NEEDHAM PLANNING BOARD MINUTES

July 24, 2012

The regular meeting of the Planning Board held in the Charles River Room of the Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Tuesday, July 24, 2012 at 7:30 p.m. with Messrs. Warner and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Correspondence

Mr. Eisenhut noted a copy of the Town of Needham Community Permitting Guide. He noted they have been asked to attend the Needham Diversity Summit. Ms. McKnight stated an organizer of the Needham Diversity Summit asked her to attend and to bring any other Board members that could attend. She understood it is invitation only but an invitation has been extended to the Planning Board members. It is October 13 from 9:00 a.m. to 3:00 p.m. at the High School.

Mr. Eisenhut noted there is a Board of Appeals decision denying a variance as an FYI. Mr. Newman noted the article Mr. Warner sent regarding converting some parking spaces in Boston to patio (park) space. Mr. Jacobs stated there was a follow up article in the Boston Globe that day.

ANR Plan – 36-58 Dedham Avenue and 916-932 Great Plain Avenue, Needham, MA.

Ms. Newman noted this is the division of the theater property into 2 parcels consistent with the site plan. It takes the building along Great Plain Avenue and puts it on Parcel A which has required frontage on a way and has a lot size in excess of 10,000 square feet. It creates Parcel B, Dedham Avenue, which also has the requisite frontage and the minimum lot size. Engineering has reviewed and approved it.

Tony Caruso, representative for the applicant, noted the earlier site plan was different. The book and page have been clarified. Some of the detail on the existing right-of-way was not shown and they have added it.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to approve the ANR plan and sign it.

DeMinimus Change: Major Project Site Plan Review Special Permit No. 2010-02 (Newman School): Town of Needham by its agent the Needham Permanent Public Building Committee, 470 Dedham Avenue, Needham, MA and the Needham Historical Society, 1147 Central Avenue, Needham, MA, Petitioner (Property located at 1155 Central Avenue, Needham, MA).

Steven Popper, representative for the applicant, stated they want to make a number of site related changes to the plans, such as the play area in the northwest corner of the school to provide play space and play structures in that space. There is also an adjustment to the parking spaces leading to the access to the site that are used by the Historical Society. They thought it best to retain that space. Ms. Newman stated it was temporary and was to be removed. She has been assured by the Town Engineer he has no issue.

Mr. Eisenhut reviewed the requests. He noted the draft decision changes are minor in nature. Ms. McKnight clarified the bus parking was always proposed as bus parking but has changed to angled parking. She was informed this is correct. Mr. Jacobs asked the distance to the nearest residential. Mr. Popper stated they have rebuilt the existing conditions. There was a basketball court that was in disrepair. They have funds to establish that area but it is more work to retain the basketball courts. Mr. Eisenhut asked how much has been expanded. Mr. Popper stated the older play area has not increased in size but the entire area has. Mr. Jacobs asked what the

area was before. Mr. Popper stated it was a rest area but they have shifted it a little. Mr. Jacobs clarified it was closer to the parking lot and not the residential. This is correct.

A motion was made to determine the proposed changes are minor in nature, do not need public notice and the requested modifications are granted.

Mr. Eisenhut noted the following correspondence for the record: an email from the Town Engineer with no comments or objections.

Ms. McKnight asked what the 6 spaces in the south area were. Mr. Popper noted they should say "extended use of 6 spaces." Ms. Newman added "and making the spaces permanent."

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

VOTED: to determine the proposed changes are minor in nature and do not need public notice, the requested modifications are granted and there will be an extended use of 6 spaces that are to be made permanent.

Request to authorize Planning Director to review plans and authorize Occupancy Permit (Newman School): Project Site Plan Review Special Permit No. 2010-02(Newman School): Town of Needham by its agent the Needham Permanent Public Building Committee, 470 Dedham Avenue, Needham, MA and the Needham Historical Society, 1147 Central Avenue, Needham, MA, Petitioner (Property located at 1155 Central Avenue, Needham, MA).

Steven Popper, representative for the applicant, stated they hope to have occupancy of the school by August 20. He would like the Board to authorize the Planning Director to issue an Occupancy Permit when the final As-Built and sign offs from the Engineering Department are received. Ms. McKnight asked if it would be permanent. Ms. Newman stated it will be temporary until the next meeting.

Mr. Jacobs stated they are requesting a 90 day delay in the As-Built submission. Ms. Newman noted the landscaping will not be complete at that time. Mr. Popper noted they cannot put in some trees until September.

A motion was made to authorize the Planning Director to review the plans and authorize the issuance of a temporary Occupancy Permit. Mr. Jacobs stated they should add language pursuant to the terms of Steven Popper's 7/16/12 letter that the landscaping is not done.

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

VOTED: to authorize the Planning Director to review the plans and authorize the issuance of a temporary Occupancy Permit noting the landscaping is not done per Steven Popper's letter dated 7/16/12.

Request to authorize Planning Director to review plans and authorize Occupancy Permit (Pollard School): Project Site Plan Review Special Permit No. 2011-02 (Pollard Middle School): Town of Needham by its agent the Needham Permanent Public Building Committee, 470 Dedham Avenue, Needham, MA, Petitioner (Property located at 200 Harris Avenue, Needham, MA).

Steven Popper, representative for the applicant, stated they want a permanent Certificate of Occupancy. The tennis courts are back to recreational use. They have removed the access way to the courts and made the sidewalk continuous. There is no further landscaping. Some grass seed is to be put in but there is no heavy landscaping. The fence will be put back in and the gate relocated back to the initial location.

Mr. Jacobs asked about the tennis courts. Mr. Popper stated it is not quite tennis courts but a junior play area. It is really targeted to younger kids. It has been worked out with Park and Recreation and the schools. He added

they are asking authorization for the Planning Director to issue a permanent occupancy permit. Ms. McKnight asked if Newman at Pollard is gone. Mr. Popper clarified it has been phased out.

Mr. Jacobs asked how the driveway would be used. Mr. Popper noted it will be left alone for a year. They have no plans to use it. Ms. McKnight noted they would have to come back if they want to use it.

Upon a motion made by Ms. McKnight, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to give the Planning Director discretion to issue a permanent Certificate of Occupancy.

Extension of Subdivision Completion Date: Cartwright Road Definitive Subdivision

George Giunta Jr., representative for the applicant, noted this was originally approved in 2005. The issue is the new lot was to get electricity with the Wellesley MLP. The issue has been resolved but it took time. In 2008 it was signed. In 2010 they had a potential buyer. An issue came up and the buyer backed out. The contractor did the work but they had never recorded that the work was done in time. They need to get the inspections done but the completion time is gone so they need an extension.

Mr. Jacobs asked if they need a full year. Mr. Giunta Jr. noted probably not but it was safer to ask for more time.

Paul Ferreira, owner, stated he has a letter from Wellesley that they are ready to provide services. They need to get the engineer over to approve the road has been built in accordance. A motion was made to approve the extension. Mr. Eisenhut clarified it is approved because it was no issue of the applicant. It was held up by Wellesley.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to approve the request for the extension of one year to July 15, 2013 per George Giunta Jr.'s 7/19/12 letter.

Request to authorize Planning Director to review plans and authorize Building Permit: Amendment to Major Project Site Plan Review No. 2008-08: V.S.A., LLC, 1105 Massachusetts Ave., Suite 11G, Cambridge, MA 02138 and Next Summit Education, Inc., of 319 Littleton Road, Suite 300, Westford, MA 01886, Petitioners (Property located at 225 Highland Avenue, Needham, MA).

Ms. Newman noted this is for Huntington Learning Center. She noted the appeal period runs before the next meeting.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to authorize the Planning Director as requested.

Release of Off-Street Drainage Bond: Riverbend Lane Subdivision (Lots 1-4A)

Ms. Newman noted they are looking for release of the off-street drainage bond. The Board of Health gave the applicant information for informing the abutters but this was not done. The Board of Health noted it is not timely.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to recommend the release of no funds from the off-street drainage bond as the matter has not been closed out by the Board of Health.

Release of Off-Street Drainage Bond: Southfield Estates Subdivision (Lot 4).

Ms. Newman noted the bond needs to be held for a year. The occupant has to be in the house for a full year before the money can be released. The house just sold so the occupant has not been there a full year to advise the Board of Health if there are any drainage problems there in the spring. The Board of Health is recommending no release of the bond at this time.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to deny the request as the Planning Director outlined.

Informal Discussion: Possible Zoning Amendments.

Mr. Eisenhut noted an email dated 7/24/12 with potential zoning changes. Ms. Newman noted there are different items they are working on. She wants to focus on articles for the fall Town Meeting. Town Manager Kate Fitzpatrick has room for up to 5 articles.

Ms. Newman noted they talked about (2) Mixed Use-128 Dimensional Changes and (3) Mixed Use 128-Residential Overlay. She noted Ms. McKnight wants (4) to define location where retail sale of alcohol may be permitted. She noted questions have been raised on imminent domain. She wants to prioritize the list.

Mr. Eisenhut stated they need to move on the alcohol issues. They should give it priority if they decide to do it. Devra Bailin, the Economic Development Director, stated Town Manager Fitzpatrick was not sure the Selectmen want to move forward with it. Ms. McKnight stated she has spoken with the Town Manager and she said they were uncertain.

Mr. Eisenhut commented they need to make their own decision if they want to go forward or not. Ms. McKnight noted if the Legislature approves a special act for liquor stores in Needham, this will go on the ballot in November. If approved, doors will be open for applicants immediately. If there is no zoning in place it would be a real problem. Town Meeting gives a bit of a head start on that. The application goes back to the date of Town Meeting.

Mr. Jacobs asked when they would have the public hearing. Ms. Newman noted in September. It would be advertised in August. Mr. Eisenhut noted his priorities are defining locations for retail sale of alcohol and the 2 Mixed Use-128 items. He stated he does not have strong feelings on the others.

Ms. Newman stated the food truck is off the table and correcting the use table for industrial is off the table. They will put forward an article to exempt pool houses of a certain size allowing them to be located within a certain distance from the pool.

Ms. Bailin noted regarding Section 4.7.4, a synagogue came in to discuss exemptions for these uses. Section 4.7.4 contains requirements but also additional requirements that are applicable to exempt uses only. She thinks it should be taken out as it would indicate a bias of use. There is no particular urgency on this. Mr. Eisenhut stated it is reasonable as applied and he sees no urgency. Mr. Jacobs noted it was unenforceable anyway. Ms. Bailin clarified it was more clean up than anything else. It does not belong here. Mr. Eisenhut commented he would like to deal carefully with this.

Ms. Bailin noted there is an increase in the proposed zoning in number of units and makeup of units in the residential overlay. She asked how many units the town can absorb without having a negative economic impact on the operations of the town. She asked if it was possible to create a limit in zoning of a maximum number of units. Ms. McKnight agreed. She stated they could say a certain number of units but asked why they would need that rather than so many per acre. Ms. Bailin stated it is possible to create a residential overlay that has a maximum number of units and/or number of 2 bedroom units allowed. Mr. Warner added a certain number per acre and FAR is Ms. McKnight's idea and he agrees.

Ms. Bailin stated there is more of a demand for 2 bedroom units. She asked if they could put these controls in. Ms. McKnight noted they will need to make the units per acre fairly low. They need a maximum number of units in the district as a whole and it becomes first come first serve. Ms. Bailin stated the Planning Director will do an analysis on the maximum build out.

Mr. Jacobs commented he feels they should say they do not know what would be developed but want to open up the possibilities. Ms. Newman stated they may want to hold on Charles Street but include the Winhall property on the other side.

Ms. Bailin noted she needs guidance from Ms. McKnight if they can create a maximum number of units. Ms. McKnight will look into it.

Ms. Newman stated the pool house should be under a certain size with X height. It could be a certain distance from the pool. Mr. Jacobs stated if the existing pool house were 2 feet shorter there would be no issue. If they changed the height to 2 feet higher they would not have a problem. They could go up to 10 feet and X feet from the property line. Ms. McKnight agreed that seemed to be a reasonable approach.

Ms. Newman noted they have carved out an exception for a pergola and she will carve out an exception for a pool house. She state the change in setback due to eminent domain was on the warrant and she needs to adjust the date. GIS will identify all lots then a student intern will prepare it. She feels it will be beneficial to take care of this.

Mr. Warner stated his priorities are alcohol, 128 Mixed Use-128 and eminent domain. Ms. McKnight stated they should put off dimensional controls to later.

Review of Revised Landscape Plan: Amendment to Major Project Site Plan Special Permit No. 1986E: 300 First Avenue Realty, LLC, c/o Intrum Corp., 60 Wells Avenue, Suite 100, Newton, MA 02459, Petitioner (Property located at 300 First Avenue, Needham, Massachusetts, 02494).

Randy Goldberg, representative for the applicant, stated they needed to submit a final landscape plan. This was submitted about a week ago with the final plan set. They built a new addition on the front including installation of a glass cube. This glass cube encroaches approximately 125 square feet on the open space. The 2 improvements account for approximately 20.2 square feet. They are losing about 140.2 square feet. They knew they could put in pavers to get a net amount of open space. There are 325 square feet of pervious pavers on the A Street entry for the parking area for a net gain of 179.8 square feet of open space.

Mr. Eisenhut asked if they could use crushed stone rather than impervious pavers. Michael Kotooh, of Sudbury Design Group, stated they were trying for a certain feel. Crushed stone would not work.

Mr. Warner stated he was happy with what they have done here. Mr. Goldberg noted they have installed 330 decorative grasses. Mr. Eisenhut stated he would like pervious pavers. Mr. Jacobs stated he would not press it. Mr. Warner commented he does not feel strongly one way or the other. Ms. Newman noted she thinks the garden will be very nice that they are proposing. Mr. Eisenhut commented they should ask the applicant if there is some way to increase the pervious pavers they should do so.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to accept the landscape plan as submitted.

Informal Discussion: Large House Review.

Mr. Eisenhut noted Mr. Ruth sent the Rockport article. He noted the beauty is it is utter simplicity. It gives notice to neighbors so they have the opportunity to meet developers and work things out. Ms. McKnight stated

her firm represents Rockport. She can ask a colleague questions. She noted the preference is to have it like Weston and Lincoln with a ratio between the size of the house and lot. If it exceeds you have to go to the Board.

Mr. Eisenhut noted Mr. Ruth feels they should copy Wellesley with minor changes but Rockport is simple. Mr. Warner stated they should use the conferencing rule before a hearing and require they conference with the abutters before they show up. Mr. Jacobs stated that is fine but they need to be careful how it is set up so it does not become a weapon. Mr. Eisenhut stated he wants to create a simple process. He feels Rockport is a good approach.

Ms. McKnight noted the preservation district letter referred to a Preservation District being established in Lincoln. She would be cautious having this type of preservation district. She feels it is cumbersome. Mr. Warner noted it is a big threshold but he is not sure if they should offer it. Mr. Eisenhut noted a larger house creates a ratio. They could maybe have a mandatory conference then a site plan review. Mr. Jacobs stated he is leery of the whole process.

Report from the Planning Director

Ms. Newman noted the Bickford's site is going out. The use pre-dates zoning. It is pre-existing, non-conforming and they want to convert it to a Brooklyn Bagel. They will sell bagels with limited seating. She noted the use will change. It will be largely take-out and no wait staff. She noted the question is how this should be processed. Should it be allowed as of right due to the restaurant use or a new Special Permit? Mr. Eisenhut noted the traffic is very bad there. Ms. Newman stated it is a change in the kind of use. They will use the existing building and put seating outside. Ms. McKnight stated a different impact is the issue. Mr. Jacob noted shorter trips. Ms. Newman stated restaurant use is allowed by Special Permit but this pre-dates that zoning. Ms. McKnight feels this is a different kind of use. Mr. Eisenhut noted they need a Special Permit.

Ms. McKnight stated she copied the sketch plan she prepared previously for liquor store zoning controls for the Board. She reviewed the materials. She noted she had distributed it before but made a change to only single and rural residences. She took the sections of the use table that are allowed in these zones. She noted they need definitions in the definition section for liquor store, small liquor store and accessory liquor store. That is what the change would look like. Ms. Newman asked where does the qualifier for distance come in. Ms. McKnight noted it could be a footnote on the table. Mr. Eisenhut stated he likes the distinction between liquor store and small liquor store.

Upon a motion made by Ms. McKnight, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Sam Bass Warner, Vice-Chairman and Clerk