

NEEDHAM PLANNING BOARD MINUTES

January 28, 2014

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Tuesday, January 28, 2014 at 7:30 p.m. with Messrs. Warner and Jacobs and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Correspondence

Mr. Eisenhut noted there was a Zoning Board of Appeals decision on the Mews project. Ms. Newman noted there was a letter for 27 Curve Street. There are some issues to resolve so this will be postponed. She noted there is also a letter to Town Manager Kate Fitzpatrick regarding parking in the Cox lot.

Minor Project Review No. 2014-01: Town of Needham, Permanent Public Building Committee, 500 Dedham Avenue, Needham, MA, 02492, Petitioner (Property located at 187 Brookline Street, Needham, MA).

Hank Haff, representative for the applicant and project manager, noted they had previously submitted a letter dated 12/20/14. They want to add 4 modular classrooms to the west side of the school. They will be independent structures to the existing school. They have great overcrowding. The modulares will be temporary with a 5 to 7 year life span. He stated they would like to do this as soon as possible this summer.

Micheele Rogers, of Dore & Whittier Architects, stated they want to keep the parking lot as is. They will add 2 parking spaces and are relocating 2 existing spaces to make it easier access for emergency vehicles. The buildings will go where the basketball courts are and they will relocate the courts. They will also add one handicap space. They would like a waiver for the illumination of lot and the parking lot size.

Mr. Haff stated this building was constructed in 1949. Additions were put on in 1958 and 1968. This also makes improvements in the setback in the back corner. The basketball courts will be set 25 feet off the line. Ms. Rogers noted there will be improvements in the drainage flow from the back property. Ms. Newman clarified this is a minor project. It is scheduled for the ZBA this week. Mr. Haff stated it has been reviewed and accepted by the Design Review Board. He has also reviewed it with the principal and advisory council.

Mr. Warner asked about the bus drop off. Ms. Rogers stated there will be one drop off in front across the street and one in back. Mr. Eisenhut stated they are basically accepting the existing conditions. Ms. Newman stated it is 2 lots. They need to accept the 81X consolidation plan. Mr. Haff stated that is now done and has been recorded. The building is on the main parcel. Mr. Jacobs asked if Town Engineer Anthony DelGaizo has approved the new drainage. Mr. Haff stated he has.

Mr. Eisenhut noted the following correspondence for the record: an email from the police, dated 1/22/14, with no concerns; a memo from the Health Department with no comments; an email from the Town Engineer, dated 1/28/14, with no comments or objections; and revised plans. Mr. Jacobs noted for the record he did some work with the Civil Engineer in the company. He feels this should not impede his ability to act but he wanted to disclose this information.

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

VOTED: to recommend approval of the site plan with all requested waivers and recording of the 81X plan.

Public Hearing

7:45 p.m. – Major Project Site Plan Special Permit No. 2014-01: NA-BOS 2001 LLC, 125 Summer Street, Suite 1800, Boston, MA 02110, Petitioner (Property located at 200 First Avenue, Needham, MA 02492).

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

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

Mike Boujoulian, representative for Cabot, Cabot & Forbes, stated they would like to redevelop for an indoor athletic facility under Section 3.2.4.2. This is a major project with 199 parking spaces proposed. They need 211 per the formula. They are requesting a waiver of 12 spaces. He noted it is a triangular shape parcel. The existing building is 36,000 square feet. The new building will be 31,148 square feet on 3 stories. There will be parking on grade, over and under grade and there will be an indoor pool.

Clay Smook, of Smook Architecture, stated it is an irregular shaped parcel. They will demolish the existing. He noted the state will complete Add-a-Lane by 2018. They looked at the existing building and proposed a 3-story. They will have parking under two thirds of it. The building will come to the ground with glazing on the first, second and third levels. There will be a pool on the second level. All major uses are on the second and third levels. There is a canopy about 10 feet off the ground. The materials will be concrete block, metal panels and aluminum glass panels. It will be a halo lit corner close to what Bullfinch has. There will be wrap windows around the corners.

Mr. Smook stated the height is 44 feet grade to roof line and 64 feet to the top of the tower. They will use canopies for solar shading and architecture. Some areas on the north side have no windows. The DRB had some comments. They want them to carry some accent striping on the building to create a horizontal massing of the building. Access is from the sidewalk and the parking under the building.

Mr. Jacobs asked about the east elevations. Mr. Smook noted the east elevation carries the glazing around corners and horizontal striping. He feels it masses well with the other building around there. Ian Ramey, of Shadley Associates, described the existing conditions. He noted with the pavement and the building there is 86% impervious surface. There are lawn and shade trees but little in the way of shrubs or ground cover. Most trees are along First Avenue. There are 10 sugar maple trees, some are new and some are very old. They are proposing to keep most of the trees. He noted the large ones basically are dead. They will replace them with 3 trees new of the same type. The hedge is in good shape and they will keep it.

Mr. Ramey stated the existing vegetation is immediately adjacent on the property line. The arborvitae hedge is existing and there is a row of young red maples. There is a row of naturalized vegetation on the other edge. The evergreen hedge is about 12 feet high. There is a large sugar maple in the corner that is in good shape. They will infill with more maple sugar trees and will put tall ornamental grasses and shrubs along First Avenue. There will be more shade trees such as ornamental crab apples, river birch, shade trees, and evergreens. They have removed the lawn and put drought tolerant shrubs. There will be an outdoor parkscape near the maple.

Mr. Warner stated sugar maples are currently under attack. He stated they may want to rethink this. Ms. McKnight noted the parking area to the left has no planting bed in the center. Mr. Ramey stated they have no ability to get landscaping in. Mr. Eisenhut asked if they could get a swail in. He feels it would be an improvement. They could give up a few spaces for green. Mr. Boujoulian stated they would not mind giving up spaces for green.

Glenn Dougherty, Civil Engineer for Tetra Tech, stated the existing condition is 84% building or impervious. They are increasing the open space by 6% and reducing the impervious area by 6%. The runoff from the roof will go to a subsurface recharge system. They will have deep sump hooded catch basins, HDP drain pipe, drain manholes and a storm scepter water quality system that will provide treatment for a majority of the parking area. There will be a significant reduction in the discharge. There will be a higher level of treated discharge to the town

scepter. It falls under the DEP storm water management as a redevelopment project site. This fully conforms to the DEP storm water standards.

Mr. Eisenhut stated they could create some pervious surfaces in the paved stalls in the parking lots. Mr. Dougherty stated there is an elevated ground water level so they are using the shallowest storm tech chambers that are available. Typically the chambers are 30 to 36 inches. They had to go with 16 inch chambers because there is stone below and stone above and they need to maintain a 2 foot separation from ground water. They could look at interlocking paving systems in some areas. Ms. Grimes stated she is not in favor of them raising any areas. Mr. Dougherty stated they would look at sidewalks.

Nancy Doherty, of Tetra Tech, stated they looked at 5 intersections. They took new counts on Saturday. They assumed the new Add-a-Lane will be done in 2018 and made assumptions. This will be a 31,000 square foot athletic facility. She noted 5,100 square feet are currently occupied and she gave the traffic assumptions. There will be 25 new trips in the morning, 72 weekday trips in the p.m. and 82 trips Saturday mid-day. There is a net decrease in traffic compared to the previous. She stated this is not a huge generator with an approximate 1% net increase on the weekday peak hours and 1 ½ to 2% on Saturday. There is no change to the level of service from this project. It is not a high impact project.

Mr. Jacobs asked how many people will be there. Mr. Boujoulian stated there could be 150 or more at peak time. He noted he could not divulge the end user. Mr. Eisenhut stated, for the record, he has been a long-time member of the Boston Sports Club.

Ms. Doherty noted the following mitigations: bike racks, indoor bike storage, employee carpool, commuter information, staggered work hours, emergency ride home program and posting transit maps. They will also install speed signs. Ms. Newman stated they usually require the end user to have a shuttle to the green line. Mr. Eisenhut stated they are requesting a waiver of open space because they are under 25%. Mr. Smook stated they are at 21.9%. Mr. Eisenhut noted they need to get to 25% or explain why they cannot. They will work on that for the next meeting.

Ms. McKnight stated the 25% must be interior. Almost all they have shown is on the exterior. They need to rethink that. Mr. Eisenhut stated the energy efficiencies are not noted. Mr. Boujoulian noted they have no advanced design yet beyond the 2 dimensional. He will look at it. Ms. McKnight asked what is the public need that is being filled. There is a lot of talk about an indoor pool for kids, meets and such needed. Will it be regulation size and rented out to teams and schools at all? Mr. Boujoulian stated it will be for member use and there will not be any public space.

Mr. Eisenhut noted the following correspondence for the record: a memo from the Board of Health, dated 1/2/14, with comments; a letter from Mark Rubin, of MARIC, dated 1/28/14, in support, a letter from Town Engineer Anthony DelGaizo, dated 1/27/14, with comments and recommendations; a letter of support, dated 1/23/14, from Normandy Real Estate Partners; a letter from Cabot, Cabot & Forbes, dated 1/23/14, regarding the redesign; a memo from Fire Chief Paul Buckley, dated 1/21/14, noting no objections or concerns; a memo from Police Lt. John Kraemer, dated 1/23/14, with comments and a memo from the Design Review Board, dated 1/6/14, with recommendations.

Mr. Boujoulian noted Cabot, Cabot & Forbes had 2 comments. One was the First Avenue elevations. They suggested they might consider removing the masonry element. He stated they would like to keep it for future signage and assist with finding the entrance. They have added a storefront at ground level. He noted the Design Review Board would not like glazing and they propose steel fencing or some other element.

Mark Rubin, President of MARIC, stated he wrote a letter. He feels this is a great amenity for the park. They are having trouble renting space since Gold's Gym closed. He feels they need a true mixed use in the park. He reiterated this is a great amenity. He thinks they did a fabulous job but the Board should keep the balance between parking and green space.

Ms. McKnight stated she likes the view from the front. It is a little plainer from the rear. She noted there is an open parking area from A Street to First Street and asked if there is any unpleasant view. Mr. Boujoulian stated there is a 2-story basketball court, locker rooms, showers and elements for specialized children's areas. He noted they brought some elements from the front to the back. There is a sizable retaining wall with plantings on top.

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

VOTED: to continue the hearing to 2/19/14 at 8:30 p.m.

Request to establish bond and to authorize issuance of Temporary Occupancy Permit: Amendment to Major Project Site Plan Review No. 2012-05: VO2w Max Elite LLC, 23 Francine Road, Framingham, MA 01701 & MMM Property LLC, 7 Harvard Street, Brookline, MA 02445, Petitioners (Property located at 916-918 Great Plain Avenue, Needham, MA).

Ms. Newman stated they need to establish a bond amount and then she has a license agreement that is to be signed. She noted the sewer connection has been installed. Drainage from the roof ties to an infiltration system in the back that is not done yet. The \$6,000 bond will cover that work. The license agreement is with the Doctor who owns the pizza place. He is allowing Mr. Mackin to have 3 parking spaces for parking of his employees in his parking lot until the parking lot in the back is finished. The license agreement is terminable at will with 15 days written notice and is a short term measure for up to 6 months. Mr. Jacobs asked if there was any way to require he certify to us, perhaps monthly, that the license remains in full force and effect. Ms. Newman stated that was fine.

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

VOTED: to approve the amount of the bond at \$6,000.

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

VOTED: to approve the issuance of a conditional temporary Occupancy Permit subject to the conditions discussed regarding getting regular monthly notices of the still in existence license.

Establishment of bond: 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).

Ms. Newman noted they have a street bond amount from Engineering of \$135,500 and an Off-Street Drainage bond amount of \$24,500 for a total of \$160,000.

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

VOTED: to approve the bond amount of \$160,000.

Ms. Newman noted the Board previously authorized her to take the bond and issue a lot release. She left out one unbuildable lot and has redone the lot release to include that unbuildable lot. She would like the Board to sign the new lot release.

Large House Committee.

Ms Newman stated she has prepared a press release and a list of who will be on the committee. If the Board members are ok with it she will proceed. Mr. Warner asked why there was someone from the Conservation Commission and not the DPW. Ms. Newman stated she could get a staff person from Engineering. Ms. McKnight stated the Building Inspector would be helpful. Ms. Newman will add him to the list. Mr. Jacobs

asked what the interest of the Housing Authority was. Ms. Newman stated they participated last time but she will eliminate them.

Ms. Grimes asked if they could specify a residential architect. It was noted they could. Mr. Jacobs suggested they say "real estate broker" specifically rather than real estate community. Mr. Warner suggested they eliminate the Conservation Commission and Housing Authority.

Ms. McKnight stated in the third paragraph of the press release it should say "zoning or other land use controls." Ms. McKnight noted in the first paragraph where it says "whether a zoning amendment to limit size or encourage dialogue..." She asked if it was a zoning amendment that would encourage dialogue. Ms. Newman stated they could identify the problem and state they are creating a committee to look at zoning. Mr. Jacobs commented he felt that was a good idea. She will rewrite this.

Mr. Warner stated they have never talked about climate change as a group. He feels this is an overriding issue with tear downs and wants the citizens to consider this. He also feels there should be more notice to abutters about tear downs. Mr. Jacobs stated he would like the Building Inspector to put a notice in the Needham Times for one to 2 weeks prior to issuing a demolition permit. Ms. Grimes and Mr. Warner agreed. Ms. Grimes would like to expand that to include vacant lots and not only demolition. Mr. Eisenhut stated Ms. Newman could have a conversation with the Building Inspector regarding notices to the abutter to the abutter or notice in the paper.

Ms. McKnight stated to put notices in the paper is costly. That is a concern. She does not think the committee should consider the environmental impact with teardowns. She was on the committee that was to consider the Stretch Code and she is embarrassed that Needham stands out as a town that has not enacted the Stretch Code. She feels it sets the wrong tone right off the bat. It creates the impression that Needham is against teardowns and she feels it is bad to start that way. Ms. Grimes stated she feels Ms. McKnight has a very valid point.

Proposed Zoning Amendments for 2014 Annual Town Meeting.

The Board discussed proposed zoning changes in Section 5 of the By-Law. Mr. Eisenhut stated in Section 5.1.1.4 – he does not agree Section 5.1 shall not be applicable. He strongly disagrees with that. It could say "not applicable to the extent that you do not need relief or waivers to implement state law;" But the other portions of 5.1 should still apply. This language takes it completely out. Lee Newman said the intent was to allow people to add required handicapped spaces without seeking a waiver. They should remove "this Section 5.1 shall not be applicable and" and keep "no relief or waivers from this Section 5.1 need to be sought to implement state or federal law." All agreed.

Mr. Eisenhut stated the number of spaces that would be excluded from needing a waiver should be 9 or less. In the Center Business District the Planning Board has always had exclusive authority. If a use comes in that triggers a Special Permit, and is covered under the parking waiver up to 9 parking spaces, it will be ZBA jurisdiction. The change has been discussed with the Chairman of the ZBA.

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

VOTED: to move to approve the proposed language changes Section 5 of the By-Law.

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

VOTED: to authorize the Planning Director to put the proposed changes in warrant form and have the Selectmen refer it back.

The Board discussed proposed zoning changes in Section 7 of the By-Law. Mr. Eisenhut stated in Section 7, the appeal is too complicated. They can accomplish the goal by voting to give the Planning Director authority to approve any Design Review Board façade or design change if she is satisfied or if she wants to put it before the Board she can. Mr. Jacobs asked what if the applicant does not like what the Design Review Board did. Mr.

Eisenhut stated they could say if the applicant is dissatisfied the Planning Board could deal with it. If the Design Review Board recommends it for approval then it goes to the Planning Director for approval. Ms. Newman can approve it or refer it to the Board.

Ms. Newman stated they are already creating a process. A discussion ensued. Ms. McKnight stated they could say an applicant who is not satisfied with the DRB could appeal to the Planning Board. She noted they need a number of days. Mr. Eisenhut asked who can appeal. It was noted any aggrieved party can appeal.

Ms. Newman asked what starts the clock ticking. Mr. Eisenhut stated everything needs to be spelled out – time period, any aggrieved party, denovo appeal to the Planning Board. Mr. Jacobs stated they should call it a review rather than an appeal. Mr. Warner noted if the applicant is dissatisfied with the Design Review Board recommendation they may request referral for a denovo hearing. If no further referral is sought the Planning Board would adopt the Design Review Board recommendation.

Ms. Newman clarified Needham Center is the only place this affects. Ms. McKnight stated an aggrieved party who is dissatisfied with the Design Review Board may alternatively seek denovo review by the Planning Board.

Mr. Jacobs noted his concern is that minor projects do not require public notice. How are abutters going to know? Mr. Warner stated they should put a placeholder on the warrant. Ms. Newman stated she will write a letter to Town Manager Kate Fitzpatrick regarding a placeholder on the warrant. Ms. McKnight stated she wants a simplified process with the DRB. Mr. Jacobs noted he would not like to lessen the public notice to abutters. Ms. McKnight stated they could say “the DRB shall follow the notice requirements for Special Permits.” Mr. Eisenhut stated notice to abutters but not in the newspaper. Ms. Grimes commented she feels it is unnecessary. Ms. Newman noted she will work on it.

Mr. Jacobs stated on page 186, they need a clearer understanding. Mr. Warner noted the town needs to review all new parking construction in downtown. Ms. McKnight stated they need to add under Section 5.1.1.2, after parking “or loading spaces” before the red lined section.

Minutes

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

VOTED: to accept the minutes of 9/3/13 with correction.

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

VOTED: to adopt the minutes of 9/17/13.

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

VOTED: to accept the minutes of 10/8/13 with corrections.

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

VOTED: to accept the minutes of 10/22/13 with corrections.

Ms. McKnight noted on the minutes of 11/19/13, “conversation” should be “conversion” and it should state Ms. McKnight noted it “could” be a change, not “would” be a change.

Report of the Planning Director.

Ms. Newman stated she and Mr. Warner have been working with the Downtown Streetscape group. The project has moved to a conceptual design along Great Plain Avenue. She will bring a sheet to the next meeting. She noted they will do the project in phases. They will start with lights and timing with the train.

Ms. Newman noted the Board will meet at 7:00 p.m. before the 2/4 meeting.

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

VOTED: to adjourn the meeting at 11:10 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Sam Bass Warner, Vice-Chairman and Clerk