

NEEDHAM PLANNING BOARD MINUTES

August 6, 2019

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 Tuesday, August 6, 2019, at 7:00 p.m. with Mr. Owens and Mmes. McKnight and Grimes, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee. Mr. Alpert arrived at 8:02 p.m.

Public Hearing:

7:00 p.m. – Scenic Road Act: NSTAR Electric Company d/b/a Eversource Energy, Petitioner (Property located at South Street approaching Needhamdale Avenue).

Upon a motion made by Mr. Owens, 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 legal notice; a 7/3/19 letter from Michael Howard of Epsilon Associates Inc.; a 7/30/19 memo to Ms. Newman from Tree Warden Edward Olson; a 7/31/19 email from Police Chief John Schlittler and an 8/6/19 letter from Assistant Town Engineer Thomas Ryder with no objections.

Michael Howard, of Epsilon Associates Inc., spoke on behalf of Eversource. He stated they applied for removal of 3 trees on South Street. He has been working with Engineering for several months now. There is one location that conflicts with the existing water line. There needs to be a short jog of the municipal water line. Three trees need to be removed – 2 black locusts and an elm. The trees will be replaced with 6 trees, each a minimum of 2 inches. Ms. McKnight stated the Department of Public Works (DPW) planting plan is to be submitted with the trees to be replaced; the plan only shows the trees to be removed. Mr. Howard stated he is working with Tree Warden Edward Olson to determine where he wants the replacement trees.

Mr. Jacobs commented he appreciates the applicant taking this seriously. The applicant has done this in a diligent way and he appreciates that. Ms. McKnight agreed. She is pleased that only 3 trees are being removed. A woman from Eaton Road stated she is opposed. She does not think any trees need to be removed. She feels Eversource has removed a tremendous number of trees in town. She feels a 2 to 1 replacement is not enough. They should be replacing trees at a 3 to 1 ratio but she does not feel any should be taken down. Trees are too important to lose. She does not feel there is a need to remove trees.

Domenic Nicotera, Project Manager, appreciated the comments. He stated he did exhaust all options with alternatives. He discussed everything with the Town Engineer and the Tree Warden. He looked at relocating the manhole and other locations. Mr. Jacobs noted Mr. Olson's memo dated 7/30/19. Mr. Olson stated "more often than not..." This does not always happen. Occasionally a 1 to 1 has been done or monetary compensation. He appreciates the comments but the applicant looked for months for a minimally invasive location. He feels a 2 to 1 replacement is fair.

Ms. McKnight stated the trees to be removed are deciduous. She feels it should be specified the replacements should be the same. Mr. Olson feels it is important to replace with deciduous but he would not put black locus back. Maybe elms but he will discuss it. Ms. McKnight asked what a reasonable size is. Mr. Olson stated 2 to 4 inch caliper is good but most are 2 inches. Ms. Newman stated she can prepare a decision with a condition for a planting plan.

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

VOTED: to close the hearing.

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

VOTED: to ask the Planning Director to prepare a decision with the incorporation of a planting plan to be approved at the next meeting with a minimum of a 2 to 1 replacement with deciduous trees in near proximity to the trees to be removed if so desired by the Tree Warden.

Review of landscaping at median strip: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1407 Central Avenue, Needham, MA).

Mr. Jacobs noted the following correspondence for the record: a letter from Michael Richard, of Weston & Sampson, dated 8/1/19 and 2 plans – an existing conditions plan and the proposed plantings.

Chris Heep, representative for the applicant, noted this is in response to a condition the Planning Board requested. The Planning Board included a condition in 3.26 for a landscape plan for the median strip to shield the transfer station and new building from Central Avenue. There is a new curb cut on Central Avenue to separate the public and town accesses. He feels it will be helpful. There are no full engineering plans yet with the curb cuts. He hopes to get this completed prior to the October planting season.

Mr. Jacobs asked what the need is for traffic calming. Michael Sampson, of Weston & Sampson, stated people come in at great speed and do not slow down. It was requested traffic calming measures be incorporated into the design. This was submitted on 8/1/19 and there have been comments back and forth. He met with the Design Review Board (DRB) last night. He tried to incorporate the comments and have updated plans tonight. He described the existing conditions. Their architect and the town met and did not feel most of the trees were worth saving. There is a large amount of knotweed that will continue to take over. It will need to be excavated out. He is proposing grading improvements and revised curb cuts.

Mr. Sampson stated the easterly entrance is only for the town and the other entrance is for the public to the RTS. There will be a rumble strip and an increased median planting island. This allows for more plantings and more mounding and incorporates signage per the Design Review Board. It will be similar to previous with a slight increase in plantings and signage. Jim Bolinger feels all agreed on the plantings and want a robust buffer. There will be a significant amount of new plantings, which will be mostly native but not all. All the plants are tolerant. Mr. Owens stated the condition is in the decision because he asked for it. He has learned a lot and the applicant has exceeded his wildest dreams with this plan. He thanked them for their time and effort. Ms. McKnight feels there are a good variety of plantings. Mr. Jacobs feels there needs to be a sign at the corner that says “no right turn.” He commented he likes the plan very much. Ms. Newman stated this should be done as a deminimus change.

7:30 p.m. – Amendment: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Original Petitioner (current owners: Hillcrest Development, Inc., and Elite Homebuilders, LLC), (Property located at Rockwood Lane consists of the dwellings currently numbered 38, 45, 46, 52, 55, 58, 63, 64 and 69 Rockwood Lane and one adjacent parcel, Needham, MA, Assessors Plan No. 17 as Parcels 71, 72, 73, 79 and 80 and Plan No. 20 as Parcels 86, 87, 88, 89 and 63). Please note that this hearing has been continued from the May 21, 2019 and June 4, 2019, June 18, 2019 and July 16, 2019 Planning Board meetings.

Mr. Jacobs noted a letter from George Giunta Jr., representative for the applicant, requesting a continuance to 9/3/19 and other deadlines. He noted the Tripartite Agreement runs out at the end of August. Ms. McKnight feels the owners and abutters should be notified of hearings. Mr. Jacobs stated he is not interested in further continuing beyond 9/3/19.

Upon a motion made by Ms. McKnight, and seconded by Mr. Owens, it was by three of the four members present (Ms. Grimes abstained):

VOTED: to continue the hearing to 9/3/19 at 7:30 p.m. and approve to extend the Tripartite Agreement to 10/31/19.

Request to authorize Planning Director to authorize Occupancy Permit: Major Project Site Plan Special Permit No. 2018-01: Town of Needham Permanent Public Building Committee, 500 Dedham Avenue, Needham, MA, Petitioner (Property located at 1154 Highland Avenue and 92 Rosemary Street, Needham, MA).

Ms. Newman noted this is the Memorial Park Field House. She would like authority to authorize an Occupancy Permit. One condition was there was to be a program of rules and regulations of how it is to be utilized and by whom. Town Manager Kate Fitzpatrick supplied a draft of Interim Rules. She would like the Board to review and approve so she can go forward with approving the permit outside of a meeting. The other change is the High School could have parking permits. The Town wants to designate space and not permits. Mr. Jacobs asked how the plan would be implemented. Would the spaces be numbered?

Steven Popper, representative for the applicant, stated the lot will be controlled with signage. The lot will be controlled and they will monitor with enforcement. Mr. Jacobs noted Ms. Fitzpatrick said there would be designated spaces. Ms. Newman will speak with her. Mr. Jacobs stated all agree this is ok as written but they need to clarify the High School spaces. Mr. Popper noted they could do color striping and signage with yellow spots for the High School. George Kent stated only a certain number of students are allocated by the High School to park in the lot.

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

VOTED: to authorize the Planning Director to go forward pending a parking plan.

Request to Withdraw: ANR Plan – Brian D. Brown, Petitioner (Property located at 770 Chestnut Street, Needham, MA).

Ms. Newman stated this is a new right of way. The applicant is going to do a planned residential development. There is inadequate width as there needs to be at least 18 feet. The Fire Chief made clear it is inadequate. This is not able to be done with the existing right of way. The applicant is going to improve the way to 40 feet with a reduction and a planned residential compound. He is working on a proposal.

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

VOTED: to accept the request to withdraw.

Mr. Alpert arrived at 8:02 p.m.

Decision: Amendment to 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, MA), regarding Police & Fire Headquarters.

Christopher Heep, representative for the applicant, looked at the draft decision and only had a couple of comments. He has 2 concerns. One was the condition requiring a 6 foot ornamental fence around the monopole. He is proposing a black vinyl chain link. He does not believe the fence will be visible anywhere to the public. It is buffered on all sides by the building. It could be seen by Lincoln Street but there are 5 rows of parking and 2 layers of landscaping between the base of the tower and Lincoln Street.

Mr. Jacobs asked the length of the side. Mr. Heep stated 16 feet a side. The cost difference is about \$7,000 between chain link and ornamental. Ms. Grimes commented she would like the ornamental fence. Mr. Alpert

stated he agrees with Ms. Grimes that they want town projects to look good. He wants to see an ornamental fence. Ms. McKnight agreed that a black vinyl fence for safety is fine. She feels an ornamental fence in this location does not make sense. Mr. Heep stated he would like to remove the wording that the finish of the monopole matches the finish on the antennae. The monopole should be dull white and coated in Teflon to prevent ice and snow build up. It will not match the pole in 3.1. Ms. McKnight feels that is a reasonable request. Ms. Newman stated she pulled that condition from a town on the Cape.

Ms. McKnight stated the monopole shall be as close as reasonably possible as the color of the antenna subject to commercial availability. Mr. Heep suggested the applicant shall make a good faith effort, and all reasonable attempts, for the microwave and whip antennas to match the towers as closely as possible. Ms. Grimes stated she would vote no if there is no ornamental fence. Mr. Jacobs noted on page 6, Section 1.25, the "s" should be removed from "description"; on page 7, Section 1.35, a comma should be added in the third line after "accessory thereto"; on page 8, Section 2.0 (b), is ok now and on the bottom of page 10 and top of page 11, remove "not" before "begun." Ms. Newman clarified the Board would grant an extension because the work has not begun. Mr. Heep stated the Board shall not grant an extension unless it finds good cause for a failure to begin construction.

Mr. Alpert suggested taking out the words "the use of the property in question or." Mr. Heep has no issue with that. Mr. Jacobs stated "except for good cause" should be added at the beginning. He noted the Board needs to look at this language. Mr. Heep suggested "provided unless it finds good cause for failure to commence the use of the property in question." All agreed.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by four of the five members present (Mr. Owens voted in the negative):

VOTED: to approve the decision as drafted with the changes discussed at this hearing.

Decision: Amendment to Major Project Site Plan Special Permit No. 2013-03: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1407 Central Avenue, Needham, MA).

Mr. Heep stated he has no comments or concerns with the draft regarding the tower at 1407 Central Avenue. Mr. Jacobs noted in Section 1.1 it says 1,200 solar panels but later it says approximately 1,200 panels. It should be approximately in both places.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by four of the five members present (Mr. Owens voted in the negative):

VOTED: to grant the amendment to Major Project Site Plan Special Permit No. 2013-02 with the changes discussed tonight.

Discussion of Highway Commercial 1 zoning and Accessory Dwelling Unit zoning.

Ms. McKnight noted on page 2, Section 3.2.7.2 (f), all grocery stores require a special permit. Ms. Grimes asked why the maximum façade length went from 300 feet to 200 feet. Mr. Jacobs stated he wanted 150 feet but Mr. Owens wanted 200 feet so they agreed to 200 feet. Mr. Jacobs commented along Route 128 200 feet is not bad. Along Highland Avenue it would be bad. He thought the Board could deal with it during the special permit process. Ms. McKnight stated this is the maximum but it could be less.

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

VOTED: to send the Zoning By-Law amendment for Highland Commercial 1 Zoning District to the Board of Selectmen for review and referral back and a public hearing.

A motion was made to refer the map change for Highland Commercial 1 Zoning District to the Board of Selectmen for referral back and a public hearing. Ms. McKnight stated the map change refers to Route 128 right of way. It should be Route 128/95. Mr. Alpert stated in the legal description it is 128.

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

VOTED: to send the map change for the Highway Commercial 1 Zoning District to the Board of Selectmen for review and referral back and a public hearing.

Mr. Jacobs noted in Section 3.15.2 (d) of the Accessory Dwelling Unit Article Mr. Alpert had a compromise. Family should say as "said" Owner not "such." Mr. Alpert noted "who are related to such Owner.." Mr. Jacobs stated "related to such Owner as follows..." Mr. Jacobs asked, in Section d, is someone who owns 1% an owner? Mr. Alpert clarified property has to be the owner's principle residence. Mr. Jacobs commented this could potentially be subject to abuse. He wants the owner to be an owner. After discussion it was agreed the person has to live in the property. Mr. Alpert stated he does not see abuse. In Section 3.15 (c) the spelling of "principal" needs to be corrected.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by four of the five members present (Ms. Grimes voted in the negative):

VOTED: to send the Accessory Dwelling Unit zoning to the Board of Selectmen for review and referral back and a public hearing in September.

Report from Planning Director and Board members.

There is no report.

Minutes

Mr. Jacobs noted some changes for the minutes of 4/2/19 and 6/18/19.

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

VOTED: to accept the minutes of 4/2/19, 5/6/19, 5/8/19 and 6/18/19 with the changes discussed.

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

VOTED: to accept the minutes of 7/2/19 with one change to page 2, second to last paragraph, "taken."

Ms. McKnight noted some corrections to the minutes of 6/4/19.

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

VOTED: to accept the minutes of 6/4/19 with the changes discussed to page 1.

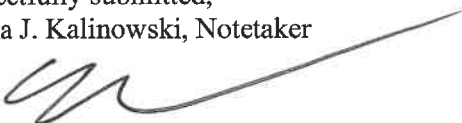
Upon a motion made by Ms. McKnight, and seconded by Mr. Owens, it was by the five members present unanimously:

VOTED: to accept the minutes of 4/23/19 with a change on page 5, 4th paragraph, add "the."

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

VOTED: to adjourn the meeting at 9:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Elizabeth Grimes, Vice-Chairman and Clerk