

NEEDHAM PLANNING BOARD MINUTES

September 16, 2014

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building was called to order by Martin Jacobs, Chairman, on Tuesday, September 16, 2014 at 7:00 p.m. with Mr. Warner and Eisenhut and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman.

Correspondence

Mr. Jacobs noted a letter from the Board of Selectmen to Governor Deval Patrick regarding the veto of House Bill 4156. Ms. Newman clarified this was the buffer zone along the highway.

7:00 – Amend Zoning By-Law – Outdoor Seating

Amend Zoning By-Law – Personal Fitness Establishment in Industrial I

Amend Zoning By-Law – Flood Plain District

Mr. Jacobs noted the outdoor seating is an expansion of zoning the Board already allows. Ms. Newman stated this amendment will extend the outdoor seating provision in zones it is not currently in – Industrial, Industrial I, New England Business, Highland Commercial 128 and Mixed Use 128. The benefit is being extended to the rest of the districts with outside waiter service.

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

VOTED: to close the public hearing.

Ms. Newman stated the Board allowed for gym use in the Industrial I District. This amendment will extend the personal fitness use to that district as well, which the Board had not covered previously. This use is allowed by right if parking is provided on site or by Special Permit if there is no parking on site.

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

VOTED: to close the public hearing.

Ms. Newman noted the zoning for the Flood Plain District, as currently written, does not allow for swimming pools to be built in the flood plain district as an accessory use. This amendment allows pools to be built by Special Permit as long as compensatory storage is provided. The Conservation Commission's 8/28/14 letter states the Conservation Commission has no problem with this amendment as long as compensatory storage is provided.

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

VOTED: to close the public hearing.

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

VOTED: to recommend to Town Meeting the adoption of the amendments to Zoning By-Law Article 1:PB – Outdoor Seating, Article 2:PB – Flood Plain District and Article 3:PB – Personal Fitness Establishment to Industrial I all as described beforehand.

Ms. McKnight asked whose zoning articles these would be. Ms. Newman stated the Board voted the Planning Board's would be the sponsor.

Minutes

Mr. Jacobs noted on the 6/10/14 minutes, page 7 to page 8, a motion was made to authorize the Planning Director to authorize temporary and permanent Certification of Occupancies outside of a meeting. He feels the request for Item 4 on the agenda is moot given this vote. Ms. McKnight stated the minutes are incorrect. Ms. Clee noted they are correct. That is what was said and voted. Mr. Jacobs stated the word "permits" should be "permanents." Ms. Newman stated the Planning Board did authorize her to issue temporary Certificates of Occupancy and permanents if there are no changes.

Ms. McKnight stated, on page 7 above, she noted the word "they" is used a lot in the minutes as a shortcut. It could be confusing. It should be "let the ZBA interpret as the Planning Board does not have enough data." Ms. Grimes noted on page 9, "Ms. Grimes does not see how the Planning Board could not bring anything to Town Meeting." Mr. Jacobs stated "the Planning Board could make a statement."

Request to authorize Planning Director to authorize Temporary or Permanent Occupancy Permits: Amendment to Major Project Site Plan Special Permit No. 1991-3: North Hill Needham, Inc. (formerly known as Living Care Villages of Massachusetts, Inc.), 865 Central Avenue, Needham MA 02492, Petitioner (Property located at 865 Central Avenue, Needham, MA).

Mr. Jacobs commented he feels this was dealt with in the 6/10/14 minutes and authority has already been given to the Planning Director. Ms. Newman stated she interpreted the vote to give temporary and permanent only if there are no issues and all is complete. If there are any issues she will bring it back to the Planning Board. Ms. McKnight stated the vote on 6/10/14 was not to direct the Planning Director to authorize the issuance of Certificates of Occupancy but to authorize the Director to authorize the issuance. If there are any circumstances the Planning Director feels should be brought to the Board she will bring it back to the Board. Ms. Newman agreed that was the intention as long as there are no deviations.

Mr. Cramer stated the request was to delegate authority for both temporary and permanent permits with the understanding that when they file As-Builts, Ms. Newman will review them and make a determination. If there is a problem he would like it to be at Ms. Newman's discretion that she is comfortable. Mr. Jacobs reiterated that is what they, the Board, are saying. Mr. Cramer stated he just wants there to be a consensus that authority is delegated to the Planning Director and that the Planning Director understands the authority that has been delegated to her to exercise her judgment.

A motion was made to request the Planning Director authorize temporary/permanent occupancy permits for North Hill as set forth in item 4 of the agenda. Mr. Jacobs suggested a friendly amendment that they add "consistent with the 6/10/14 vote." All agreed.

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

VOTED: to request the Planning Director authorize temporary/permanent occupancy permits for North Hill as set forth in item 4 of the agenda consistent with the 6/10/14 vote.

7:30 p.m. – Oak Street Definitive Subdivision: Oak Street LLC, 235 Billerica Road, Chelmsford, MA, 01824, Petitioner (Property located at 66 Oak Street, Needham, MA).

Mr. Jacobs explained the procedure to the public.

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

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

George Giunta Jr., representative for the applicant, stated they are looking for an upgrade or construction of a paper street to service one house. It is quite different from a regular subdivision application. This property consists of 6 small cottage lots laid out for a subdivision in 1895. It is bounded to the north by Oak Street, to the

east and west by private property and on the south by Cypress Street, an unconstructed way. All lots are in common ownership. They are not individually protected under grandfather status but combined they do have the protected status. The only issue is the construction of Cypress Street. Mr. Giunta Jr. stated the applicant does have 2 conforming lots.

Mr. Giunta Jr. stated they are proposing to combine 3 lots on the north side to make Parcel A fronting on Oak Street and 3 lots on the south side to make Parcel B fronted on Cypress Street. Each parcel complies with the required zoning and meets frontage requirements. He noted Glen Terrace had the same situation. The Building Inspector said the lot was on the prior recorded plan so the applicant needed to build a road. The plan and profile was done, the street was built, the Building Inspector approved and issued a permit for the lot in back. Mr. Jacobs asked when that was. Mr. Giunta Jr. noted in the late 1990s or early 2000s.

Ms. Newman stated there has been case law since then that does not allow Boards to proceed down that path anymore. Mr. Giunta Jr. agreed and noted that is why the applicant is here under the subdivision route. He noted owners have property rights as of now and no lots use Cypress Street as it is completely unconstructed. He noted there will be only one house on Parcel B to be served by Cypress Street. He did not feel it is appropriate or necessary to do the standard layout and has scaled it back to a driveway.

Mr. Giunta Jr. stated they are proposing a 12 foot wide section of pavement that runs back in front of the property. For 4 feet on either side there will be a sub base, with sod and grass over for emergency vehicles, with the framework as if it were a condition. This has been done on a couple of other subdivisions. He stated the Fire Chief feels comfortable with a sub base on either side of the road off Linden for a distance of 80 feet for a driveway with a hammerhead turnaround. He feels that is appropriate since it is only serving one house. There is no room for a 60 foot circle on the pre-existing lots on the existing paper street. He stated the Planning Board has within its discretion to approve this.

Mr. Giunta Jr. noted the applicants are adding a drainage system that will add a benefit all around. The roof run off will be infiltrated to the ground and the rain water will go to Linden Street. Four new drainage structures are proposed there. The infiltration system and 2 new catch basins will be picking up a lot of drainage not handled now. This will be a benefit. He noted this is a small subdivision and pretty straightforward.

Mr. Eisenhut noted the 9/12/14 DPW letter. Mr. Giunta Jr. stated he has had several meetings with the engineering department and will meet with them again. He thought they were on the same page with them. Mr. Eisenhut stated he is not seeing a statement the defacto hammerhead width meets the requirements. He needs clarification of that. Mr. Giunta Jr. stated his impression was engineering was ok with that but he will get a clarification.

Mr. Jacobs asked if the applicant concedes an as of right plan cannot be done here. Mr. Giunta Jr. stated yes, they could squeeze it but it is still not a 40 foot circle. This is not a typical situation. He noted Parkland Road is an example of a hammerhead rather than a turnaround.

Mr. Jacobs noted the following correspondence for the record: a memo from Police Lt. John Kraemer, dated 8/25/14, noting no safety concerns; a memo from Matthew Varrell of the Conservation Commission, dated 8/14/14, noting the wetland resource areas to the west of the property; a memo from Fire Chief Paul Buckley, dated 8/12/14, noting 3 concerns; a memo from Fire Chief Paul Buckley, dated 8/20/14, stating he has reviewed and amended his comments to say it is ok with the Fire Department to accept the current plan and recommendations; a memo from Tara Gurge of the Health Department, dated 9/11/14, with comments and a letter from Town Engineer Anthony Del Gaizo, dated 9/12/14, with comments.

George Giunta Jr. distributed a graphic artist design for the 2 single family houses and the driveway with views of them from different streets. Mr. Warner asked who the parties to the easement were. Mr. Giunta Jr. stated this is a paper street. Under the derelict street statute there are 4 parcels that bound the street and all have rights. One lot is in land court and has an easement. Mr. Warner clarified that was the property on Maple Place. Mr. Giunta Jr. noted part of the property on Maple Place has no rights in Cypress Street but they have a triangular piece that

does have rights in Cypress Street. Mr. Jacobs noted there were 4 owners and asked who had what rights. Mr. Giunta Jr. stated his view is, under the derelict fee statute, the Trasks own all the way across Cypress Street. The D'Addesios went through the Land Court process and he described how they are bounded by the line of Cypress Street. The Certificate of Title says they have easement rights the length of Cypress Street. The triangular piece has the same rights. Mr. Jacobs asked if Parcel B has rights. Mr. Giunta Jr. noted under the derelict fee statute they have rights all the way across the street. Mr. Jacobs asked if anyone has the right to park. Mr. Giunta Jr. stated he would say they have all rights including parking. He would need to see if the grant is specifically for pass and repass or for all purposes.

Ms. McKnight stated it should be in the record they are looking at the Assessor's Plan. Mr. Jacobs noted for the record Assessor's plan 132 and the 1895 plan. Ms. Grimes stated she would like to see full titles on these properties and would like to review them in advance of the next hearing. Mr. Warner clarified Cypress is on the other side of all the grass and wetlands. Mr. Giunta Jr. noted 15 to 17 feet of it is wetlands.

Ms. McKnight asked Mr. Giunta Jr. to clarify the triangular lot. Does that lot have a garage that butts right up to Cypress Street? Paul Beaulieu, of Field Resources, noted there was a small shed there. Mr. Giunta Jr. noted it was the McSweeneys' shed. Ms. McKnight stated they are paving where Cypress would meet Linden Street but are not going to be tapering an apron for ease of entry for fire vehicles. They are only going straight out with 12 feet of paving. She understands the concept of gravel but is not happy with 12 feet straight out with no rounding.

Mr. Beaulieu stated the curb rounding is on the detail. It is not showing on the plan for some reason. Mr. Giunta Jr. stated there is curb rounding. They have no problem having the pavement flare out. Ms. McKnight asked if the pavement is flared out as much as it could be. She would like it to be. The applicant needs safe rounding from Linden Street so a fire truck could go down and a safe turnaround. She stated the Board had this issue before and the turnaround was a driveway. People were parking in the driveway. She would like a separate turnaround that is not the driveway. Mr. Eisenhut noted they could say that as a condition there be no parking.

Ms. Newman noted the issue with that other turnaround was it was shown on a plan. The house was built differently and the drive was in a different location so it was just grass. Ms. McKnight stated she would like comments if it is feasible. Mr. Jacobs stated they should consider specifying where the Board wants the turnaround on the lot for purposes of fire equipment and, based on that, have the applicant then design the location of the house. Ms. McKnight stated she would like to see their proposal.

Ms. Grimes noted the Fire Chief's letter says a turnaround is not necessary for one house. Ms. McKnight commented she does not know why the Fire Chief is saying that. Mr. Giunta Jr. stated there are driveways in Needham that are much longer. Ms. McKnight stated those houses front on public ways. This proposal fronts on Cypress Street. Mr. Eisenhut stated, in practical terms, they could get a fire truck in there if no cars are parked there. Ms. McKnight noted they could condition this property owner but not the other property owners.

Ms. Grimes commented they should be relying on what the Fire Department says. Mr. Eisenhut stated he would like the Fire Department and Engineering to coordinate. Ms. McKnight stated the roadway itself is dense gravel. She asked if it was possible to have pervious pavers so it looks like a road. Mr. Giunta Jr. stated pavers are an issue. Engineering is not a fan of pavers and they have not met with a warm reception of those in the past. It did not make sense to do 20-24 feet of pavement for one house.

Ms. McKnight commented on the drainage system and noted the letter from the Town Engineer stated there was insufficient information. Mr. Giunta Jr. stated he met with engineering to go over the drainage design. The letter was a surprise. He will meet with them again. Ms. McKnight noted the storm sceptor unit at the boundary of Linden Street appears to be somewhat within Linden Street. She asked if the town was ok with that. Mr. Giunta Jr. stated it was right at the back of the street line on Cypress Street. Ms. McKnight would like detail that shows that. Mr. Beaulieu noted the detail is on page 4, upper left corner. The cover is offset to the left so it is aimed away from the public way. They are building 2 manholes in Linden Street. They could move them wherever the Board would like. Ms. McKnight stated it needs to be clear who will be responsible for that storm sceptor unit. Mr. Beaulieu stated they can move it back to Cypress Street if the Board would prefer.

Ms. Grimes noted the hammerhead situation and stated she does not like the creation of hammerhead turns. Hammerheads always seem to be back in front of the Board with issues. The applicant needs to show a 60 foot radius cul-de-sac could be done. They are not close to ever being able to do that. This is problematic for the Board to properly oversee this in the future.

Mr. Jacobs asked if there was anyone from the public who had comments. Robert Smart, representative for Kathryn D'Addesio of 110 Linden Street, stated he disagrees with the effect of the Land Court registration in 1952 by the D'Addesio family. The D'Addesios had recorded land and had rights to the center line of the street. They did not give up rights in the road. The D'Addesios have registered land to the south of Cypress Street and have unregistered land with rights. Mr. Jacobs asked what the rights were. Mr. Smart stated to pass and repass and improve. He noted Ms. D'Addesio owns the fee interest to 20 feet of Cypress Street from Linden Street to the corner of the McSweeney property.

Mr. Smart stated the applicant needs to show they can create a conforming subdivision with a 60 foot turnaround. Mr. Giunta Jr. is saying they cannot do that. Mr. Jacobs stated that in Mr. Smart's letter, 2nd argument, in 3.2.3 it says a failure to so comply "may" not "shall." Using "may" tells that the Board is not required to reject the project because of this. Mr. Smart stated that is correct but it has been a requirement for many years that applicants need to show the 60 foot turnaround. He noted there are a substantial number of paper streets in town. He asked if the Board wants to open that up. Ms. Grimes commented they have looked at this on the large house committee and there are a large number of paper streets in town.

Attorney Jonathan Levin, representative for Judson and Karen Trask, stated his clients definitely have rights to the land. His clients have been taking care of that land for many decades mowing and keeping the land clear. They recently removed a downed tree after the Conservation Commission told them it was on private property. He feels they have absolute right to this land and it should not be taken from them.

Mr. Jacobs commented Attorney Levin says his clients have an absolute right to this land shown as Cypress Street. Attorney Levin stated his clients have at least some interest. Mr. Jacobs noted that was different from what was said and asked what the interest is. Attorney Levin noted some fee interest. Mr. Eisenhut asked if the deed has an easement right and was informed it did not specifically.

Mr. Jacobs noted it seems that the attorney is seeking a claim of adverse possession. He stated that is not for this Board. Attorney Levin agreed it was not for here. They do have 2 issues of where the street is going. The owners of Parcel B will maintain the storm sceptors. He asked what would happen if the applicants do not maintain the storm sceptors. Also, who is responsible for snow removal. He noted another issue is this developer has been violating his clients rights by removing trees and a clothes line.

Karen Trask, of 98 Linden Street, stated there are 2 tall pine trees right on the border line that were taken down without asking her. Mr. Jacobs stated that is a private issue. He added there are statutes with regard to tree removal. That is not for this Board. Ms. Trask noted the grade is coming right toward their home. They already have a water issue. Robert Sheehan, of 95 Linden Street, stated they have determined through discussions with engineering the best option, because of the water problem, is to raise the site to allow for infiltration of the roof. Then because they raised the site in an effort to not burden the abutters on Linden Street there is a retaining wall holding that side of the lot high. The lot is designed to shed toward Cypress Street and the other parcel will catch all local water and infiltrate the water on site. There is a swale between the pavement and the Trask home so that water from the east will stop flowing toward their land. The applicants have added a drain, manhole and 2 catch basins. He stated they are working hand in hand with the Engineering Department. The short retaining wall is 2 feet high and not a structure according to the Building Department.

Mr. Jacobs asked how close the wall is to the property line. Mr. Sheehan stated it looks like 3½ to 4 feet but he is not exactly sure. Robert Chan, of 95 Linden Street, stated he is a former fellow builder. The concept of putting a house between 4 others is an issue. All the abutters enjoy this land and there are so many exceptions being

requested here. They proposed a design for raising the grade but the grade has already been raised. The cultech retention basins proposed are problematic. It needs to be clear whose liability the retention basins are.

Mr. Sheehan would like to see, or have made public, the calculations done for the size and grading of the cultech units. He stated he finds it hard to believe the cultech units are adequate in size. Ms. Newman stated they have a drainage summary as of 4/1/14. She will make it available to him. Mr. Jacobs stated there will be revisions also. He suggested Mr. Shaheen keep in touch with the Planning Director and Assistant Planner and they will keep him updated. He noted the Board appreciates the input from other experts.

Shirley Klepadlo, of 23 Blake Street, stated she is concerned with drainage and where that water is going to go. Her home backs up on the conservation land on the opposite side of Linden Street. When there is heavy rain there is a lot of water. She would like a guarantee the applicants drainage system will work and will not go across the street to Linden Street. Mr. Eisenhut noted the issue is will the applicants system improve the drainage. Mr. Jacobs stated the abutters should get together with Mr. Sheehan's engineer and maybe the Town Engineer to see if they are satisfied.

Mr. Warner stated he is struck by the lack of imagination that has created a conflict. Cypress Street is approximately 8,000 square feet and is currently used as a park. He noted if the applicant worked with the neighbors to close the street they could figure out a way to put a driveway off Oak Street and give them all the benefit of a park. They should all work together. Ms. Grimes stated they would have no frontage. Mr. Sheehan stated it is open space but it is also a drainage area. Mr. Jacobs noted the hearing will be continued. They need to get the title information and talk to Town Engineer Anthony Del Gaizo.

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

VOTED: to continue the hearing to the 11/5/14 meeting.

Ms. Newman noted she would like the title information prior to the meeting.

8:00 – Amendment to Major Project Site Plan Review No. 2011-01: Wingate Senior Living at Needham, Inc., 63 Kendrick Street, Needham, Massachusetts, 02494, Petitioner (Property located at 235 Gould Street and 0 Gould Street, Needham, MA).

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

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

Roy Cramer, representative for the applicant, noted the Board permitted Phase 1. He introduced the same team that was used in the first phase. He noted they are operating assisted living and individual living facilities off Gould Street. This is the next phase which is to create an addition to the existing building to add 52 additional independent living units. The petitioner feels it makes more sense operationally to have one building. They will combine so the whole project is on one big lot.

Mr. Cramer reviewed the relief requested – the main drive crossing the nursing home driveway and the number of spaces. They are only asking for a special permit with respect to some spaces that are land banked. He noted there are 16 spaces along Gould Street that they were not going to build originally. They would like to build 10 in the front now. He noted 10% of the individual living facilities need to be affordable so there will be 7 affordable units.

Mr. Jacobs noted the following correspondence for the record: a memo from Fire Chief Paul Buckley, dated 9/11/14, with no concerns; a memo from Police Lt. John Kraemer, dated 9/11/14, with no safety concerns and a letter from Town Engineer Anthony Del Gaizo, dated 9/11/14, with 5 bulleted comments.

David Kelly, of Kelly Engineering Group, described the lot and Phase 1. He noted Lot C is Phase 2. Lots A and C will be combined for this phase. He noted there will be amenities in the basement like a swimming pool and access to the parking garage. The existing drop off area is mimicked on Phase 2. A total of 5 parking spaces are shown for a total of 16 additional spaces. Wingate has been looking at how the existing facility operates. There is sufficient parking on the property but there is a question of convenience of parking. A small change is proposed to the plan to land bank the drive and some spaces and they will build the 10 spaces. This will be less disruptive to the residents and abutters. There is a new drive proposed opposite TV Place.

Mr. Kelly stated there is a 23,500 square foot building footprint with a 79,000 square foot proposed building with a basement. The loading area will be rebuilt. The site is fully graded and they will maintain the same floor plan as the existing building. The new building will look similar to the other building. Drainage and utilities are all there. A large subsurface drainage system was installed previously and it is working well. No issues have been reported. They will be expanding that to add some additional storage. He feels it is a simple project.

Mr. Cramer stated the property is part registered land and part un-registered land. They will do an 81X plan as they did before. Ms. McKnight asked if the skilled nursing is under separate ownership. Mr. Cramer informed her it was and will continue as such.

Andrew Stebbins, of The Architectural Firm, showed the proposed curb line. He noted this is an approximate 80,000 square foot, 3-story addition on 4 levels with a partial basement. There are courtyard spaces off the dining rooms. Nine units have proposed outdoor patios. There is a proposed theater and there will be a fire/separation wall between. The units are a mix of 1 and 2 bedrooms. Some are first floor with dens. The one-bed units are approximately 780 square feet, the one-bed with a den units range from 830 to 920 square feet and the 2-bed units are 950 to 1,093 square feet.

Mr. Stebbins stated all units have a full kitchen. They will have dining options for the residents and will have an open kitchen area. The roof line is just under 40 feet so it is similar to the other building. They have angled the building off Gould Street so there is not really a big land presence off Gould Street. It will be a cement fiber ground floor and vinyl siding on the other 2 floors with some trim. The Design Review Board has signed off on the plans. The building is connected to the other phase and the architectural features are the same.

Mr. Kelly noted some low level lighting is just an extension of what is there. Ms. Grimes stated she is confused about the 10 spaces for 56 units. Mr. Cramer stated they had an excess of spaces in Phase 1. Mr. Stebbins noted there are 60 occupied units now and they are not even using one third of the spaces available. They are not deeded spaces. Ms. Grimes asked how far it is from the underground parking to the new units. Mr. Stebbins stated it is roughly 40 feet from building to building through the connector then 70 feet to the elevator. They will set up spaces for the independent units near the entry. Staff predominantly park there now.

Ms. Grimes commented providing only 10 spaces is a concern. Mr. Stebbins noted the 10 surface spaces are mainly for visitors. There are plenty of spaces in the garage with around 60 spaces. Ms. McKnight stated she would like to see a rendering of the parking spaces before the Board and would like to see the parking demand per the By-Law. Mr. Cramer stated that was in the application letter. The demand is 99 spaces for the entire project and they have 99 spaces. The only waiver is for the land bank spaces.

Ms. McKnight commented she would not mind waiving more spaces to eliminate a curb cut. Ms. Newman stated it would be better to get rid of parking along that edge. Ms. McKnight and Mr. Eisenhut agreed. Ms. Newman stated they should amend the plan to get rid of 6 spaces and a curb cut. Mr. Cramer noted they will modify the plan to transfer the front 10 spaces and eliminate the back 6 spaces and a curb cut. Mr. Stebbins stated the Town Engineer, at their meeting, was not keen on a curb cut across from TV Place.

Ms. Newman stated they could continue the hearing for the Town Engineer's comments and she would have a draft at the next meeting on 10/7/14 at 8:30 p.m. Mr. Stebbins noted he met with Tom Ryder yesterday and went through everything. He will generate a plan that shows the 10 spaces.

Terrance Ryan stated he wanted to thank the applicants for meeting with the residents last week. He stated Wingate has done a great job on the first building and patios. There is good professional signage. The landscaping abutting the railroad is not as close to the houses near the new addition and there is not as much installed. He suggested maybe further vegetation could be added. Mr. Stebbins stated he will meet with the abutters once the foliage drops to see what could be done.

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

VOTED: to continue the hearing to 10/7/14 at 8:30 p.m.

Request to Release Surety and Authorize Permanent Certificate of Occupancy: Major Project Site Plan Special Permit No. 2012-04: Needham Bank, 1063 Great Plain Avenue, Needham, MA, Petitioner (Property located at 1055 & 1063 Great Plain Avenue, 10 Eaton Square, 232 and 244 Garden Street, 0 Garden Street and 0 Eaton Square, Needham, MA).

Ms. Newman stated the Board will not be voting to authorize a permanent Certificate of Occupancy tonight. The applicant and the Board will be agreeing on a plan. There are 3 outstanding issues that need to be resolved – the landscaping on Garden Street, the walkway was not constructed and the sidewalk along the bank. These issue need to be resolved.

Mr. Jacobs noted the following correspondence for the record: a memo from KBA Architects, dated 9/9/14, regarding the 3 issues cited by Town Engineer Anthony DelGaizo; an As-Built plan; pictures and a 9/15 letter from Town Engineer Anthony DelGaizo. Mr. Eisenhut stated they are being asked to approve 3 modifications and deem them as de minimus. He stated his concern is that is not what has been noticed. Ms. Newman stated they intended to issue a permanent certificate but the Board found discrepancies. Mr. Eisenhut reiterated he is concerned with the notice. Ms. McKnight agreed. No one knows they are discussing these changes. She noted Mr. Claflin, an abutter, has complained. Vic Taylor, President of Needham Bank, stated they were handed the letter late from the town engineer. This meeting is a chance to acknowledge and come back with answers to his letter. Ms. McKnight suggested the Board hear this proposal, express their preferences and then, on a further agenda, note the request and de minimus changes. All agreed.

Daniel Bradford, Vice-President of KBA Architects, stated they have looked at the 3 items. The first issue is the plans called for a concrete walkway. There is a light pole so people cannot come off there. Also, the exit from the ATM is there so it made sense to have it come into a single curb cut entrance. The second issue is the parking area. A wall along Garden Street yielded a very narrow bed for trees to be planted. The plan called for 9 trees to be planted. The parking spaces along there are compact but had regular spacing depth. They are getting back closer to what was originally planned. They will have 3½ feet of potential depth to plant. They have an additional letter from the landscape architect. There will be an arborvitae row or red maples but the issue is those will have large root systems. The freeman maple may be the preferred with a larger canopy. Although the armstrong maple may be the better choice. It will provide a canopy and color.

Mr. Jacobs asked how do they enforce the compact spaces. It was noted they are assigned as employee spaces. Ms. McKnight stated the former plan was a combination of trees – maples, spruce, white fir. She prefers the maple look to the arborvitae. Her concern is what were the abutter's expectations. She feels they expected evergreens by the steps. Mr. Bradford noted the evergreens are there and one honey locus tree.

Ms. Newman asked what the spacing recommendation of the trees is. Mr. Bradford stated 10 of the maples are spread out. Ms. Newman stated the recommendation from Forestry is they take the existing boxwood that is there and put in a dense hedge where the spaces are. The remainder should be put where the walkway was to go. Ms. McKnight noted there are gaps. There are 2 full size parking spaces then 3 more full size spaces. Ms. Newman stated the drains prevented the full size spaces from being compact. Ms. McKnight asked if there was a reason not to make them all compact spaces. Mr. Bradford stated the drains are there. Mr. Jacobs noted there did not seem to be much screening from headlights for the house across the street.

Mr. Bradford stated the third issue was the strip of sidewalk that passes adjacent to the building. The bank had originally proposed a 4 foot raised sidewalk. With the grading and slope they encountered they ended up with a concrete walkway with a granite curb set flush with the driveway. The bank put 5 lit bollards to mark vertically pedestrian versus vehicular. They maintained the 4 foot width and granite curb. He noted it is fine from a compliance issue and the bank does not have an issue maintaining the sidewalk themselves. He stated it would be a travesty to change any of it. Mr. Eisenhut asked what is needed to have the bank take over responsibility for the sidewalk. Ms. Newman stated she would let Town Manager Kate Fitzpatrick know and she will decide how she wants to handle it.

Mr. Jacobs asked what the timeframe was from when the bank found the discrepancy and when they did the work. Mr. Taylor noted it was about 2 weeks from when the bank sent the information to their architect, found the discrepancy and moved forward with construction. Mr. Jacobs stated this happens all the time. The plans say one thing, the applicant did something else, the Board found out later and are being asked to approve it. He stated this is annoying to him to have this happen after the fact. Ms. Grimes stated, in reality, it would be impossible to be notified every time something happens.

Ms. Grimes stated this project has done nothing but made the center of our town absolutely stunning. Mr. Jacobs commented he is expressing his frustration because it happens too much. Mr. Taylor stated never once did the bank decide they were going to do the quick fix when they found the issues. Mr. Jacobs stated the process part is an issue for him. He agrees with Ms. Grimes it will probably be fine but the process is an issue. Ms. McKnight stated she would like them to think about the compact spaces so some trees could be put in front of Mr. Claflin's house so it does not appear to that individual the bank did not put any trees there on purpose.

Christine Monaghan, of KBA Architects, stated she took a good look and went through multiple scenes. If they shifted the compact spaces there would be a large gap in the middle. Mr. Bradford stated compact spaces have a limitation. Mr. Jacobs reviewed the issues. All agree the peninsula walkway is marginally de minimus. Mr. Jacobs stated the parking proposal would work. He is asking, to the extent the bank could do it, they should find some way to block the light at the last 2 spaces near the stairs. All agreed.

Mr. Eisenhut stated he wants it clear the town will not be responsible for maintenance of the flush granite stone. Ms. Newman stated Town Manager Kate Fitzpatrick is aware of the issue and will decide how to deal with it. She noted at the next meeting the Board will list the de minimus changes and will vote it at the 10/7/14 meeting.

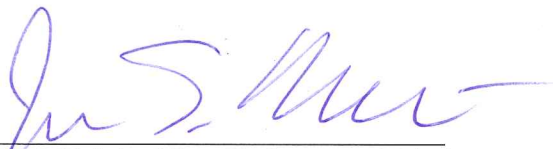
Upon a motion made by Ms. McKnight, and seconded by Mr. Eisenhut, it was by the five members present unanimously:

VOTED: to extend the temporary occupancy permit to 11/1/14 for Needham Bank.

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 10:55 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Jeanne McKnight, Vice-Chairman and Clerk