

NEEDHAM PLANNING BOARD MINUTES

November 27, 2007

The regular meeting of the Planning Board, held in the Performance Center of the Broadmeadow School, was called to order by the Chairman, Devra Bailin on Tuesday, November 27, 2007 at 7:30 p.m. with Messrs. Eisenhut, Handel and Jacobs as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Appointments

7:30 p.m. – Jim Zegowitz, Sr. Project Manager, The MZO Group: Discussion of revised Floor Plans for proposed Needham Bank Renovation at 10 Eaton Square.

John Cronin, architect, noted they have 2 buildings on Great Plain Avenue. They are near completion. They have purchased 10 Eaton Square, which is connected but separate. The bank wants to turn this into a loan center. They met with the zoning department and the public access was questioned. They were going to move the back door and provide handicap access but decided to go through the bank and move back into that space. The use was also questioned. The completed building is fully handicap accessible. The loan use alone is not acceptable so they want to connect with the bank. Ms. Bailin noted that was not a problem as long as it is not a separate entity and is part of the bank function. The bank is an allowed use. They will come back with a formal site plan.

8:30 p.m. – Joyce Moss, Economic Development Specialist: Review of Outdoor Display Regulations in Needham, Concord and Wellesley. Discussion of desired approach for the Needham Center Business and Avery Square Business districts.

Joyce Moss presented a slide presentation on outdoor displays. She explained the background of this issue. There is a question of policy and what the town wants. She looked at Concord and Wellesley. Concord allows displays and Wellesley does not. She noted if there was something in front of a store people were there looking. It is a business getter and attractive. She noted there are a lot of small stores in downtown Needham. Safety and liability are issues. In Wellesley all signs are flat except for awning signs. In Concord most signs project out. Ms. Bailin noted the sidewalks are not very wide and it is a real problem. Ms. Moss stated outdoor displays are allowed in Wellesley with a Special Permit. In Concord they are done under the purview of the Town Manager. Ms. Bailin noted some stores have large window display areas. Ms. Moss commented it impresses her the way people stop to look at the displays outside. Mr. Eisenhut noted the issue is not stuff but junky signs that are put out. Ms. Moss noted the guidelines are very common sense and enforced by the police. Ms. Bailin stated she understood the issue but wants to see how merchants feel about it. The issue will be enforcement. She added it is not allowed now. Mr. Jacobs stated he likes outdoor displays if they are well done. Ms. Bailin suggested they see what areas could have displays without impeding upon the 4 foot pedestrian access. She wants to know where the displays could be. Ms. Moss stated they may need different guidelines for Needham. Ms. Bailin commented she does not think Needham has the sidewalk space. They should not have an impediment into the right-of-way. Ms. Moss will identify the areas, map it out, look at the sidewalks and take a poll of all retail merchants. Mr. Jacobs suggested she contact the police department for their reactions.

Minutes

Upon a motion made by Mr. Handel, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to approve the minutes of October 2, 2007.

ANR Endorsement: 60, 86 Wildwood Drive.

Ms. Newman noted this is off the list.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the four members present unanimously:
VOTED: to allow this to be withdrawn without prejudice.

Permanent Certificate of Occupancy for Major Project Site Plan Review No. 2007-04: Village Fish of Needham, 136 Maple Street, Needham, MA 02492 (Property located at 970 Great Plain Avenue, Needham, MA).

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to authorize the Planning Director to send a letter to the Building Inspector with no objection to the issuance of a Permanent Certificate of Occupancy.

Decision Review: 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, noted a typo in 1.8. In 3.6, they object to the plans being recorded. 86 School Street is a different location. It is not under a single ownership and they do not want to do a consolidation plan. The hospital thinks it is overkill and not necessary. Ms. Bailin noted the project is joined as one. This is a standard condition and they always require it. They need a consolidation plan. Mr. Cramer reiterated the hospital thinks it is unnecessary. In 3.12 and 3.13, he would like to delete the words "for review and approval". Ms. Bailin noted they should just say "review." Mr. Eisenhut noted they want some outside parameters in place. Ms. Bailin suggested "for review and compliance with the terms of conditions." Mr. Cramer commented they feel this is overkill and micromanagement. Mr. Eisenhut suggested "reviewed by Planning Board for consistency and compliance with the elements represented." All agreed. 3.12 and 3.13 are the same. 3.6 will be kept as is but will put in "compliance with terms and conditions." Mr. Jacobs suggested they keep in "review and approval for compliance with the terms of the Special Permit." This was agreed.

8:00 p.m. – Minor Modification to Major Project Site Plan Special Permit No. 1995-09, as amended. Highland/Montrose LLC, owner of 902-910 Highland Avenue, Needham, MA.

Roy Cramer, representative for the applicant, noted the property owns the total parking lot. Two other parcels have no parking. The parking is registered land. The others have no right to use the parking lot and he sees a problem with the tenants being able to use the lot. He noted there is no cooperation with the other business owners. They had someone out there warning people they would start towing. It is an impossible situation. They want to build a fence of wrought iron 6 feet high along the western edge of the border. They feel their property rights are being violated and this would be a minor modification of a permit. They need to discourage access and he described the current conditions. He noted there is a little courtyard with a fence approximately 3 feet high. They want to replace this fence along the boundary with a fence not more than 6 feet. Perhaps 5 feet. Mr. Jacobs questioned if they just closed the gaps would they need to come before the board and was informed yes. Mr. Eisenhut noted the police and fire have concern with access. He asked if there was any way to create a locked gate with a key for the fire and police. Mr. Cramer stated he would be concerned they would leave the gate open. Mr. Eisenhut suggested a simple locked gate with a key for management and the fire department. Mr. Cramer noted that was fine with him. Mr. Handel questioned if it would work if the doors in back were locked from the outside so they could not go in. Mr. Cramer stated that would be fine if they did that and only used the back entries as emergency exits. He noted they want permission tonight and maybe the property owners will be more cooperative. Mr. Handel stated it seems they have the right to protect their property. Ms. Newman noted the Fire Department is concerned people need to be able to get out of the building and away from it with no obstructions. Occupancy permits may be in jeopardy if there is only one egress. Peter Zahka, attorney for Perry Makarios, property owner, noted this is a Special Permit not a minor modification. They need to follow Chapter 48. He requested a little additional time to review the issue. There have been some communication issues with the 3 other owners. The situation has existed for decades and used to be in single ownership. He is looking at quasi-easement for access only. The 3 businesses with rear exits will be closed in. He is concerned with losing access not parking. He noted many people utilize this lot not only the pizza, nail and bagel places. He added a solid fence violates the Planning Board's own criteria. He would like this to be continued to work on a private arrangement. Ms. Bailin noted the Board does look at rights of access and egress but they need to look at the property rights. There have been changes in the use of property and the Board was adamant about parking. They need to satisfy the terms and conditions of their own permit. Mr. Jacobs noted he would like to continue it for one week to 12/4/07. He noted they have a right to protect their parking. He suggested they all sit down and come to an agreement. Mr. Cramer suggested they not continue it. His client has spent a lot of time and money to protect his rights and they want a decision. They would put a gate for access with an alarm by the Blu Restaurant. They will wait one week before implementing in case they can come to some agreement. Ms. Bailin stated the Board could give a strong opinion so they know what direction the Board is going in. John Sfakianakis, owner of the pizza place, stated he knows there is a problem in the back and has tried many times to fix it. He questioned what could they do. Mr. Handel suggested they close the back entry to people with emergency exit out only. Mr. Eisenhut noted he

would vote for a fence with a gate and all agreed. Mr. Cramer reiterated he would like a vote tonight. They are willing to hold off but would like the vote. Ms. Bailin stated they will have one week to try to come to an agreement then the Board will vote for a fence.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by the four members present unanimously:
VOTED: to continue this matter for one week.

Review and Discussion of the Town of Wellesley's Large House Review By-Law.

Ms. Newman has the large house By-Law from Wellesley. Mr. Eisenhut questioned if they want to reopen the issue. Ms. Bailin stated she does not but Mr. Handel thinks they should look at it. Ms. Newman noted she does not think the views have changed that much since they first worked on it. Mr. Eisenhut noted they should make a decision on parameters, hold one hearing, then present it. Mr. Jacobs questioned the timeframe for the downtown study. He was informed the concept plan will be ready on Thursday and it should go out on Monday. Mr. Eisenhut stated he thinks they should relook at big houses. Mr. Handel feels they should discuss it after the downtown study.

Report of the Planning Director and Board Members.

Ms. Newman noted the Conservation Commission is going to require changes on High Rock. She questioned if it would be deminimus or a full amendment. She was informed it would be a full amendment. She noted they are eliminating 15 spaces. They are adding 7 along the drive and will relocate 15 adjacent to the field. Mr. Handel noted due to anger and concern regarding this project it should not be deminimus. Ms. Newman commented she wants to have Dan Walsh in to discuss retaining wall construction. The Selectmen are considering a change in the By-Law. Dan Walsh is considering it part of the structure so they want a setback. They should change the wall to 6 feet rather than 8 feet and say any wall is actually a structure over 6 feet. Ms. Bailin noted she wants to know the state building code regarding structures.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Bailin, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 9:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne McKnight, Vice-Chairman and Clerk