NEEDHAM PLANNING BOARD MINUTES

November 13, 2007

The regular meeting of the Planning Board, held in the Performance Center of the Broadmeadow School, was called to order by the Chairman, Devra Bailin on Tuesday, November 13, 2007 at 7:30 p.m. with Messrs. Eisenhut, Handel and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Decision Review and Endorsement: Major Project Site Plan Review No. 2007-10: Beth Israel Deaconess Hospital Needham, 148 Chestnut Street, Needham, MA, Petitioner (Property located at 148 Chestnut Street, Needham, MA).

This was a discussion of the draft decision. Ms. Bailin noted e-mailed comments from Mr. Eisenhut and Ms. McKnight. Ms. Newman will change the language to clarify. Ms. Bailin noted in 3.3 some language is relying on volume statistics as well as the volume uses. It should say they are relying on these in a general sense or they are relying on the representation of that kind of use. The type of use is part of the decision. Ms. Newman will add a finding relying on the hospitals representation of the use and none of the uses will create volume. Mr. Jacobs noted on page 9, section 1.2, they have been operating since 1912 which is 95 years not 100. In section 1.3, 41 beds plus 21 beds should be a total of 62 beds. Ms. McKnight noted in 1.4 it should state “typically sees fewer than…” In section 1.8, in the last sentence, “decreased” and “returned” should lose the “d’s” at the end. Mr. Eisenhut noted in 1.9 it says the south parking lot works well. He disagrees. They do not need to find it works well but that it is adequate. This was agreed. Mr. Jacobs noted in other places it refers to the upper and lower lots as opposed to north and south. He feels they should be consistent. Ms. Newman will add wording regarding waivers for parking in 1.9. Ms. Bailin noted in 1.15 she wants to make sure the study is not done in the summer. The wording is ok. Mr. Cramer stated he would like 3 out of 5 days rather than 2. Ms. Bailin noted she remembered more Board members wanted 2 days. Mr. Jacobs commented they should put in 5 consecutive non-holiday or business days or a non-holiday week. Mr. Handel agreed they should specify a non-holiday week. Mr. Eisenhut noted in 1.14 they should strike out “The hospital has proposed that” and begin the sentence after that, All agreed. Mr. Handel stated they should go back to the number of days. It should be 2 out of 5. A discussion ensued regarding street parking. Mr. McKnight noted there should be no parking on Lincoln Street both sides. They should concentrate on the hospital parking and not the surrounding streets. Mr. Jacobs stated he was not convinced they can enforce part B in 1.15 (last sentence). Ms. Bailin stated they should take out consensus.

Ms. McKnight questioned if the 7 new spaces on Lincoln Street were in the public way. Ms. Bailin stated if it was on hospital property it is fine. Ms. McKnight questioned that if it is determined parking is not needed after 5 years could there be something like they put a grass berm back in on Lincoln Street. Mr. Handel stated they do not think they can require after 5 years they go back and have an expense. Mr. Jacobs noted in 1.20 they are relying on the hospital numbers again and in 1.22, last sentence, add “permit” after permanent occupancy. On page 14, 1.26 there is no comma after deliveries and the last line they should add divert “construction” traffic. Ms. McKnight noted they shall require. Ms. Bailin asked in 1.28, if they ascertained there is no loss of spaces with gates. She was informed one space will be lost. Ms. Newman will carry forward any language changes throughout the decision. Ms. Bailin stated 3.12 needs to be expanded. Mr. Jacobs commented Ms. Newman did a nice job on the decision. Ms. Newman will add a condition. The police are concerned there is no security officer 24/7 in the building. The hospital has agreed to that. It is 10:00 p.m. to 6:30 a.m. now. Jeff Liebman will look into this. Mr. Cramer noted in 2.0c this should be subject to Planning Board review and approval and the police would then like to say it is approved. Ms. Newman noted the police are concerned and they need to be satisfied. Mr. Cramer noted 3.34 and 3.35, the town could not find the abandoned connections. It does not seem feasible for them to find them when the town could not. Ms. Bailin suggested “seal all known”. This was agreed. Mr. Cramer noted in 3.41 it is 7:00 a.m. to 6:00 p.m. currently and always has been. They should not be penalized. This was agreed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to grant a Major Project Site Plan Special Permit under Section 7.4 of the By-Law.

Upon a motion made by Ms. McKnight, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to grant a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.3 of the Zoning By-Law.

Upon a motion made by Ms. McKnight, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to grant a Special Permit under Section 1.4.6 of the By-Law for the structural alteration, enlargement and/or reconstruction of a non-conforming structure.

Minor Modification to Major Project Site Plan Review No. 2007-06: First Parish in Needham – Unitarian Universalist, 23 Dedham Avenue, Needham, MA, Petitioner (Property located at 23 Dedham Avenue, Needham, MA).

Frank Olney, architect, noted the color is all settled now and they have suggested additional site drainage. The town engineer has signed off on this. This will dump less water on the street and put more into the ground. They have a memo from Tony DelGaizo, dated 11/13/07, with no comments or objections. Ms. McKnight noted there are 2 large trees that block the view of the steeple and questioned if they will remain. Mr. Olney noted they are healthy and there is no plan to remove them.

Upon a motion made by Mr. Handel, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to deem this a deminimus change.

Appointment

8:00 p.m. – Minor Modification to Major Project Site Plan Special Permit No. 1995-09, as amended. Highland/Montrose LLC, owner of 902 and 910 Highland Avenue, Needham, Massachusetts.

This hearing is continued to 11/27/07 at 8:00 p.m.

Decision Review and Endorsement: Definitive Subdivision Plan Approval: Petrini Corporation, Petitioner (Property located at 708 South Street, Needham, MA).

Mr. Jacobs noted he is not taking part in this. Ms. Newman noted the plan modification Mr. DelGaizo suggested has been agreed to by Mr. Petrini. Ms. McKnight noted in condition 12, it states 3-11 and 15. She questioned if this was a typo and it should be 13. Ms. Newman noted it should be 3-13. Ms. McKnight questioned if condition 15 was a restrictive covenant. She was informed it was due to the utilities. Mr. Eisenhut asked about alternatives to asphalt. He noted they should require pervious materials for access to drives in the future. Ms. Bailin commented they cannot do that on public ways. It would need to remain private but is hard to impose. She questioned if they should add "restrictive covenant enforceable for at least 100 years". Mr. Eisenhut questioned why 100 years and not in perpetuity or the max allowed by law or not less than X. Ms. Newman noted she would add wording. Mr. Cramer noted on page 5/6 it states the town shall be responsible for… He suggested there be direction regarding the landscape obligation. Mr. Petrini stated he was not too worried about this but they need clarification on the easement. He also noted paragraph 5 should say "if applicable." Mr. Cramer noted #21 on page 8 refers to a stone wall. He noted there is no stone wall. Where the location of the road is proposed they do not need a stone wall and it is subject to the Scenic Roads Act. Mr. Petrini stated only along South Street is fine but not 300 feet back in the property. This was ok.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by four of the five members present (Mr. Jacobs did not participate):
VOTED: to approve the subdivision as shown on the plan.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by four of the five members present (Mr. Jacobs did not participate):
VOTED: to grant waivers a, b, c, d, e, and f as stated in the proposed draft decision.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by four of the five members present (Mr. Jacobs did not participate):
VOTED: to approve the director's draft decision with the modifications discussed tonight.

Decision Review and Endorsement: Major Project Site Plan Review No. 2005-09: Major Project Site Plan Review No, 2007-08, Town of Needham, Petitioner for the High Rock School (Property located at 77 Ferndale Avenue, Needham, MA).

Ms. Newman noted there may be possible problems with this. Mr. Popper wants a decision and he will come back and amend if necessary. There is no coordination with the Conservation Commission. If the Conservation Commission wants changes they will need to come back for modifications. A discussion ensued. They have cleared with the Conservation Commission the issue of stripping but apparently not site plan works and this is what is in front of them.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to grant the requested Special Permit for Major Project Site Plan Review under Section 7.4 of the By-Law.

ANR Plan: 60-84 Wildwood Drive, Needham, MA.

The Board is not going to do this tonight.

Release of Performance Bond for Major Project Site Plan Review 2005-06: DIV Needham 53 LLC, One Appleton Street, Boston, MA, Petitioner (Property located at 53-83 Fourth Avenue, Needham, MA).

Ms. Newman noted some landscaping was required behind the building and the As-Built drawing did not tie in but they have revised the drawing.

Upon a motion made by Mr. Handel, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to release the bond.

Minutes

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to approve the minutes of 7/17/07, 9/11/07 and 9/25/07.

Report of the Planning Director and Board Members.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to authorize the Planning Director to write a letter to David Tobin and the Building Inspector not to issue a building permit to Mr. Maloomian as it is the Planning Board site plan and the ZBA has no jurisdiction and cc the Selectmen.

Upon a motion made by Mr. Handel, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 9:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Jeanne McKnight, Vice-Chairman and Clerk