

NEEDHAM PLANNING BOARD MINUTES

January 6, 2015

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, January 6, 2015 at 7:00 p.m. with Mr. Eisenhut and Warner and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Public Hearing:

7:00 p.m. – 1001 Central Definitive Subdivision: RRNIR LLC, 20 Beaufort Avenue, Needham, MA, Petitioner (Property located at 1001 Central Avenue, Needham, MA). Please note: This hearing has been continued from the December 2, 2014 meeting of the Planning Board and will further be continued.

Ms. Newman noted she has a letter from Attorney George Giunta Jr. requesting an extension of the applicable deadline to the first available meeting in February.

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 2/10/15 and continue the action deadline as requested.

ANR Plan – 945 Webster Street, Patricia Connell, Petitioner.

Ms. Newman noted she sent out the ANR plan and requested the applicant make certain changes that are not reflected on the plan in the Board's packets. She asked the applicant to add a setback for the pool off the property line to get rid of the building envelope lines that are not required on an ANR plan, add a wetlands calculation to the plan and a couple of other small changes. Tom Lambert showed the Board where the line is down the middle and noted it is 18,000 square feet on one side and 15,000 square feet on the other side.

Mr. Jacobs asked if all changes that Lee suggested have been made. Ms. Newman stated they have been. Mr. Jacobs noted the frontage requirement is 80 feet. He asked what the frontage is on Lot 102 as shown on the plan. Mr. Lambert stated 80 feet because it is on the curve. Ms. Newman noted 79.25 and .75 on the curve.

Mr. Eisenhut stated the custom is to measure based on the curve or between 2 points. Ms. Newman noted the continuous portion of a sideline of a way between sidelines of a lot in common ownership is how the measurement is done. Mr. Jacobs clarified the continuous point would be on the curve. He stated it would be better if it said for Lot 102 the length is 79.25 and .75. It would be clearer. Ms. Newman asked if the Board wanted the plan updated to reflect that. Mr. Eisenhut stated the Board does not need to request that, however, the applicant may do it themselves.

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

VOTED: to endorse the Subdivision Plan of Land 945 Webster Street dated 12/23/14 as subdivision approval not required.

De Minimis Amendment: Major Project Site Plan Special Permit No. 2012-07: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner. (Property located at 66B Street, 360 First Avenue, 410 First Avenue and 37 A Street, Needham, MA 02494).

Roy Cramer, representative for the applicant, noted this is a minor modification of the existing frontage to allow an emergency generator to be put on the roof of the Trip Advisor building in the mechanical penthouse and to put a fuel storage tank on the ground adjacent to the building. The applicant has screened with a fence and

landscaping. The applicant has gone to the Design Review Board who approved the application. The generator will be in the middle of the penthouse so it will not be seen.

Mr. Cramer noted a noise study was done and it is fine. Mr. Eisenhut asked if this will increase noise. Mr. Cramer stated it is less than 10 decibels above ambient. He stated he has filed a noise study with the Board. Mr. Eisenhut asked if the Marriott Hotel got notice. Ms. Newman noted no. She did this as a de minimus change because of the location with no single family residential houses and the increase of noise level was below state DBA regulations.

Mr. Eisenhut stated the Marriott has people living there. He would have been more comfortable if the hotel had received notice. He asked if Engineering has looked at it and commented. Mr. Cramer stated Engineering has looked at it and is fine with it. Mr. Cramer noted Marriott is a partner in this project with Normandy and are aware of the project. They have no objections. Their bigger concern is the Coke trucks that roll down through in the morning. He noted the fuel storage tank on the ground is adjacent to the building between the buildings.

Ms. McKnight asked if the generator was proposed as part of the original project and this was additional. Mr. Cramer stated there are 2 generators. One was proposed but Trip Advisors has an expensive data system and have added another generator for protection. He noted it is not seen from the highway because of the screening. Ms. Newman stated it meets heights requirements. Mr. Cramer noted he is satisfied with the draft decision.

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

VOTED: the change is de minimus in nature.

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

VOTED: to approve the change and adopt the decision in the form presented tonight.

De Minimus Change: Major Project Site Plan Review No. 2012-05: MMM Property LLC, 7 Harvard Street, Brookline, MA 02445, Petitioner (Property located at 916-032 Great Plain Avenue, Needham, MA).

Robert Smart, representative for the applicant, stated this is a change to a prior Special Permit decision. The applicant wants to be allowed to get a permanent Certificate of Occupancy without completing all the work so the building can be sold. He has a letter from Town Engineer Anthony DelGaizo, dated 12/31/14. Tom Ryder, of the DPW, went out and provided an estimate of cost for seal coating and striping of the lot behind the building. The amount was \$4,500 times 135% for a total of \$6,000. His clients are prepared to provide that bond. He noted the work cannot be completed until the spring.

Ken Mackin, owner, stated when the decision was drafted, the use of the parking lot would not be permitted until all work is completed on Dedham Avenue which effectively negates use of that lot even after the audio visual alarm system is installed. This would not allow a permanent Certificate of Occupancy even after this is done because of the requirement Dedham Avenue be done. He needs to bond the entire site and the abutter needs to complete the access to the back of the site after the audio video system is installed and approved by the Planning Board.

Ms. Newman noted there is an issue. The issue is that they need to come through a site with no occupancy permit, that is still a construction site, to get to this site. There is no problem using the site, posting the bond and giving a permanent Certificate of Occupancy and using the site once the audio video system is done and a temporary Certificate of Occupancy for the adjacent building once it is bonded. She suggests the decision be modified so the applicant can utilize once it is bonded and the audio video system is in and a temporary occupancy permit on the adjacent site is issued and bonded. It would be complete as people are going through this site to get to the other.

Mr. Mackin stated the problem it creates is they need to have a permanent Certificate of Occupancy. Without that this is an exercise in futility. Ms. Newman stated he would have a permanent Certificate of Occupancy and would need to have off-site parking arranged. Mr. Mackin stated there is no issue with off-site parking until the audio video system is done. Mr. Ryder said the only issue with the site is the final sealcoat. He is being encumbered by the other owners' issues and delays.

Ms. McKnight wanted to know if the other owners are utilizing this access and right of way and was informed they were. Ms. McKnight stated she was at the property today and saw a car come out. It seems construction vehicles are back there. Ms. Newman stated there were only construction vehicles allowed to park back there and the Board allowed people to park there to take their golf clubs into the store. The concrete work is done so only the final construction needs to be done and restriping.

Mr. Eisenhut asked if Engineering could go out and tell if there are any safety concerns prior to issuing a temporary Certificate of Occupancy. Ms. Newman stated she spoke with Engineering. They are concerned there is construction. Ms. Grimes noted the construction is on the adjacent lot. Ms. Newman stated people have to cross that site through the access way to get to these parking spaces. Ms. McKnight asked if it was just the driveway the applicant is sharing with construction vehicles and was informed yes.

Mr. Mackin noted all exterior work is done on the building. All that remains is interior work. The Dedham Avenue site generally has 3 contractor's vans on site and the vehicles do not go near Mr. Mackin's 9 spaces. There are no issues that impose any impediments with access to the site. Mr. Jacobs asked Mr. Mackin, subject to a condition he not park there until the audio video equipment is installed and a temporary Certificate of Occupancy is issued on the adjacent site, would he be able to sell the building. Mr. Smart commented he could but it would cost money to rent the offsite parking. Mr. Mackin stated the issue is with the counsel for the bank's lender who feels there is not a final Certificate of Occupancy because of the prohibition with the parking.

Mr. Jacobs noted the Board could issue a permanent certificate of occupancy subject only to the audio video and maintaining 9 offsite parking spaces until such time as the abutting property obtains a temporary. He asked if Mr. Mackin thought the counsel would not be ok with that. Mr. Mackin stated his counsel's understanding is it is not considered a clean certificate of occupancy.

Ms. Grimes commented she feels the applicant has no control over the other owner. There are 2 points of access – 12 feet plus and 24 feet. Where are they running into construction issues? She does not feel there is an issue and does not feel the Board can tie this up. Ms. McKnight stated the 24 foot area appears to be fully constructed, vehicles in the back were contractors' vehicles and it seemed to be a clear, clean situation for anyone going in and going out. Her general feeling is it is ok. Mr. Warner stated the Board should limit the restriction to the audio video equipment and let it go.

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

VOTED: to approve the change as deminimus in nature subject to 2 conditions – a bond and audio video equipment.

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

VOTED: to incorporate the draft decision and deem the modification deminimus subject to the replacing of the audio video equipment and bond.

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). Please note: This hearing has been continued from the September 16, 2014, November 5, 2014 and December 2, 2014 meetings of the Planning Board.

Mr. Jacobs noted a letter from Attorney George Giunta Jr. requesting the hearing be continued to the first February meeting on 2/10/15 and extend the applicable action deadline. Ms. Newman stated she is going to have a conversation with Mr. Giunta Jr. She is getting subdivisions from him that are not ready to be filed and the Planning Board are going to be continuing the hearings. This is causing scheduling problems for her. Ms. Grimes agrees with Ms. Newman.

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 2/10/15 and extend the action deadline as requested.

Request for Extension of Temporary Occupancy Permit: 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 & 244 Garden Street, 0 Garden Street and 0 Eaton Square, Needham, MA).

Ms. Newman noted this request of an extension is for the bank to install lights and to replace some landscaping that died and needs to be reinstalled. The bank is looking to extend from 1/15/15 through 4/15/15.

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

VOTED: to extend the temporary Occupancy Permit from 1/15/15 through 4/15/15.

Mr. Eisenhut commented the building has a nice design. Ms. McKnight and Ms. Grimes agreed.

Ms. Grimes stated, on another note, the St. Mary Street pumping station is horrific. It is a giant concrete building. She feels bad for the neighbors. The materials are horrible. Mr. Jacobs commented the Board should wait until it is done. He hopes the town puts in a lot of landscaping.

Release of Subdivision Off-Street Drainage Bond: Wellesley Avenue Subdivision, August Way, Lot 6.

Ms. Newman noted this is an old subdivision the Board held an off-street drainage bond on. It is being closed out. One lot remained in the subdivision and it is appropriate to release at this point.

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

VOTED: to release the Off-Street Drainage Bond for Lot 6.

Mr. Jacobs stated he sees materials for North Hill in the packet. Ms. Newman noted the Planning Board's decision allowed for the issuance of a permanent Certificate of Occupancy on the nursing home provided a performance bond was obtained. The Planning Board had voted on a temporary and bonded it. North Hill needs a permanent Certificate of Occupancy for the final inspection from the state. Based upon the language in the decision she issued a permanent certificate. The Board has \$115,000 to cover the landscaping work. The applicant actually installed all the landscaping but a storm washed out a small percentage of it. She left the bond in place. The work needs to be done by 6/1/15 or the town can pull money from the bond to complete the work. Mr. Jacobs commented he has been told it is around 10% that needs to be replaced.

Discuss zoning amendments for Annual Town Meeting.

Ms. Newman stated she wants to update the Board. The Large House Study Committee will advance to Town Meeting 6 potential articles. She wanted to alert the Board as to what the articles are. One is regulations on retaining walls regarding height and how to measure height. She does not think this will be ready. Article 3 is dormers in the half story above the second story with a percentage of the entire length of the floor that sits below it to a maximum length of 20 feet. They will not have a Stormwater By-Law for the town for probably a year or a year and a half. The Building Inspector is having some trouble with properties not showing grading on lots and

not providing for appropriate recharge which is creating drainage problems on abutting properties. He wants a zoning change that would enable him to require the submittal of a grading plan and to look at mitigations measures in the interim, such as dry wells. Mr. Jacobs stated he feels that is a good idea. Ms. Grimes stated that right now he's asking builders to do it, but it is not a requirement.

Ms. Newman stated it is possible Article 6 may come forward but it may be a Fall issue. She is sure 3 will be ready – retaining walls, dormers and grading and the drainage. The articles in the Spring may be what the Board talked about in the Chestnut Street Business District, medical marijuana and the town would like to see an article to allow for more than one municipal building or use on a lot comparable to what they do in the business districts to make it easier for the town to do municipal development. It would allow by Special Permit more than one municipal building on a lot provided the setback requirements are met and the density requirements are met. The Town Manager would like this to create some flexibility. Ms. Grimes stated she wants to see how this affects all the other parcels in town. She would like to see all the municipal buildings on a map to see how this would affect other parcels. Mr. Eisenhut added he would like to make sure there are no unintended consequences.

Ms. Newman stated they are also fixing the flood plain zone -- the FEMA line versus the town flood plain line. The Board will need public hearings in February and this will need to be on a regular warrant by the end of March. She will present the proposed zoning at the next meeting.

Mr. Jacobs stated he told the Selectmen they need to relax the artificial limitations on number of articles on the warrants. The Selectmen really need to loosen the limitations. The limitations are keeping the Planning Board down.

Report from Planning Director.

Ms. Newman stated Normandy closed on the General Dynamics property. It was announced in the Boston Globe that Justin Krebs has left Normandy. He has been the face of Normandy that the Board has been working with. Normandy has asked for a meeting with town staff and they had it yesterday. Normandy is going forward with the General Dynamics site. They will file something in the next 2 or 3 months on that and will do a plan.

Ms. McKnight stated she was down in that area earlier. The road pattern in that area is really messed up. Ms. Newman noted they will be redeveloping the General Dynamics site. It is disappointing they will not be building new buildings as they do not feel the demand is there. They will be rehabbing 2 buildings, taking down one building, creating structure parking and a green and landscaped street similar in size to Charles River Landing with 400 units. Mr. Jacobs noted that will put the town over 10% of affordable housing. Ms. Newman noted Normandy will be going forward with the General Dynamics site and there may be housing.

Minutes

Ms. McKnight asked what the official name of the Large House Committee. It is the Large House Review Study Committee. She noted in the 9/2/14 minutes, on page 6 at the top, Mr. Lee's name is not capitalized. On the next page, the report from the Planning Director, it should be floor area to lot area ratio. Mr. Jacobs commented this is a good set of notes to hold onto for the Rockwood Lane meeting.

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

VOTED: to adjourn the meeting at 8:20 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Jeanne S. McKnight, Vice-Chairman and Clerk