

NEEDHAM PLANNING BOARD MINUTES

August 6, 2014

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building was called to order by Martin Jacobs, Chairman, on Wednesday, August 6, 2014 at 7:00 p.m. with Mr. Warner and Eisenhut and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski

Transfer of Permit: Major Project Site Plan Review No. 2012-02: Swizzles of Needham, LLC d/b/a Swizzles Frozen Yogurt, to Treat LLC d/b/a Swizzles Frozen Yogurt, 54 Pheasant Landing Rd. Needham, MA, Petitioner (Property located at 1450 Highland Avenue, Needham, MA).

David LaLiberte, president of Treat LLC, noted he has purchased the Swizzles frozen yogurt business next door. He wants to get a special permit to transfer the business ownership from Swizzles of Needham LLC to Treat LLC. He stated he would like to offer frozen yogurt on unfrosted cupcakes. This is not now specified in the conditions listing foods to be served. Mr. Jacobs asked Mr. LaLiberte if he has had a chance to review the draft decision and if he had any questions. He has reviewed it and has no questions. Mr. Eisenhut stated the new food item is covered by Section 1.6 but they could add the word "cupcake" to "yogurt." Ms. McKnight stated this is on the agenda as merely a transfer of a permit. Mr. Eisenhut stated there is no change.

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

VOTED: to transfer the Special Permit for Swizzles Frozen Yogurt to Treat LLC.

Request for Permanent Occupancy Permit: Amendment to Major Project Site Plan Review No. 2007-10: Beth Israel Deaconess Hospital Needham, 148 Chestnut Street, Needham, MA and Beth Israel Deaconess Medical Center, Inc., 330 Brookline Avenue, Boston, MA, Petitioners (Property located at 148 Chestnut Street, 86 School Street and 92 School Street, Needham, MA).

Roy Cramer, representative for the applicant, stated the hospital had another meeting with the abutters. John Fogarty was there as well as other hospital representatives. He stated the meeting went well. The hospital has stopped using the old emergency room entry and the hospital is monitoring parking. The hospital has voluntarily offered to do items to address the abutters concerns. The hospital has put more vegetation for screening. There is more screening of the tanks and there is green mesh on the fence as well as several feet above the fence. This is covered in the 7/30/14 letter as well as the 8/4/14 supplemental letter.

Mr. Cramer stated they have ordered, and will install, sensors in the garage so if there is no movement there will be no lights. The hospital is in compliance with the terms of the permit and they have done everything they volunteered to do. The DPW has completed its review, has no objections, and recommends the issuance of a permanent Certificate of Occupancy. Mr. Cramer stated the hospital needs to move forward. The hospital cannot be inspected by the state until a permanent Certificate of Occupancy has been issued.

John Fogarty, President of Beth Israel Deaconess Hospital Needham, stated Mr. Cramer covered it well. This is an important project to Needham and the surrounding communities. The hospital has been working on this for 3 years. They have put a lot of effort into meeting the needs of the community and the needs of the abutters. He stated the hospital has tried to respond to all the concerns.

Mr. Jacobs noted the following correspondence for the record: a letter, dated 7/21/14, from Roy Cramer; a 2 page document from the hospital with work completed to date; a letter, dated 7/30/14, from Roy Cramer; an email from Joy Smith, dated 7/10/14, regarding plantings; an email from Joy Smith, dated 7/15/14, with concerns; an email from Carol McCarthy, dated 7/15/14, with comments; an email dated 7/21/14, from Jegoo Lee, with comments; an email dated 7/22/14, from Jegoo Lee, adding to the first email and 3 pictures; an email dated 7/22/14, from

Carol McCarthy; an email dated 7/28/14, from Planning Director Lee Newman to Virginia Carnahan; an email dated 7/25/14, from Planning Director Lee Newman to Joseph Lipchitz; a letter, dated 8/6/14, from Town Engineer Anthony DelGaizo, with comments; an email dated 8/1/14, from Kenneth Horton, noting support; an email dated 8/3/14, from Mary Lou Hughes; an email dated 8/2/14, from Jeffrey Kaufman; an email dated 8/4/14, from Diana Conroy; an email dated 8/4/14, from Anne Finucane; and a letter from Roy Cramer, dated 8/4/14, with follow up.

Ms. McKnight noted her concern with the lighting at night in the parking garage. She asked if the lights are on because it is still under construction or because it is done and the lights are too bright. Mr. Cramer stated the construction is done and the lights comply with the conditions. The hospital has put additional shields, reduced the wattage and will put sensors. Ms. McKnight stated there are bright lights on top of the garage and asked why. Mr. Fogarty stated the hospital is a 24/7 operation. The hospital has to have lights for safety purposes. They have shielded some but the hospital cannot go dark. He noted some lights will go out with sensors but the hospital cannot have it pitch black. It is illuminated for safety and parking. He noted the construction trailer will be removed.

Mr. Jacobs asked about the fencing. Mr. Fogarty stated it will be removed. Mr. Warner commented he likes the idea of the high green screening. Joy Smith, of 146 Lincoln Street, stated she is appreciative of all the efforts. She loves the green screen but she would like some on the Lincoln Street side. She also noted some trees are not thriving.

Carol McCarthy, 78 Lincoln Street, stated a broken belt was making noise but that has been fixed. She likes the netting on the tank but she is concerned with the big tank truck. Mr. Jacobs stated the hospital has committed to smaller trucks. Ms. McCarthy stated she has a concern with lighting. Her house is lit up like a Christmas tree. She is glad of the sensors. She stated the School Street side has lattice work and it would be nice on their side also. She feels it would deflect the lights.

Carol Bolton Kappel, of 132 Kimball Street, offered support for Beth Israel Deaconess Hospital. She is a grateful patient with breast cancer. The access to extraordinary care is wonderful. She has confidence in the hospital. The hospital is a good responsive neighbor and vested member of the community. It is a comfortable setting close to home. She requested the Board not delay the process.

James Balmer, of 68 Kimball Street, stated he would like some plantings on the south side by the old entrance. It is unsightly. Mr. Eisenhut stated 2 suggestions have been made. Mr. Cramer noted they would look at extending the green screen. Mr. Fogarty stated the hospital has made good faith efforts in responding to the concerns of the abutters. The hospital gave almost exactly what was asked for but they are willing to look at more. Mr. Eisenhut asked if the hospital would make a good faith effort and was informed they would. Mr. Fogarty stated the hospital has added some plantings to the air conditioning units.

Mr. Jacobs stated screening has been suggested because some trees may not be thriving. If the trees are not well they will have to be replaced. He does not feel screening is necessary. Additional plantings on the south side will be adding a new requirement and is not appropriate. This has been a long process, the Board and abutters have asked a lot and the hospital has given a lot.

Chris Balmer, of 68 Kimball Street, stated she brought up the air conditioning units at the previous meeting. She supports the hospital but would like the back to be as attractive as the front. Ms. Grimes stated it seems the hospital has complied. A motion was made to grant a permanent Certificate of Occupancy. Ms. McKnight stated she recalls a discussion regarding air conditioning plantings. She has looked at the area and it seems there were plantings that were removed. Mr. Cramer stated additional shrubs were installed around the air conditioning vents on 7/25/14. Mr. Fogarty stated the hospital responded to what the request was. Ms. McKnight asked if the hospital would commit to taking another look and seeing if the units could be better screened. Mr. Fogarty assured her the hospital would take another look.

Mr. Eisenhut suggested they amend the motion to add a good faith effort to look at the air conditioning units and green screening. Mr. Cramer stated the hospital cannot have a condition on the permit or the state will not accept it. Mr. Eisenhut withdrew the amendment request.

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

VOTED: to grant a permanent Certificate of Occupancy to Beth Israel Deaconess Hospital.

Request to Release Surety and Authorize Permanent Certificate of Occupancy: Major Project Site Plan Special Permit No. 2012-04: Needham Bank, 1063 Great Plain Avenue, Needham, MA, Petitioner (Property located at 1055 & 1063 Great Plain Avenue, 10 Eaton Square, 232 and 244 Garden Street, 0 Garden Street and 0 Eaton Square, Needham, MA).

Daniel Bradford, of KBA Architects, stated the bank is trying to get to the end of the project. He noted they have submitted all close out documents to the Board. Mr. Jacobs noted the following correspondence for the record: a letter from Michael Dowhan, of Veri/Waterman Associates, dated 8/6/14; a letter from Christopher Garcia, of Garcia.Galuska.Desousa, dated 8/6/14; a letter from Town Engineer Anthony DelGaizo, dated 8/6/14, with recommendations; a letter from Mark Whalen, President of Needham Bank, dated 7/30/14, requesting a release of surety; and a letter from Daniel Bradford, of KBA Architects, dated 7/7/14 and revised on 7/14/14, requesting a temporary occupancy permit.

Mr. Bradford stated that the initial plans had called for retaining two pieces of stone wall and a driveway between the two to be patched. The bank recognized that the two walls did not match, and retaining those two walls during demolition would be difficult if not impossible. They did put in a new engineered retaining wall and the paving is in place. The amount of planting area is dictated by the parking lot layout. They ended with a 20 inch depth. The retaining wall is beveled below grade. Mr. Eisenhut stated the bank will need a de minimus change or a modification to make changes to the approved plan. There are rules to follow. He stated the Board will need to extend the temporary permit.

Ms. McKnight stated she agrees. She used to live in this area. Many neighbors were concerned but felt satisfied after the hearing. She noted Mr. Claflin expressed his concern after construction. There were supposed to be trees and not shrubs. The Board's credibility is at stake and they cannot let it go by. The Board will have to deal with this. Ms. Newman stated the bank can convert some parking spaces to compact spaces to make the island wide enough to accommodate the landscaping. Mr. Jacobs stated the Board needs to give the bank a chance to figure this out. He is willing to extend the temporary permit.

A motion was made to extend the temporary permit from 9/15/14 through 10/15/14. Ms. McKnight stated she appreciates the concern with the viability of the plantings. She stated the other plantings have done well and she appreciates it. She feels as if they will find a solution.

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

VOTED: to extend the temporary Occupancy Permit from 9/15/14 through 10/15/14.

7:00 p.m. – Major Project Site Plan Special Permit No. 2014-08: Host Needham Hotel LP, a Delaware limited partnership, c/o Host Hotels and Resorts, 6903 Rockledge Drive, Suite 1500, Bethesda, MD 20817, Petitioner (Property located at 100 Cabot Street, Needham, MA).

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

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

Roy Cramer, representative for the applicant, stated they are not proposing any construction. He noted this is the Sheraton Hotel, which has been there since 1960. In 1984 the hotel was expanded and was granted a height variance and multi-story garage. There are 150 regular rooms and 50 suites, although the plans are sketchy. The suites are 2 regular rooms each with bathrooms and connecting doors. He noted there have been renovations over the years but the rooms are essentially the same. Two rooms are fitness centers. He stated the hotel only built 149 rooms to start. It was bought in 2006 and sold as a 247 room hotel. It was for sale last year. The buyer looked at the floor plan and saw the ambiguity between 150 and 50. He noted the hotel has been paying hotel room taxes to the town for years.

Mr. Cramer stated they would like to legitimize 247 units. The parking requirements will change. The requirement is 303 parking spaces and they have 275 on site so they are requesting a waiver. He noted there is plenty of parking on site and even a surplus. A few times a year there may be overflow but the neighbor lets hotel guests park in his garage. They need to have a parking plan.

David Kelly, of Kelly Engineering, stated they did a valet parking plan so they can pick up spaces. The hotel would like the Board to approve the valet plan. Mr. Kelly stated the Fire, Police and DPW all had no comments. Ms. McKnight asked where the off-site parking area was. Mr. Cramer stated the neighbor has allowed the hotel to use their parking garage. The neighbor is still willing to allow this but the hotel needs an on-site solution for the buyer of how to deal with overflow parking.

Ms. McKnight asked Mr. Cramer to clarify the valet aspect of the plan. Mr. Cramer stated he and Ms. Newman are in agreement with the draft decision. Mr. Eisenhut asked if the suites have been rented as suites or as rooms. Mr. Cramer stated it depends on the customer's needs.

Mr. Jacobs noted the following correspondence for the record: a memo, from Police Lt. John Kraemer, dated 7/10/14, noting no safety concerns; a memo from Fire Chief Paul Buckley, dated 7/28/14, with no concerns or objections; and a memo from Town Engineer Anthony DelGaizo, dated 8/4/14, with no objections.

Mr. Jacobs stated there is no number for how often overflow parking is expected incorporated in the decision. The Decision only refers to "periodic" parking overflow. The hotel is saying 10 to 12 times a year, they may need to use the valet plan. Maybe a future Manager would say "periodic" means 3 times a week. Mr. Cramer stated he did not put a number in. The hotel does not know how many times a year. Mr. Warner noted if it happened every day they would get a valet. Ms. Grimes agreed.

Christopher Hartzell, Operations Manager, stated he has looked at trends of the last years. They have seen 10 to 12 times as a trend the past years. Ms. McKnight agreed they do not need a limit. Section 3.7 says all parking shall be on site and a valet would deal with that. She stated, in Section 3.10, she likes that regarding snow removal.

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

VOTED: to close the hearing.

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

VOTED: to grant a Major Project Site Plan Special Permit under Section 7.4 of the Zoning By-Law, a Special Permit under Section 5.1.1.5 to waive strict adherence with the requirements of Section 5.1.3 (Parking Plan Design Requirements); to approve the requested approval for the utilization of 247 guest rooms at the hotel; to approve the Petitioner's valet parking plan to be utilized if and when needed for large events at the hotel; and that the requested Special Permit under Section 5.1.1.5 to waive strict adherence to the off-street parking requirements of Section 5.1.3 is not necessary.

8:00 p.m. – Major Project Site Plan Special Permit No. 2014-06: New Garden, Inc., 250 Chestnut Street, Needham, MA, Petitioner (Property located at 40 Chestnut Place, Needham, MA 02492). Please note: This hearing has been continued from the June 24, 2014 and July 8, 2014 meetings of the Planning Board.

Lawrence Blacker, representative for the applicant, stated the Planning Board staff has been most helpful. He noted they have been here before and have addressed all issues. Mr. Eisenhut had requested a walkway along Clyde Street for pedestrians. This has been accomplished and the walkway connects to the existing walkway. The final plan has 32 parking spaces. He reviewed the draft decision. He requested three small changes and the changes will be incorporated. One thing that the Board didn't see originally is that there will be a 504 square foot mezzanine for storage, employee lockers and office space. This is now shown on the plans. Language was added to the Decision to state that the approval is for the restaurant plus the mezzanine. Another change to the Decision was to add Mr. Blacker's letter as an exhibit. Mr. Blacker noted it is a non-conforming lot. He asked if it should be the use is non-conforming or the building is non-conforming because they do not have a 10 foot buffer.

Ms. Newman stated Mr. Blacker's 8/6/14 letter has been added to the record. She has added the mezzanine language in Section 1.3 under findings and conclusions. She stated the Board should vote in Section 1.4.6 that the reference should be non-conforming use or building. Mr. Eisenhut stated the Board should specify office as accessory. Ms. McKnight asked about the lighting along the railroad right of way along the rear of the property. She noted there are residences on the other side of the railroad. Doug Stefano, architect, noted the restaurant asked to be allowed to put a few lights on the property. He described the locations of the lights and noted the applicant is replacing the fence.

Ms. McKnight asked how late at night the lights will be on. Ms. Newman noted the lights will be shut off between 11:00 p.m. and midnight and no later than midnight. Mr. Stefano stated there will be a 15 foot pole with a down light. Ms. Newman noted there will be 6 take-out spaces and asked if the restaurant needs 6 take-out spaces. Mr. Blacker stated the restaurant would like no less than 4 but up to 6 spaces for take-out. Mr. Jacobs asked how many they need. Raymond So, owner, stated 3 spaces would be enough but 6 is too many. Ms. Grimes stated she was comfortable with that. Mr. Jacobs and Mr. Warner agreed. Ms. Newman stated the take-out spaces should be on the side and not internal.

Mr. Jacobs noted the following correspondence for the record: a letter from Attorney Lawrence Blacker, dated 8/6/14; a letter from Town Engineer Anthony DelGaizo, dated 8/4/14; a letter from Tara Gurge of the Health Department, dated 8/5/14 and the new plans.

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

VOTED: to close the hearing.

A motion was made to grant a Major Project Site Plan Special Permit under Section 7.4 of the Zoning By-Law, a Special Permit under Section 3.2.2 of the By-Law for a take-out use accessory to restaurant; a Special Permit under Section 3.2.2 for restaurant use; a Special Permit under Section 1.4.6 for operation of a lawful pre-existing, non-conforming use; and a Special Permit under Section 5.1.1.5 to waive strict adherence with the off-street requirements of Sections 5.1.2 and 5.1.3 as set forth in the draft decision the Board adopts subject to the discussion on office space.

Ms. McKnight stated they are altering a non-conforming use or structure under Section 1.4.6. Mr. Jacobs stated it is in Section 1.9 of the Decision and Section 1.23 clarifies it.

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

VOTED: to grant a Major Project Site Plan Special Permit under Section 7.4 of the Zoning By-Law, a Special Permit under Section 3.2.2 of the By-Law for a take-out use accessory to restaurant; a Special Permit under Section 3.2.2 for restaurant use; a Special Permit under Section 1.4.6 for the

change and extension of a lawful pre-existing, non-conforming building or use; and a Special Permit under Section 5.1.1.5 to waive strict adherence with the off-street requirements of Sections 5.1.2 and 5.1.3 as set forth in the draft decision the Board adopts subject to the discussion on office space.

Correspondence

Mr. Jacobs noted correspondence from the Newton Needham Chamber of Commerce on the Add-A-Lane project.

Mr. Warner left the room for a few minutes.

7:30 p.m. – Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Petitioner (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). Please note: This hearing has been continued from the June 10, 2014 meeting of the Planning Board.

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

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

Mr. Jacobs noted the following correspondence for the record: a memo from Tara Gurge of the Health Department, dated 5/28/14; 3 memos from Fire Chief Paul Buckley, dated 5/29/14, 5/30/14 and 6/3/14; an email from Police Lt. John Kraemer, dated 7/19/14; a letter from Janet Carter Bernardo of Horsley Witten Group, dated 6/5/14; a letter to Ms. Newman and members of the Planning Board from Residents of Tudor Road, Richard Road and Rockwood Lane, dated 6/5/14; a letter from Attorney Robert Smart, dated 6/5/14; a letter from Town Engineer Anthony DelGaizo, dated 6/10/14; a letter from Attorney George Giunta Jr., dated 6/10/14; additional plans dated 5/6/14 and revised 7/3/14; a memo from Police Lt. John Kraemer, dated 7/11/14; an email from Tara Gurge of the Health Department, dated 7/17/14; a letter to Tara Gurge from Chris Kotsiopoulos, dated 7/22/14; a letter from Steve Garvin, dated 7/3/14; a single page of site layout plans dated 7/3/14; a letter from Attorney Robert Smart, dated 7/31/14; a letter from Janet Carter Bernardo of Horsley Witten Group, dated 7/31/14; a letter from Residents of Tudor Road, Richard Road and Rockwood Lane, dated 7/31/14; and a letter from Town Engineer Antony DelGaizo, dated 8/6/14 with comments and recommendations.

George Giunta Jr., representative for the applicant, stated this is 6 separate parcels consolidated over the years. The applicant owns, and lives at, 36 Rockwood Lane. This is 3 acres and access to the property is off Rockwood Lane at the end. There are 9 residential single family building lots. There will be a central road to a hammerhead turnaround. Due to the neighbor's concerns this will be an environmentally friendly garden style development that features an asphalt reduction. That is one of the reasons for the hammerhead design. There will be plantings along with lawns.

Mr. Giunta Jr. noted Chris Kotsiopoulos, the current owner of the property, has filed the project. Mr. Kotsiopoulos has a purchase and sale agreement with other builders who are going to take over the project and actually build the houses. Elite and Hillcrest Development will be doing the building and be in charge of the day to day operations. He stated the builders have reached out to the abutters and believe they have addressed the abutters concerns.

Stephen Garvin, engineer, stated the utilities have turned a little at the end. He noted this is proposed to be an extension of Rockwood Lane. They have tried to minimize and reduce the pavement on the lots. They have a 20 foot width with a sidewalk only on one side. There are 9 lots laid out that terminate to a hammerhead. They will take out the silty soil and replace it with gravel. This will allow a lot more runoff to be captured on site and not run off toward the abutters.

Mr. Garvin noted, for the drainage and storm water, the road will pitch to the east to a swale that has been created. It will then go across the east side of the roadway to a catch basin then to the town system. The soil brought in allows plantings that infiltrate a lot more water. This gives the country drainage feel and garden style that is very effective in dealing with run off.

Mr. Garvin stated there will be lights coming off the houses where each owner will be responsible for those lights. This will be a private right of way and there will be an association that will take care of the roadway. He noted there is an access easement at the end of the hammerhead for town access to the town land. The easement is 13 feet wide.

Mr. Jacobs asked why there is no access easement to the Town across Rockwood Lane. Mr. Garvin stated they will need permission from the Selectmen to do work in the public right of way. Mr. Giunta Jr. stated Rockwood Lane has a very steep slope. To make the project work a little better the steep slope will be flattened out a little for a more gradual slope. Ms. McKnight asked where the layout of the public way ends and the private way starts. Mr. Garvin stated the layout ends at the property line of 30 Rockwood Lane and 85 Rockwood Lane.

Mr. Garvin stated the applicants are putting soil erosion controls in place, basically along the edge of the drainage. They are putting hay bales and a silt fence in place. There will be swales during construction, and there will be a soil erosion plan and maintenance plan in place. Mr. Garvin stated they will dig out "C" soil for 2 to 4 feet in depth and will be bringing in 4 feet of good gravel, "A" soil. The applicant has surveyed the trees and tried to keep as many trees as they can. He noted everything grades across and to the swale.

Mr. Jacobs commented on Ms. Bernardo's letter regarding fill. She notes bringing all the fill in will be expensive and she wants examples of where this has been done before. Mr. Garvin stated the DEP, in the storm water management regulations, allows that. The DEP will not make an official ruling as they are not required to. He noted Town Engineer Anthony DelGaizo talks about this in his letter and his opinion is that it is allowable.

Mr. Jacobs stated that certain soil test results have not been received yet. They are still waiting for the results. Mr. Garvin stated he had information on the tests they have done. They are waiting for the results on the existing soil. Mr. Garvin stated the utilities will be brought in through the private way. Sewer will run by gravity and the water line will be extended up. There will be hydrants at 2 locations with 450 feet between. There will be conduits through the roadway and electric, telephone and gas line up the east side.

Michael Radner stated there will be very dense plantings in the front yards. They have used Stonecrest Drive as an example. This reduces the lawn area. The builders will provide backyards with heavily landscaped front yards. Everything is drought resistant so less chemicals will be used and there will be less mowing. They have heavily planted the side yards. 22 street trees will be located on the owner's properties. There are 12 foot high light poles between the trees.

Mr. Radner stated they have looked at preserving the trees along the edges. They chose groves of trees to preserve and saved a significant number of trees with 25 being saved. There is an extensive buffer, and retaining walls all along at varying heights. Mr. Jacobs asked if the trees will be harmed by the lack of runoff. Mr. Garvin stated the trees would not be harmed. Mr. Radner stated there are 5,000 square feet of woods along the west side. The applicant is creating some retaining walls along the west also. He noted all walls are fieldstone.

Ms. Grimes asked if the applicant has a proposal for an association and a maintenance plan. Mr. Giunta Jr. stated he would be happy to provide them. Ms. Grimes noted there was nothing requiring each lot owner to deal with storm water without an association. Mr. Garvin stated all 9 houses will have the same gutter system and each owner will have to maintain his/her own system. He could look at putting catch basins in. The water will be slower with the vegetation system. He noted in other places owners needed to do annual inspections and report to the Planning Board.

Ms. Grimes stated the applicants need funds to maintain the systems. Mr. Giunta Jr. stated they can set the Association up that way. Ms. Grimes noted she would like to see reports back to the town one time a year with the Town Engineer checking the reports. She also wants a fund so the town can go back and check the plans if reports are not done. Mr. Jacobs asked if the applicant would put a restriction in that there are to be no sheds or other buildings. Mr. Giunta Jr. stated he would think about it.

Ms. McKnight stated she agrees with Ms. Grimes there should be a fund set up in case the town has to go in and do maintenance. Mr. Warner stated he feels the plans are too small and illegible. Ms. Grimes commented she is not worried about the builders. She is worried about the next owner. Mr. Giunta Jr. stated the homes will be \$1.2 million to \$1.7 million. The owners of such homes will not allow the landscaping to fall away.

Mr. Jacobs asked Mr. Giunta Jr. if he had any comments on the police concerns. Mr. Giunta Jr. stated there will be a site contractor to be the liaison with the police. The site contractor will supervise the site.

Martin Sklar, of 60 Richard Road, stated he works from home. He asked what the process from now to the last nail will be – the timeline and hazards to the neighborhood. Mr. Giunta Jr. stated the foundations and road will be done at the same time. Two to 3 houses will be done at the same time. Mr. Sklar stated he has a concern trucks will be there at 6:00 a.m. Mr. Jacobs stated specific time limits will be in the decision. Mr. Sklar asked how blasting and drilling will be taken care of. Mr. Giunta Jr. stated they do not anticipate any blasting but, if needed, they will follow established procedures.

Janet Bernardo, of Horsey Whitley stated she wants to understand how the drainage system will work. Mr. Garvin stated there would be 3 to 4 inches of top soil or loam, for grass to grow. Below that will be 4 feet of gravel that is a little more granular. Ms. Bernardo brought a sample of rock from the abutter's back yard and stated she believes the infiltration is hitting rock. Mr. Garvin stated he will put together a cross section. Mr. Jacobs stated they will continue this part of the discussion once Mr. Garvin puts together a cross section for the Board and abutters to see.

Robert Smart handed out a brief retaining wall analysis so they could see what he was talking about. He noted Lot 6 is on the second sheet – C1.1. Mr. Smart stated if they follow the lot line for Lot 6 there is a small triangle on the other side of town land that is actually part of Lot 6. He noted the retaining wall is right on the property line. Ms. Grimes asked if the retaining wall was within the easement. Mr. Barbieri, co-counsel for the applicant, stated it was just short of it.

Mr. Smart explained how Lot 6 gets its frontage. He noted the retaining wall is 4 feet high. The base of the retaining wall is at least 2 feet wider than what is at the top. He explained it is 57 feet in length times 2 feet in width so you have a retaining wall that is more than 100 feet of ground covered. According to Section 4.2.3 of the By-Law it needs to be set back more than 5 feet from the line as an accessory structure. He stated he feels the Zoning By-Law needs to be complied with. It makes access to Lot 6 very difficult. He wants the applicant to show on the revised plan that they are in compliance.

Mr. Smart noted the subdivision is as dense as could be. It is very difficult to get to Lot 6. He stated the Board could ask the applicant to reduce the number of lots. Mr. Jacobs commented the applicant could resolve the issue by reducing the wall. Mr. Smart stated a lot of trees came down early on. He is not sure there has been a one on one replacement. There is not a lot of screening along Lot 9 and not much on the westerly side proposed.

Mr. Smart asked how tall the trees are going to be and what will that look like. The subdivision roadways should be 50 feet wide which can be waived to 40 feet and there is a 60 foot cul-de-sac at the end. The practice is to show the cul-de-sac with a 60 foot radius. Once shown the applicant then can show the proposed. Mr. Smart stated he wants the Board to be consistent with the practice. He stated the Board needs to make the applicant show a 50 foot roadway width.

Ms. McKnight stated all the roadways in the area are 40 feet -- Richard Road, Rockwood Road -- all are 40 foot layouts. Mr. Smart stated it would be helpful for everyone to see the homeowner's documents and maintenance agreements prior to the close of the hearing.

Stacy Blasberg, of 59 Richard Road, asked who is doing the infrastructure work. Mr. Giunta Jr. stated the site work for the roadway is being done by the owner. Elite and Hillcrest will do the site work on the lots. Ms. Blasberg asked what guarantees can the client offer it will be done correctly. Mr. Jacobs expressed his concern that history not be repeated. Ms. Blasberg asked how they can avoid that. Mr. Giunta Jr. stated other projects have no bearing on this project. If this is a real concern the Board could have Elite and Hillcrest be more involved in the road work. Mr. Kotsiopoulos noted inspections will be done along the way by Town of Needham employees to make sure everything is done right.

Kurt Lockwood, of 131 Bird Street, stated he lives at the corner of Rockwood Lane and Bird Street at the down slope of the property. He urged the Board to read the neighborhood letter. He stated there is a serious existing high groundwater level issue there. He noted he is at the down slope of this proposal. He stated the Board has not heard how steep this slope is but it is considerable. He has been there 5 years and each year the groundwater level has risen. His sump pump runs all the time when it rains or when the snow melts. He stated he has not heard if the town system can handle all the runoff water.

Ted Harwood, of 123 Tudor Road, stated the ledge chipping equipment sound is horrific. He asked how this developer plans to meet the 10 decibel levels above ambient noise level with ledge chippers. Dan Boronson, of 139 Tudor Road, stated there were 180 bangs per minute, 7:15 a.m. to 4:00 p.m., every day when they began to remove ledge in February 2013. He measured a background level of 46 decibels when no work was being done. He measured one day and it had a decibel level in the low 80s with only one chipper going, which is about 30 decibels higher than regular background noise. He stated there are environmental regulations in effect and this is higher than the allowed decibels. He stated if it was a week everyone would tolerate the noise but the back is all ledge. There will be a lot of chipping. He feels there will be months of chipping. This will be much more invasive to the neighbors than a single family home.

Barry McNeilly, of Tudor Road, asked if the road was going to be private. Mr. Jacobs stated the road will be an extension of Rockwood Lane but it will be private. Mr. McNeilly asked if the town would have to plow it. Mr. Jacobs stated not if it was private. Mr. McNeilly stated he has personal experience that hammerheads do not work. He noted Olmstead Park in Brookline has a hammerhead and there is not enough room to turn around from a public safety stand point. Mr. Eisenhut noted that differs from the Fire Chief's comments. He stated the meeting will be continued to 9/2/14 at 8:00 p.m.

Board of Appeals – August 21, 2014.

Allied Health and Fitness Professionals, d/b/a 360* of Wellness – 140 Gould Street.

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

VOTED: "No comment."

Discussion about meeting with the CEA re: streamlining.

Ms. Newman noted the Board needs to set a date with the CEA. After discussion, it was decided either 9/15/14 or 9/24/14 at 8:00 p.m. Ms. Newman will confirm the date.

Minutes

The Board members gave their changes to the Assistant Planner.

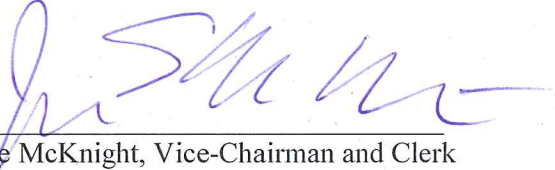
Report from Planning Director.

Ms. Newman noted the meeting on 8/12 will be at 7:00 p.m. She stated the Large House Study Committee is moving slowly. She commented she had Wellesley in for a meeting. Jeff Kristeller has started a study for his neighborhood.

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

VOTED: to adjourn the meeting at 11:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

A handwritten signature in blue ink, appearing to read 'Jeanne McKnight', written over a horizontal line.

Jeanne McKnight, Vice-Chairman and Clerk