NEEDHAM PLANNING BOARD MINUTES

November 15, 2016

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Vice-Chairman, on Tuesday, November 15, 2016 at 7:00 p.m. with Messrs. Jacobs and Owens and Ms. McKnight, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski. Ms. Grimes arrived at 7:15 p.m.

Vice-Chairman Alpert opened the meeting.

ANR Plan – Dale Alan Hobbs and Sonja K. Hobbs, Trustees of Hobbs Trust, Petitioners (Property located at 479 Dedham Avenue, Needham, MA).

Roy Cramer, representative for the applicant, noted he was at a meeting in September and had received ANR approval. This is registered land and not recorded land. The Land Court did a technical review and asked the applicant to modify the property lines by a few inches so all the property lined up. There is no change in square footage and it is the same plan. The applicant has satisfied all the criteria for an ANR plan. This reflects the minor changes the Land Court wanted. He noted the gazebo is on Lot B and the zoning note had that. Mr. Hobbs demolished the gazebo.

Ms. McKnight stated she was not present when this was presented and approved before. She commented she does not see safe vehicular access across each lot. Mr. Cramer stated the existing drive and bridge are over wetlands. There is a common drive. Ms. McKnight stated she does not see how this frontage complies with the zoning requirement. She stated she is not prepared to approve this. Mr. Cramer noted there is adequate frontage. There can be a common drive. This has been vetted by Engineering and approved.

Ms. McKnight asked what the width of the fee of each property is. Steven Horsfall, of Kelly Engineering Group, noted it is 10 to 12 feet for each drive. Ms. Newman stated Town Engineer Anthony DelGaizo felt the width was acceptable.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to endorse ANR.

Ms. Grimes arrived at 7:15 p.m.

Public Hearing:

7:05 p.m. – Major Project Site Plan Special Permit No. 2016-03: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property located on Rosemary Street (adjacent to Rosemary Lake), Needham, MA).

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Joel Bargmann, representative for the applicant, presented the project informally. The site encompasses a large range of parcels around the lake. There is 750 feet of frontage on Rosemary Street terminating at the railroad tracks. He described the existing pool that was built in 1971 and the bathhouse that was built in 1973. Currently the lake has to be drained to clean the pool because the bulkhead is not strong enough to hold the pressure of the lake when the pool is not filled. The town will dredge the bottom of the lake to remove contaminants, as a separate project.

Mr. Bargmann stated there are 2 existing parking lots with one 30 feet below the other. The conditions there will be improved. The current pool is 23,000 square feet and will be removed. The demolition will not require the lake to be drained. There is extensive surface demolition, which will improve both traffic and parking as well as stormwater. The project will bring the road down so the grade is lower. There is a 12% slope now that will be going to a 7% slope. The upper lot will be improved. There will be porous pavement in the lower lot which will be able to recharge in the system under the lot. The building will be 15,000 square feet on 2 levels with 8,000 square feet on the first level. He noted the bathhouse will only be open for the summer pool season. The upper level will be offices for Park & Recreation, the Health Department and a multi-purpose room.

Mr. Bargmann stated the parking standard requires 186 spaces. The pool is only an 11-week operation. There are 72 spaces needed for the office operation. The traffic consultants feel 97 spaces are enough for the office and pool patrons. He noted there may be a need for additional spaces 6 times a year for swim meets. Spaces are available at Memorial Field which is an easy mitigation. The site is being made universally accessible both to terraces and to the pool. The entire site will be handicap accessible.

Mr. Bargmann stated the project will be losing approximately 13 trees, saving 4 and planting 4 new trees. The new retention basin is being regraded and will be a backup for storm water. The applicant is requesting a waiver from the parking area tree requirment. The site is heavily wooded and forested. The applicant would like a compact parking lot with existing wooded areas around. Rather than a 6 foot planted buffer the applicant is requesting a planting of 4 foot high wild grass section.

Mr. Bargmann stated there will be lights in the parking lot, terrace and on the building. There will be a minimal amount of lights on the terrace and on the building when the pool is closed. On the other side of the building the lights are on all year round. The By-Laws want a one foot candle. The consultants recommended an increase to a 2 or 2.2 average. It is a secluded corner of the parking lot and the lights will keep a safe feeling. It will have minimal impact on the neighborhood. He described the light fixtures. He noted the applicant has been through the Design Review Board. The building was made solar ready and has an emergency generator. The existing conditions are being maintained for front setback and the surface area of the pool is being reduced.

Mr. Jacobs asked if the goal of the storm water management system is to keep all water from going into the lake and was informed it was. Steven Garvin noted the applicant received an order of conditions from the Conservation Commission. Mr. Bargmann noted the driveway will be improved and the illumination improvement is helpful. There will be easy waste management access. The existing building footprint is the same as the new building and the existing pool footprint is the same as the new pool. There will be low water use fixtures in the bath house, an improved sewer system and a new connection to the bath house.

Town Counsel David Tobin noted one lot with its title in question. The land was acquired by the town for a tax taking. No deed or probate has been found that conveys title to the person the taking was from. There is a gray area in the title. He wants to go to Town Meeting and get authority to take the parcel by imminent domain. Ms. Grimes stated she spoke with Town Counsel Tobin today. The missing link in the title cannot be found. He is confident this can be done by imminent domain. She was concerned about it but is now comfortable it can be done by this process. Mr. Jacobs asked if it was an old tax taking and was informed it was in 1946.

Mr. Jacobs stated the town has been using it as their own for many years. Why do they need a consolidation plan now? Ms. Newman noted a consolidation plan is needed so what is proposed conforms under the By-Law. Mr. Jacobs stated the town could skip the taking if a consolidation plan is not needed. Ms. Newman stated the project will not conform to zoning unless the lots are merged. Ms. McKnight commented she feels it is prudent to do the taking. Ms. Grimes stated she feels this should have been done before anything else was done.

Ms. McKnight noted the plan presented and the easements appurtenant for this parcel. She believes there are more easements than shown on the plan. The plan should show all easements. Mr. Garvin noted the plan was done before the title search was done. Ms. McKnight noted on Sheet 3, the sewer easement, she believes there is another easement off Rosemary Street near that easement. Ms. Grimes asked the plans be revised to show all the easements. Mr. Jacobs commented note 7 should be deleted.

Ms. McKnight asked the nature of the fencing around the parcel. Mr. Bargmann stated there will be a new fence from the spillway up Rosemary. It will be part decorative and part chain link. It closes off the beach area also. There will be 6 foot fencing along the edge of the pool and a guard rail on the edge of the parking lot. It will be an ornamental black metal picket fence. Vegetation will be trimmed as requested at the last meeting. He has met with the Conservation Commission. There will be a maintenance plan for vegetation weeds. Ms. McKnight noted there is invasive vegetation growing at a curvature in the road and it blocks the site vision. Mr. Alpert asked if the Conservation Commission was limiting the amount of times the vegetation is cut back and was informed there was no limit.

Ms. McKnight noted the walkway along the edge of the pool. Mr. Bargmann stated that was a back way in for emergency access. Ms. McKnight clarified it was not for the public. It is not. Ms. McKnight noted all the handicap parking spaces are all on one side. She feels it is better to have half above and half below. Mr. Bargmann stated the location was discussed with the Council on Disabilities and that is where the spaces were decided. Patty Carey, Director of Park & Recreation, noted the spaces are closest to the ramp to the pool.

Ms. McKnight noted the light visibility and asked if the lights would be brilliant and interfere with the beauty of the neighborhood. Ms. Grimes stated this was discussed before. The lot is very dark and it was agreed it should be a higher foot candle. Mr. Bargmann noted the lot is not close to the street. The lighting is proposed to be above minimum to discourage people from parking there at night. Ms. Grimes stated the police also agreed for safety. She noted kids congregate there now.

Ms. McKnight noted the setback requirement and asked how the Board could waive that. Ms. Newman noted it is prior nonconforming. Mr. Bargmann noted the requirement is 25. The project is maintaining the existing nonconformity. Ms. McKnight discussed vehicular safety. She is concerned with pedestrian safety and bicyclist safety. She does not feel the proposed entrance is a safe place for people to cross. The schools have special flashing speed limit signs. When the pool is in operation she would like some speed safety signage. Mr. Bargmann noted Engineering felt it was beyond the scope of the project. Ms. McKnight stated she would want approval sought from the Board of Selectmen for speed control lights. Mr. Jacobs agreed and feels it is within their purview.

Ms. McKnight stated she is concerned with the location of the dumpster and if it will interfere with the trail access. Ms. Carey stated it does not impact the trail. The trail is to the side of it. She noted she does not want the dumpster taking parking spaces. Ms. McKnight asked what the dumpster screening material will be. Michael Retzky, Project Manager, Public Facilities, noted the screening will be 6 foot cedar stock on a concrete pad.

Mr. Jacobs noted the upper parking lot and commented many times a year that lot is used for the Library. Ms. Carey stated the Library notifies Park & Recreation when spaces are needed in this upper lot. Les Kalish, a resident, noted pedestrian access from Rosemary Street. He asked if there could be a stair or access more directly to the pool. Mr. Bargmann stated the grade changes 15 feet. A stairway could not be put in without putting a ramp. Mr. Retzky stated there is a 60 foot drop from the tracks to the bottom of the hill. Mr. Kalish asked if there was a way from the upper lot directly down to the pool. Mr. Bargmann noted there was no easy way for direct access.Mr. Kalish asked if the entrance to the trail was by the dumpster. Ms. Carey noted the entrance was moved up a little and goes straight onto the trail. Ms. Grimes noted the following correspondence for the record; an email from Fire Chief Dennis Condon, dated 11/10/16, noting it looks good; an email from Tara Gurge of the Health Department, dated 11/9/16, with comments; an email from Matt Varrell of the Conservation Commission, dated 11//9/16, with comments regarding continuing the hearing; an email from Michael Retzky, dated 11/7/16, with responses to questions from Carol Patch regarding drainage; an 11/9/16 packet from the applicant's architect with letters dated 10/24/16, 11/11/16 and 11/15/16 and an email from Police Lt. John Kraemer, dated 11/10/16, with no safety concerns.

Ms. Newman stated the hearing will be held open for comments from Engineering. Mr. Jacobs noted he would like to see a final draft plan with all the title information and notes.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to continue the hearing to 12/6/16 at 7:05 p.m.

Endorsement of Tripartite Agreement: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Petitioner (Property located at 36 Rockwood Lane and 5 adjacent parcels, Needham, MA, Assessors Plan No. 17 as Parcels 22, 23 and 24 and Plan No. 20 as Parcels 57, 60 and 61).

Ms. Newman noted this covers the Performance Bond of the subdivision. The other is the Off-Street Drainage Bond. One is a tripartite agreement and the other is a cash bond. Town Counsel David Tobin will hold the lot release pending notification the tripartite agreement has been approved. Ms. McKnight asked what happens if the drainage system fails after the bond release. Ms. Newman stated this is only for the grading of the lots. The town is only a custodian of the money.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to accept the Tripartite Agreement and Rockwood Lane agreement presented tonight.

Correspondence

Ms. Grimes noted an article in the Hometown Weekly, dated 10/27/16, regarding Elite Home Builders; a notice of an Open Space and Recreation Plan Public Forum and draft Council of Economic Advisors (CEA) minutes regarding streamlining. Mr. Jacobs stated the CEA is pressing for responses for certain streamlining initiatives. He would like the members to review Section 5 of the draft minutes to make sure what he said is not offensive. Ms. Grimes noted a City of Newton notice regarding accessory apartments by right and an article in the Needham Times, dated 11/10/16, depicting Needham Street in Newton and describing a proposal for multi-family apartments and shops.

Minutes

There were no minutes to approve.

Board of Appeals – November 17, 2016

There were no Board of Appeals cases.

Report from Planning Director and Board members.

Ms. Newman stated there was a meeting with the Large House Study Committee, and there will be one more meeting in 2 weeks. Ms. Grimes stated some Committee members were confused about the process and why they would relinquish control. She does not want the Planning Board to disregard what the Committee has done for the last 2 years. There are a few things to tinker with such as how to measure some things. She feels there will be minor tweaks. Ms. Newman stated it will be on the next agenda. Ms. Grimes stated it would be prudent for Board members who are not on the Committee on the Board's behalf to meet individually one on one with her or Ms. Newman prior to the next meeting to talk over the issues and go through what the Committee has done so far so everyone is up to speed.

Mr. Owens updated the Planning Board on the activities of the subcommittee created to explore the possibilities for redeveloping Chestnut Street. The subcommittee and the Planning Director met informally with the Chair and Vice Chair of the Board of Selectmen and the Town Manager. There was a consensus that redevelopment would be desirable and that the current zoning had not provided the incentives necessary to spur that redevelopment. However, a significant obstacle would be the challenge of assembling the parcels into larger parcels. There was a separate discussion regarding the proposed location for the new police and fire headquarters. Were the Selectmen willing to consider an alternative site? The Selectmen were skeptical, but said that they would take it back to the full Board for consideration. The Chair of the Board of Selectmen subsequently communicated to the Chair of the Planning Board that the Selectmen did not wish to consider an alternative location. Mr. Owens asked the Planning Board if there was a consensus to request additional dialogue on this question between the two Boards. The Planning Board unanimously agreed to request further discussion with the Board of Selectmen.

Ms. McKnight stated the voters voted the marijuana law to take place in a year. Some towns are taking votes that there can be no pot parlors (i.e, establishments for smoking pot on-site) but the new law provides that the location of pot sale dispensaries can only be regulated and they cannot be prohibited. States will have regulations of what can and cannot be done. Ms. Newman will pull together what other towns are doing.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 9:25 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert

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Paul Alpert, Vice-Chairman and Clerk