NEEDHAM PLANNING BOARD MINUTES

March 19, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, March 19, 2019, at 7:00 p.m. with Messrs. Jacobs and Owens and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

De Minimus Change: Amendment to Major Project Site Plan Review No. 98-6: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at Existing Municipal Parking Lot on Chestnut and Lincoln Streets, Needham, MA).

Christopher Heep, representative for the Select Board, noted this is a minor modification of a Special Permit. The last time he was in front of the Board was last summer to allow the repurpose of 16 parking spaces temporarily to support construction activities related to the police/fire station reconstruction. This was approved and those spaces are part of the construction site now. All 16 of the spaces were permit spaces. As a consequence there is now a shortage of permit spaces relative to 2 hours spaces. The applicant would like to take 15 of the currently designated 2 hours spaces and reassign them as permit spaces for the life of the project. He noted one of the conditions is the lot needs to be returned to current conditions at the end of the project.

Mr. Alpert asked if the Town can afford to take away 15 public spaces and not hurt the merchants. Mr. Heep noted the Town Manager did a survey over several time periods and felt there were ample 2 hours spaces available but no permit spaces. Ms. McKnight asked what the time limits are on the permit spaces. Ken Sargent, project manager, noted the spaces were permit spaces Monday through Friday from 8:00 a.m. to 2:00 p.m.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to deem the requested change to be a deminimus change not requiring notice or a public hearing.

A motion was made to grant the requested relief and approve the amended decision to allow 15 parking spaces now designated as 2 hour parking to be permit parking. Mr. Jacobs noted under Exhibit 3, a date needs to be filled in. In paragraph 4, on the 2nd page, it says the duration of construction. What is the trigger that will signify the end of construction? Ms. Newman noted it would be when the Occupancy Permit is issued. Mr. Jacobs would like that added. Ms. McKnight agreed to accept the change to refer to that period ending upon issuance of a permanent Certificate of Occupancy for the Police/Fire building. All agreed. Mr. Jacobs noted on page 2, #1, says no 20 day appeal period is required but on the next page it says any person can appeal. It was agreed to take out both paragraphs. It was agreed to delete the 2nd sentence in paragraph 1 under Decision and also to delete the 3rd paragraph under Limitations.

Mr. Alpert noted the following correspondence for the record: an email from Fire Chief Dennis Condon noting no issues and a letter, dated 3/15/19, from Assistant Town Engineer Thomas Ryder with no comments or objections.

Upon a motion made by Ms. McKnight, and seconded by Mr. Owens, it was by the four members present unanimously:
VOTED: to grant the requested relief and approve the amended decision to allow 15 parking spaces now designated as 2 hour parking to be permit parking, to add a sentence to refer to the period ending upon issuance of a permanent Certificate of Occupancy, to delete the "no 20 day appeal period" sentence and the "any person can appeal" sentence on the next page, to delete the 2nd sentence in paragraph 1 under Decision and also to delete the 3rd paragraph under Limitations.

DeMinimus Change: Major Project Site Plan Special Permit No. 2018-03: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 88 and 66 Chestnut Street, 89 School Street, 43 Lincoln Street, Needham, Massachusetts), regarding Police & Fire Headquarters.

Christopher Heep, representative for the applicant, noted this is a minor modification for the police and fire headquarters for the relocation of the transformer and the removal of 2 above ground utility poles. Now that construction is underway it has become clear the location of the transformer would present a problem. The existing police and fire station will remain active during construction. The project is running power from School Street across the site to the other side. This will cut into the operation and site circulation during Phase 1. The applicants also want to remove 2 above ground poles. The request is to move the transformer to the northwest corner of the site at Chestnut Street. The above ground transformer will be surrounded by landscaping. An underground transformer would require hardscape above it and would eliminate the landscaping. He feels the landscaping is important. Also, the Fire Chief had an issue with the safety of open grating and underground is prohibitively expensive.

Mr. Heep noted the applicant would like approval for the new location. The Design Review Board (DRB) proposed a slight landscape adjustment but were supportive of the request. Ms. McKnight asked if the new landscaping is shown on the site layout plan with the proposed plantings and was informed it does. She noted she wants to make sure the decision reflects the change. Mr. Alpert noted the following correspondence for the record: an email from Fire Chief Dennis Condon endorsing the minor modification; a letter, dated 3/14/19, from Assistant Town Engineer Thomas Ryder with no comments or objections; a letter from the DRB, dated 3/18/19, approving the change with conditions and an email from Police Chief John Schlittler with no comments.

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

VOTED: to treat this application for Site Plan Review with regard to the Police & Fire Headquarters located at 88 and 66 Chestnut Street, 89 School Street and 43 Lincoln Street, as a minor modification not requiring public notice or hearing.

A motion was made to approve the application for the substitution of an above ground transformer station at the front of the Fire Station in lieu of a transformer originally proposed at the rear of the property and eliminate 2 utility poles so the utilities are provided in an underground manner and furthermore approve the amendment decision before us tonight dated 3/19/19 with the 2 changes discussed – elimination of the 2nd sentence of paragraph 1 under Decision and eliminate the 3rd paragraph under Limitations. Ms. Newman stated the motion should also note some dates are missing in terms of correspondence and the reference back to what the DRB approved would be modified to insert Design Review Board recommendations.

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

VOTED: to approve the application for the substitution of an above ground transformer station at the front of the Fire Station in lieu of a transformer originally proposed at the rear of the property and eliminate 2 utility poles so the utilities are provided in an underground manner: to furthermore approve the amendment decision before us tonight dated 3/19/19 with the 2 changes discussed – elimination of the 2nd sentence of paragraph 1 under Decision and eliminate the 3rd paragraph under Limitations; to note some dates are missing in terms of correspondence and reference back to what the DRB approved would be modified and to insert their recommendations.

DeMinimus Change: Major Project Site Plan Review No. 2018-10: 1056 Gyro and Kebab House Corp d/b/a Gyro and Kebab House Greek Cuisine, 3 Capen Hill Road, Sharon, MA 02067, Petitioner (Property located at 1056 Great Plain Avenue, Needham, MA).

George Giunta Jr., representative for the applicant, noted this is a deminimus modification. The tenant received a Special Permit in November and is now in operation. The Special Permit was to change from one prior food use to another food use. The tenant needed to screen the existing dumpster. There was a single lattice panel that had been there for 25 years. The Police and Fire voiced concern with the location of the dumpster. It was located behind the building in an adjacent parking space near the door to the basement. The Fire Chief wanted it moved. There was a meeting and all agreed to one spot in the parking area that it would fit in. The applicant would put screening on 3 sides. It will be standard stockade fence, 5 feet in height, to screen a 2 yard dumpster. There would be no loss of parking spaces. Mr. Alpert noted the following correspondence for the record: an email from Fire Chief Dennis Condon endorsing this solution and a letter from Assistant Town Engineer Thomas Ryder with no comments or objections.

Ms. McKnight stated she is concerned with the line that says "maintain current travel lane width." She is not sure on the sketch plan if cars can make the turn with the dumpster there. Mr. Giunta Jr. noted the dumpster just fits in the triangle area. Ms. McKnight stated she does not know how wide this is. She asked if the Board could request a submission of a plan that shows the width. She noted there needs to be 18 feet. It was noted the width is 12 feet and one-way at a time. Mr. Alpert stated he was comfortable with it and commented people would call if they had a problem. Mr. Jacobs asked how the dumpster would be serviced. Currently the truck pulls in, forks it, dumps it and drives out. Mr. Jacobs asked if this change has been run by the dumpster company to make sure it would work. Mr. Giunta Jr. stated the dumpster is small and on wheels. It can be rolled out if necessary. Mr. Jacobs stated he would feel best if someone checked with the dumpster company. Mr. Alpert feels it will be easier for the truck to access. Ms. McKnight suggested it would be better if the dumpster were turned. Mr. Giunta Jr. noted it would not fit and would project into the driveway if it was turned.

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

VOTED: to determine this request for amendment to Major Project Site Plan Special Permit to change the location and change the fencing material of the dumpster enclosure to be deminimus in nature and does not require public notice and hearing.

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

VOTED: to approve the amended decision dated 3/19/19 as presented; approve the relocation of the dumpster as shown on the plan with a change to paragraph 3 at the top of page 2; take out the 2nd sentence in paragraph 1 of the Decision Section and take out the 3rd paragraph under Limitations.

Request to Reduce Surety: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Petitioner (current owners: Hillcrest Development, Inc., and Elite Homebuilders, LLC), (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).

George Giunta Jr., representative for the applicant, stated he was last here in December. The As-Builts have been turned in and the drainage reports have been submitted and signed off by Engineering. Mr. Alpert noted a letter, dated 3/13/19, from Assistant Town Engineer Thomas Ryder, with comments. Mr. Giunta Jr. noted, for the Homeowners Association (HOA) piece, he has submitted proof that the Capital Reserve Fund has been put in place and $10,000 was put into the account in March 2017 and is sitting there. Control of the HOA is still not turned over pending resolution of some issues. Ownership of easements has not been transferred to the HOA. For the landscaping he contends the deviations in landscape as compared with the approved plan are not significant. Engineering has reviewed and agrees it is not significant. He noted what was put in is aesthetically more pleasing.

Mr. Jacobs noted the problem is not what the letter says. The letter says the changes are acceptable. The letter needs to say if the drainage is as good as or better than originally approved. Ms. Newman stated the position all along has been the drainage works ok but not as good as if the originally approved landscaping had been put in. The feeling expressed in the letter is that the drainage is better than what the previously existing situation was and is adequate. Mr. Jacobs stated he understands but Mr. Ryder's letter does not give him enough to go on. Ms. McKnight agreed with Mr. Jacobs. Mr. Jacobs would like to see if the Board could get a letter that the drainage situation is at least as good as the original plans. Ms. McKnight asked if Mr. Ryder was using the standard over the preconstruction drainage. She wants to know if it is as good as the plan that was approved.

Mr. Owens asked if the neighbors knew the applicant was here and are they satisfied. Can the Board make this work for the neighbors? Have we achieved this? Mr. Giunta Jr. stated he was not sure about the neighbors. In the past, changes made were approved by the submission of the As-Built. The landscape deviation could be dealt with this way. The Board could have a public hearing. He does not know what the Board will hear from the neighbors; he commented he has heard some good comments and some bad. Mr. Owens stated the standard would be if we are providing the drainage that is needed. If not, there is a dilemma. Mr. Alpert asked if it would make sense to have Elite Homebuilders come to the Board for approval to substitute As-Built plans for the plans approved in the decision. A hearing would be published and notice would be given to the abutters. If the Board adopts it this would be done. Mr. Jacobs stated he has no problem with requiring such approval but he would still want input from Mr. Ryder. Mr. Owens stated Mr. Ryder could make a recommendation but the decision would be put back to the Planning Board. He would like to hear from the neighbors one more time.

Discussion of Zoning Articles for the May 2019 Annual Town Meeting.

Ms. Newman noted she gave the members the Articles already voted in the final form with explanations that would go with the Warrant. She asked the members to check and let her know if there are any issues. Mr. Jacobs noted Article 3 (Accessory Dwelling Units), Section 3.15.3 (g) and asked what the applicable ingress/egress provisions are. Ms. Newman stated she would follow up with Building Inspector David Roche.

Ms. Newman stated Natasha Espada, Principle of Studio Enee, has been working very hard on the Highway Commercial 1 article and the information she is presenting. Ms. Espada described the current site and area. She noted the 4.6 acres and 9.28 acres came from the GIS map. Originally, they assumed the GIS was correct, but then discovered GIS differed from the assessors map. She then prepared a 3D map based on the Assessors maps.

Ms. Espada went over her PowerPoint presentation. She noted the proposed minimum lot size would be 20,000 square feet, frontage would be 100 feet, front setback is 5 feet, side and rear setbacks would be 10 feet, maximum height is 70 feet, maximum lot coverage is 65% and FAR is 1.0. There would be a 50 foot buffer on Gould Street and Highland Avenue and under special circumstances the FAR can be .65 to .75. Height within 50 feet of Gould and Highland would be limited to 54 feet. She explained the slides futher with regard to height and setbacks. A 20 foot landscape buffer is required on both.

Mr. Alpert asked Ms. Newman at the last meeting if the side setback increased from 15 feet to 20 feet, if the building exceeds 54 feet, whether the 54 feet should be changed to 42 feet. Ms. Espada stated it should be changed. Fifty four feet seems too high and she felt 42 feet was appropriate for this area. She is recommending to define this corner as a gateway to Needham. She noted with a 4 level parking garage, with 150 and 250, you end up with 400,000 square feet of building floor area with an FAR of 1.0. Parking is not sufficient so she worked on that. She made some recommendations to limit the height to 42 feet. Access to the site is not from Highland Avenue. There is a 50 foot building setback buffer on Gould Street and Highland Avenue now and she recommends increasing the buffer to 150 feet on Highland and 200 feet on Gould. She recommended the parking garage be set back at least 100 feet, the rear setback at the highway be 20 feet and noted that Highland Avenue ends at the natural jog. There is a provision to create an urban condition at the corner.

Ms. Espada noted if you add the 4 lots in this area together it would be 9.11 acres and a 400,000 square foot building could be built or 200,000 square feet with an FAR of 1.0. She reviewed parking garage calculations. She noted a 4 level garage at 180 by 300 square feet could hold about 665 cars. Or there could be a 5 story building with a 4 level garage. She noted 50% of the lot would be taken up by parking garages. Mr. Alpert stated the building could go up to 6 stories by Special Permit. Ms. Espada stated buildings can only be 65% of the site and landscaping is 25% of the site. She looked at Trip Advisor and feels you would probably end up with that kind of building at the bottom of the site. She commented the area is a hybrid. She commented do you change FAR or have relief on parking.

Mr. Alpert stated the Board spent a lot of time on uses. He could see some of these uses but not with a 5 story box in back. The town would end up with another Trip Advisor on this site. Ms. Espada stated it does not feel right yet. She is trying to replicate the scale of what is on the other side of the street. Mr. Alpert stated he took a drive and there is no view from the houses across Highland Avenue to the Muzi site. All the houses front on the side street and there is a very large fence that goes to the highway. Ms. McKnight noted she did the same. There is one house on the corner that fronts on Highland Avenue. There is a large 8 foot board fence that goes all the way down and hides the view of Highland Avenue from these houses.

Ms. McKnight stated the current zoning is not clear. She has concluded the current requirement of a 50 foot setback from Highland Avenue extends to approximately where Muzi has their gate. She is not sure how far the 42 foot height restriction needs to go. Mr. Alpert stated it makes sense not to go to Town Meeting now but maybe in the Fall. Mr. Owens stated with the extent of changes this cannot go to Town Meeting now. Mr. Jacobs agreed.

Marc Gluesing stated it is a game with commercial buildings. You start with an FAR of 1.0 and trade back and forth until you get it to work. Ms. McKnight asked if Mr. Gluesing knew anything about the soils in this area and whether underground parking is feasible or is it too expensive. She asked if there are barriers to putting parking underground there. Mr. Gluesing was not aware of anything. Ms. McKnight stated there needs to be some thought about lighting in parking garages. There are residents living near here and she is concerned with the lighting. Mr. Jacobs noted the basic problem is this was done under the assumption the Board wants the same zoning as across the highway. He does not feel there is a good unified vision. That is what is lacking. He feels the Board would be wrestling around with issues until they get to the unified vision.

Mr. Jacobs stated he likes the idea of making the corner of Gould Street and Highland Avenue an urban corner. He does not know what they want with the rest of the site. Mr. Alpert commented he got the impression from Devra Bailin the Council of Economic Advisors (CEA) wants a better commercial tax base. Ms. Espada feels it is out of scale. It was noted there has been a lot of progress. Ms. McKnight asked if it makes sense to go forward with the League of Women Voter's special meeting on 4/25/19. The reason for the meeting would be the 3 complicated articles. With only 2 Articles it may not be necessary. All agreed the meeting should be held. The Board is not going forward with an article dealing with 3 car garages.

Request to Reduce Surety: Cartwright Road Definitive Subdivision: Mary Stare Wilkinson and Bradley Wilkinson, 260 & 267 Cartwright Road, Needham, MA, Petitioner (Property located at 260 and 267 Cartwright Road, Needham, Norfolk County, Massachusetts, Assessors Plan No. 218 as Parcel 1).

Ms. Newman noted there is a recommendation from Engineering that it is appropriate to reduce the street construction part of the surety. The Board is holding $93,000. Engineering is recommending release of $86,000. Mr. Jacobs noted a letter from Assistant Town Engineer Thomas Ryder noting the Fire Department says the turnaround ability is acceptable. This is different from Rockwood and he wanted to note that. Ms. Newman stated the road was constructed at a steeper grade than what the plans called for, but the Fire Department was ok with that.

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

VOTED: to approve the request to reduce the surety for the Cartwright Road subdivision by the roadway portion only and the amount to be reduced is $86,000.

Request to Reduce Surety: Aly Raisman Way (1242 South Street) Definitive Subdivision: Richard S. Raisman & Lynn H. Raisman, 1242 South Street, Needham, MA, Petitioner (current owner: 1242 South Street, LLC), (Property located at 1242 South Street, Needham, MA).

Ms. Newman noted the roadway is done but the Board needs to retain money for the off-street drainage. Engineering has recommended release of $21,500. The Board will still hold $7,000. Mr. Alpert noted a letter from Assistant Town Engineer Thomas Ryder, dated 3/14/19, with no objections.

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

VOTED: to approve the request to reduce the surety for Aly Raisman Way in the amount of $21,500.

Correspondence

Mr. Alpert noted correspondence from the Wellesley Planning Department of a Mass Housing site visit on Route 9; a copy of a Town of Dedham Planning Board legal notice regarding a Planned Residential Development; and a memo from Beth Israel Deaconess Hospital and the Needham Public Health Department with an invitation to a community health forum.

Report from Planning Director and Board members.

Ms. Newman noted she had a meeting with Attorney Robert Smart and discussed property for a village concept development off Charles River Street. Adequacy of the access way will be discussed. He will come in with an ANR plan to create a lot. She noted a bunch of houses are already using the private way access. Mr. Alpert noted there are wetlands all throughout the property. It is not a public way. Ms. Newman stated the Board needs to determine adequacy of the access. Zoning is one acre in Single Residence A. Ms. McKnight noted there is no reason why the road cannot be widened to the proper width. Mr. Owens stated he would not approve a 15 foot wide road.

Ms. Newman noted the property located at 1180 Great Plain Avenue, where the Congregational Church is, is going forward with a 40B. They did not go through the Department of Housing and Community Development (DHCD) but Mass Housing Partnership. They have applied for a site eligibility letter. Then it goes to the Zoning Board of Appeals. There will be 16 units with half of the units one bedroom and the other half of the units 2 bedroom. She just received this information this afternoon.

Upon a motion made by Mr. Owens, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 9:16 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Martin Jacobs
Martin Jacobs, Vice-Chairman and Clerk