

NEEDHAM PLANNING BOARD MINUTES

October 6, 2015

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Jeanne McKnight, Chairman, on Tuesday, October 6, 2015 at 7:00 p.m. with Messrs. Eisenhut, Alpert and Jacobs and Ms. Grimes, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Correspondence

Ms. McKnight noted a letter from Barry and Linda McNeilly, dated 9/30/15, to the Fire Department, with copies to the Planning Board and the Town Engineer, regarding Rockwood Lane and blasting.

Public Hearing:

Amendment to Major Project Site Plan Special Permit No. 2004-01: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property is the location of the Needham High School at 609 Webster Street, Needham, MA).

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

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

Cal Olson, Architect for DBA Architects, stated they were the architects for the addition to the school some years back. He showed the site survey with the existing building and the size of the addition. He stated it is relatively small. The purpose is to solve the problem of under-capacity in the existing cafeteria. There is some additional benefit as it will provide a large meeting space the school would like to use. The addition would slightly increase the maximum lot coverage from the formerly-approved 18.40% to 18.88%. It is a one-story addition. There will be some outdoor landscaping and some outdoor space for dining.

Mr. Olson stated the addition will be fully ADA accessible from Webster Street. He showed the existing cafeteria space. It will be air conditioned and will be able to be used in the summer time also. He stated the architects have addressed the concern regarding roof water. There is a system under the paving which will allow that. They are trying to recharge as much on site as possible. Ms. Grimes asked why they are only doing one story. She feels this addition is way under adequate. She asked why not a 2 story while the schools are looking to do an addition to the cafeteria. Mr. Olson stated the architects looked at adding an addition with 6 or 8 classrooms a couple of months ago. It was felt there was not ample money to do it. He noted they will be looking at that again.

Aaron Sicotte, Assistant Principal at Needham High, stated people would need to go through the cafeteria to get to the second floor and that was not really feasible. Ms. Grimes asked how many additional students this will hold. Mr. Sicotte stated it is about 3,000 square feet. If it is for dining, it can have 15 square feet per person so it will hold about 200 more students. He noted there will be folding partitions to block off areas. The project adds one more point of sale cash register.

Ms. Grimes asked if it was handicap accessible through the back. Mr. Olson stated the space is accessible now. Ms. Grimes asked what is there now and was informed an outdoor terrace and landscaping. He showed the landscape plan. He stated there will be a smaller version of what is there now.

Ms. McKnight stated the Board looked at information compiled based on a photograph. It shows the entire rear of the school from the bus ramp into the High School. She sees a big hill of mulch with a few scrubby nothing plants that seem to have not taken hold. She stated she would be unhappy if this were a commercial building this Board approved. This has become a major entrance to the High School. She would like to see, and have a condition of this project, whatever landscaping that was originally approved be implemented or restored to what it

was supposed to be. She commented she does not think this is it. Ms. Grimes clarified the building will be taking up the entire space. Mr. Sicotte stated he has had interest from community groups and student groups to do the landscaping. He has been holding off the last few months because of this project. There are groups ready to do the work once this project is done. Mr. Eisenhut commented that is the same response the Board got 2 years ago and they are still waiting.

Ms. Grimes stated the Board could put in the permit that they are requiring, as part of this project, between the bus ramp and the school the plantings will comply with the permit originally approved. She stated if the applicant were not the town, the Board would say no. This needs to be figured out because it will be a condition. Mr. Jacobs noted he was fine with that. Ms. Grimes stated she is not asking to add 100 plants but this looks terrible.

Mr. Olson stated it could just be a money issue but he sees the point. Mr. Alpert asked if the money has been approved by Town Meeting. Phaldie Taliep, of the Public Facilities Department, stated this will go to Special Town Meeting in November. Mr. Jacobs stated the town is being asked to do what they originally were supposed to do. Mr. Alpert stated the applicant should add the money to the budget that is being asked from Town Meeting.

Ms. McKnight stated the specifications for the project when it goes out to bid should include restoring that area to the condition called for in the original landscaping plan. Ms. Grimes stated the applicant can figure out how to do this without asking the town for more money. Mr. Alpert clarified the applicant is not being asked to do anything new but to implement what was supposed to have been done. Mr. Jacobs asked if there were any trees in the area where this is going to go. Mr. Olson stated there were some trees but mostly paving and a trellis. The trees that are there will need to be removed for this project.

Ms. McKnight noted the following correspondence for the record: an email from Fire Chief Dennis Condon, dated 9/4/15, noting no issues; an email from Assistant Town Engineer Thomas Ryder, dated 10/2/15, with no comments or objections; an email from Tara Gurge, of the Health Department, dated 10/1/15, with comments and a memo from Police Lt. John Kraemer, dated 10/2/15, with comments.

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

VOTED: to close the hearing.

Ms. Newman stated all conditions will be rolled forward. The applicant is asking for an additional parking waiver. The school will give out permits for parking spaces but there will be a parking waiver request of 146 spaces.

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

VOTED: to grant an amended Major Project Site Plan Special Permit with the landscaping conditions discussed subject to the terms and conditions of the prior Major Project Special Permit, also as discussed, to waive strict adherence to the requirements under Section 5.1.1.2, for a waiver of parking spaces.

Request to authorize Temporary or Permanent Occupancy: Major Project Site Plan Review No. 2013-03: Town of Needham Permanent Public Buildings Committee, Petitioner (Property located at 20 St. Mary Street, Needham, MA).

Phaldie Taliep, of the Public Facilities Department, stated there was a sound test of the generator and it failed. He is working to get it resolved. He would like the Board to authorize the Planning Director to approve the issuance of a final occupancy permit upon receipt of a letter stating the generator complies with the DEP requirements of 10 DBA. This is on the punch list and he wants to make sure it gets done properly. The tests are under way and will take 4 to 6 weeks to complete. The sound consultant will verify and there will be a series of additional tests.

Mr. Jacobs asked if the neighbors know about this hearing tonight. Ms. Newman stated no, this is not a hearing. This was a request for a temporary Certificate of Occupancy. Mr. Taliep noted this is the emergency generator. Mr. Jacobs stated the permit requires it be less than 10 above ambient. It is in the process of being resolved. Why not wait until it is resolved? Mr. Taliep stated the town wants to close the construction project. It would be beneficial to have the use of the pumps. This item is on the punch list and will be resolved as soon as possible.

Ms. Newman stated the building cannot be occupied. The pumps are running and the town can go in and check them but the town does not have legal access to the building. This needs to be resolved and the town needs an occupancy permit. Mr. Eisenhut stated the Board could grant an absolute drop dead date for it. Ms. Newman stated it has been done before. In the case of a private project the Board requires money to cover the item that is not complete. Ms. McKnight stated it could be a condition of the temporary occupancy permit. Testing can only be done during the day between 7:00 a.m. and 5:00 p.m. so it is not a detriment to the neighborhood.

Mr. Eisenhut asked how long it could possibly take. Mr. Taliep stated someone should be out in the next few days. If not, the town could force them. It may be 4 to 6 weeks. Ms. Grimes stated the Board should give the applicant to the end of November. All agreed. Ms. McKnight stated the property at 137 Central Avenue is very close to the site. She noted one new tree is dead and another is very sad looking. Scott Ridder, from BETA, stated he would like to wait until next year to go out and look and replace. Ms. McKnight stated there is a big blank wall in front. There are plantings in front to soften and then there is a rain garden. Some plantings look dead right in front of the building. Ms. McKnight stated the Board could approve a temporary occupancy permit through November. When the Town complies, the Planning Director can give a permanent.

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

VOTED: to authorize a temporary occupancy permit to the end of November and, once all items are met and the proponent can satisfy the noise condition, the Planning Director will be authorized to issue a permanent certificate of occupancy. Testing will occur between the hours of 7:00 a.m. and 5:00 p.m.

7:30 p.m. – Article 3: Amend Zoning By-Law – Historic Preservation Dimensional Special Permit.

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

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

Ms. McKnight noted that Mr. Alpert had suggested changes. Under Section 4.7.5.4, it referred to a permit for historical structures. He feels it was better under Findings. Under Section 4.7.5.5 – it requires if the Zoning Board of Appeals find if a permit is not granted it will result in construction or continuation of an inappropriate physical modification. Mr. Alpert feels it does not go far enough. All agreed that both suggestions are good changes. Ms. Grimes asked if the changes have been reviewed by the original proponent. Ms. Newman noted the changes have not been as there has not been enough time. She will make sure the proponent sees the changes and is aware of them.

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

VOTED: to close the hearing.

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

VOTED: for the Board to recommend the amendment to the By-Law to Town Meeting.

7:45 p.m. – Major Project Site Plan Special Permit No. 2015-07: Great Plain Hospitality, LLC d/b/a RFK Kitchen, 42 Birch Street, Needham, MA, Petitioner (Property located at 948 Great Plain Avenue, Needham, MA).

Roy Cramer, representative for the applicant stated this is a redevelopment to 948 Great Plain Avenue. It is in the Center Business District where VO2 Max Fitness was on the corner of Dedham Avenue and Great Plain Avenue. He gave a brief biography of the owner, Rachael Klein. They are proposing 100 seats with 10 at a bar with a full liquor license. There will be 3 different types of dining experiences – dining at a table with waiter/waitress service, a lounge area, or an open kitchen with seats where you can talk to the chef about what you want.

Rachael Klein, owner, stated she is a Needham native. There will be an eat-at counter with kids and staff. Currently they have a small counter. She feels it is nice to have a back and forth with customers. She described the experience customers will have in the restaurant. People are interested in what goes on in restaurants. Francesco Milandri stated it will be an interactive experience.

Mr. Cramer noted it will be open 7 days a week for lunch and dinner with a brunch on weekends. The hours will be 11:00 a.m. to 11:00 p.m. Monday through Thursday, 11:00 a.m. to midnight, Friday and Saturday and 11:00 a.m. to 11:00 p.m. on Sunday. The maximum number of employees will be 12 at lunch, 21 at dinner and 16 at brunch. There is no parking on site. This use requires 1 space for every 3 seats and 10 for takeout. He noted there is plenty of parking due to the town's efforts.

Mr. Cramer reviewed the zoning relief requested. He stated the applicant went to the Design Review Board and the Board approved. They will be going back once more tweaks are made. Minor changes may also be made. The proponent will have new elevations for the Design Review Board and the Planning Board. The back area will be coordinated with Dave Becker of Sweet Basil. There is already a dumpster and grease collection unit. They will be increasing the number of dumpster pick-ups, since there will be more trash.

Ms. Newman asked if the applicant would be able to improve the dumpster enclosure with some kind of wood. Mr. Cramer stated the applicant could do some kind of wood. He will speak with the attorney and Dave Becker but stated the applicant would do something. Ms. McKnight stated she did not know if Sweet Basil has any limitations on hours of operation or dumpster hours. Ms. Newman will look at that for consistency. Mr. Cramer stated deliveries will be before 8:00 a.m. and after 5:00 p.m. Trash pickup will be no earlier than 7:00 a.m. or after 5:00 p.m. He has no problem with those types of issues.

Ms. McKnight commented on the access to the rear of the property. She asked if it comes from Dedham Avenue and is there a common access. Mr. Cramer stated there is an access easement for that driveway. Mr. Alpert noted the proposal shares a bathroom with Sweet Basil. Ms. Grimes noted the applicant is not sharing with the UPS Store in the common space. Mr. Cramer stated there are plenty of parking spaces.

Ms. Grimes stated she does not see why they, as a Board, are requiring traffic studies anymore. She would like the Board to consider not doing this in the future. The Board knows the traffic counts and she feels the studies are unnecessary. Giles Ham, of Vanesse Associates, stated he feels the same way. There is plenty of parking. He has done studies many times and there is plenty of available parking. He reviewed his study and counts. He surveyed on-street spaces and available spaces. There are 283 on-street spaces with 139 available. He did the counts between 10:00 a.m. and 2:00 p.m. on Tuesday in mid-September. The peak at noon has 194 of 283 used with 89 available. There is plenty of parking in the CVS lot. The Dedham Avenue lot has never been surveyed. There are an additional 24 more spaces in the Dedham Avenue lot. He noted things have gotten better with the new lot built.

Ms. McKnight noted the following correspondence for the record: an email from the Fire Department with no issues but asking if the main entrance is being moved. Mr. Cramer stated the entrance will be moved down. Ms. McKnight noted a letter from Tara Gurge, of the Health Department, with comments. Ms. Newman noted the permit next door is for 8:00 a.m. to 6:00 p.m., Monday through Saturday for trash and deliveries. Dave Becker has 7:00 a.m. to 6:00 p.m. Mr. Cramer stated he would like the same as Mr. Becker with 7:00 a.m. to 6:00 p.m. for trash as they will share, and deliveries from 8:00 a.m. to 6:00 p.m. Ms. McKnight stated she would go along to accommodate the arrangement with Mr. Becker.

Ms. McKnight noted a “no comment” letter from Assistant Town Engineer Thomas Ryder and an email from Police Lt. John Kraemer with comments. Mr. Milandri stated the applicant would like to have 2 benches in front for people to sit on. Mr. Cramer noted it would be put on the plan in the next iteration. He noted Mr. Ham did not count employee permit parking in his supply. Ms. Newman asked if the applicant had an issue with employee parking stickers. Mr. Cramer stated they do not but do not expect all 12 employees at lunch to drive. He would prefer to get 6 to 8 spaces. Mr. Eisenhut stated he does not want employees parking all day. Ms. McKnight stated she would like the proponent to have 10 stickers. Mr. Eisenhut would go along with that. Mr. Cramer stated 10 is fine.

Mr. Jacobs stated a lot of people are crossing Dedham Avenue at Lincoln Street. He asked if the Board should be concerned with the pedestrian crossing patterns. Should the Board look for some proper safeguards? Mr. Ham noted there is a crosswalk with an island in the middle of Dedham Avenue. Mr. Eisenhut noted it is a bad crosswalk area. No one waits for the crossing lights. Mr. Eisenhut stated he has not heard of any problems related to Sweet Basil and they are very busy.

Mr. Eisenhut stated the Board could restore the temporary crosswalk and see how that goes. Ms. Grimes suggested Ms. Newman ask the Town Engineer about that. Mr. Alpert stated Mr. Jacobs made a good point. The Planning Board should be talking to fellow Town boards about putting a crosswalk there.

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

VOTED: to close the hearing but allow submission of revised plans.

Ms. Newman will have a draft decision on 10/27/15.

8:15 p.m. – Amendment to Wellesley Avenue (August Way) Definitive Subdivision: Viola E. Miller, 21 Wellesley Avenue, Needham, MA, Petitioner (Property located at 9 August Way, 13 August Way, 16 August Way and 21 Wellesley Avenue, Needham, MA). Please note: This hearing has been continued from the August 11, 2015 meeting of the Planning Board and will be further continued to the November 10, 2015 meeting of the Planning Board.

Ms. McKnight noted a request from Attorney George Giunta Jr., representative for the applicant, to extend the action deadline and continue the hearing to the 11/10/15 meeting.

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

VOTED: to continue the hearing for Wellesley Avenue to 11/10/15 at 7:00 p.m. and extend the applicable action deadline to 11/10/15.

Mr. Jacobs stated the Board is about to permit another 100 seat restaurant. He would like the town to look at pedestrian crossing at Dedham Avenue and Lincoln Street. Ms. Grimes agreed. She feels it should go to the Board of Selectmen also. Ms. Newman will draft a letter.

Appointment

8:15 p.m. – Robert Smart: Request for a use determination within the Center Business District.

Robert Smart stated this is the old Needham Sporting Goods building. It is 1,961 square feet. His client would like to have a dental practice move in. The Building Inspector agreed this is the best fit as a use, and an appropriate place to characterize this as a use, but he wanted him to speak with the Planning Board about it. He provided a couple of letters. He feels this is a professional service establishment not enumerated elsewhere and a dentist is described as a professional. Dental fits this category. There is a dental office by the bowling alley so there is a dental office in the Center District already.

Mr. Smart noted there is also a letter from prior Building Inspector Dan Walsh from 2011, who was responding to the question of whether a real estate office was an allowed use. The letter response stated the office of a licensed professional serving the general public would be characterized as a professional service establishment serving the general public, which is an allowed use. Mr. Smart reviewed his research and zoning changes over the years including "The Guide to Zoning Articles" from the 11/1992 Special Town Meeting Warrant. He feels professional services establishment is the pertinent section. The Board wants people creating foot traffic in the downtown. Businesses not serving the general public, for example a medical billing office, should be on the second floor.

Ms. McKnight stated she was focusing on the use table in Center Business. She was noting the distinction made of offices totaling more than 20,000 square feet, which are allowed, and offices for consumer sales and service. Mr. Smart stated that was not the distinction he was making. He was making a distinction between consumer sales and service and others. Ms. Newman stated the zoning was changed in the downtown in 1990. In 1992, the Avery Square district was studied and changes were made to the table. A discussion ensued regarding changes and amendments to the tables.

Mr. Eisenhut asked historically, if a professional, such as a dentist, asked the Building Inspector to be allowed to set up on the first floor, was the historical response from the Building Inspector or the Planning Board no, that type of use is limited to the second floor? Ms. Newman stated yes, that was the historical practice. Mr. Eisenhut stated that was based on the interpretation that "other enumerated services" was office use. The situation is there has been a historical practice of decisions based on interpretation. If the Board allows this now he feels it is a competitive advantage.

Mr. Alpert stated the Board is saying it is allowed in the Center Business district but not the Chestnut Business District. He asked why the distinction? Ms. McKnight stated Chestnut Street is a more traffic oriented area and the Center is more pedestrian oriented so it is more important to have storefronts. That is the difference. Mr. Jacobs asked if the Building Inspector would say the applicant was entitled as a matter of right. Mr. Smart clarified yes, that is what the Building Inspector said. Mr. Jacobs asked why the Building Inspector does not just say it is ok. Mr. Smart noted the applicant has not applied yet. They are just being proactive.

Ms. McKnight stated the historic interpretation and precedent in this case does come into play. The language of the By-Law has ambiguity. She explained her thoughts – does the word "offices" include medical offices? She thinks it does. The word "office" in the Zoning By-Law is used in connection with doctors and dentists. Mr. Jacobs commented he understands what Ms. McKnight is saying. It needs to be understood there is some kind of difference between office and professional. If there was a section that said dental offices are only allowed on the second floor he would get it.

Mr. Eisenhut stated it is a matter of fairness. It is establishing a competitive advantage. Mr. Smart asked what does the town want in down town? A dental office creates foot traffic all day long. Foot traffic that is generated would be good for the down town. Ms. Grimes stated her vision of downtown is not a dental office. It is stores to go shopping in. She does not want to see a dental office. That is her opinion. She feels the Board needs to take something to Town Meeting to clarify the definition so this issue is not revisited again.

Ms. McKnight stated she would really like to see more multi-story construction with residences or offices on the top floors and retail on the first floor. Ken Mackin stated the issue with this lot is it is less than 10,000 square feet. A second floor cannot be put on so they should have the existing zoning. Mr. Smart noted he would like the Board to tell the Building Inspector the Board agrees it is a craft and professional services use. His second choice would be for the Board to make no comment and let the Building Inspector deal with it.

Mr. Alpert stated it sounds like the applicant would need a waiver. The Board should not say the applicant should just go back to the Building Inspector. That is not being fair to the applicant. Mr. Eisenhut noted his take would be to say nothing and if the applicant comes for a special permit defer to the Building Inspector. Let the Building Inspector exercise his discretion. Ms. Grimes commented the Board should sit down and revamp this language.

Ms. McKnight noted the Board should say it is an office and not a medical professional services establishment. Mr. Jacobs commented he would go the other way and say it is a professional services establishment. Mr. Alpert stated he is torn. He has an issue with handicap access and he does not know if there are elevators. If there is no elevator access to building it is not fair to say you would need to be able to walk up stairs. He has a problem with that but he agrees with both Mr. Jacobs and Ms. McKnight.

Dr. Laurice Fanikos, a dentist, noted he is a diplomat with the American Board of Pediatric Dentistry. He specializes in children and kids who are medically compromised. He sees several walk-ins a day. Children have falls and have trauma. Dentists deal with trauma every day and it involves acute care. There will be a majority of clinic space. Patients are seen on average every 45 minutes. He noted he sees emergencies every day. He wants to be part of the community.

Ms. McKnight stated it may be helpful to see what was before Town Meeting in 1990 when the change was made. Mr. Alpert commented he is ambivalent because he also agrees with Ms. Grimes when he sees the downtown. He does not like to see a storefront lawyer. That is not what he envisioned for downtown. Mrs. Fanikos stated she sees it as a benefit for everyone.

9:00 p.m. – Major Project Site Plan Special Permit No. 2015-05: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 77 A Street, 156 B Street, 189 B Street & 0 A Street, Needham, MA 02494). Please note: This hearing has been continued from the September 8, 2015 and September 29, 2015 meetings of the Planning Board.

9:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2015-06: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 360 First Avenue, 410 first Avenue, 66 B Street and 37 A Street, Needham, MA 02494). Please note: This hearing has been continued from the September 8, 2015 and September 29, 2015 meetings of the Planning Board.

Roy Cramer, representative for the applicant, stated he went to the Design Review Board (DRB) last night with plans. The plans were approved and he filed an approved set with the Planning Director for Center 128 West and Center 128 East. The DRB approved what the Board saw last time. He stated Kevin Daly, of Normandy, had a meeting with the abutter at 300 First Avenue. He feels it may take another week or two but they are working to resolve the issues.

Kevin Daly noted the project will create some connection in the back with the abutter's parcel so the abutter feels more connected and not just a stand alone building. The project will do some landscaping to create some pathways to tie them together. The intent is to do something when the landscaping and walkways are in. The building and garage are staying the same. Ms. McKnight asked if all issues with drainage are resolved and was informed they are.

Ms. McKnight noted the Board received a large amount of correspondence since the last meeting. She noted an email from Janice Epstein with comments, most of which had been discussed at the last hearing. The email discussed placement of generators, loading dock, trash receptacle and such, which were not discussed last time. Mr. Daly stated the loading dock is being put at the back. He described the locations and the location for the generator but noted that is not finalized yet. Mr. Cramer stated the location of the generator is shown on the plan.

Mr. Daly noted there are 9 roof top units about 9 feet tall. The units are oriented mostly to the back side of the building and he described the locations. The project has planned for some screening. The units will be barely visible. Mr. Cramer noted the roof plan for 77 A Street and locations of the roof top units are shown.

Ms. Epstein noted there are loud air conditioning units at 152 Second Avenue. That owner did mitigations and put up a screen. This is even a higher building. Mr. Daly stated the project has located the units in the back of the building. The applicants are not going to put something loud and obnoxious when there will be residential and have paying tenants. He noted the units are the same as TripAdvisor's. He suggested Ms. Epstein go look at them.

Robert Deutsch, an abutter, stated he can see and hear Charles River Landing. The noise carries and he can even hear the work at the Coke plant. Ms. McKnight noted an email from Diane Abbott regarding lighting and a letter from Janice Epstein regarding lighting. Mr. Daly noted there are lights on the garage. The applicant proposes to put screening on the back of the garage. It will greatly diffuse the light from what is there today. It is a very restrained screening designed to minimize the light and beautify it. Ms. Epstein stated LED lights are very bright. She can see them from their neighborhood. Mr. Daly stated it is a balance. It is a garage and people are in there. Trip Advisor works later so there is a safety concern for employees. Ms. Grimes noted screening is not there currently. Ms. McKnight stated many issues in Ms. Epstein's letter are items that are shown on the plans. The ground water issue has been approved by the Town Engineer. Other items were discussed at the last meeting. She noted the Board has discussed and addressed Ms. Epstein's issues.

Ms. McKnight noted a letter from Robert Deutsch which expresses concerns regarding noise and light spillage already discussed and traffic issues the Board already discussed. Mr. Jacobs acknowledged that Mr. Deutsch made an interesting suggestion in his letter to set up a general mitigation fund rather than a traffic mitigation fund. He is not aware the town has done that or if the Board has the authority. He noted the Planning Board retains jurisdiction. If there is a problem the Board can enforce the decision. He does not know how a general mitigation fund would work or how much to even put in it. He feels it is an interesting idea.

Mr. Deutsch stated people will always be at a disadvantage. Sometimes there is not a single point of contact, mitigation fund or some kind of remedy to help resolve issues. He explained his thoughts on a mitigation fund and how it could work. He feels just a simple and transparent mechanism for issues. He invited Board members to come to his backyard and take a look. He feels that may be beneficial.

Ms. McKnight noted more correspondence. A second email from Diane Abbott, dated 10/6/15 and another email dated 10/1/15 from Ms. Abbott and an email from Joseph Manning, of 68 Riverside Park, with concerns. She noted an email received late this afternoon from Elizabeth Kaponya which listed issues the abutters may have and asking who would they go to. There were issues listed such as generators, plowing, snow removal, leaf blowing, resurfacing of parking lots on holidays and weekends with the smells, idling trucks and such. All are issues Ms. Kaponya has had and she would like all these considered as annoying noises and issues.

Ms. McKnight commented the Board appreciates the comments and noted the Board recently put in a condition on property maintenance and idling trucks. Ms. Newman stated she will have a draft decision at the next meeting.

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

VOTED: to close the hearing with the exception of any plan changes that may be made with regard to the discussion with the abutter.

Discussion and Recommendation of Zoning Amendments for Fall November Special Town Meeting.

Ms. Newman noted the Mixed Use Zoning was revised to include comments of the Board from the last meeting as well as comments from Mr. Alpert. Ms. McKnight asked if the Board would be recommending this version for the warrant. Mr. Eisenhut stated there is a dearth of low to moderate income housing. He feels the number should be set at a higher goal than 10%. He feels it is the right thing to do. There was testimony that 12.5% would work economically. There is not much of a disincentive. On a practical level, the Board should have low to moderate income housing throughout the town and community rather than in a central area. There will be new housing construction in Needham so that number keeps going up. Not all units may count for 40B counts.

Mr. Alpert stated he disagrees. A 40B project will be built in the Needham Crossing area. If the Board includes an amount of affordable housing in this area of town it give others justification not to build 40Bs in the center of town. He would like to see more 40Bs in the center. Ms. Grimes noted it says at least 10%. This lets the developers make a determination and gives the town enough protections in that. She is not in favor of increasing the number. Mr. Jacobs stated he goes along with Mr. Eisenhut.

Ms. McKnight noted she appreciates that 12.5% gives wiggle room. She would not be in favor because she would like to see projects result from this zoning. It is very difficult to do these mixed use projects. She would like to keep it at 10%.

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

VOTED: to refer for publication in the warrant.

Minutes

Ms. McKnight noted on page 1, a comma was left in.

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

VOTED: to accept the minutes of 7/7/15 with the one change discussed.

Report from Planning Director and Board members.

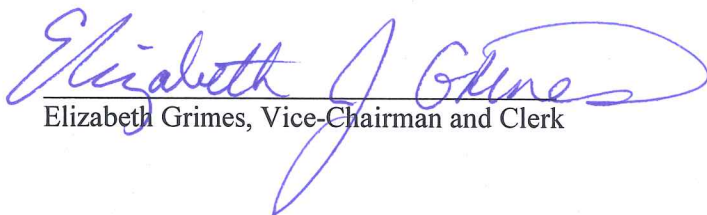
Ms. Newman noted there was a copy of the Needham Housing Strategy and notes from the Planning Board 9/1/15 meeting with the Selectmen. She wanted the Board to have a copy of what they wanted to do. The Selectmen will go with the original version. She noted the Selectmen were reluctant to change the draft. There will be a joint meeting with the Selectmen on 10/27/15. Ms. Clee noted the schedule is to be determined. She will email all members.

Ms. Newman noted construction has started on Rockwood Lane. The applicant is removing the mound of material and is doing sifting. They are in the process of hiring a new contractor to do the blasting. There is no schedule going forward yet. She noted some complaints with trucks not following the proper routes. She heard Elite Builders have a good reputation. Mr. Alpert confirmed Elite does have a good reputation.

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

VOTED: to adjourn the meeting at 10:50 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Elizabeth Grimes, Vice-Chairman and Clerk