

NEEDHAM PLANNING BOARD MINUTES

November 19, 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, November 19, 2013 at 7:30 p.m. with Messrs. Warner and Jacobs and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski

Correspondence

Ms. Newman noted the review of the Swizzles permit. Ms. Grimes stated this goes along with some things she will be talking about in Item 12. Ms. Newman noted the cases back from the ZBA they need to talk about. They will need to talk about Rhythmic Dreams at the end of the meeting. There is a copy of a legal notice from Newton regarding medical marijuana. She is checking with other towns and the discussion will be put on the next agenda.

Public Hearing

7:30 p.m. – Major Project Site Plan Review No. 2013-06: Chris Lianos, Needham Center Fine Wine, 57 Lauricella Lane, Waltham, MA, Petitioner (Property located at 1013 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 explained the process to the public. Jon Lannan, representative for the applicant, stated the application is for a façade modification. They are making minor improvements such as painting, a new door at the rear, awnings and a mural. He described the location and noted the rear entrance was a service entrance. He noted a lot of the improvements are signage, the dumpster enclosure and a glazed canopy. They will add awnings, paint piers, make signage improvements and add a mural. They are adding lights to the piers. Mr. Eisenhut asked the wattage of the lights. Mr. Lannan stated they are just for depth and character with a dim glow. They can set them however the Board wants.

Ms. McKnight noted there are clear windows now with nice displays. She asked if they will still be clear and was informed they would be. Mr. Warner asked about a sign on Great Plain and Chapel Streets. Ms. Newman noted it was approved on 9/23/13 by the Design Review Board and has a vineyard scene.

Ms. McKnight asked about the hours of deliveries. She stated they want an environment in downtown that provides not much noise. She noted trash pickup is 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 1:00 p.m. Saturday, Sunday and holidays. Conditions are put in the decisions but trash haulers ignore the conditions. Christopher Galantes, owner, stated they do a lot of recycling and do not have a dumpster. They will use the Chapel Street parking lot for deliveries. He noted deliveries will be Monday through Friday and not Saturday and Sunday. Mr. Eisenhut stated they should add dimmers on lights to the conditions.

Mr. Eisenhut noted the following correspondence for the record: a memo from Town Engineer Anthony DelGaizo, dated 11/19/13, with no comment; an email from Fire Chief Paul Buckley noting no comments and a memo from Police Lt. John Kraemer with no safety concerns. Mr. Eisenhut stated he was pleased to see access from the rear. This was one of their design goals.

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

VOTED: to close the hearing.

Mr. Jacobs noted in Section 4.6 they should change the dates from 2013 to 2015. Ms. Newman noted Ms. Clee already changed that and she clarified deliveries were restricted and lighting on piers will be on a dimmer.

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

VOTED: to accept the draft decision with changes discussed.

Decision: Major Project Site Plan Review No. 2013-03: Town of Needham Permanent Public Buildings Committee, Petitioner (Property located at 20 Saint Mary Street, Needham, MA).

Ms. Newman stated she shared the draft with the DPW as it relates to the restrictions on exterior lighting in condition 3.8. The first 2 sentences remain and the wording has changed. The lights in front will be off and the others will be off but will come on in case of motion. Stephen Rafferty, of CDM Smith, noted the motion sensor activates all on the panel – 5 on the south wall, 2 on the east wall and 5 and 2 on the back for security purposes. They go off at 10:00 p.m. or 11:00 p.m. unless the beam is activated by motion.

Mr. Warner asked about the lights on Central Avenue. Mr. Rafferty stated they are under the overhang and are on the motion sensor. Ms. Grimes noted motion sensors go off with animals and even high winds. Mr. Rafferty noted they can be adjusted. Mr. Jacobs asked why they need all the lights. Mr. Rafferty reiterated they were all on one panel.

Mr. Jacobs asked if they could not have them on 2 different circuits. Mr. Rafferty suggested the Central Avenue lights could be on a timer and only the lights on the west side will be on a monitor. Mr. Eisenhut stated the language seems to be ok as originally written. Ms. Newman suggested they retain the language and add on the timer. Ms. McKnight added between 10:00 p.m. and 11:00 p.m. Mr. Rafferty suggested prior to 11:00 p.m. Ms. McKnight agreed.

Ms. McKnight noted in Section 1.7 it says “at the point of installation.” It should be “at the time of installation.” In Section 1.12 they are making a representation the project includes state of the art equipment. She thinks it is storm water equipment. They do not know if it is state of the art. Ms. Newman noted it could say “the project meets all requirements for surface drainage.” Ms. McKnight agreed.

Ms. McKnight noted there is nothing in Section 1.12 about installation of the building and parking that provides a buffer. In Section 1.18 she has concerns with the side lots and residences. Ms. Newman stated it is being done through a plan modification. Ms. McKnight suggested they add “and along the side lot lines abutting residences.” Mr. Rafferty added “off the westerly line.” Ms. McKnight noted in Section 1.8 it is required twice. They should take out one.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by four of the five members present (Mr. Warner abstained):

VOTED: to approve the decision with modifications discussed.

Mr. Warner stated he feels this is a bad precedent to set.

8:00 p.m. – Major Project Site Plan Review No. 2013-05: Matsumiya Math & Reading Center Inc., d/b/a Kumon Math and Reading Center of Needham, 144 Valley Road, Needham, MA, Petitioner (Property located at 119 Chapel Street, Needham, MA).

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

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

Derrick Choi, representative for the applicants, noted they are seeking support for a learning center with specialized reading and math programs. It is customized with rolling arrivals and departures. There will be 20

maximum students with 40 students enrolled. They will be open for classes Tuesday and Friday 3:30 p.m. to 6:30 p.m. to start and going to 4 days eventually. They will be open 2:30 p.m. to 7:00 p.m. for staff related use Monday through Friday. The public space is on the ground level with 975 square feet. There is no marked parking space currently. The students can be dropped off at the rear and walk around to the front.

Mr. Warner asked if they cannot get in a rear door. Mr. Choi noted they have a rear egress where they can drop off but they need to go in the front. There are 2 designated staff and they cannot maintain 2 drop off areas. Also, control is an issue. The administrative spaces, mechanical room and plumbing are in the rear. It is a challenge operationally. They have designated a waiting area in the front.

Mr. Eisenhut asked why not close the front and have the main entrance in the back. He feels people will park on Chapel Street to run in. Mr. Choi stated there could be a buzzer system put in at some point. Ms. Newman stated they have to have a primary entrance on Chapel Street and they could not eliminate it. Ms. McKnight stated she is not troubled by a drop off in back. Her preference is to have the main entrance on Chapel Street.

Ms. Grimes asked if they could do a buzzer system for those having difficulty parking. Mr. Choi stated they could. Ms. McKnight asked the ages of the students. Ray Matsumiya, owner, stated it is pre K to 18 years. He gave a brief history. He noted his mother is ready to move to prime space. She started in the basement, then the church. They have 40 students per day with groups of 10 every half hour. The students are there about 20 minutes and the learning is individualized for each student.

Mr. Jacobs stated his son used Kumon and it was very helpful. He asked what the age range is each half hour. Mr. Matsumiya noted a lot of the pre K come around 3:30 p.m. Irene Francesconi stated she moved here a year ago and her son had a hard adjustment. Mrs. Matsumiya helped him reconnect and helped open the door for him and his teachers. She noted the younger kids come earlier. The parents usually stay and wait. She added it is never crowded.

Ms. Grimes noted the bagel store closes at 3:00 p.m. and Perennial Design closes at 5:00 p.m. Ms. Newman stated the Town Engineer is recommending 4 spaces for the use. Mr. Warner commented he does not understand why there are not 2 doors. Ms. Grimes stated they do not want people walking through classrooms. Mr. Choi noted the back has to be the escape valve. It will be a challenge to manage the flow. They would like to maintain a vibrant front. This space is academically and operationally challenging.

Mr. Jacobs stated he is in favor. His concern is with one parking space for drop off. Someone will park there to walk the kids around. There will be a backup. It seems it would be easier to go in the back. Mr. Eisenhut stated ideally he would like both entrances. Mr. Jacobs is ok with kids going in the back door with a buzzer system. Mr. Choi stated they would not create 2 arrival areas but a buzzer system is viable.

Ms. McKnight stated her concern would be 6 or so parents in the waiting room and the realistic need for parents to park. They are apt to park in the vicinity. They are proposing this without any spaces of their own. Mr. Warner suggested they could have a high school child man the back door. Mr. Eisenhut stated he thinks the waiver should be 5 or 6. Ms. Newman noted the peak is around lunch hour. Ms. McKnight asked what the parking threshold has been. Ms. Newman noted it has generally not been at night. The bank closes at 4:00 p.m.

Ms. Francesconi stated she has 2 kids and is in favor of this. She does not feel there is a timing issue. Mr. Eisenhut noted the following correspondence for the record: a letter from the Wahl family, dated 11/16/13, in support; an email from Caroline Gan, dated 11/19/13, in support; an email from Fire Chief Paul Buckley, dated 10/25/13, with no concerns or issues; an email from Police Lt. John Kraemer, dated 10/29/13, with no safety concerns; a letter from Jody Zhou, dated 11/6/13, in support, a letter from David and Margarita Zarraga, dated 11/5/13, in support; an email from Cindy A., dated 11/12/13, in support and an email from Anjali Ahn, dated 11/13/13, in support.

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

VOTED: to close the hearing.

Parking Determination – Kumon Math & Reading (Property located at 119 Chapel Street).

Ms. Newman noted the parking determination should be 6 spaces. Mr. Warner noted a glass door may be helpful in the rear. Mr. Jacobs noted no basement. Ms. Grimes commented it is only for storage. Mr. Eisenhut stated they may want to limit this to week days with a limit on students and faculty.

8:30 p.m. – Scenic Road Act: Kenneth Davison, 1051 South Street, Petitioner (Property located at 1051 and 1065 South Street, Needham, MA).

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

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

Mark Santora, representative for the Davison family, noted access is across the right of way for the construction of a new home. The new address will be 1065 South Street. Currently they live at 1051 South Street. They are requesting permission for removal of some trees. Nineteen trees have been removed or need to be removed. Ten are outside of the driveway and 9 in the proposed driveway. He has worked with the Planning Director to review the plans. A 12 foot wide drive opens to 30 to 40 wide at the entrance. There will be a sewer line and water line to service the facility. They have been moved up against the drive to limit disturbances.

Tree Warden Edward Olsen stated 19 trees have been removed already. One was a public shade tree with a 24 inch caliper. They are requesting a \$100 donation to the town and replanting of a 4 inch caliper tree. He stated he agrees with the proposed plan that has been submitted. Mr. Warner stated they cut down 2 oak trees. He asked why there were no red, white and black oaks on the list of trees. Mr. Santora stated he has no problem with that

Mr. Eisenhut noted a memo from Town Engineer Anthony Del Gaizo, dated 11/19/13, with no comments or objections. Mr. Olsen asked if there were other trees to be removed. Mr. Santora noted only within the limits of the driveway. Ms. Newman noted there was a shade tree on the line. Mr. Santora stated they will mitigate that tree.

Ms. McKnight asked what the restoration plan was. Mr. Santora noted there was a document that should be labeled the restoration narrative rather than the plan. Mr. Eisenhut noted the following correspondence for the record: a letter from Fire Chief Paul Buckley, dated 11/7/13, with no concerns; a memo from Police Lt. John Kraemer, dated 11/14/13, with no safety concerns and a letter from Tree Warden Edward Olsen, dated 11/14/13, with recommendations.

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

VOTED: to close the hearing.

After discussion, it was suggested they should add a red oak for a pin oak, the shade tree should be mitigated and there should be a plan modification to clarify mitigation is represented in the document attached.

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

VOTED: to authorize the Planning Director to draft a decision with their consensus.

Mr. Santora requested the Board authorize the Planning Director to tell the Building Department they have consensus. Town Engineer Anthony DelGaizo noted there is a \$5,000 bond tied to this street opening. He asked if they would put a provision in that links this.

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

VOTED: with all conditions to be included in the decision that were discussed, the Board consents to install a driveway opening through a vegetative section of land and disturb approximately 400 square feet of area for a decision that would call for replantings and other relief discussed and tying it to the bond.

Ed Olsen – Discussion about collaboration between the Town and NStar to identify and remove hazard trees on South Street between Chestnut Street and Crestview Road.

Ed Olsen, Superintendent of Parks & Forestry, noted he is there to discuss a collaborative effort to remove hazard trees. He noted a majority of the trees are directly across from the Davison home they are building right now. They have planted over 400 trees in his 3 years here. He noted we are tree city USA. He feels they need to talk about tree removal. He noted many on this stretch are dead or hitting live wires. They need to remove 160 trees. One third of the trees are on 2 plots of land Dr. Payne owns. Most of those are ash trees that are dead from climactic changes and wet feet from the wetlands. He noted NStar called 4 times in the last month for tree calls. They are a fire hazard and Fire Chief Paul Buckley backs him up. He reiterated this area is a fire hazard and a safety issue.

Mr. Warner asked if the land owner bears any responsibility. Mr. Olsen stated if he wrote him he would take responsibility. He added they are in the public access if they fall. He noted they have a good relationship with NStar. He noted the road is dangerous and windy. Without collaboration with NStar they would not be able to take on a job this size. He is concerned about this area.

Ms. Newman stated some trees are under the Scenic Road Act. They are here to inform the Board of this information and the town's intent. Mr. Jacobs stated he agrees with the plan. All members agreed. Mr. Olsen stated he appreciates the support. Ms. Grimes asked if NStar will pay for this and was informed they would.

Minor Project Review: Paul D. Borelli, Needham Investment Co., 105 Chestnut Street, Suite 28, Needham, MA, 02492 (Property located at 922-924 Central Avenue, Needham, MA).

Ms. Newman stated this is the old Mobil station. They are proposing 2 duplexes. George Giunta Jr., representative for the applicant, stated it is a simple project. There is an existing residential property along with commercial use. The gas station is closed out. The service piece stayed on. They will knock down everything on the site and replace it with a 2 2-family subdivision. There will be one non-conforming with another non-conforming. He noted 2 2-families is 4 units and falls under minor project review.

Ms. Newman noted they need to review the site plan and make a recommendation to the ZBA that they will include in their decision. Mr. Giunta Jr. noted they will raze the existing site. There is commercial use in the front left and residential in back. The slope will be taken out and a retaining wall will be put in. Two 2-families will be going in with one in front and one in the rear. Both will have a front and rear yard. The mass will not all be up front. Both structures comply with setback requirements. The front duplex is 38 feet back which provides for a decent driveway in the front. Both buildings are the same.

Mr. Giunta Jr. noted there will be 2 entry doors and 2 garages. One car can be parked in front of each garage. He went to the Design Review Board and they approved the plans with a comment to flare out the back up strips. He noted the applicant is ok with that.

Mr. Jacobs noted the driveway is right on the line. He asked how close to the north line the house is. Mr. Giunta Jr. noted 14 ½ feet. The fence is right on the line. Some vegetation is being left and there will be dry wells for roof runoff. All drainage channels to the low area.

Ms. Grimes asked if this was a clean site. Mr. Giunta Jr. noted it is now. It has been cleaned to residential standards. Ms. Newman noted Engineering had no comments on the drainage.

Ms. McKnight stated she is surprised the Design Review Board is satisfied with the plan. She is appalled at the ugly design of the building. She asked why we need garages in the front. She thinks it is horrible. She feels they could do so much with this site. She is very disappointed and does not like it at all. Mr. Giunta Jr. stated one advantage is there is less pavement with the garages in front. Mr. Jacobs asked if they could turn the front duplex 90 degrees.

Mr. Giunta Jr. noted they have no landscape plan. It will be consistent with a standard residential development. Ms. McKnight stated there should be some trees up front by Central Avenue or a few street trees. Ms. Grimes commented just so they do not limit the view. Mr. Giunta Jr. noted they could put one on each side. He noted they are planning on doing landscaping.

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

VOTED: to make a recommendation to the ZBA that in making their decision they consider adding a requirement for at least 2 street trees in front.

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

VOTED: to reopen the hearing.

Mr. Eisenhut noted the following correspondence for the record: a memo from Fire Chief Paul Buckley with no objections; a memo from Police Lt. John Kraemer with no safety concerns; an email from Janice Berns of the Health Department with no comments; an email from the DPW with no comments or objections and a memo from Mark Gluesing regarding a turnaround area.

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

VOTED: to close the hearing.

Request to authorize Permanent Occupancy: Major Project Site Plan Review No. 2011-01: Wingate Senior Living, 63 Kendrick Street, Needham, MA, Petitioner (Property located at 235 Gould street, on the westerly side of Gould Street between the Wingate at Needham Nursing Home at 589 Highland Avenue and the MBTA Right of Way).

Request to authorize Permanent Occupancy: Amendment to Major Project Site Plan Review No. 1993-03: the Continental Wingate Development Company, 63 Kendrick Street, Needham, MA, Petitioner (Property located at 589 Highland Avenue, Needham, MA).

Ms. Newman noted all is done including the median on Highland Avenue. There is an agreement on the affordable units that has been signed by the town. They are waiting for the state signature.

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

VOTED: to authorize the issuance of a Certificate of Occupancy for 235 Gould Street and 589 Highland Avenue.

Board of Appeals – November 21, 2013

James Hennessey – 41 Stratford Road

Mr. Warner noted this was too close to the neighboring property. Ms. Newman stated it needs to be 5 feet.

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

VOTED: "No comment."

Council of Economic Advisors Downtown Subcommittee: Recommendations Regarding Zoning and Regulatory Modifications to Improve the Permitting Process.

David Cox, an attorney in town and owner of 60 Dedham Avenue, noted he did not know if parking was going to be talked about. He noted some parking in the Dedham Avenue lot is town owned and some is on private property with the consent of his parents. He noted his father's concern is some of the lot should be designated as 2 hour parking. There is essentially no short term parking in that area. Ms. Grimes noted they could ask the Board of Selectmen to look at that. Mr. Eisenhut stated they should communicate to the Selectmen this was brought to their attention.

Mr. Cox noted long-term parking is not an issue. It is the short term parking that is an issue. Ms. Newman noted some was designated as short term and some was designated as permit parking. Mr. Cox noted they need signage that identifies 2 hour parking if that is the case. Ms. Newman will communicate to the town that signage is needed.

Ms. Grimes stated she has been working with the Economic Advisory Subcommittee. She noted they started by looking at parking regulations. Mr. Jacobs asked what they are trying to do. Ms. Grimes stated they are trying to not have applicants come before the Board over and over for parking waivers. Ms. Newman noted they are focusing on areas with municipal parking and are pedestrian oriented. Is there enough parking to conceptually allow a conversion to happen? Ms. Grimes noted they should set a threshold. Mr. Eisenhut commented he thinks the number 15 is a little high. Ms. Grimes noted she felt 15 was a reasonable number. They just wanted to start somewhere. She commented Ms. Newman and Devra Bailin thought 10 would be a good number. Mr. Eisenhut agreed with ten.

Ms. Newman asked where should flexibility exist – areas with public parking and pedestrians? She does not feel flexibility on Gould Street would be good. They initially focused around the centers. Mr. Warner asked if there would be fees for spaces. Ms. Newman noted they need to word it to cover that. Ms. McKnight asked why a change of use would be exempted. Ms. Newman noted it could be a change to a restaurant or medical use.

Mr. Eisenhut stated he is not sure of unintended consequences in the Commercial Industrial District. He would agree to 10 spaces with the others. Ms. McKnight commented they need to go slow such as adding 5 spaces for a new use or change in use. Mr. Eisenhut stated he would say no parking waivers required. If you increase by X number of parking spaces you do not need a parking waiver. Ms. McKnight stated she does not see the process as a waste of time. They should get something out of it.

Mr. Eisenhut noted he likes Mr. Eisenhut's language they do not need a waiver under certain circumstances. Ms. Newman noted the re-use of existing buildings or changing use and impact is minimal. She asked why they are looking at it. Ms. McKnight stated no change in use from use or uses in another category could be a complete reconstruction the way it is worded now. They should limit to only a change of use of existing structures. They should limit it to Downtown, Center, Chestnut and Avery Square Districts and limit it to 5 spaces. Mr. Eisenhut and Mr. Warner noted they would go to 10 spaces.

Mr. Warner suggested a waiver is not required for a change of use. This was agreed. Ms. Newman stated she will do a data sheet by district and how many are stand alone parking waivers. Mr. Jacobs commented he would like to give this more thought. He asked why the design requirements do not apply. Why should they do that? Ms. Grimes noted there was a reason. Ms. Newman stated they are already exempt without the qualifier. This is only for existing structures. It allows parking lots without triggering issues. Ms. McKnight stated 5.1.1.4 should be limited to the handicap issue.

Minutes

Ms. McKnight noted on the 7/9/13 minutes there is a typo on the 2nd page. On the 1st page, the way is proposed to be a public way.

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

VOTED: to approve the minutes of 7/9/13 with changes.

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

VOTED: to approve the minutes of 8/23/13.

Mr. Jacobs commented on the Rhythmic Design email he sent to Ms. Clee. He feels they should tell them what they saw in the second look. Tell them they got it right and the ZBA got it wrong and tell them why. He feels it is important to get it on the record. There is no problem with the results but the process was wrong. Ms. Newman noted the Building Inspector was making it up. He is ignoring the Planning Board's zoning. Mr. Jacobs stated they should set the record straight. Ms. Newman will communicate with the Building Inspector also.

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

VOTED: to adjourn the meeting at 11:02 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Sam Bass Warner, Vice-Chairman and Clerk