He requests they grant the Special Permit requests.

Ms. Newman noted they need waivers for parking. Ms. McKnight noted the demand per the Zoning By-Law will be 12 spaces. Mr. Shaheen reiterated there are 4 spaces in back. He noted Ms. Newman stated they need a waiver of 12 spaces. They are requesting a Special Permit for use and to waive parking requirements. He noted there will be 1,401 square feet for the fitness use and 549 square feet for retail. This is strictly a one-on-one membership training proposal.

Ms. Grimes stated she would love retail here. She likes they added a retail component. She asked what the retail hours would be. Mr. Shaheen stated 5:00 a.m. to 10:00 p.m. Ms. Grimes noted it was inviting to walk into a retail location rather than a gym. Ms. McKnight asked if there was any thought to the sale of athletic equipment. Mr. Dupee stated there was a possibility. They are trying to hit the higher end. There may be yoga mats, yoga blocks and lighter weights.

Ms. McKnight noted a parking study was not needed due to the hours of use. Mr. Jacobs asked the location of the parking spaces. Tony Caruso, of MMM Property, LLC, noted they are directly behind and accessed by Dedham Avenue.

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

VOTED: to close the hearing.

Ms. Newman stated she will prepare a draft decision for the next meeting.

ANR Plan – 415 Warren Street.

Ardi Rapi, representative for the applicant, noted they are dividing the parcel into 2 lots. There is an existing house. They propose total frontage of 8,750 square feet with wetlands in back. They comply with all requirements and setbacks. No relief is needed. There is a note that stated no determination with compliance with zoning.

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

VOTED: to endorse and sign as approval not required under the Subdivision Control Law.

Discussion: Zoning and regulatory approach for Medical Marijuana Treatment and Dispensing Facilities, and Marijuana Cultivation associated with said Facilities.

Ms. Newman noted they have a recommendation from the Selectmen. They are recommending they limit it to the Industrial, Industrial 1 and Mixed Use 128 Business Districts near the 128 interchange. Mr. Eisenhut asked what the Board's next steps were. Ms. Newman stated the Selectmen have not drafted a proposal yet. She asked how the Board wants her to proceed. She can put together what the Selectmen are looking for and what other town are doing.

Mr. Eisenhut stated he does not agree with the Selectmen's approach. They are being dismissive of people who need medical marijuana. He noted the Planning Board has control over the process for Special Permits. He feels they should define dispensary as a medical clinic. Mr. Warner stated he agrees. This is supposed to be medical marijuana and there are spaces in the hospital vicinity for lease. He stated a feature of having it in the center of town is they can keep an eye on it. He favors Mr. Eisenhut's approach. He feels they should keep it in a public view.

Ms. McKnight stated she is in favor of Mr. Eisenhut's approach in general. She does not want to change a use definition, however, without looking at all districts where that use is allowed. They need to be careful the result is what they want district by district.

Ms. Newman stated she feels the Selectmen want the Planning Board to take the lead. They should define the use and then define where it goes. Mr. Eisenhut stated it is an innocuous use and low intensity. As long as there is Special Permit control they could call it a medical clinic. Ms. Grimes stated she disagrees with the conversation. She does not feel it should be in the center of town. She agrees with the Selectmen and will not vote in favor of having dispensaries in the hospital district.

David Rabinovitz, of RMD (Dispensary), stated he is looking to open a discussion. He noted Medfield and Franklin have put zoning regulations in place. Brookline is putting regulations together. A buffer zone is around schools. He noted this is a medicinal product and should be treated as such. He suggests putting it closer to medical is a wiser thing to do and make sure there is rock solid security.

Mr. Rabinovitz stated there are 3 types. One is a pure dispensary like medical office. The second type is a grow operation where they are growing and processing. This should be tightly regulated. They do not want this downtown as there is a higher crime likelihood. The third type is a self-contained facility where 70% is grow your own. They should tightly regulate where it will go. This combines grow and dispense.

Mr. Rabinovitz stated if it was him, he would want a dispensary and get it from a grow operator elsewhere. They should consider giving a voucher to prevent home growers from getting a hardship license. Ms. Grimes stated not all are run by people doing it the right way and not all are cancer patients. Mr. Rabinovitz stated all her concerns are well founded. He noted there are a lot of places on Wexford Street and Charles Street. They are approaching it as a pharmacy. You need absolute rock solid security and it can go anywhere.

Jack Madigan noted dispensary signage in downtown would be just a business name not necessarily advertising marijuana. Ms. McKnight asked if he was an applicant. Mr. Rabinovitz stated yes, they were applicants, but no one in Needham will talk with them. Ms. McKnight asked if the application requires they state a location and was informed it does.

Mr. Jacobs asked, if allowed at Charles and Wexford and at the Police Station, where would they choose. Mr. Rabinovitz stated he likes the old Pittsburg Paint store but security is a concern. He would like it next to the hospital out in the open. He wants bright lights and a lot of security in the open. Mr. Madigan stated he wants to mention the need for education for patients and caregivers but also the need for underage education for anti-abuse.

Ms. McKnight stated she thought a hardship was geographic but is financial also. Mr. Rabinovitz stated it is both. He noted they are required to have home delivery. Mr. Eisenhut suggested they go through the districts that come under medical clinics and see what Brookline is doing. Ms. Grimes noted she would like to see what Medfield, Franklin and Brookline are doing. Ms. Newman will check with Newton to see where they are. She would like to have a product by mid-December.

Request to authorize Occupancy Permit: Amendment to Major Project Site Plan Special Permit No. 1985B: 254 Second Avenue, LLC, c/o Maric, Inc., 197 First Avenue, Suite 300, Needham, MA 02494, Petitioner (Property located at 254 Second Avenue, Needham, Massachusetts.)

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

VOTED: to authorize the Planning Director to take appropriate action.

Request to authorize Occupancy Permit: Amendment to Major Project Site Plan Special Permit No. 2005-06: Eric Gahan and Artemis Scantalides, Iron Body Studios, 46 South Fairview Street, Apartment 2, Roslindale, MA 02131, Petitioner (Property located at 58-83 Fourth Avenue, Needham, MA).

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

VOTED: to authorize the Planning Director to take appropriate action.

Request to authorize Occupancy Permit: Amendment to Major Project Site Plan Special Permit No. 2011-01: Wingate Senior Living, 63 Kendrick Street, Needham, Massachusetts, Petitioner (Property located at 235 Gould, 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 Mr. Jacobs, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to authorize the Planning Director to take appropriate action.

Request to extend Temporary Occupancy Permit and Release Bond: Amendment to Major Project Site Plan Review No. 1993-03: the Continental Wingate Development Company, 63 Kendrick Street, Needham, Massachusetts, Petitioner (Property located at 589 Highland Avenue, Needham, MA).

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

VOTED: to authorize the Planning Director to take appropriate action.

ANR Plan – 1051 South Street.

Ms. Newman noted they meet all build factors and lot width requirements. The new lots are 1.93 acres and 2.68 acres. The problem is they put the driveway in and took trees down under the Scenic Road Act.

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

VOTED: to endorse the plan subdivision approval not required.

Discussion: Facilities Master Plan, Planning Board comments and recommendations on Draft Plan.

Ms. Newman asked the Board if they want to comment. Mr. Eisenhut noted Board members should email any comments to Ms. Newman.

Release of off-street drainage: Nehoiden Street Definitive Subdivision (Property located at 198-200 Nehoiden Street, now Armen Way.

Ms. Newman stated she asked the Fire Chief to go out and take a look. He did and is satisfied there is enough space. There is a T at the end but there is enough room to turn around. There are some drainage problems on the roadway so they still hold a bond on that. They need to amend the subdivision plan. The Town Manager wants a note if the Planning Board is ok with the way it has been developed. Ms. McKnight stated they are not ready to vote to release the bond and asked if, when they are ready to release the bond, they will hold it up. Ms. Newman noted the Fire Chief is satisfied with the way it was constructed even though it was not done in accordance to the plan.

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

VOTED: to indicate the Board is satisfied with the way it was constructed even though it is not in accordance to the plan and anticipate it will not hold up the bond for this issue.

Minutes

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

VOTED: to accept the minutes of 6/18/13 and 8/6/13.

Board of Appeals – October 10, 2013 and October 17, 2013.

Needham Sail Lofts, LLC – 925 Webster Street.

Ms. Newman noted this is the Old Wicker Lady Building. It will be converted to condos which is a much better fit. It will be 6 residential condos.

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

VOTED: “No comment.”

First Choice Management, LLC – 16-18-20 Highland Terrace.

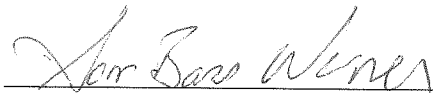
Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by the five members present unanimously:

VOTED: “No comment.”

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

VOTED: to adjourn the meeting at 11:10 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Sam Bass Warner, Vice-Chairman and Clerk