

NEEDHAM PLANNING BOARD MINUTES

June 4, 2019

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, June 4, 2019, at 7:00 p.m. with Messrs. Owens and Alpert, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary Ms. Kalinowski. Ms. Grimes arrived at 7:18 p.m.

Board of Appeals – June 20, 2019

Tobin Afterschool -- 1458 Great Plain Avenue

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

VOTED: "No comment."

Alfon Properties Corporation – 38 Glendale Road

Mr. Jacobs noted this is already built. The building permit has been denied. It does not comply. The applicant could meet the setback or ask for a special permit.

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

VOTED: "No comment."

Minutes

There are no minutes.

Correspondence

Mr. Jacobs noted the following correspondence for the record: a Needham Times article regarding more housing coming to town and an artists' rendering of the proposed wall at the corner of Chestnut Street and School Street for Beth Israel Deaconess (BID). Ms. Newman noted BID has gone to the Design Review Board (DRB). BID has a current special permit but it does not give jurisdiction over signage. The sign was not originally shown on the plan. Mr. Jacobs stated if it was just a sign the DRB would be fine. This is a sign on top of a wall. Mr. Alpert stated if it was not a sign and just a wall the applicant would have to come for a de minimus change to the Planning Board. Mr. Owens and Mr. Jacobs both agreed. Ms. Newman will instruct the Building Inspector it would be a de minimus change.

Report from the Planning Director and Board members.

Ms. Newman noted the July 2 workshop on proposed Highway Commercial 1 zoning is moving forward. She is putting together a Power Point presentation and is hoping to have it one and a half to 2 weeks prior to the workshop. There will be some additional 3D modeling. They will look at the worst case scenario. She noted Rosemary Pool and the High School permits have been closed out.

Mr. Jacobs noted the Needham 2025 Steering Committee met today with the chosen consultants by Skype and went over what will be done and when. The Committee hopes to have the first phase to report by July.

Mr. Owens stated he met with the Building Design and Construction staff and their contractors as well as the Tree Warden, Ed Olsen, at the Recycling Transfer Station (RTS) to talk about the existing median strip. There is an invasive plant growing there. It is a complex issue and there was a discussion regarding the best way to configure

the driveway. The outcome was a landscape architect will be sent back to see what type of compromise could be worked out. This is a work in progress.

Ms. Grimes arrived at 7:18 p.m.

Public Hearing:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2018-03: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 88 and 66 Chestnut, 89 School, 43 Lincoln Street, Needham, MA), regarding Police & Fire Headquarters.

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

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

Dan Matthews, Selectman, spoke a little about the work the Selectmen have done, particularly with regard to the prior proposal for communication facilities at the water towers, and acknowledged not getting notice out to the Planning Board of related public hearings. The communication tower proposal is a carefully considered plan with the focus on the monopole downtown. A major public outreach was done and it was made clear what the Board was proposing. There were separate public hearings and it was made clear to Town Meeting and the voters what was being proposed. This is a good plan and it meets the needs of the town.

Christopher Heep, representative for the Select Board, stated this is the first of several applications for this site. There are 4 different locations that comprise the system – the headquarters, the lattice tower at the RTS, a co-location on an existing tower on Cabot Street and the lattice tower behind the Norfolk County Sheriff's Office in the 128 median. This comes under the zoning approved last fall. It allows monopoles by Special Permit under 6.7.3.3(j) and modification for Site Plan Approval. Mr. Jacobs noted there were 3 items of relief in the legal notice – an amendment under 7.4, 6.7.3.3(j) for freestanding monopole for public safety exclusively and further Site Plan Approval under 4.2.

Mr. Heep stated the proposal at the Headquarters is a 100 foot monopole with 4 antennas on top for a total of 110 feet. It will be 32.6 inches in diameter at the base and 18 inches at the peak. It is designed to have 2 microwave antennas also. The material will be hot-dipped galvanized steel which will fade in color over time. He noted the site was reviewed extensively last summer. The area is already paved so there will be minimal changes except for the pole. The setback is 136 feet from Chestnut Street, 211 feet from School Street and 259 from Lincoln Street. It is 138 feet deep from the property line to the West parking lot. There will be a 16 by 16 foot pad. The generator is within the Headquarters itself so there should not be any noise from the pad.

There will be a 6 foot tall vinyl coated chain link fence enclosing the monopole. The base is surrounded on 3 sides by the headquarters building and by parking on the other side. The base is open only to School Street and should not be visible. The applicant has tried to be sensitive to the visual impact. The site previously had a 99 foot communication tower on it so a tower has historically existed on this site. They have attempted to keep the tower at the minimum height necessary. This complies with all of the Town's newly adopted zoning.

7:30 p.m. – Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1407 Central Avenue, Needham, MA).

Mr. Jacobs noted the 7:30 hearing will also be called open.

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

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

Mr. Matthews stated the communications strategy is essential for the public safety of the town. The Select Board had a hearing on 8/28/18 regarding this tower and its location. He feels the consensus is a lattice tower at the RTS makes sense. It also makes sense to attach it to the Cogswell Building site. The standard communication architecture is in use in comparable communities. He reiterated the town needs to do this for public safety.

Mr. Heep stated this is the second leg of a 4 part system. Section 6.7.3.3(k) was adopted at Town Meeting in the Fall. With a Special Permit it can go up to a maximum height of 199 feet. This will be a 180 foot lattice tower with 2 10-foot tall whip antennas at the top for a total of 190 feet. The base is located behind the new storage building. The tower is set back 339 feet from Central, 376 feet from the nearest residence and 437 feet from the property to the northeast. The legs are 16 feet apart at the base and 3.5 feet at the peak. The base is set behind the building so it is not visible from the abutters or Central Avenue. The foundation pad is within a 40' by 40' fenced area. There is a 23' by 23' pad with a propane tank and generator. It has a 6 foot fence all around. He noted the location was chosen due to the constraints of the site. There are wetlands immediately behind the site and the topography drops off significantly farther back.

Mr. Jacobs asked if there were other options on the site. Steven Popper, representative for the Permanent Public Building Committee, stated other options were searched for. The only other location was off the entrance road. Mr. Heep stated a microwave path survey was done between the 4 sites. The antenna needs to be at 180 feet to reach the headquarters and 115 feet to reach the American Tower site. He is confident the views from Central will be adequate. There is significant tree coverage to the east. There will be a view of the tower from Cedar Springs Drive. The setback of 376 feet exceeds the requirements of zoning.

Mr. Jacobs asked where the Town stands with the other 2 towers. Mr. Heep stated they have asked for zoning relief for the proposed site from the Dedham Zoning Board of Appeals. The tower will be the same as the 180 foot tall tower at the RTS. The application is pending and will go before the Dedham ZBA in June 2019. He noted Dedham will be allowed to use the tower. Cabot Street will require a Special Permit from the ZBA. There is no existing site plan approval there. He has not applied for the Special Permit yet.

Mr. Jacobs noted the following correspondence for the record for the 7:00 p.m. hearing: a note from Fire Chief Dennis Condon with no concerns; a letter from Tara Gurge, of the Board of Health, with no comments; a letter from Assistant Town Engineer Thomas Ryder, dated 5/29/19, with no comments or objections and a letter from Police Lt. John Kraemer with no concerns. Mr. Jacobs noted the same 4 letters from the 7:30 p.m. hearing.

Ms. Grimes noted the applicant has stated there would be a \$590,000 savings using the proposed site as compared with alternatives. She asked the applicant to go through the numbers. She noted that during meetings for the RTS site there was a discussion regarding the pad on site. The Board told the applicant to come back with a pole on a different location as this was too close to the road. She feels the applicant knew all along they were going to build it there. Mr. Matthews stated before 8/28 of the prior year, the Board of Selectmen was clear they wanted it at that location but the application for the tower was not part of the Cogswell Building and they would be filing a separate application for the tower. Mr. Heep stated the tower has been proposed for this location as long as he has worked on this project.

Ms. Grimes asked the applicant to run through the numbers. Ken Sargent, project manager, noted he looked at a location in a hollow with exposed ledge. Soil rock testing and engineering would be needed. Between the road and running equipment up there would incur wetlands protection. There would also be an additional cost to get the equipment there. There would be a cost for a shed with air conditioning and heat and an electric line and metal conduit would be above ground. That would be 1,750 lineal feet of electric line and conduit at about \$40 a foot. Some underground cabling would be needed, ledge removal, soil remediation and jersey barriers to protect the cabling. There would be \$15,000 to \$20,000 for Eversource to run up the hill.

Mr. Jacobs asked Mr. Sargent if he agrees with Mr. Popper that this is the only possible alternative. Mr. Sargent stated he agreed. Mr. Owens commented he does not share Mr. Matthews opinion regarding the location or visible impact of either of these towers. He does not feel he can vote for either of these. Mr. Alpert remembered requesting a structural screening around the towers to make it fit better in the area. It seems the request was

totally ignored. He thought the Planning Board was clear that this Board wanted that and he was clear to Town Meeting. He is disappointed with this. He would like to hear more about screening the monopole.

Mr. Heep stated he feels strongly the best way to screen the monopole is to keep the dimensions as small as possible. Keeping it as a small gray monopole is the best way. He feels encasing it would draw attention to it. They are being asked to make it bigger. He had a conversation with an engineer for the cellular company. Nothing would hide the 2 antennas themselves. He could provide more information if needed. He noted George Kent, of the Permanent Public Building Committee, reached out to the representative for the cell towers and asked about concealment for the towers. The representative had never seen that and Mr. Heep has never seen an enclosed monopole.

Ms. Grimes stated she was not talking about building a chimney around it. Mr. Jacobs noted there are companies that specialize in screening towers. He was looking for the applicant to engage someone in the conversation. He does not think the applicant even tried to find out. Mr. Alpert would like the Board to see alternatives. He recalls the neighbors on Lincoln Street were very concerned with the monopole. Mr. Jacobs suggested the applicant consult with someone who does this all the time. He feels it is worth exploring.

Mr. Matthews stated, in looking at this, he felt this was the best location. He is looking for some guidance. They need to meet the needs of the town for public safety. Mr. Jacobs noted Section 6.7.5 says all wireless communication equipment shall be sited, screened, colored and finished or aesthetically minimized. He is looking for what might be available. He does not know other options that are available and would like to know. The Planning Board did not want these issues to create a delay which is why the Board raised it early on. Mr. Heep stated he feels that section of the By-Law is more directed toward other kinds of telecommunications and exempts the only kind of monopoles and lattice towers that could be built. It is more properly directed at roof top towers. He stated they will do what they can.

Mr. Jacobs noted the criteria under 6.7.5(a), page 3 of Mr. Heep's letter regarding a report from a qualified engineer. He noted something from Mr. Langone and assumes the position is that Mr. Langone is a certified engineer. Mr. Heep stated yes. Mr. Jacobs stated he has not seen the signed report. Mr. Heep will get it.

Gary Gu, of 309 Marked Tree Road at the corner of Central Avenue, stated he lives right near the tower. He asked how much power there will be. Mr. Heep stated it is considerably under the federal guidelines. Mr. Gu asked how much area would it affect or would it affect health. Mr. Heep stated there would be no health impacts. Mr. Jacobs stated he would like an additional paragraph in Mr. Langone's letter with what Mr. Heep just said regarding no health impacts. Mr. Heep noted there are federally established limits. Ms. Grimes stated information was provided on health risks at the Bird's Hill hearing. The Board of Health may have that information. The Planning staff will locate the letter.

Mr. Gu asked if the frequency affects anything such as cell phones or wifi. Mr. Heep asked Mr. Langone to come to the table. Anthony Langone, Electrical Engineer, commented he worked on public safety radio systems for many years. These towers do not interfere with wifi or cell service. Mr. Gu asked if there was documentation. Mr. Langone stated the FCC allocates frequencies for separate services. Microwaves should not bother his cell phone. Mr. Gu asked if he provided documentation that this tower frequency would not affect anything. Mr. Jacobs asked if anything has been submitted that states that the proposal would not affect cell services, wifi or health. Mr. Heep will supply additional material.

Mr. Gu asked if this was the first notice for the tower. He did not recall getting one before for the tower. Mr. Jacobs stated this is the first notice for the tower; there was a pad at the rear of the building that was previously discussed, but not the tower. Mr. Gu asked if town employees have concerns working under the towers. Mr. Heep stated the limits are well below the guidelines. Mr. Matthews reiterated the reasons for the towers are public safety. He stated the towers are not hazardous to anyone as far as they know. The proposed height is similar to about 15 stories. Mr. Gu feels it will be visible from his property.

Ms. Newman suggested the hearing be continued to the 7/16 meeting when Ms. McKnight will be back.

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

VOTED: to continue both applications to 7/16/19 at 7:00 p.m.

8:00 p.m. – Amendment: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Original Petitioner (current owners: Hillcrest Development, Inc., and Elite Homebuilders, LLC), (Property located at Rockwood Lane consists of the dwellings currently numbered 38, 45, 46, 52, 55, 58, 63, 64 and 69 Rockwood Lane and one adjacent parcel, Needham, MA, Assessors Plan No. 17 as Parcels 71, 72, 73, 79 and 80 and Plan No. 20 as Parcels 86, 87, 88, 89 and 63), Please note that this hearing has been continued from the May 21, 2019 Planning Board meeting and will be further continued.

Ms. Newman stated she is trying to facilitate a meeting to do an apple to apple analysis and has not been able to set it up yet. She suggested continuing the hearing to 6/18/19 at 7:15 p.m.

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

VOTED: to continue the hearing to 6/18/19 at 7:15 p.m.

De Minimus Change: Amendment to Major Project Site Plan Review No. 98-6: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at Existing Municipal Parking Lot on Chestnut and Lincoln Streets, Needham, MA).

De Minimus Change: Major Project Site Plan Review No. 2007-04: Eat Farmhouse LLC, c/o Dora Tavel-Sanchez, Manager, 970 Great Plain Avenue, Needham, MA 02492, Petitioner (Property located at 970 Great Plain Avenue, Needham, MA 02492).

De Minimus Change: Major Project Site Plan Review No. 2006-04: Sol Soul Family Foods LLC, c/o Ivan Millan-Pulecio, Chef/Owner, d/b/a Hearth Pizzeria, 59 Mount Vernon Avenue, Needham, MA 02492, Petitioner (Property located at 974 Great Plain Avenue, Needham, MA).

Mr. Jacobs noted all 3 will be discussed together as this is a single resolution to an existing problem.

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

VOTED: to hear all 3 de minimus changes together.

Mr. Heep stated the town is trying to consolidate operations. The town parking lot abuts the Farmhouse and Hearth restaurants. Both have dumpsters. The current existing dumpster is close to the church with the day care. Concerns have been expressed with the location of the dumpsters. For a solution, the town will construct a new dumpster location in the Lincoln Street lot and cease use of the current dumpster, and the 2 restaurants will start to use the new consolidated dumpsters.

Mr. Jacobs noted there is a license and Memorandum of Understanding and plans. He understands it is called a license but this is not a license. He noted in Section 7, on the first page, a word is missing and it should be 10 days. Mr. Alpert stated he has had concerns expressed to him by merchants regarding the loss of parking. How many spaces are lost in the Lincoln Street lot and are any being gained back where the dumpsters were? Town Manager Kate Fitzpatrick stated there is a long-term plan. The parking lot will be coming back to the Board and the feeling is 3 spaces can be restored. The property owner is not willing to remove the dumpster enclosure so they are losing 3 spaces. She noted the town is looking to add more permit parking.

Ms. Newman asked what type of fencing will be used. Ms. Fitzpatrick noted pvc fence rather than wood as it is more durable. Mr. Jacobs noted the following correspondence for the record: an email from Tara Gurge of the

Board of Health, dated 5/30/19, noting the Public Health is in support of relocation with a comment they would like CVS to be included if possible; a letter from Assistant Town Engineer Thomas Ryder, dated 6/3/19, with no comments or objections for all 3 and the proposed decisions. Ms. Fitzpatrick stated she is working with CVS to join.

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

VOTED: to approve the 3 de minimus changes for the properties at 970 Great Plain Avenue, 974 Great Plain Avenue and the existing municipal parking lot of Chestnut and Lincoln Streets as described.

A motion was made to accept the draft amendment to the decision for 970 Great Plain Avenue as drafted with the insertion of the date. Ms. Alpert stated there are 2 places that say the dumpster locations may be reestablished without need for further review by the Planning Board and that subsequent tenants may resume use of the independent dumpsters. He feels the motion should be amended to add that the Board accepts those conditions.

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

VOTED: to accept the draft amendment to the decision for 970 Great Plain Avenue as drafted with the insertion of the date and approval of the tenants being able to use the previous location of the dumpsters.

Ms. Newman will prepare the decision for the parking lot.

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

VOTED: to adjourn the meeting at 9:05 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Elizabeth Grimes, Vice-Chairman and Clerk