NEEDHAM PLANNING BOARD MINUTES

April 28, 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, April 28, 2015 at 7:04 p.m. with Messr. Eisenhut and Alpert and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Correspondence

Mr. Jacobs noted the following correspondence for the record: a draft proposal of construction services for Rockwood Lane and reprints of articles from the Boston Globe and the Needham Times submitted by James Hugh Powers.

De Minimus: Amendment to 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, stated one of the conditions in the Special Permit is for a van management plan for the 128 Business Council's shuttle service. Trip Advisor has its own transportation council that delivers employees to the green and red lines. Trip Advisor does not want to belong to the Needham Transportation Council. A second issue is at the end of the phase they would like a small exception to the balance of the site being seeded. The applicant would like to keep a small area where the trailer is during the project unseeded.

Mr. Cramer noted the third issue is the applicant would like to substitute the new plan for the existing plan. He noted the police, fire and DPW have no comments. Mr. Jacobs noted the following correspondence for the record: a memo from Police Lt. John Kraemer, dated 4/23/15, with no safety concerns and a memo from Assistant Town Engineer Thomas Ryder, dated 4/28/15, with no comments.

Mr. Cramer stated he has seen a draft and he is happy with it. Mr. Eisenhut asked if the Trip Advisor Transportation Plan was equal to the town plan. Kevin Daly, Project Manager, stated the Trip Advisor plan was equal. Mr. Cramer stated Trip Advisor has a higher standard. They also run 2 different routes.

Ms. McKnight noted on page 2, Section 2 (b), there is not parallel grammar. It says "participation in or operate its own." Ms. McKnight suggested "operating" should be "or operation of their own." Mr. Jacobs suggested it could be "or participate in or operate." Mr. Alpert suggested it should be "participation and operation of." This was agreed.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to determine the changes proposed by the applicant are deminimus.

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

Public Hearing:

7:00 p.m. – Major Project Site Plan No. 2015-01: The Congregational Church of Needham, 1154 Great Plain Avenue, Needham, MA and Temple Beth Shalom, 670 Highland Avenue, Needham, MA, Petitioners (Property located at 1180 Great Plain Avenue, Needham, MA 02492).

Mr. Alpert noted he was the General Counsel for Temple Beth Shalom and recused himself from this hearing. Robert Smart, representative for the Congregational Church, noted the Church owns the property. The Temple has signed a lease for the rear two thirds of the property for 2 years while the Temple construction is done.

Upon a motion made by Ms. Grimes, and seconded by Mr. Eisenhut, it was by the four members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Mr. Smart submitted a letter regarding off-site parking with a chart that shows the distances for off-site parking. He noted this takes the place of the 4/23/15 letter he had submitted. He stated he had letters of support from John and Kristen Hickey of 21 Linden Street and Donald Libby of 20 Linden Street. Mr. Smart stated under the Major Project Site Plan Review there is an increase in the parking demand of more than 25 spaces. He noted the applicant has a tight timetable and he is hoping the hearing will be closed tonight. He would like to file for a building permit in early June.

Mr. Smart noted this is in the Single Residence B district. This is 33,000 square feet of land with a partially vacant one-story building with a 12,000 square foot footprint. Parking is in the rear with 10 spaces and one handicap space. This property was acquired by the church in July 2014. The church has made improvements in the front third of the building and is using it. Access is from Walnut Street. He noted the drive is from Walnut to Great Plain Avenue. There is a neighboring house to the rear of the property with a 20 foot right-of-way along the side of the house. The Church has rights to pass and repass.

Mr. Smart stated the Temple personnel will come in off Walnut Street, drop off or pick up and continue to Great Plain Avenue to exit. There is a semi-circular drive in front that is not being included in the parking counts. There are no proposed exterior changes to the building or parking area. The building received a permit in 1966 to house elderly Christian Scientists. The building does not meet some requirements such as side setback, lot coverage or FAR, but those requirements did not exist in 1966. The applicant would like to continue the permit. There will be signage, bollard light poles, an enclosed dumpster and fencing.

Mr. Smart noted the architect's plan A 1.1, second sheet, breaks down the square footage of the building in terms of use. The total square footage is 13,616. The church uses 4,894 square feet for office and 486 square feet for storage. The Temple will have 6,799 square feet for education, 940 for storage and 497 for mechanical. The parking demand is 55 spaces. The applicant would like a waiver of 43 spaces.

Mr. Smart stated he believes the waiver is justified as the actual demand is less. The Church staff will park in the church parking lot. There are 10 usable spaces and the Temple wants to use 8 for staff. Two spaces will be saved for parents that want to take their children into the building. The parents are supposed to drive to the entrance where staff will meet them and take their children. The times are staggered so there is no queuing.

Mr. Smart noted the letter from Daniel Barkowitz, Executive Director, regarding parking needs and a drop off need chart. The maximum number of staff is 17 at any one time except one hour a week that is 18. The Church has said 3 spaces can be used on a temporary basis. He noted the schedule: the Preschool/Daycare is Monday through Friday with 60 students maximum and K-12 is Monday through Thursday with a maximum of 70. There is no use on Saturday or Sunday. He noted there is very little overlap between the 2 programs.

Mr. Smart reviewed the waivers being requested. He noted Section 5.1.2 regarding parking spaces and Section 5.1.3, regarding off-street spaces within 500 feet of the entrance. There is also illumination size, aisle width and trees. These are all pre-existing conditions from the 1966 plan. He noted the applicant has agreements with temple members to allow Temple staff to use their driveways for a total of 13 off-site spaces. He noted the Board is allowed to waive parking and design requirements and waive distance under special circumstances. He clarified this will be a temporary use for about one year.

Mr. Jacobs asked if there will be school in the summer and was informed there would not be. Mr. Smart noted the staff has agreed to walk up to one half mile. He stated the cost of paying for off-site space and a shuttle would be

prohibitive. Beth Pinals, Project Chair for Temple Beth Shalom, commented the staff is being offered a little extra compensation for the new parking arrangements.

Mr. Smart stated he would work with the Engineering Department and Fire Department to satisfy the requirements. The Board of Health has noted there is no need for a Special Permit as the children will bring their own food. The police had 2 comments – signage for no left turn onto Great Plain Avenue and signage to prevent entry to the site from Great Plain Avenue. He noted both are acceptable.

Mr. Eisenhut stated the temporary nature is a huge factor. This should be tied to a valid existing lease for a period of time not to exceed 2 years. He agrees the applicant working with engineering would be a condition of the permit. Mr. Smart noted the church and temple did meet with the neighbors. Ms. Grimes stated the 4/8/15 letter to Town Engineer Anthony DelGaizo refers to 2 year parking licenses, but the letter agreements for parking are for 16 months. She stated all need to agree to 24 months. Mr. Smart stated he does not think that would be a problem.

Ms. Grimes asked what the contingencies are if the parking goes away. Mr. Smart stated the applicant would need to find substitute spaces. Ms. Grimes stated if a transfer of property happens on any of those spaces, the applicant needs to find substitute spaces, and this will be a condition. Mr. Smart stated that was no problem.

Ms. Grimes stated it is unrealistic that a mother of a preschooler would not take the child into the preschool. Rachel Happel, Director of the K-12 Learning at Temple Beth Shalom, stated most parents drop off currently. The staff takes the children out of the car, greet them and take them into the building. All parents have to be notified there will be no parking next year. For larger events they are looking for a larger space off-site that they would rent. Ms. Grimes asked when the larger events are. Ms. Happel noted the larger events are usually on Sunday or Friday nights.

Ms. McKnight stated she has some questions regarding the authority of this Board to grant the requested relief. She knows the structure is non-conforming and the prior use was a conforming use. The use is now being changed to a use allowed under the By-Law. The structure is a prior non-conforming structure. The use is changing completely and she does not think this applies under Section 1.4.2. She thinks what applies is Section 1.4.6 -- the alteration provision. Mr. Smart stated he disagrees. The applicant is not changing the structure. There will be internal changes but no structural changes planned. Mr. Eisenhut stated the Board has not looked historically at internal changes as structural changes.

Jonathan Smith, an architect but not for this project, noted he represents the management of the Congregational Church. He stated there are no changes within the building. They are moving non-load bearing walls and reconfiguring existing bathrooms to be ADA compliant and some other minor changes. There is no structural work at this time. He noted the Church has occupied the space since January. There will be minor changes to the exterior. Ms. McKnight stated this information was very helpful. She questioned the authority of this Board to grant the parking waiver since Section 5.1.1.5 says the ZBA has the authority to grant the waiver. Mr. Smart clarified it was always the Planning Board whenever site plan review applies.

Mr. Smith showed the architect's site plan. He noted there will be a series of new sidewalks. The applicant will have signage and close off the driveway at night. There will be striping and 4 wall pack lighting shielded. There will be one additional light pole to illuminate the back parking. They will be adding striping and safety sidewalks. There will be a new dumpster location with a surrounding enclosure. The Church is providing 3 temporary parking spaces within the main parking lot. The Church had an open house meeting with a fairly good showing a week ago. They worked with the abutters on issues. The Church will be removing a 4 foot chain link fence and putting a 6 foot privacy fence. There will be minimal construction outside.

Mr. Jacobs noted the 3/30/15 letter from Mr. Barkowitz and commented he thought there would be 60 children in the preschool in the morning, then religious school starts with 72 to 74 children. He is trying to understand the traffic flows with the starts and stops. Ms. Happel stated drop off currently is 8:30 or 8:45 a.m. She noted they will stagger it more next year. Some children stay until 11:30, 1:00 or 2:30 p.m. so the pick-up time is staggered

also. With the religious school all children leave by 6:00 p.m. with drop off at 3:00 and 3:45. For next year they were thinking of a more staggered drop off at 3:00, 3:15, 3:30 or 3:45 and a pick-up at 5:30, 5:45 and 6:00 p.m. Mr. Eisenhut noted it is important to have that spelled out. It would be helpful to write that out. Mr. Jacobs stated before noon it appears there are 40 drop offs. He thought there were 60 drop offs. Ms. Happel stated all children do not come every day. Mr. Jacobs asked what the maximum number is and was informed 40 to 50 children. Mr. Jacobs stated he would like a clear understanding of how many children there are at any one time. He would also like the applicant to spell out the staggering plan.

Mr. Smart stated there is a lower number before 1:00 p.m. and there is a lot of car pooling. Mr. Jacobs asked if the chart was children or cars. Mr. Smart noted he thought it was cars. Mr. Jacobs stated that needs to be clear. Ms. Happel clarified number of children and number of cars. Mr. Jacobs agreed.

Ms. McKnight stated she is concerned with backing up on Walnut Street. She asked how many cars can queue. Giles Ham, of Vanasse & Associates, stated the drive is about 300 feet for about 20 cars. He noted the applicant really needs to stagger and monitor. Ms. Grimes noted the permit should be based on the number of children as you cannot calculate carpooling. Mr. Jacobs asked if there was any conflict with the Church is one way in and out to Walnut and the Temple's one way in from Walnut. Mr. Ham stated he does not feel there will be a problem. Ms. McKnight stated she is concerned with a narrow street like Walnut and cars backing up. Mr. Ham noted it comes down to staggering in 15 minute blocks.

Ms. McKnight noted the circular driveway in front of the building. Mr. Smith stated there will be a right turn only out of the circular driveway, onto Great Plain Avenue. It will be chained off at night. He noted the applicant will invite the police safety officer to review and comment. Ms. McKnight commented on the planting areas and stated she wants sufficient areas to keep the snow.

Mr. Jacobs noted the following correspondence for the record: a memo dated 4/15/15 from Tara Gurge, of the Board of Health, with no comment: a memo from Fire Chief Dennis Condon noting no concerns; a memo from Assistant Town Engineer Thomas Ryder, of the DPW, with concerns regarding infiltration; a memo from Police Lt. John Kraemer and a letter from Robert Smart, dated 4/28/15, with multiple attachments.

Mr. Jacobs asked if a lease has been signed. Mr. Smart stated yes. Susan Tanner, of 1186 Great Plain Avenue, stated the border abuts her property. The church has agreed to install a 6 foot fence. She is happy with that and is wholeheartedly in favor of this. She stated she has offered 4 parking spaces in her driveway. She is confident if there are any concerns they will be addressed. Mr. Jacobs noted a letter from the Tanners dated 4/28/15.

Mr. Smith stated the applicant is under time concerns. He respectfully requests a vote tonight. Mr. Smart volunteered to draft the decision if necessary. He stated he would prefer the Board vote tonight dependent upon a draft decision. Ms. McKnight suggested a draft be prepared with the conditions discussed and the regular conditions for Monday.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:
VOTED: to close the hearing.

A motion was made to grant a Special Permit waiver under Section 5.1.1.5, to waive strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3 and grant Major Project Site Plan Review approval under Section 7.4. A discussion ensued. It was decided there should be no left turns from the drive to Great Plain Avenue per the police letter and no entrance from Great Plain Avenue to Walnut Street. There should be traffic cone channeling devises and a valid existing lease. There should be 24 months for neighbor parking or comparable spaces found and documented for the Board. There should be staggering of drop off and pick up prior to a building permit and satisfactory to the Planning Director. There should be information on the maximum number of children on site at any time and the maximum number of cars. The applicant should encourage car pooling. There should be a sufficient snow storage area and a 6 foot fence. Mr. Eisenhut added standard

language on lighting regarding spillage should also be included. Ms. McKnight stated she would want a new traffic plan submitted if there is frequent backing up on Walnut Street.

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

VOTED: to grant a Special Permit under Section 5.1.1.5, to waive strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3, grant a Major Project Site Plan Review approval under Section 7.4 and list the conditions discussed above.

Presentation and Recommendation to Board of Appeals: Temple Beth Shalom, 670 Highland Avenue, Needham, MA.

Mr. Jacobs asked Robert Smart, representative for the applicant, the nature of this proceeding. Mr. Alpert recused himself from this presentation. Mr. Smart stated he wants the Board to have a more complete picture. There are 2 applications in front of the Board of Appeals – lot coverage and FAR. The Temple is out of compliance and will be more so after construction. The applicant would like relief under the Dover Amendment for FAR and roof height with mechanicals. He noted there are 2 separate applications that are going to be heard together.

David Seibert, Project Architect for BKA Architects, noted the 2-story school addition is to be demolished. The circulation will be the same and the proposed addition ties to the main level. There will be a proposed playground at the back. The main entrance will now shift to the corner. The new addition will be landscaped and retaining walls will be added to bring the grade up with a landscape buffer. The loading area stays the same and the dumpster is in the same location. There will be a larger gathering area and the applicants are adding a second social hall. The worship space remains the same. Ms. Pinals noted the project is trying to match the needs of the congregation.

Mr. Seibert noted the lower level ties to the existing lower level. There will be roof top units for HVAC. Mr. Smart stated the Design Review Board has approved. Mr. Seibert noted they will match the existing masonry. Mr. Smart noted Kelly Engineering is working with engineering on drainage and recharge concerns. Landscape Architect Nelson Hammer is working on it.

Mr. Hammer and the Temple met with neighbors and Mr. Hammer is preparing a revised plan with more screening of the slope and facility from Davenport Road. The applicant will put in an evergreen screen at the top of the hill the entire length of the building. They will try to infill the areas between the trees with new evergreens. There will be additional tree wells to save trees and ornamental landscaping will be added to the front.

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

VOTED: "No comment."

Review of Trash Enclosure: Major Project Site Plan Special Permit No. 2014-11: French Press, LLC, 45 Chapel Street, Needham, MA, Petitioner (Property located at 74 Chapel Street, Needham, MA).

Alexandra Clee, Assistant Planner, noted the Design Review Board had a couple of conditions but approved it with the conditions.

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

VOTED: to agree with the Design Review Board in whatever conditions they imposed.

Board of Appeals – April 30, 2015.

Fitness Elite Training Center, LLC – 110 Gould Street.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to make the same comment as last time with Rhythmic Dreams that if the Building Inspector is unable to determine a parking number the Planning Board shall recommend a parking number.

Jeff and Kristen Birnbaum – 1 Elizabeth Circle.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: "No comment."

Joseph McKown and Diane Carr – 18 Rolling Lane.

Mr. Eisenhut questioned if the voluntary act of taking it down ruins the grandfathering.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: "No comment."

Plugged in Band Program – 40 Freeman Place.

Ms. Newman noted the Board already commented on this.

Town of Needham Department of Public Works – 914 Charles River Street.

Mr. Jacobs stated the plan says it is well #5 but the notice says it is well #3. Mr. Alpert stated it must be well #3 at pump station #5. There is a typo on the plan.

Minutes

It was noted on the minutes of 2/24/15, it was Northeastern College Undergraduate Students not Babson Students. On page 4, it is Rules and Regulations not By-Laws in the second to last paragraph.

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by four of the five members present (Mr. Alpert abstained):
VOTED: to adopt the minutes of 2/24/15 with changes discussed.

Community Preservation Committee appointee.

It was decided to delay the appointment for one meeting for Mr. Alpert to think about the commitment.

Set Summer Schedule.

It was decided this will be discussed on August 11 when all members are at the meeting.

Report from Planning Director and Board members.

Ms. Newman noted Devra Bailin, Town Manager Kate Fitzpatrick and herself prepared yes/no paperwork for Town Meeting. She asked what the Planning Board members think of it. She noted the Selectmen thought it would be helpful for people. Ms. McKnight asked why the Board would need this when there will be explanations, But she likes the way this is set up. Mr. Eisenhut stated he does not feel the Planning Board should put it out.

Ms. Grimes noted the Board should say they do not want this. She is not looking to put forth anything from the Board the members have not had time to look at. Mr. Jacobs agreed he does not like that the members have no time to look at it by tomorrow night. He does not want to be under this pressure to do this. Mr. Eisenhut asked where the flood plain line numbers come from. He would like to know before he does his presentation. Ms. Clee noted she would let him know tomorrow. It was decided to give Moderator Michael Fee a list of misspellings and proposed minor changes in the text of the zoning articles and see how he wants to deal with it.

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 10:05 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk