

NEEDHAM PLANNING BOARD MINUTES

June 26, 2018

The regular meeting of the Planning Board held in Powers Hall, Needham Town Hall, was called to order by Paul Alpert, Chairman, on Tuesday, June 26, 2018, at 7:00 p.m. with Messrs. Owens and Jacobs and Ms. Grimes, as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Decision: De Minimus Change: Major Project Site Plan Special Permit No. 2015-05: NBCBoston Real Estate, LLC, 160 Wells Avenue, Newton, MA and Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioners (Property located at 89 A Street, 156 B Street, 189 B Street & 0 A Street, Needham, MA 02494).

Ms. Newman noted she had made a change in the signature page to reflect the composition of the Board.

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

VOTED: to approve the decision as set forth before the Board for Normandy Real Estate Partners.

Decision: Major Project Site Plan Special Permit No. 2018-06: Foodsmart, LLC d/b/a Eat Well, 946 Great Plain Avenue, MA, Petitioners (Property located at 946 Great Plain Avenue, Needham, MA).

Mr. Alpert noted, after the hearing was closed, correspondence arrived from Tara Gurge of the Health Department. She noted the property will need internal grease traps installed. George Giunta Jr., representative for the applicant, stated he has seen the decision. He has had further correspondence with the Town Engineer and Ms. Gurge. The applicant is fine with the grease traps. Mr. Alpert noted there was a memo regarding the use of the dumpster. All are sharing in the obligations of the dumpster.

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

VOTED: to approve the decision for Foodsmart, LLC d/b/a Eat Well as presented and modified.

De Minimus Change: 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).

Jay Spencer, owner, noted he would like to stay open longer, until 9:00 p.m. This was fine with all. A motion was made to approve the deminimus change for the minor project with respect to 74 Chapel Street. Mr. Jacobs noted it was discussed at the last meeting whether it should be a deminimus change. He wants Mr. Spencer to understand there is a risk with a deminimus change. He explained the risk. Mr. Spencer stated he understood the risk and wants to go forward.

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

VOTED: to approve the deminimus change for the minor project with respect to 74 Chapel Street.

Request to discuss a self-storage facility use at 540 Hillside Avenue.

Roy Cramer, representative for SSG Development, stated this is a local company. There is a current landscape and tree facility at this location, which is in the Industrial District. He would like the Board's agreement as to the proper use. He believes the use is wholesale distribution or storage allowed as of right in the Industrial District. He noted in the New England Business Center and in the Mixed Use 128 Districts the words "or storage" after "wholesale distribution facilities" were deleted. He said that, alternatively, a special permit use could also be allowed under "any other lawful use." He showed what the site looked like and the proposal. The building will be

123,000 square feet and 3 stories. This is the least intensive use there is. There will be 2 employees and 14 parking spaces. There will be no traffic problems and it will be low cost to the Town.

Ms. Grimes stated she has no problem looking at it as wholesale distribution. Mr. Owens agreed. Ms. Grimes noted "or storage" was purposely removed from a couple of districts. She feels it was intentional. Mr. Alpert stated he would prefer to see the applicant go through the Special Permit process. A retail establishment would have a much smaller footprint. He would feel more comfortable with the Special Permit process. Mr. Jacobs stated he has spoken with Mr. Cramer, and he thinks "Wholesale" modifies "distribution facilities" and "storage". In the last paragraph of Section 3.1, Mr. Cramer could use "notwithstanding, as of right use is allowed." This is not a wholesale storage use but similar in kind and impact. A discussion ensued.

Ms. Grimes stated she would request at the Fall Town Meeting the wholesale language be cleared up. Mr. Cramer stated he feels, legally, it is an as of right use. Mr. Jacobs commented he likes the use and likes what is being presented. All members are ok with the interpretation.

Planning Board Appointment to Needham 2025 (N25) working group.

Ms. Newman noted Town Meeting has invited two Planning Board members to be on the N25 working group. This is a facilities master plan and town infrastructure, residential growth and impact analysis. There are 2 Board of Selectmen members, the Town Manager, 2 School Committee members, the School Superintendent, Ms. Newman and 2 Planning Board members. Mr. Owens and Mr. Jacobs both volunteered to serve.

Report from Planning Director and Board members.

Ms. Newman stated Sira Natural has requested an extension of the temporary certificate of occupancy permit through September 1. The Board holds a bond for landscaping. Engineering has the As Built. There are still some items to address.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by three of the four members present (Ms. Grimes abstained):

VOTED: to extend the temporary occupancy permit for Sira Natural through September 1.

Correspondence

Ms. Newman noted a copy of a legal notice from Newton regarding the Needham Street Vision Plan and a copy of an article in the Boston Business Journal regarding medical marijuana licenses. Mr. Alpert noted an article in the Needham Times regarding public safety projects. There is a plan request for an ANR at the intersection of Bancroft Street and Washington Avenue. That will not be discussed tonight. If the ANR is granted the existing building would become non-compliant with frontage. Mr. Alpert will talk with Town Counsel.

7:45 p.m. – De Minimis Change: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Petitioner (current owners: Hillcrest Development, Inc., and Elite Home Builders, LLC), (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).

Request to release surety: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Petitioner (current owners: Hillcrest Development, Inc., and Elite Home Builders, LLC), (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).

Steven Venincasa, representative for Elite Home Builders, LLC, stated there is a modification on the plantings. The drainage culvert chambers and gravel were installed per the plan. It was inspected by Beta. The deviation was

in the plantings themselves. The applicant was asked by the Engineering Department to certify the drainage worked. A full analysis was done by a professional engineer and an AsBuilt was done.

Alton Stone, of Alton Engineering, stated he had been asked to prepare a storm water model. He reviewed the drainage and described how the system works. The water will go to the infiltration system through cultec chambers. The drainage swales have been installed. Mr. Alpert asked if the swales on the plan were installed and was informed they were. Mr. Stone stated there was quite a bit of blasting done. There were fractures in the rocks but also fractured rocks underneath. There is also 6 to 8 inches of drainage sand over that across most of the lot.

Ms. Grimes asked what is different. Mr. Venincasa stated some areas show grass and some mulch. The grass and mulch were just swapped out in some areas. It was noted the drainage was dramatically reduced with the changes. Ms. Newman clarified there are supposed to be gardens in the front yards but now it is mostly grass. Mr. Alpert noted a letter from Assistant Town Engineer Thomas Ryder with comments. He stated there is a significant decrease in post development run off. He has no objection to the plan modification. Mr. Owens asked why there were modifications. Mr. Venincasa feels the foreman at the time did it for aesthetics or cosmetics really.

Mr. Jacobs commented this was not presented as cosmetics. All aspects were important. The Planning Board spent many hearings discussing how this could be done. Cosmetics were not what was presented. Agreements were made there would be no changes and the lot owners had to agree not to make changes. He is not happy given the history of this project. Greg Snyder stated the mulch, garden and lawn areas are approximately the same and the water runoff has decreased. Mr. Stone commented it is well done landscaping. The runoff is sufficient, it looks very good cosmetically and the infiltration is sufficient. It is a beautiful subdivision and the drainage serves the purpose intended even if it does not exactly match the plan.

Mr. Jacobs stated the neighbors have not had a chance to look at this and review. He feels the abutters should have the opportunity to review. The abutters had their engineer, at their expense, look at this and now it is different. He feels they should have the chance to look at it. Mr. Venincasa stated he disagrees with Mr. Jacobs' position. Mr. Jacobs asked whether the applicant is seeking a de minimus change and was informed that was correct.

Jodi Lockwood, of 131 Bird Street, stated the entire property was clear cut. She hired an engineer at her expense. She had no water issues prior to that. Her house is at the bottom of the hill and she gets surface water now. The plantings that were not put in were supposed to soak up the water. There is definitely surface water coming down the hill.

Joe Lockwood, of 59 Richard Road, stated a tremendous amount of rigor went into this. It may be working now but that may change. He feels it was done on purpose. This was not an oops. He feels it is cheaper for the developer to put in mulch rather than plantings. He thinks the developer should put money into a Home Owners Agreement (HOA) for any issues. Ms. Grimes stated her understanding is the HOA was funded by the developer by \$10,000 and each homeowner contributes on a monthly basis. Mr. Lockwood stated it is clearly a cost saving measure. Mr. Venincasa stated there was no cost saving.

Mr. Alpert noted the letter from Engineering and they are satisfied. Mr. Jacobs asked Mr. Venincasa if he was confident with the calculations. Mr. Venincasa noted he was not an engineer but based on the engineer he is confident. Mr. Jacobs stated the neighbors are concerned and will have to spend more money to hire an engineer to look at this change. He asked if the developer was prepared to provide funds for the abutters to hire an engineer to review the changes. Mr. Venincasa stated he is not prepared to do that. He has already spent hundreds of thousands of dollars.

Ms. Grimes noted there is one lot to sell tomorrow. It cannot be sold without approval. She feels the Board should release the one lot and take it up at the next meeting. Mr. Owens was fine with the release. Mr. Jacobs was not ok with releasing one lot. Ms. Newman noted the Board could hold back the \$380,000 per tri-party

agreement and hold back one lot. Mr. Alpert commented he heard this has been going on for the 18 months and the applicant did not come before the Board.

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

VOTED: to continue the deminimus change request, to continue to hold the surety with no reduction and to authorize the Building Inspector to release the one lot for an Occupancy Permit.

Public Hearing:

8:15 p.m. – 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 Street, 89 School Street, 43 Lincoln Street, Needham, MA), regarding Police & Fire Headquarters. Please note: this hearing has been continued from the May 22, 2018 meeting of the Planning Board

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.

Christopher Heep, representative for the applicant, gave a brief update on the public safety communication system. Dan Matthews, Chairman of the Board of Selectmen, heard from the Planning Board about good screening and landscaping. That will be done. There was strong opposition to the communication system. The Board is looking now to use a rental location on the TV tower to cover the north side of town or town owned land on Cabot Street. The problem is it does not reach the whole town. The preferred solution is to work with the community, maybe in conjunction with the Town of Dedham, to build a tower by the House of Correction prison on 128. The Town will still need one at the Recycling Transfer Station (RTS). There will be a 199 foot tower at the RTS but possibly co-locating on a tower there. Downtown it would be more like 110 feet to 130 feet. For authorization there may need to be special legislation to use the House of Correction site. He feels they can reasonably not use monopoles on the 2 water tower sites.

Mr. Matthews noted this is an expensive capital project but will replace 80 year old buildings. The hope is the new buildings will last at least 50 years. He commented he appreciated the Planning Board's time. Mr. Heep stated he understands any location would need a zoning amendment. This discussion is the headquarters and the presentation responds to questions from the previous meeting.

David McKinley reviewed the existing site and proposed site plan. This is a phased project. Keith Mercy stated at the rear of the building a lot of brick was replaced and the scale was broken up a bit. There is additional landscaping. Mr. McKinley reviewed the revised landscape plan with the new plantings and changes. Christian Riordan, of Consigli Construction, described the phasing plan. The project has decreased 19 parking spots to 16 for the construction period. He met with the hospital for a preliminary meeting for delivery times. He noted the fire shift changes occur at 8:00 a.m.

Mr. Heep stated they heard the concern with too many parking spaces and to improve the visual appearance of the lot with plantings. The three on-street spaces were made into short term public parking and the 21 space public lot will be for the general public after office hours. The rest will be kept the same. A sound study looked at the mechanicals and they are in compliance with all applicable noise regulations. Mr. Alpert noted the following correspondence for the record: a letter from Christopher Heep, dated 6/20/18, with responses to the questions from the previous meeting; a letter from Aaron Farbo, of Cavanaugh Tocci, to Michael McKeon, dated 6/19/18, regarding an environmental sound study; another letter from Christopher Heep, dated 6/20/18; a memo from Assistant Town Engineer Thomas Ryder with no comments or objections; and a letter from Stephen Gentile, dated 5/24/18, to Assistant Town Engineer Thomas Ryder with regard to the public outreach program.

Ms. Grimes stated she was not present at the 5/22/18 meeting. She has listened to the tapes and signed an affidavit. Mr. Jacobs noted the proposed construction schedule in the packet. Mr. Alpert clarified 10/2019 to

1/2021 is 15 months not 18 months. Mr. Riordan stated it was 18 months from 10/2019 through the spring of 2021. Mr. Alpert noted there was also a letter from the DRB, dated 6/4/9, with approval of the project.

Dr. Jeff Becker stated he faces School Street with his building. He asked what will be the impact he can expect and how is the town going to deal with the parking issue during construction. Mr. Alpert stated there will be 16 spaces lost during construction in the Chestnut Street lot on Lincoln Street for 3 years. Mr. Becker asked what will change on Chestnut Street. Mr. McKinley described the changes. There will be no change to the Lincoln Street lot. There will be small changes to the curb cuts on School Street. The project adds 3 on street spaces and some green space. Mr. Alpert explained the phases and timing.

Mr. Becker asked if there were any other alternatives to eliminating parking spaces for a period of time. Mr. Heep stated it was necessary to take over those spaces. Selectman Matthews clarified the 16 spaces are all permit parking spaces and permit parkers can be redirected to other spaces in town. Mr. Heep noted another 14 spaces along the building will be used temporarily for a couple of weeks. Ms. Grimes asked Selectman Matthews if anyone in this building has been asked to park offsite like Beth Israel Deaconess. Selectman Matthews believes there will be enough permit spaces. The idea of shuttling employees has not been looked at.

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

VOTED: to close the hearing.

Ms. Newman will have a decision at the next meeting.

8:30 p.m. – 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).

Mr. Heep, representative for the applicant, stated this will amend a portion of the Lincoln Street lot to allow the applicant to temporarily use a small area for construction. The request is to permit 2 specific areas. One area is closest to Lincoln Street and will be for 16 spaces. The other area is next to the building for a couple of weeks during construction. There will be no permanent alterations to the site. The site will be returned to its current condition. Ms. Grimes asked why there was no alternative. She gets the 16 spaces but the other spaces bother her. Mr. Riordan stated there needs to be room to excavate sheet piles for safety purposes. It will be for maybe 3 weeks.

Mr. McKinley stated they are building on the property line because of the need to build the dispatch area. Ms. Grimes asked what time of year this will happen. Mr. Riordan noted it will be February through April but 70 Chestnut Street needs to be demolished first. A motion was made to close the hearing. Ms. Grimes commented the applicant should be conscious of the time needed for spaces when writing the decision. Mr. Alpert noted the following correspondence for the record: the legal notice; an approved site plan review; a letter, dated 5/29/18, from Christopher Heep and an email, dated 5/25/28, from Assistant Town Engineer Thomas Ryder with no comments.

Mr. Heep stated he had shown the landscape plan previously. He showed new trees along the lot line. He noted there will be new plantings on the Chestnut/Lincoln Street Lot. He had said there were no permanent changes to the site so this is a change. Mr. McKinley noted the DRB approved the additional trees. Mr. Alpert commented he is in favor of additional trees. Ms. Newman asked for a supplemental letter that describes what was done.

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

VOTED: to close the hearing.

8:45 p.m. – Major Project Site Plan Special Permit No. 2018-04: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 707 Highland Avenue and 257 Webster Street, Needham, MA), regarding replacement of Fire Station 2. Please note: this hearing has been continued from the May 22, 2018 meeting of the Planning Board. (Includes continued hearing and request for Special Permit relief).

Mr. Alpert recused himself from this hearing. Mr. Jacobs was Acting Chairman for this hearing. Mr. Jacobs stated this is a continued hearing and there is a request for additional Special Permit relief.

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

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

Mr. Heep, representative for the applicant, noted there are 2 additional requests for zoning relief – relief from FAR and relief from lot coverage. There was an oversight and these requests were not included in the original special permit application. He noted the project is largely unchanged. There are minor changes to elevations. Keith Mercy noted the thickness of the entrance canopy has been decreased by 7 inches. Mr. McKinley noted Mass Highway will do a couple of takings to fix property line issues and will own the entire sidewalk. He is working with Mass Highway to coordinate it. Mr. Jacobs noted DRB approval is in the packet.

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

VOTED: to close the hearing.

9:00 p.m. – Major Project Site Plan Special Permit No. 2018-05: Town of Needham 1471 Highland Avenue, Needham, MA, Petitioner, (Property located at 28 Glen Gary Road, Needham, MA), regarding temporary location of Police & Fire Headquarters. Please note: this hearing has been continued from the May 22, 2018 meeting of the Planning Board.

Mr. Alpert returned to the meeting and resumed as Chairman. Mr. McKinley described the existing conditions. There will be a new fence line. There will be the same phasing as last time. The sewer easement goes through the site. The applicant does not want to put the buildings on that easement. That is one reason the fire station will be located in the front and not in back. Also, the current placement allows trucks to go straight out and leaves good circulation on site. If the fire station was located in the back, the trucks would have to go through an active police parking lot. There is also not enough room for fire trucks to back down to the back so it would not work in the back.

Mr. McKinley noted he looked at sound. The station alarm is not continuous. It rings once then a voice comes over the loud speaker. The fire trucks will only use sirens when traffic requires it. The generator is not in active use except in an emergency. There is 15 minutes testing use only and that will be done any time that is convenient. The generator is 65 decibels. There will be rental equipment on site. There will be a 4 bay structure and 2 trailers. The overall height is not significant.

Mr. McKinley showed the maneuvering of the fire trucks on Glen Gary Road and West Street. Engineering is satisfied with the sight lines. The road is 24 feet wide and there will be a recommendation there be no parking on one side of the street. Ms. Grimes asked how long the site would be used. Mr. McKinley noted Fire Station 2 will be about 26 months total. Mr. Heep noted there are four Orders of Conditions. One was from 1994 and 2 from 1998. He will work with the Conservation Commission to get it worked out. Ms. Grimes stated she would like confirmation 2 are not for this property. Mr. Heep stated he would submit the 4 orders to Ms. Newman.

Ms. Grimes stated she would like, in the decision, as to any outstanding Order of Conditions on the lot that releases will be obtained and recorded. Mr. Alpert noted the following correspondence for the record: a letter from Christopher Heep dated 6/18/18; a memo, dated 6/6/18, regarding a traffic study along West Street and a memo from the Conservation Commission, dated 5/11/18, to Steven Popper with the Order of Conditions related

to this project. Mr. Alpert would like a condition that once the applicant has the building renderings he come back for approval.

Mr. Alpert commented, for safety reasons and to avoid sirens, there should be a temporary light at West Street and Glen Gary Road, perhaps a blinking yellow light. Fire Chief Dennis Condon noted there are a lot of car accidents there due to slick conditions. He feels this project may create no issues. Also, without a school, there may not be as much traffic. Police Chief John Schlittler stated Engineering has said there would be an issue with putting a functioning light there due to the hill itself. Mr. Jacob asked about an electronic sign board just to alert people. Chief Schlitter commented the Police and Fire are trained for traffic. He feels other devices may take attention away from the emergency vehicles. Chief Condon stated he is very cognizant of the sound and the neighborhood. He will make sure the staff keeps it to a minimum. Mr. Jacobs noted he is concerned with the alarm and the decibels. Mr. Alpert commented he is glad to see the Police will assist abutters with parking if necessary.

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

VOTED: to close the hearing.

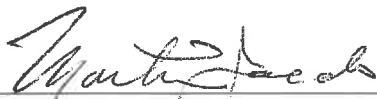
Report from Planning Director and Board members.

Ms. Newman noted she discussed Sira Natural earlier. Restaurant Depot wants to substitute the variety of arborvitae. The Tree Warden, Ed Olsen, looked at it and feels is a suitable substitution.

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

VOTED: to adjourn the meeting at 10:25 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Martin Jacobs, Vice-Chairman and Clerk