

NEEDHAM PLANNING BOARD MINUTES

June 29, 2010

The regular meeting of the Planning Board held in the Charles River Room, first floor of the Public Services Administration Building, was called to order by Ronald Ruth, Chairman, on Tuesday, June 29, 2010 at 7:30 p.m. with Messrs. Warner, Eisenhut and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Appointments

7:30 p.m. – Peter Pingitore – Housing Authority 5 Year Plan.

Peter Pingitore, Vice-Chairman and representative for the Housing Authority, reviewed their 5 year plan for existing facilities, operational plan, capital maintenance and improvement plan, and new housing. He has met with various boards in town to discuss the affordable housing plan and Needham Opportunities Inc. They will have a retreat. They are finished with the High Rock development and there are new possibilities. The 2007 plan is intuitively good and it is a good site. Handicap and elderly housing seems like a logical place to turn their focus. He asked if the Planning Board has any input for them. Mr. Eisenhut commented it was a good site. He feels Linden Street is underutilized and noted he would do what is necessary to help. Mr. Warner asked how the initiatives were paid for. Mr. Pingitore stated DHCD dollars. Seed money is available in connection with High Rock and CDC. Mr. Warner asked if they were a state agency. Mr. Pingitore noted they were not a state agency. They have a charter. There is some control by the local Selectmen. He clarified they are not a state governmental agency but have ties to state and local government. Rich Foster stated rents are no greater than 80% of median household income. Housing units are funded by state and some by federal. Ms. Newman asked if there was any interest in doing any more like High Rock. Mr. Foster noted 40bs are an issue with no Planning Board control.

Mr. Jacobs stated they would be looking at the issue of accessory apartments. Mr. Foster noted they are willing to look at anything right now. Barnstable County is one example. Mr. Jacobs noted accessory apartments are on the agenda for tonight to be discussed. He suggested they may want to wait around for that discussion. Mr. McKnight noted the Community Preservation Act allows money for people under 100% median. She asked if they could get involved with that or do they have to stay under 80%. Mr. Foster noted they have to stay with 80% or less for affordable housing. Mr. Pingitore commented there is a need for affordable housing. Ms. McKnight stated she is not sure what is going on - people are not even putting their names in for housing lotteries. Mr. Foster clarified they do not oversee lotteries, Needham Opportunity Inc. does. Ms. McKnight asked about the elderly and if there is a one to 2 year wait. She was informed there is. Mr. Foster stated they have been focusing on families and not as much attention has been on elderly the last few years. Ms. McKnight asked with Linden Street/Chamber Street if the focus is on family rather than elderly. Mr. Foster noted that is what this is about. Ms. McKnight stated Linden Street/Chamber Street is so close to Chestnut Street and yet so inaccessible. She asked if there is any place in Needham people can rent with Section 8 vouchers. Mr. Foster commented there are very few rentals in Needham. Ms. McKnight noted as Stephen Palmer is leased is there any role for the Housing Authority with regard to negotiations for this building in the future. Mr. Foster is not sure. They are taking the time to take stock. They will have an open process. Mr. Ruth requested they keep the Planning Board involved.

Accessory Apartments.

Mr. Warner noted Newton groups did not like having accessory apartments tied to income. He likes Ms. McKnight's comment that young people should be attracted. There are 2 groups -- older people who need the additional income and young people. These are the principal beneficiaries. He feels the public's ignorance of accessory apartments is massive. People are having a hard time through no fault of their own but this needs to be small steps. Mr. Eisenhut noted he was part of the 2001 accessory apartment hearings. The devil is in the details. He feels they have to start with who they are trying to help. Trying to increase the units of affordable housing is problematic and the size of accessory units is not usually conducive to families but maybe elderly couples. The criteria should be owner occupied, income, square foot, types, certain size lots and certain areas of town. You get into a whole area of enforcement. There are not enough town resources for enforcement in Swampscott, who did this. There are a lot of

problems with details and it is very complicated for towns. He noted these are his concerns. Mr. Jacobs stated he thinks their idea should be explored. Mr. Eisenhut is right the devil is in the details. The bottom line is the Planning Board has to decide whether they think it is a good idea and begin discussions with the public. The details get solved when there is a ground swell of support. If there is no support, there is no need to get into it. Ms. McKnight noted the Barnstable model is a remarkable creative amnesty program. She really sees it as a difficult program to implement. Barnstable used a comprehensive permit program. 40bs went before the ZBA but they simplified it. They had to restrict accessory units for 15 years that they be available for families under the 80% median. This is enforceable by the town. Her concern is what this restriction would do. She would not participate in a program like that. She added they could do it under zoning as a Special Permit and rent out to family members. If it was set up as a 2-family house and put on the market to rent to anyone there would be issues. There could be a role for a limited amnesty program to set up apartments for family members. Mr. Ruth asked what they were trying to do. He noted he could support only a Barnstable program but agrees with Ms. McKnight there may not be much participation from people. Mr. Warner noted he does not feel the public is there yet. He feels it is a promising direction but they are not there yet. Ms. McKnight asked what if they have below 100% median with a 5 year restriction and Community Preservation funds could be used to manage it. Mr. Eisenhut stated the Community Preservation money cannot be used for operational costs. Maybe setup but they still need enforcement. Mr. Jacobs noted he would be interested in helping house rich and cash poor. Mr. Foster stated he does not feel there is any one answer. They need multiple solutions.

Michael Greis – Green Communities.

Michael Greis stated, fundamentally, he is here because he would like them to become green. New England gets no benefit and do not get the value for spending on energy. It gives communities the opportunity to save energy. Green communities are more attractive to own homes and he feels they are in good shape to do this. Money is on the table now. There is a 7 million dollar grant fund that 35 communities would compete for and he feels the time is right. He has talked to the Selectmen about putting this on an agenda. They need a vehicle policy and Town Meeting needs to adopt it. They need to zone the RTS as a renewable energy area. They could do a wind turbine and also solar at the RTS site. This is a clean project they can anticipate doing. Mr. Jacobs noted he thinks it is a good idea. These were all items they were thinking of doing anyway. It is all favorable and there are no negatives. Ms. McKnight agreed. She feels there are a couple of ways of going with this. The easiest is to rezone the RTS for solar and let it be by right. Ms. Newman noted as of right research and development uses are by right in the Business Center. She asked how they are applying the as of right provision. They may already have it in the New England Business Center District. Mr. Warner asked if they have met all 5 criteria and was informed they have. Mr. Greis noted it was a target based code. Mr. Warner asked if they have adopted this code and was informed they have not. Mr. Greis stated Town Meeting will have to vote to adopt the stretch energy code. Mr. Ruth noted the commercial property owners will say the stretch energy code adds significantly to costs. Mr. Eisenhut commented he was in favor of moving toward rezoning the RTS. Ms. McKnight asked if it was good enough to plan to do this next spring. Mr. Greis stated they would like to move quicker. They feel they could prepare people by the fall and, if the Selectmen are on board, it will be one less thing in the spring. Ms. McKnight asked if they have any preliminary data from the MET Tower. Mr. Greis noted perhaps in the early fall. Mr. Eisenhut stated they should put a procedural section in the By-Law for an expedited process. Ms. McKnight has worked on the state By-Law and will bring it in.

Large House Review

Mr. Eisenhut asked how many applicants, approvals and denials Wellesley had and if the process has resulted in a win/win situation. What has Wellesley's experience been and has there been voluntary compliance. It seems very simplistic. Ms. McKnight noted she thinks the list of Wellesley projects is not complete but with pending projects they could put up a big house with an unfinished attic, wait 3 years, then finish the attic. It seems to be quite time-consuming for the Planning Board staff. Mr. Ruth noted the starting place would be to look at the numbers of large houses in Needham for the last few years. Mr. Eisenhut stated they should get from Wellesley what their volume is. Ms. Newman stated she could easily get the numbers from the data base. Mr. Jacobs noted the last 2 years should be good. Mr. Eisenhut stated the beauty of Wellesley is it is an opportunity to express public comment on the process. He feels it is important to find out what the volume will be and assume Wellesley's thresholds. Mr. Ruth suggested they continue the discussion after they get the data.

Theater Block Parking Update

Ms. Newman noted Mr. Rothman, owner of the corner lot, is trying to unblock redevelopment of the corner lot but there is no parking on site. He wants 10 to 12 units above the stores. The owner of the parking lot behind the pizza place and Sew Easy is interested in leasing parking but only on a short term year to year lease basis. She asked if the Board wants to encourage Mr. Rothman to work with the owner to be able to unlock the corner lot. They could do something behind like they did with CVS. Mr. Ruth informed the Board at the time Mr. Rothman was buying that lot he was represented by a lawyer who was in his office but is no longer there. He did have one conversation with him but does not feel this will be an issue. He feels they could deal with a short term parking lease or would they require something longer. Ms. Newman noted the number is no problem but the length of time is. Mr. Jacobs stated he was not at all comfortable with it. Mr. Warner stated 3 owners are all going at separate paces for the same goal. Mr. Ruth noted the landlord would have to work it out in time. Mr. Jacobs stated they should make it a requirement. Mr. Ruth agreed. Ms. Newman asked how flexible do they want to be in the front end to get the corner lot. Mr. Ruth noted it is the same problem with all. None are going to have adequate parking. Ms. McKnight noted it would be fine with a waiver if they got the money to start a parking fund. Perhaps there could be an arrangement for short term parking and anytime he did not have that arrangement he needs to pay a fee for a waiver. Mr. Eisenhut commented the 3 owners could form a trust for a parking lot and they are off and running. Ms. McKnight stated she is not prepared to say she would waive parking for apartments in downtown. Mr. Jacobs stated he views a short term lease as no lease, terminable at any time. He does not think this is the solution. Ms. Newman will let Mr. Rothman know there is no consensus.

Request for Extension of Temporary Occupancy Permit: Major Project Site Plan Review No. 2007-10: Beth Israel Deaconess Hospital Needham, 148 Chestnut Street, Needham, MA, Petitioner (Property located at 148 Chestnut Street, Needham, MA).

Roy Cramer, representative for the applicant, noted they want a temporary Certificate of Occupancy through July 30. They think they will be done with all the work tomorrow but with the As-Built and inspections would like an extension through July 30 to finish up paperwork and reviews.

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

VOTED: to extend the deadline to July 30, 2010.

Request for Permanent Occupancy Permit: Major Project Site Plan Review No. 2009-07: Treat LLC, d/b/a Treat Cupcake Bar, 45 Stonecrest Drive, Needham, Massachusetts, 02492, Petitioner (Property located at 1450 Highland Avenue, Needham, MA).

Roy Cramer, representative for the applicant, noted they are done. They have filed the final plans and certifications. Everything is in order. Ms. Newman noted they have purchased employee parking offsite.

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

VOTED: to allow the issuance of a permanent Certificate of Occupancy.

Update on Central Avenue Rezoning Study Committee.

Ms. Newman gave the Board the committee list and asked if they were happy with the composition. Ms. Clee suggested they may want someone from the Historical Commission. Ms. McKnight noted they would. Mr. Ruth stated in lieu of a citizen they should add a person from the League of Women Voters. Mr. Eisenhut suggested one Planning Board member and 2 citizens. Mr. Warner volunteered to be on the committee.

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

VOTED: to adopt the membership as outlined with Mr. Warner as the Planning Board member.

Board of Appeals – July 15, 2010.

Daniel J. DiSchino, 57 Wachusett Road, Needham, MA 02494 – 49 Wachusett Road.

This was continued.

Charles E. MacDonald and Corinne A. MacDonald, 225 Dedham Avenue, Needham, MA 02492 – 225 Dedham Avenue.

This was continued.

Neehigh, LLC, 93 Union Street, Suite 315, Newton, MA 02459 – 0 Arbor Street and 26 Cross Street.

This was continued.

Neehigh, LLC, 93 Union Street, Suite 315, Newton, MA 02459 – 0 Arbor Street and 26 Cross Street. -- 629, 633 and 659-661-663 Highland Avenue.

This was continued.

Clear Wireless, LLC an affiliate of Sprint Spectrum, L.P., 200 5th Avenue, Waltham, MA 02451, c/o Anne Grant, Prince, Lobel, Glovsky & Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, MA 02114 – 350 Cedar Street.

This was continued.

Craftsman Village Needham II, LLC, c/o Mark C. O'Hagan, P.O. Box 372, Harvard, MA 01451 – Putnam Street between Webster Street and Arbor Street.

Ms. McKnight stated this was a good developer who was knowledgeable. She asked why this was not a 40b project. This was not usually allowed. She asked if 2 of the 6 units would be affordable. Mr. Eisenhut stated it was substantially different. This is a radical change of use. Mr. Ruth questioned the applicability of the section. Ms. Newman noted it was noncompliant due to dimensions.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to comment it is noncompliant due to dimensions.

Catalano Automotive Repair, Inc., 146 Warren Street, Needham, MA 02492 – 29-41 Kearney Road.

Upon a motion made by Mr. Warner, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: "No comment."

David Valdina, 102 Scraggy Neck Road, P.O. Box 798 Cataumet, MA 02534 – 262 Rosemary Street.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to make no comment assuming this is a pre-1986 lot and the side setback is 10 feet.

David Jee, 357 Chestnut Street, Needham, MA 02492 – 355-359 Chestnut Street.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: "No comment."

Lofts at Charles River Landing, LLC, c/o The Hanover Company, 200 Crown Colony Drive, Quincy, MA 02169 – 300 Second Avenue.

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: "No comment."

Request for Waiver: Amendment to Major Project Site Plan Review No. 05-08, Yeat, Inc. d/b/a Sweet Basil, Dave Becker, President, 942 Great Plain Avenue, Needham, Massachusetts, Petitioner (Property located at 936-942 Great Plain Avenue, Needham, MA).

A motion was made to grant the waiver of the filing fee requirement. Ms. McKnight noted this was an opportunity to discuss the applicant's coming in and presenting the parking studies. They need to make clear to applicants the requirements of studies. She asked if they are careful that whatever has been permitted is up and operational so they can take it into account. They need to have the objectivity of a professional doing this. She feels they should insist on a professional. Mr. Jacobs agreed. He commented it is important in approving the waiver they make it clear it was not because they denied the request. Mr. Becker was incorrect but was reasonably led to believe he could do his own parking study. Mr. Eisenhut noted the Board gave him the impression he could do his own study. Ms. Newman clarified she came away with the same impression. Mr. Jacobs noted it was an incorrect understanding but not unreasonable that he could do his own study. He does not want him to feel he was denied because of it. Mr. Ruth stated they need to have some flexibility for smaller tenants. Ms. Newman noted Mr. Becker was in the office this week. He asked if he hires a professional and it shows spaces would they be willing to rethink.

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

Report of the Planning Director.

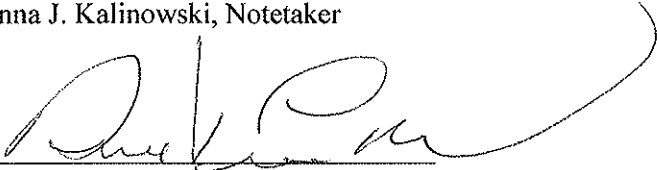
Ms. Newman noted the trails master plan calls for a connection at Whitman Road to the point on the river and following the sewer easement. They would grant an easement along the service line along their property. The town could incrementally acquire access along the river. She asked if they want to encourage this. They would have a connection right across from the Ridge Hill trail. Roy Cramer noted they would grant the entire peninsula up to the river. He feels a 20 foot wide town service easement would be better rather than 2 10-foot MWRA easements. It improves access for Whitman Road residents and improves the site line but they are not willing to grant access down a private road. Mr. Warner asked if Mr. Cramer would be happier if they walked the property line. Mr. Cramer stated he did not want people walking down the private way and noted this was heard after the close of the hearing. Mr. Warner suggested it for public benefit. He commented a boat landing would be great there. Mr. Ruth stated he does not want a stub. Ms. McKnight stated when Whitman Road was approved there was a stub. Now they want a road that is much longer. She is convinced Whitman was created with a future connection in mind and feels it is worth planning for. Mr. Jacobs noted he will not push for it.

Set September and October Schedule.

It was decided the meetings would be September 7 and 28. Mr. Eisenhut will not be at the meeting on September 7. The October meetings will be October 5 and 19 with Mr. Warner not being able to attend the meeting on October 19. It was suggested November 1 and 16 but Ms. Clee will e-mail to confirm this.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 10:55 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Bruce Eisenhut, Vice-Chairman and Clerk