

NEEDHAM PLANNING BOARD MINUTES

August 6, 2013

The regular meeting of the Planning Board held in the Charles River Room of the Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Tuesday, August 6, 2013 at 7:30 p.m. with Messrs. Warner and Jacobs and Ms. McKnight and Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Correspondence

Ms. Newman noted an email from Sam Bass Warner, dated 7/29/13, regarding accessory apartments.

7:30 p.m. – Major Project Site Plan Review No. 2013-03: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property located at 51 and 59 Lincoln Street and 89 School Street, Needham, MA).

7:30 p.m. – Amendment to Major Project Site Plan Review No. 98-6: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property located at Existing Municipal Parking Lot on Chestnut and Lincoln Streets and 37-39 Lincoln Street, Needham, MA).

Mr. Eisenhut explained the procedure the Board will follow.

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

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

Anthony DelGaizo, Town Engineer, stated they are requesting 2 permits – one for the School Street/Lincoln Street lot and one for the expansion of the existing Chestnut Street lot.

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

VOTED: to hear both applications together and note the waiving of the reading of the public hearing notice vote applies to both.

Town Engineer DelGaizo noted the School Street/Lincoln Street site currently has 3 buildings – the Community Center and 2 houses – on 3 lots. They are located immediately adjacent to the Police/Fire Station. They will demolish the buildings and construct an expansion of the police/fire parking area and public permit parking. There will be a fence with hedges to create privacy and a wooden board fence at the end. He stated the project will increase the water quality with a drainage swale to a catch basin to an underground infiltration system. There is a catch basin in the lower part to a storm sceptor to the same infiltration system. This takes into consideration both lots and the expansion lot. It is 3 times larger than necessary due to the drainage problem at the end of Lincoln Street. He clarified this is part of a plan to address that issue.

Mr. DelGaizo noted they propose a stone wall with a monument sign, a walkway at the end to access School Street, several trees, ground cover, mulch and lawn areas. There are 2 phases. In Phase 1 they will do all except the stone pillar, rail system and back portion of the pervious walkway. They will maintain trees along the border of the property and will augment the screening with arborvitae to screen lights from the houses. He noted the lights are the same as the other lots currently.

Mr. DelGaizo noted for the Chestnut Street lot expansion, it is currently buddy parking and permit parking. They will eliminate the buddy spaces to provide more usable parking. There will be 2 double rows and one single row. Some of the parking spaces will be permit parking and some will be 2 hour spaces for shoppers. There is a significant increase in usable spaces. Mr. DelGaizo noted all will be done in Phase 1 except for the pervious

walkway and 5 trees associated with it. They had asked for estimates to be done for the 2 lots. It will be \$190,000 for Phase 1 for this lot and \$500,100 for Phase 1 of the other lot. They have \$320,000 currently for both lots and are looking for other funding. He noted Phase 2 will be in 2014 subject to funding availability.

Mr. DelGaizo stated the School Street lot currently has 8.8% total landscaping, 37% which is interior. They will bring that to 10.4% with 39.7% interior landscaping. Mr. Warner stated he feels parking lots are terribly important and should be made as pleasant as possible. He complimented parts of the design and noted, in general, they screen lots rather than make them pleasant. He stated this is an opportunity to make it better. He thinks they should plant large shade trees in the swale. He would like a strip of trees down the middle. He calculates they would give up about 10 parking spaces to do it.

Mr. Eisenhut asked if there is any feasibility to lose spaces to increase the internal landscaping. Mr. DelGaizo stated the School Street lot has 28% landscaping with 30% interior to the parking lot. The swale has 2 to 3 feet of grasses and an infiltration trench below. He stated they cannot plant trees in that area as the roots would go for the infiltration system. He would like to maintain the cleaning capability. Mr. Eisenhut asked how long the swale was. He was informed the swale was the length of the parking lot. Mr. DelGaizo clarified they are trying to keep as many trees as possible.

Ms. McKnight noted the School Street/ Lincoln Street lot and the bushes labeled at the swale to the School Street frontage. She asked in the Lincoln Street frontage is it only ground cover or hedging as it is not labeled. Mr. DelGaizo stated it is ground cover with mulch and 4 new trees. They will transplant some arborvitae from the Chestnut Street lot to shield the light. Ms. McKnight asked if they will transplant in Phase 1 and was informed they would. She noted it is important to put in the decision to preserve the trees on the abutting property.

Mr. Warner stated he would like them to reconsider planting trees in the swale. Mr. DelGaizo stated he would not object to replacing the swale with trees but it will not infiltrate as well. Ms. McKnight clarified the trees in the Chestnut Street/Lincoln Street lot will be in Phase 2. Mr. DelGaizo stated that was correct.

Mr. Jacobs noted the estimated cost is about \$217,000 for the Chestnut/Lincoln Street lot and about \$597,000 for the Lincoln/School Street lot. They have \$320,000 so they are short by about \$496,000. Phase 2 is about \$114,000. They need about \$380,000 for Phase 1 to get it all completed. He is concerned with the gap in the funding. He wants to make sure it will actually happen. Mr. DelGaizo stated there is the Municipal Parking Fund and the Chapter 90 Fund. The town cannot put a bid out for work without having identified the funding for the work. He stated the projects are proposed for this fall.

Town Manager Kate Fitzpatrick stated they will re-prioritize other projects. They do not have an appropriation for Phase 2 but Phase 1 will be set. Mr. Jacobs stated \$115,000 to \$120,000 is needed to do Phase 2. He asked if the bids come in under could the work be done all at once. Mr. DelGaizo informed him it could be. Mr. Jacobs asked if the upper lot for the police/fire is higher than the School Street lot. Mr. DelGaizo stated it was about 18 inches to 2 feet higher generally.

Mr. Jacobs asked how the permit parking system works. Town Manager Fitzpatrick noted businesses within a certain radius of downtown can apply for permits. Mr. Jacobs clarified the lot is not intended for public employees. Ms. Fitzpatrick stated it is not exclusively for public employees but public employees may have a permit and can park there. They are increasing the permit parking and retail parking.

Mr. Jacobs asked how many permits are there. Ms. Fitzpatrick stated the number was in the high 300s. Mr. Jacobs stated they are adding 35 spaces to the Police/Fire lot. He asked where the employees park now. Mr. DelGaizo stated there are some spaces there currently. He noted the fueling station will be removed and they are losing 2 spots. Mr. Jacobs asked how many employees are there at any one time. Lt. John Schlittler stated there are 23 to 27 employees and civilians at the Police Department. Fire Chief Paul Buckley noted there are close to 20 on the day shift at the Fire Department.

Mr. Jacobs asked what would it mean if there were no waivers for width and design. Mr. DelGaizo stated there would be a reduction in the interior landscaping on the swale. The spaces are 6 inches longer. Mr. Jacobs asked the width of the swale on the plan. Mr. DelGaizo stated it was maybe 13 or 14 feet. Mr. Jacobs asked the bike rack location and how many bikes would it hold. He was informed it was in back and was for 4 bikes. Mr. Jacobs asked if trash receptacles were planned. Mr. DelGaizo stated not at this time.

Mr. Jacobs noted Section 1.16 in the draft decision and asked what are the special and unique circumstances. Mr. Eisenhut stated there are special flooding issues in this area. Mr. DelGaizo stated that was correct. He noted the existing Chestnut Street parking lot is based on 9 foot by 18 foot spaces. These spaces are proposed to be the same. The idea is to maximize landscaping for the lot. The drainage system in existence cannot carry away all the water. They need to reduce the volume of the water going down the street. Mr. Jacobs stated nothing in the decision as written expresses this would help the street drainage. He feels that should be clarified. Ms. Newman noted they could make it a finding.

Mr. Jacobs noted 34 spaces will be dedicated to the Police/Fire. Mr. DelGaizo stated the Board of Selectmen may, in the future, make them general. They should clarify it is just 34 spaces and not all 69 spaces. Ms. Newman will clarify that. Mr. Jacobs asked in Section 3.6, who are "other entities". Lt. Schlittler stated sometimes other departments or cars that may be impounded.

Ms. Grimes asked if Mr. Warner was suggesting eliminating 10 parking spaces for more landscaping. Mr. Warner stated it would be good to restripe the Lincoln Street lot and have a swale run through that. Ms. Grimes stated she feels they should maximize as many spaces as possible. She commented she feels they have done a great job.

Ms. McKnight stated in Section 1.2 it should be for municipal employees and public in both lots. Ms. Newman will clean up the language. Ms. McKnight asked where in zoning this is allowed. She could not find it. Ms. Newman noted municipal uses are under public parks, playgrounds and municipal structures.

Carol McCarthy, of Lincoln Street, stated she wants to remind the Board one quarter of the neighborhood is going to hardtop. It currently floods every time it rains. She asked about the entrances for traffic flows, the monitoring of permits and who will take care of the landscaping. She commented the Chestnut Street lot is poorly maintained. She questioned the lighting and stated she does not want to see it turned into a parkway. Mr. Eisenhut clarified there will be a condition in the permit. If there is an issue she should speak with Ms. Newman.

Mr. DelGaizo noted the lighting is similar to the Chestnut Street lot. They require a waiver from the candle size. They do not want bright lights. There will be no spillover onto any property. He described the 3 driveway accesses. Ms. McKnight asked if the lights would be set up to be dimmer at night. Mr. DelGaizo stated no. This lot will be lit less than the lot behind CVS.

Dave Lombard, owner of the house at the corner of School Street and Lincoln Street, stated the major problem is drainage. They have put in a system that works fairly well. He asked, with all the added asphalt, how will the town deal with the February frost, the snow and rain. Mr. Eisenhut noted the Town Engineer had explained it will be an improvement. Mr. DelGaizo stated this proposal will have less water leaving the site. It will go to the infiltration system and not the street.

Mr. Lombard mentioned security and asked why they are putting Yews and not security fence in the middle. Then they could put Yews on Lincoln Street. Mr. DelGaizo stated there is a 5 foot rail along the center. Mr. Lombard asked if the entrance could be moved to School Street. Mr. DelGaizo stated there is an issue with the number of accesses already on School Street. The access point on Lincoln Street will provide better access. Mr. Eisenhut stated the Planning Board has experience with this and knows it would not work. Mr. DelGaizo clarified they did look at this issue and the entrance is safer where they have it.

Mr. Lombard asked if the lights could be shut off at night at a reasonable hour. Mr. DelGaizo stated the lights would be on at night similar to Lincoln Street. He added the spaces will be available for public parking after 2:00

p.m. Mr. Lombard asked, if no one is parking there, could the lights be put on a timer and save money. Mr. Eisenhut stated the Board would take it into consideration.

Ken Reiber, who lives at the corner of Lincoln and School Street, stated water right now is a disaster. He noted it looks like 4 or 5 houses will be relinquished and the hospital has already removed two houses. The residential environment is being demolished. He would like the lights reduced to help the residents and would like a green buffer along Lincoln Street to preserve the residential aspect of the street that is being compromised. He commented he would like the residents considered.

Mr. Eisenhut asked if Mr. Reiber would like more trees. Mr. Reiber stated he would like trees, bushes, or whatever can buffer. Ms. Grimes asked if they could put a row of arborvitae rather than 4 trees. Mr. DelGaizo stated he would do what the Board wants. Ms. McKnight stated they could put low bushes in front of the fence or a hedge. Mr. DelGaizo stated they could replace the railing and stone pillars in favor of a hedge. Ms. McKnight commented they could have a black metal fence with a hedge in front.

Mr. Lombard stated he would like a fence that creates a barrier then plants in front or behind. Carol McCarthy agreed. She noted the arborvitae is not doing well at the hospital. Ms. Newman stated they could do it as a plan modification. Bruce Claflin, of Garden Street, stated they could pump the water.

Mr. Eisenhut noted the following correspondence for the record: an email from Fire Chief Paul Buckley, dated 7/11/13, noting no issues; an email from Lt. John Kraemer, dated 7/25/13, with no comments; an email from Janice Berns, of the Board of Health, dated 8/1/13, with no comment; a memo from Town Engineer, Anthony DelGaizo, dated 7/9/13 and a letter from Laurence Keegan, of Weston & Sampson, dated 8/6/13, with updated information.

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

VOTED: to close the hearing.

Mr. Jacobs stated they did not have a Design Review Board recommendation in front of them. Ms. Newman stated that was not common practice. They require landscaping along the School Street edge and the plan modification landscape plan should show it. They can modify the plan to provide for more landscaping and approve it subject to that plan and get Design Review Board approval. She stated they could require the applicant come back.

Mr. Eisenhut noted he feels the decision should require trash receptacles. Also, the permit parking spaces being taken away for general use will change the traffic pattern and they will need to come back to the Board. He feels that language should be taken out. They want to preserve trees on the edges with all good faith efforts and he would like the reason for the design guidelines waiver included. Mr. Jacobs stated there should be substantial screening along Lincoln Street, monitoring of parking after dark and, if not used, they can come back and request the lighting go off for a time. They should clarify the 34 spaces applies only to 34 on the Lincoln Street side. Ms. Newman noted they could just remove the sentence. This was agreed.

Mr. Jacobs stated Phase 2 work should be done within one year of Phase 1. They also need a timeline for Phase 1. Ms. Grimes suggested through May 2014 for Phase 1 and May 2015 for Phase 2. Mr. DelGaizo agreed with the dates. Mr. Jacobs stated they do not need, in Section 3.6, "and other entities." It could be "other uses." He agreed they need trash receptacles. Mr. Jacobs asked about Section 3.26(e) regarding the cash bond at 135%. Ms. Newman stated it is not for municipal usually. Mr. Jacobs noted they need the screening provided in Phase 1.

Ms. Newman stated there is no money for the fence in Phase 1. Ms. McKnight stated they need a trade off. Mr. Eisenhut stated he wants the lights to be screened. Ms. McKnight commented she does not think board fences are attractive. Mr. Warner noted they will not see the fence with the vegetation. Ms. McKnight stated a combination of fence and hedge would effectively block headlight glare from the residents. She noted before the lot is used

they could leave it up to the applicant how to do it most effectively and it is to be a plan modification approved by the Design Review Board.

Mr. Eisenhut noted in Section 3.4, the sentence beginning with “Notwithstanding...” should be removed. Ms. McKnight stated Section 3.11 was a strange condition. Mr. Eisenhut agreed. Ms. Newman will remove it.

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

VOTED: to grant the requested Major Project Site Plan Special Permit under Section 7.4 of the By-Law for 51 and 59 Lincoln Street and 89 School Street and the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.3 (Off-Street Parking Requirements), Subsections 5.1.3 (a), (f), (i) and (k) to enable the parking area to be utilized as shown on the Plan and as set out in the decision with the modifications discussed at tonight’s meeting.

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

VOTED: to grant the requested Major Project Site Plan Special Permit under Section 7.4 of the By-Law for 37-39 Lincoln Street and the Existing Municipal Parking Lot on Chestnut and Lincoln Streets and the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.3 (Off-Street Parking Requirements), Subsections 5.1.3 (a), (f), (i) and (k) to enable the parking area to be utilized as shown on the Plan and in the form of the decision before us tonight with the modifications discussed at tonight’s meeting.

8:30 p.m. – Amendment of Major Project Site Plan Review No. 2012-04: Needham Bank, 1063 Great Plain Avenue, Needham, MA, Petitioner (Property located at 1055 & 1063 Great Plain Avenue, 10 Eaton Square, 232 & 244 Garden Street, 0 Garden Street, 0 Eaton Square, Needham, MA).

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

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

Michael Dowhan, of Veri/Waterman Associates, noted they did not have the pedestrian walkway in. He stated they met with the Design Review Board and the Streetscape Committee and received DRB approval. He noted this is a simple plan. There is a paved pedestrian plaza, a series of berm planting areas, shrubs, perennials, and ornamental grasses. There are nice shade trees, planting beds along the bank and a central area with benches. There are bike racks in back and they will repair the existing retaining wall.

Mr. Dowhan stated there are a series of glass panels to run the length of the railing. An image will be etched in the glass but that is not part of the proposal. They are just creating space in case. There will be water and power access. Mr. Eisenhut clarified there will be no vehicle traffic on the plaza. They can take advantage and use the pervious surface. Mr. Dowhan stated the surface is 1 foot by 1 foot or 2 foot by 2 foot pavers set in a sand setting bed with brick on either side.

Jeff Friedman, of the Needham Farmers Market, commented he supports the project. He stated they hope to relocate to the lot behind the bank.

Mr. Eisenhut noted the following correspondence for the record: a memo from the Board of Health, dated 8/5/13, with no comments; a memo from the DPW, dated 8/6/13, commenting detail needs to be added to the plan; a memo from Lt. John Kraemer of the Police Department, dated 6/17/13; and an email from Fire Chief Paul Buckley with no comments or objections.

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

VOTED: to close the hearing.

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

VOTED: to approve the amendment to Section 7.4 to approve the plans for the plaza subject to a plan modification and the underlying conditions of the original permit.

Appointment

8:45 p.m. – Discussion of proposed Solar Photovoltaic Zoning District Overlay District.

Ms. Newman stated this will be rescheduled for the first meeting in September.

DeMinimus: 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).

Mary Ann Oldfield, a member of the property committee of the First Parish, stated they want to be able to walk through the front door. The plan has minimal impact to the historical front. They will lift up the paver walkway and regrade. There is no railing in the walkway. The walkway raises about 2½ feet from the street level. She noted no railing is needed until the entry with a hidden ramp at the back.

Mr. Eisenhut noted the following correspondence for the record: a letter from the Town Engineer, dated 8/5/13, with no comments or objections and a draft decision, dated 8/6/13.

Ms. McKnight asked if the church gave any thought to removing the 2 trees in the front to enhance visibility to the historical building. Ms. Oldfield stated they are matching trees and are not considering it. They are moving around the trees.

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

VOTED: to grant the requested relief per the draft decision.

Decision: Webster Street Definitive Subdivision: Southfield Associates c/o Petrini Corporation, 187 Rosemary Street, Needham, MA 02494, Petitioner (Property located at 1135 Webster Street, Needham, MA).

Roy Cramer, representative for the applicant, stated there is a typo on page 10 on the address. Otherwise, he is fine with the decision.

Upon a motion made by Ms. Grimes, and seconded by Ms. McKnight, it was by the five members present unanimously:

VOTED: to grant the subdivision waivers as set forth in the decision.

Request to Authorize Permanent Occupancy Permit: Amendment to Major Project Site Plan Special Permit No. 1986E: 300 First Avenue Realty LLC, c/o Intrum Corp., 60 Wells Avenue, Suite 100, Newton, MA 02459, Petitioner (Property located at 300 First Avenue, Needham, MA 02494).

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

VOTED: to authorize the Planning Director to authorize a Permanent Certificate of Occupancy.

Request to Authorize Permanent Occupancy Permit and release surety: Lot A Amendment to Major Project Site Plan Review No. 2000-02: Digital Realty Trust, c/o Walter Greaney, 451 D Street, Suite 912, Boston, MA 02210, Petitioner (Property located at 128 First Avenue and 72 A Street, Needham, MA).

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

VOTED: to authorize a Permanent Certificate of Occupancy and release the bond held.

Request to authorize Planning Director to authorize Permanent Occupancy Permit: DeMinimus Change: Major Project Site Plan Review Special Permit No. 1995-09, Vinodivino (Raphael Keller-Go), 899 Walnut Street, Newton, MA 02461, Petitioner (Property located at 922-958 Highland Avenue, Needham, MA).

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

VOTED: to authorize the Planning Director to authorize a Permanent Certificate of Occupancy.

Discussion: Accessory Apartments.

Ms. Newman noted this is off the agenda.

Board of Appeals – August 15, 2013.

Glenn Barnett, 18 Fairlawn Street, Needham, MA -- 18 Fairlawn Street.

Ms. Newman noted they are reducing the garage to expand the house. She noted there is no proposed lot plan only the existing.

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

VOTED: to comment they are not showing any information.

Jason and Carolyn McNeill, 4 Nichols Road, Needham, MA -- 4 Nichols Road, Needham, MA.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by four of the five members present (Mr. Jacobs abstained):

VOTED: "No comment."

James Kaufman, 17 Wachusett Road, Needham, MA -- 17 Wachusett Road, Needham, MA.

Ms. Newman noted they need to make sure the Board confirms the structure is pre-existing, lawful non-conforming. That needs to be called out.

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

VOTED: to comment the lawfulness of the alleged non-conformity should be investigated prior to approval.

Eugeniya Kulikova, 767 Central Avenue, Needham, MA -- 767 Central Avenue, Needham, MA.

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

VOTED: "No comment."

Report from Planning Director.

Ms. Newman noted they have signed the bonding agreement with Wingate. They need to make the final check but at least she can move forward and accept the money.

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

VOTED: to adjourn the meeting at 10:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in cursive script, reading "Sam Bass Warner", written in dark ink.

Sam Bass Warner, Vice-Chairman and Clerk