

NEEDHAM PLANNING BOARD MINUTES

September 12, 2018

The regular meeting of the Planning Board held in Powers Hall at Needham Town Hall, was called to order by Paul Alpert, Chairman, on Wednesday, September 12, 2018, at 7:00 p.m. with Messrs. Owens and Jacobs and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner Ms. Clee.

Appointment:

7:00 p.m. – Jon Schneider: review of Special Permit Requirements for three car garages in the SRB District.

Jon Schneider, representative for the Zoning Board of Appeals, stated one third of the cases heard last year were for third car garages. He feels these hearings are nonsense. In most cases the builder has built or designed the house. It has nothing to do with the size of the structure. He finds it hard to find a case where a third car garage would not be allowed. People come to meetings thinking they can argue the size of the house and go away frustrated and then the Board gets frustrated. He feels three car garages are pretty standard for the size of the new houses. The Planning Board should consider making 3 car garages in Single Residence B (SRB) standard. That would make things easier and save a lot of time. All cases that have come before them have had lots that are conforming or larger. People could have a 3 car garage if they have a conforming lot.

Ms. Newman gave a brief history. Two car garages were allowed in SRB District and they required a permit for a third car garage. That was before her so she is not sure why this was originally done. Mr. Alpert stated he has heard, with this provision, a lot more developers have decided to build 2 car garages than request a Special Permit. Ms. McKnight stated she objects to 3 car garages. If a garage is poking out of the house and all you see is the garages it looks just awful. They have worked hard as a committee to come up with rules where garages were concerned. There are incentives for developers to set back the garage. She would like to go back and look at the rules that were adopted recently. Mr. Schneider noted only an extra 5 foot setback for the garage was adopted.

Ms. McKnight stated she would like to alleviate the waste of time but wants to make sure if they do allow 3 car garages the rules that were recently put in place would allow a good design. She would like to give a little more thought to this. Ms. Newman noted the setbacks are a 20 foot setback for houses and 25 foot setbacks for garages. Ms. McKnight would like to go around town and look at houses. Mr. Alpert stated this could not be done for the Special Town Meeting but it could be done for May. The Planning Board has quarterly planning meetings. It will be put on an agenda and discussed. He would also like to look at houses around town.

Mr. Jacobs stated the Board is talking about accessory dwelling units. Will they lead to more cars on lots in driveways? There are no limitations on the number of cars currently. If 3 car garages are a matter of right would that lead to more cars? Mr. Schneider stated he does not think it will lead to more cars.

ANR Plan – Geoffrey V. & Lori Vespa Janowski and Harry S. & Patricia M. Raphael, Petitioners (Property located at 1124 Central Avenue and 20 Pond Street, Needham, MA).

Mr. Alpert noted this is at the corner of Central Avenue and Pond Street. The owner at 1124 Central Avenue owned an undersized lot. He approached the abutter and bought 1,480 square feet of land which was enough to make 3 conforming lots. Ms. Newman stated there is a zoning violation created on one lot but a note was put on that clarifies that. She stated it cannot be conveyed until the house is removed. The existing lot on the corner is conforming. The plan shows the FAR for the house that will remain.

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

VOTED: to endorse the plan as approval not required.

Public Hearing:

7:30 p.m. – ARTICLE 1PB: Amend Zoning By-Law – Wireless Communications Facilities.

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

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

Mr. Alpert stated this By-Law has been requested by the PPBC and the Selectmen. Dan Matthew, Chairman of the Board of Selectmen, stated the Select Board sees this as necessary in connection with building 2 new public safety buildings. The communication strategy involves 4 points. Three are addressed by this zoning and they are working with the state for the fourth point so the town has the necessary coverage. He reviewed the locations. He stated this is an essential element of the project. The current system does not give full coverage of the town and is being removed anyway. The town will need something to replace it. There has been a lot of contention along the way. The Selectmen had a public meeting on 8/28. Around 900 notices were sent to all the abutters around the 4 locations. They received some comments from the neighbors around the police station regarding the monopole located there. The monopole is needed to receive incoming messages and is essential. The Selectmen tried to answer questions as best they could and keep people informed.

Selectman Matthews stated the project cost debt exclusion override vote is 11/6/18. The project costs are up to \$73 million for the whole project, up from the \$65 million and then \$69 million they thought. The costs will continue to go up if the project is delayed. The Board is asking for the minimum zoning relief needed for this project. He wants to get this framed and to Town Meeting for bonding. Ms. McKnight asked if these zoning changes accommodate the cooperative project between the Town and the state. Selectman Matthews noted they do, but that part is in Dedham so is not under Needham's zoning control.

Christopher Heep, counsel for the PPBC and the Board of Selectmen, outlined what they are planning to do and why. How would they permit the proposed system under the existing By-Law, which does not deal with public facility utilities or personal wireless services? It does not deal with municipal public safety antennas. He has crafted zoning to allow for public safety facilities and would allow them to exist in a narrow range of properties in town. This creates 3 new category of uses: Wireless communication on preexisting towers; free standing monopoles not more than 130 feet in height at the specific location of the police and fire headquarters; and free standing monopoles or lattice towers 199 feet high at the RTS within the current wireless communication district. This would amend Section 6.7 to allow this. The 3 specific uses would be added and require a Special Permit.

Mr. Heep noted the 4th location is in Dedham and does not require relief within the Town. He noted the main components of the revisions are: this addition is to amend the definition of Wireless Communication Services to include this; the tower at the RTS could be a lattice tower and the proposed tower at the RTS would be within the Wireless Communication Facility Overlay District.

Mr. Alpert asked what the current anticipated height for the monopole at the Police Station and the tower at the RTS is. Mr. Heep noted for the monopole at the headquarters they are asking for up to 130 feet but envision a 120 foot tall monopole. They are asking for 130 feet currently but it is still in design and they would like some measure of room to go a little higher if necessary. Mr. Heep stated the existing Special Permit criteria in the By-Law requires a demonstration that the tower is not higher than necessary. The RTS tower is proposed to be 199 feet maximum and the plan is to ask for 199 feet.

Mr. Alpert stated he feels a monopole is much more pleasing to the eye but a concern was expressed. He has been hearing about the hurricanes and asked if 120 foot monopoles are going to withstand the high winds. Mr. Heep stated the existing By-Law has an existing preference for monopoles over lattice towers. He attempted to mirror the existing preference. Monopole towers are engineered to withstand all types of weather and engineered

to crumple from the top down and not at the base. He will bring evidence to support this. He feels they can satisfy the concerns regarding monopoles and weather. Steven Gentile, Town of Needham Project Manager, noted the tower has not been designed yet. It will be designed up to standard and can be built to withstand loads of weather. He prefers a monopole for appearances.

Ms. McKnight noted she had an idea the pole at the headquarters will be on top of the building. Mr. Heep stated the pole will have a ground foundation next to the building. Mr. Jacobs asked Mr. Heep to explain paragraphs 5 and 8 in his proposed amendment. Mr. Heep noted #5 proposes an amendment. This already exists in the By-Law. This is adding 3 new use categories. It is adding in (h) "serving personal wireless services." Only personal will be done under (h). This currently regulates commercial towers and he wanted to avoid confusion with (h), (i), (j) or (k) use categories.

Mr. Jacobs asked Mr. Heep if, under the decision criteria in 6.7.5(c), he would agree that section would allow the Planning Board in the Special Permit process to require a monopole be camouflaged. Mr. Alpert read the criteria section for the public. Mr. Jacobs stated the provision already exists. If the Board sees a request from an abutter for the monopole to be camouflaged does this give the Planning Board the authority to impose the condition? Mr. Heep stated there is only so much you can do with a 120 foot monopole. That gives the Board the authority to look at it but he is not sure how far the Board would reasonably take that. He feels that was probably focused on non-tower facilities like roof top arrays. It does give the Board the ability to look at aesthetics. You cannot realistically fully screen a 120 foot monopole as a practical matter. It would make it more prominent.

Mr. Jacobs noted in paragraph 2, Section 6.3.7(j), this plan would not be recorded by the time it goes to Town Meeting. The Board could use the language "to be recorded." Mr. Heep agreed. Gary Kaufman, of 12 Eaton Road, stated at an earlier meeting there was talk about dead zones in the Town and companies wanting to put extenders on poles in town. What was the decision with the extenders? Selectman Matthews stated that is outside the scope of this project. Verizon and other companies have tried to get these extenders to get coverage all throughout town. Those discussions will continue. This project is only for the town's own public safety communications, and they are specifically precluding companies from piggybacking on these towers.

Ms. McKnight suggested in paragraph 2, add "to be" before "recorded with the Norfolk County Registry of Deeds" then add "with regard to the Plan." In paragraph 3 (k), (j) speaks of freestanding monopole then (k) speaks of monopoles and freestanding lattice towers plural. This should be speaking of singular monopole or tower. It was agreed to change to singular. The Plan reference was added in (j) and (k) so the land is defined.

Mr. Alpert reviewed the changes to the proposed zoning amendment: the heading is revised by adding "expanded property descriptions of Headquarters and RTS sites"; subsection 2 was revised by adding after "Transfer Station" "shown on the lot consolidation plan to be recorded as the lot containing 71,667 +/- acres on the "Plan of Land in Needham, Mass. Showing Property of the Town of Needham" dated February 11, 1991 and recorded with the Norfolk County Registry of Deeds in Plan Book 619 at Page 36 and Lot 2 on Land Court Subdivision Plan 21906-C, all of said land being" and "have" a maximum height of 199 feet.

Ms. McKnight noted in (k) change to singular monopole in the first and fourth lines and (j) should have the same language as (k) "and do not exceed 130 feet in height." Mr. Alpert noted the following correspondence for the record: an email from Mary Ann Oldfield and David Minard of 260 Warren Street, with their thoughts regarding the security of an underground system.

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

VOTED: to close the hearing.

Review of Permanent Occupancy Permit Conditions: Amendment to Major Project Site Plan Special Permit No. 2012-05: Paul Boucher d/b/a A New Leaf, 1038 Great Plain Avenue, Needham, MA, Petitioner (Property located at 916-920 Great Plain Avenue, Needham, MA).

Ms. Newman stated she has the As-Built and this is no longer on the agenda.

The Board took a 10 minute break.

Request to reduce surety: Oak Street Definitive Subdivision: Oak Street LLC, 235 Billerica Road, Chelmsford, MA 01824, Petitioner (Property located at 66 Oak Street, and Cypress Street, Needham MA).

Ms. Newman stated this is a request to release the Performance Bond for construction of the street. The private drive is completed and has been inspected. The Town Engineer is recommending release of the bond. Mr. Alpert noted a letter, dated 9/10/18, from Assistant Town Engineer Thomas Ryder recommending release of the Performance Bond.

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

VOTED: to approve the request to reduce the surety by releasing \$20,000.

Creation of Transit Oriented Development District ("TODD").

Mr. Alpert noted this is the area at Lower Chestnut Street. Mr. Owens stated he and others, have been working on this for 3 years. It was talked about for a while and certain things were done. Ms. Newman suggested the Board not deal with all of Chestnut Street as one thing but focus on the Hartney Greymont property. There was a suggestion the interested developer come in and talk with the Planning Director and she did. Mr. Owens is asking the Planning Board members to think about if they want to do anything on this property or on Chestnut Street. He does not want to devote a lot more time or attention to it if the Board is not on board. If the Board wants to pursue this, the next step is to bring the developer, Board of Selectmen and Planning Board together to see if there is a middle ground to agree on. If not, she will move onto other items.

Mr. Owens asked if the Board would ever consider the possibility of housing on this site. He would consider housing at this site. He feels it is a good site for "empty nesters" and then the Town would have a pedestrian friendly zone from the Junction down. There have been discussions with developers that are ongoing. The Board needs to decide if this is a go or not. Mr. Alpert stated he and Mr. Jacobs are meeting Friday morning with the Chair and Vice-Chair of the Selectmen. He has it on his agenda to discuss this with them. He would like the Board members' opinions. He is open minded with housing on this site. He feels 148 units is a little large but is willing to proceed with this. One concern is public safety and emergency vehicles on this site.

Ms. McKnight thinks the schematic is very helpful. She is very much in favor of transit-oriented housing. She is disappointed all their work put into the overlay districts has only resulted in one small project. She does not feel the Board has gone far enough. She feels the Board really needs to rethink zoning in this regard if they want transit-oriented development. They may want to limit this to over 55. That may go over better. She likes the visual impact but would like to know what it would look like from Maple Street. She would like to pursue this.

Mr. Jacobs stated he would also like to pursue this. He feels the Board needs to anticipate opposition from the Selectmen and the schools who are leery about adding more children. Louis Wolfson stated he has been caught off guard by this. He did not realize this has gone on for a couple of years. He feels the Board should not be looking at one specific site but other sites within our community. He would like the Board to consider it as a whole rather than when something comes up. He thinks it is great, and a good location, but there are other sites in Town that should be looked at.

Mr. Alpert commented the Planning Board had drifted away from the planning aspects and have started having quarterly meetings just for planning. He feels it is time for the Board to reexamine a lot of areas around town. He noted the Planning Board will start a discussion with the Selectmen.

Board of Appeals – September 20, 2018

RWR Forty, LLC – 53 Rolling Lane

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

VOTED: “No comment.”

Discussion of Proposed Permit Streamlining Initiatives

Ms. Newman stated she did not get a chance to get this together. She hopes to have it for the next meeting.

Committee Appointments (Design Review Board, Transportation Committee, Committee Preservation Committee).

Ms. Newman noted Steve Tanner of the Design Review Board was interested in being reappointed. Also, both members of the Transportation Committee are interested in reappointment. She has not heard back from the others.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by the three members present (Mr. Alpert did not vote):

VOTED: to reappoint Paul Alpert to the Community Preservation Committee.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by the three members present (Ms. McKnight did not vote):

VOTED: to reappoint Stephen McKnight to the Transportation Committee.

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

VOTED: to reappoint Stephen Tanner to the Design Review Board.

Correspondence

Ms. Newman noted the Architectural Access Board. She had asked Building Inspector David Roche to pull the handicap parking threshold. It is 15 spaces so the Central Avenue project is fine with 8 spaces. Mr. Alpert noted the following correspondence for the record: a study article titled Connecticut Downtowns Matter; a Needham Times article of the new Needham Business Center groundbreaking; 2 notices of decisions from the Westwood Zoning Board of Appeals and a copy of the Board of Selectmen’s goals.

Minutes

Mr. Jacobs noted on the minutes of 6/12/18, half way down the first page, delete “Mr. Jacobs noted for the record this is a breakthrough.” All agreed.

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

VOTED: to accept the minutes of 5/1/18, 5/7/18, 5/9/18 and 6/12/18 as provided to us with the amendment discussed.

Ms. McKnight passed in revisions for the 7/10/18 and 8/7/18 minutes.

Report of the Planning Director and Board members.

Ms. Newman noted there are a couple of issues she would like to discuss. Gordon's Liquor wants to go in the Mixed Use 128 District. This will be high end wines and a large storage facility. Warehouse use is not allowed in that district. This needs to be presented more as a retail with storage as ancillary. This will be mostly the online sale of wines. Mr. Jacobs stated he made it clear he does not see wholesale. He just needs a lot of storage. Retail is allowed by right and ancillary storage is allowed by right. He will need parking waivers. Mr. Alpert stated storage is not allowed in the Mixed Use District. The question is why is storage prohibited? Why are we not allowing it?

Ms. Newman noted there is a problem with the Memorial Park House with the underground utilities transformer. The utilities cannot be run through the existing infrastructure. There will need to be a new pole put on Rosemary Street for about 20 feet. This cannot be approved as insignificant. The pole will be adjacent to a residential property. She would like feedback from the Board. Mr. Owens stated if it is controversial it should come to the Board. If the neighbor has a complaint and puts it in writing ok, otherwise there should be a hearing.

Ms. McKnight stated she attended the Selectmen's hearing last night on their proposed storm water regulations. They are not finalized. The Selectmen are still working on them so there is no final version to look at. She thinks the Planning Board should look at these regulations that will be before Town Meeting and comment if the Planning Board has any questions or issues. This should be on the agenda for the next meeting.

Ms. Newman stated she should get the storage facility applicant at 77 Charles Street to come in and talk about what they want. Mr. Alpert stated he is upset that the Board was presented with a zoning change so one applicant could have one business in one area. This went to Town Meeting, was approved, then the applicant did not go forward. He does not want the Planning Board's time going forward with individual zoning changes for one project. Ms. McKnight noted there were some really big changes on the Newton side. She feels the impetus may come to the Needham side too. A storage facility seems to be going in the wrong direction from what the Board wants. Ms. Newman discussed precinct assignments for the League of Women Voters warrant meeting on October 1.

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

VOTED: to adjourn the meeting at 9:25 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Martin Jacobs, Vice-Chairman and Clerk