

NEEDHAM PLANNING BOARD MINUTES

November 16, 2010

The regular meeting of the Planning Board held in the Public Services Administration Building on Dedham Avenue, was called to order by Bruce Eisenhut, Vice-Chairman, on Tuesday, November 16, 2010 at 7:30 p.m. with Mr. Warner and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski. Mr. Ruth arrived at 8:05 p.m.

Minutes

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

VOTED: to adopt the minutes of 9/7/10 with changes discussed.

Request to release off-street drainage and performance bonds: Riverview Estates Subdivision.

Mr. Warner noted Engineering is waiting for the As-Built and recommends holding \$20,000. Ms. Newman stated they have \$57,959 and are holding \$8,000 for off-street drainage for Lots 12 and 13. The letter from the Board of Health dated 11/9/10 recommends release of \$8,000 and the letter from the DPW, dated 11/9/10, recommends release of \$26,000.

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

VOTED: to reduce the bond currently held to \$20,000.

Request for Occupancy Permit: Major Project Site Plan Review No. 2008-08: V.S.A., LLC, 1105 Massachusetts Ave., Suite 11G, Cambridge, MA 02138, Petitioner (Property located at 225 Highland Avenue, Needham, MA).

Ms. Newman noted this is a request to authorize an occupancy permit for Highland Avenue. It is complete and she has some As-Built plans. Engineering needs to go out and inspect.

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

VOTED: to authorize issuance of an Occupancy Permit once the Planning Director gets a satisfactory report from Engineering.

Board of Appeals – November 18, 2010.

Suzanne Murphy, 234 Harris Avenue, Needham, MA 02492 – 234 Harris Avenue.

Mr. Eisenhut noted there is a substantial increase in non-conformity. Ms. McKnight noted there are 2 plans. One shows concrete steps at the rear and the other plan points to the proposed addition. Under 1.4.7.2 it is as of right and they would have to show they are not increasing the non-conformity. They are coming in under 1.4.6 and this is the only standard. Ms. Newman noted it has to conform with all setbacks.

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

VOTED: to note there is an issue with respect to the corner lot and dimensional requirements and delegate to the Planning Director the authority to comment it appears to be in violation to the section in the By-Law that no new non-conformity shall be made.

Ron Ruth arrived at 8:05 p.m. They will continue the Board of Appeals later in the meeting.

7:30 p.m. – Amendment to Major Project Site Plan Review No. 2010-02: Town of Needham, 470 Dedham Avenue, Needham, MA, and the Historical Society, 1155 Central Avenue, Needham, Massachusetts, Petitioners (Property located at 1155 Central Avenue, Needham, MA).

Steven Popper, representative for the applicant, noted they hope to get to the end of the line tonight. They proceeded with construction this summer putting in footings for the modulars. They want to show the final plans and hope to move to a decision.

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

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

Mr. Popper noted there were a couple of revisions that were not on the plans the Board has. They have gone to the environmental hearing and they have continued this to this Thursday. Environmental has strongly encouraged revisions to the storm water mitigations. They intend to update the drawings and will provide a revised set. Other changes and photometrics led to a number of changes such as light station locations and they have taken out the tennis court lights with no objections from abutters. Elevations show some diagonal bracing. This is no longer needed and reverts to the current state with regards to that elevation. They are doing sound studies now and may need to relocate the generator. Mr. Ruth noted the following correspondence for the record: an e-mail from Assistant Town Engineer Thomas Ryder noting engineering would want to comment: a memo from Janice Berns of the Board of Health with no comments: and a memo from Assistant Town Engineer Thomas Ryder with no objections.

Dave Conway, of Mitchell Engineering, stated they have advanced the details since the spring. They have reoriented the parking and some planting islands. There are more manholes in the parking lot and they have added some small bio filter areas. They have flattened out some grades for handicap spaces and added a new walkway to the tennis courts. Mr. Warner noted there was some discussion about the driveway entrance. It is not clear. He asked about lighting on the divided drive. Mr. Conway stated there will be lighting down the center island. Ms. McKnight asked him to explain the child drop off. Mr. Conway stated they would come in the right side of the drive, proceed to the north parking lot, come around to the queue and drop off, then go back out. They have added a stop sign. Buses will use the circle. Mr. Ruth commented parents will walk their kindergarteners. Hank Hoff stated kindergarteners will stay on the bus and will continue to Pollard for drop off. Mark McAneny, Assistant Principal at Newman, stated they are considering staggering start times. Mr. Conway noted they will have the divided entry back at the end. Ms. McKnight asked if the buses will be parked there. Mr. Popper stated the thought was they would be back. Ms. Newman noted the Building Inspector questioned the second floor plan. The existing door and stairs are to be renovated at the office. The egress is out of a dead end corridor. This came up at the meeting. Calvin Olson, of DRA Architects, stated they feel it is acceptable to remove the stairs and feel Dan Walsh will be fine with this. They will go over it with him. Mr. Ruth stated he is concerned with eliminating an egress in a school. Mr. Popper noted he sent a memo to Ms. Newman to clarify some previous decision points. He hopes they are all acceptable. He would like the contractor to be allowed on site at 6:30 a.m. He would like them to be able to arrive and unload trucks before the gate closes during school hours. Mr. Eisenhut suggested they could narrow it specifically for what it is for.

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

VOTED: to continue the hearing to the next meeting on 12/7/10 at 8:30 p.m.

8:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner (Property located at 1471 Highland Avenue, Needham, MA). This hearing was reopened on September 28, 2010 and continued to tonight's meeting. This Amendment relates to site improvements.

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

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

Mr. Ruth noted the following correspondence for the record: an e-mail from Assistant Town Engineer Thomas Ryder with no comments or objections. Tiffany Shaw, representative, noted she had 2 items to discuss. They have updated 3 sheets and they were reviewed at the 7/20/10 meeting. There were a couple of scope items that were not revised. On sheet C3.0, the underground drainage system was in clouds and 4 roof lighters were identified. They brought in the work limit line to line up with the property line. On sheet C4.0, they brought in the work limit line. On sheet L1.1, they eliminated the granite curb which is not on their property, changed the shape of the rumble strip and brought the work limit line in. At the initial hearing they discussed plans with sidewalks. They worked with the Town Engineer to plan the Highland Avenue sidewalks in line with the town's preliminary work on the master plans and will flow with it. They will do painted crosswalks and pavers later and they are bumping the sidewalk out. Ms. McKnight requested Ms. Shaw show where there will be tree plantings around Town Hall. Ms. Shaw noted it was previously submitted on sheet L1.2 and has not changed. Mr. Ruth noted there were 2 draft decisions. Ms. Newman will edit to the 4 members not 5 as Mr. Jacobs is not here.

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

VOTED: to grant the requested amendment to the Major Project Site Plan Special Permit and the requested Special Permits under 1.4.6, 4.4.3 and 5.1.1.6 as outlined in the decision.

Endorsement of Decision: Amendment to Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner (Property located at 1471 Highland Avenue, Needham, MA). This Amendment is related to the balcony.

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

VOTED: to endorse the decision as written relating to the balcony.

Board of Appeals – November 18, 2010 – Continued

Robert Peters, 51 Newfield Street, West Roxbury, MA 02132 – 53 Parkinson Street.

This case is continued.

Jennifer Rabinovitz and David Kuhns, 71 Brookside Road, Needham, MA 02492 – 71 Brookside Road.

Ms. Newman noted there is no site plan. They are not showing what the setbacks are and what is being enclosed.

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

VOTED: to note they need to give enough information so the Planning Board can comment.

Arisco, LLC, d/b/a Acropolis, 24 Bacon Street, Watertown, MA 02472 – 1257 Highland Avenue, Unit 1.

Mr. Eisenhut noted this seemed to be routine. Ms. Newman stated they gave Bertucci's a condition with take-out times, dumpster pick up, etc. They have had issues and should have similar conditions. They have no dedicated take-out spaces. Mr. Eisenhut commented they should point out to the ZBA what they have done in other cases.

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

VOTED: to make comments regarding hours, dumpster pick up, take-out and dedicated parking.

Review of Master Trail Plan.

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

VOTED: to defer the Trail Master Plan to the next meeting.

9:00 p.m. – Diminimus Change: Major Project Site Plan Special Permit No. 2009-02: Northbridge Communities, LLC, 15 Third Avenue, Burlington, MA 01803, Petitioner (Property located at Duncan Drive off Old Greendale Avenue, Needham, MA 02494).

Paul Maloney, of Avita Memory Care Center, noted there have been some porch changes and a generator switch from natural gas to diesel. They have screened the porches. There is a one-story shed roof with screen panels that fit between posts. It is changeable for the seasons. They are wanted in case it is too sunny it will give some shade. They have added some additional square footage to sheet C5 but are still within all zoning requirements. Ms. McKnight asked if they have increased the impervious coverage. Mr. Maloney noted they have not as there were already paved spaces there. They have a full underground drainage system. Mr. Warner asked if the shift in generators will have an effect in the sound. Mr. Maloney noted they have a letter from an acoustical engineer saying it will be less noise. Mr. Ruth asked about fuel storage. Ray Mitrano, of MMM Properties, stated they will have a day tank under the unit itself above ground. Ms. McKnight requested the decision be conditioned upon receipt of a favorable letter from engineering.

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

VOTED: to determine the proposed changes are minor in nature and the requested modifications are subject to a “no comment” or a favorable letter from Town Engineer Tony DelGaizo.

8:30 p.m. – In-Lieu Parking Fee Schedule: Note: This hearing is continued from the October 19, 2010 and November 1, 2010 meetings of the Planning Board.

Ms. Newman noted she had been asked to do an analysis for a fee structure. She reviewed the draft in lieu chart drafted by Devra Bailin. She feels the incremental approach is coming more in line. They have utilized the second incremental fee in the draft she did. They only gave credit for 10 existing parking spaces. She has modified the draft they looked at before to change to 10 spaces. This will deal with cases of a phased development. Robert Smart, representative, noted his clients would pay \$115,000. Ms. Newman has made 2 changes. She has decreased the 15 spaces to 10 and increased the cost. The effect is it puts his client into a higher bracket to \$185,000. The way it is written it is not clear his client would be eligible for the credit. He stated it goes to \$275,000 if he is not eligible. Mr. Smart has provided 4 different alternatives to how his client could be eligible. He noted the first change on the 4th page is to change the 2-year look back to 4 years. The second change would be to strike the qualification of within 2 years of development application. The third change would be to insert “or most recent retail use if the last prior use was retail.” And the fourth change would be to add language “or façade modification required whether waived or not.” Mr. Warner noted on the first page of Mr. Smart’s letter the price goes up to \$185,000. He asked if this is the first phase or the whole project. Mr. Smart noted the whole project. Ms. McKnight noted the third option and stated she wants to understand they will be able to use the most recent retail use. This is correct. Ms. McKnight asked what if the block had a restaurant use 3 years ago. They would not be able to use this at all as the prior use was not retail and it was more than 2 years ago. If the last use was retail it would count but anything else would not count. Mr. Smart noted that was correct. Mr. Ruth stated a 4 year look back or even a 5 year would be better. He asked if it was 4 or 5 years should they put in the language most recent “lawful” use. Mr. Eisenhut agreed. Ms. Newman noted they should go 3 or 4 years and add the word “lawful.” Ms. McKnight stated they could still use 2 years but add “or for space that has never been occupied.” The last 2 years assume retail use. Mr. Ruth noted they need to break out second floor use, not retail. Mr. Eisenhut commented they need to keep it simple. Ms. Newman agreed. Mr. Ruth noted another issue raised is the credit – 10 or 15. Mr. Eisenhut stated he is on board with incremental but asked where you draw the line, at 10 or 15. Ms. McKnight noted giving credit for 10 seems to work. Mr. Ruth commented he feels it should be 15. Ms. McKnight noted if there were several parcels and they were allowed 10 per parcel. Ken

Mackin stated if the corner parcel was available for sale, they add their 5,000 to the new 8,000. Even if you get 10 and 10 you still need to supply a fee for 20 spaces and it increases to \$20,000 per space. This creates a big disincentive. They need to get density in order to make a development feasible. They are looking at affordable housing also. Mr. Ruth asked if Lee Newman could do a chart with incremental #2 with a 15 waiver and a 12 waiver – they already have 10. Mr. Warner noted all agree with incremental #2. Mr. Mackin stated it is easy to get caught up in minutia. They need to encourage development. The Board needs to keep this in mind.

Ms. Newman noted she will do a supplemental chart. Everyone will review and send their comments to her. The Board needs a definition for proposed parking spaces. Mr. Ruth noted they will make a decision on 12/7/10.

It was decided the next meeting on December 7, 2010 would begin at 7:15 p.m.

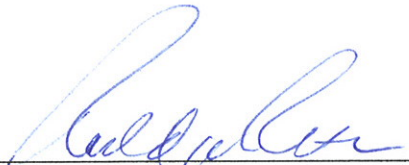
Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the four members present unanimously:

VOTED: to continue the hearing to the next meeting on 12/7/10 at 7:15 p.m.

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

VOTED: to adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Ronald W. Ruth, Chairman