

NEEDHAM PLANNING BOARD MINUTES

August 13, 2012

The regular meeting of the Planning Board held in the Selectmen's Chambers at Needham Town Hall was called to order by Bruce Eisenhut, Chairman, on Tuesday, August 13, 2012 at 7:30 p.m. with Messrs. Warner, Jacobs and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Appointment

7:30 p.m. – Design Review Board Interviews.

Ms. Newman noted Eugene Bolinger recently resigned. A notice was put in the Times for a landscape architect.

Nelson Hammer, applicant for the position, noted he has been a resident since 1979. He is a Penn State graduate. He moved to Boston in 1969 and worked with Architectural Collaborative for 16 years. He started Hammer Design and worked with public schools and the Boston Recreation Department doing playgrounds and recently completed the Greenway in Lawrence. He did site work at Wingate in Needham. Interior landscape is a specialty of his. He expressed interest in working as a landscape architect and never looked back. He commented he has 2 kids that are out of the house and he has some free time.

Mr. Warner stated it was great to have someone with his qualities and impressive resume materials. They will need help with streetscapes in downtown. Mr. Hammer stated he has more experience with parking lots than plants. Mr. Jacobs commented they are very lucky to have him. He thanked him for volunteering.

Ms. Newman noted Mr. Bolinger's term was a 3 year term that ends 6/30/14. This applicant will fill out the term.

Ms. McKnight noted she likes to go around and see how the landscape is coming along. Good landscaping with projects is necessary and makes the project. She asked if Mr. Hammer did any projects around town. Mr. Hammer noted the renovation to the hospital architecture and landscaping he did not like at all. Maintenance has to be a requirement of the owner to keep it nice. There needs to be more effort in maintenance.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to appoint Nelson Hammer to the Design Review Board.

Ms. Newman noted Debra Robinson's term expired. They need to reappoint her for a term that goes through 6/30/14.

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

VOTED: to reappoint Debra Robinson to the Design Review Board.

Public Hearing

7:45 p.m. – Major Project Site Plan Review Special Permit No. 2005-07: Needham Gateway, LLC, P.O. Box 920757, Needham, MA and BMI Realty Trust, P.O. Box 920221, Needham, MA, Petitioner (Property located at 100-120 Highland Avenue, Needham, MA).

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Mr. Eisenhut noted there is a draft decision and the application. Rick Mann, representative for the applicant, noted a permit was issued in 2006. They lease one full building to Webb fortunately. They are left with remnant

space from Super Cuts and Omaha Steak in the second building. They rented to Aronson Insurance but they have left. There is no through access to the parking lot. Hammer Management LLC needs some space for their senior management. They would like to amend 1,065 square feet to perform administrative functions of the restaurant. He noted parking is required for office the same as retail. Zoning allows office use as of right and they feel it fits well.

Mr. Eisenhut asked if the workers will go through the front. He was informed they would go through Highland Avenue. Mike Moskowitz stated the space is adjacent and the access is only from Highland Avenue.

Ms. McKnight asked what the thought was behind restricting this to retail. Ms. Newman stated the vision for the corridor was to have a retail corridor with active access from the fronts but the way it is sited is not really the vision they want.

Mr. Eisenhut noted the following correspondence for the record: a memo from the Police Department, dated 8/13/12, with no concerns; a memo from the Town Engineer, dated 8/13/12, with no comments or objections; a memo from the Fire Department, dated 8/13/12, with no comments; the draft decision; and a memo from the Board of Health, dated 8/6/12, with no objections.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to close the hearing.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to grant the relief requested in the form of the decision presented at the meeting.

Request for Permanent Occupancy Permit: Major Project Site Plan Special Permit No. 2012-02: Swizzles of Needham, LLC d/b/a Swizzles Yogurt, 1029 Post Road, Darien, CT 06820, Petitioner (Property located at 1450 Highland Avenue, Needham, MA).

Ms. Newman noted they had owed a couple of documents so the Board gave them a temporary Certificate of Occupancy. She would like to issue a permanent permit.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to authorize the Planning Director to issue a permanent Certificate of Occupancy now that she is satisfied.

Update on 40B Guidelines.

Mr. Eisenhut noted they have a working draft the committee put together. It is a basic document. They need to develop some guidance as to the things the town is concerned with. He stated the idea that Selectman Dan Matthews had was to shop around the town for interested parties for a buy in and then go to Town Meeting. He feels that is rather an ambitious goal. Ms. Newman noted he wants to get buy in as to what the policies and goals are and then get Town Meeting to endorse those goals.

Ms. Newman stated there were 2 things that were done. One was to create a set of guidelines to guide developers to know what the town goals and objectives were relative to projects -- to let them know what the town was looking for. The other was the updating of the Board of Appeals regulations as they relate to 40B projects. They will be attached to this document. They have been accepted by the Board of Appeals and will now be part of the Towns operating procedures. Ms. Newman noted she just wanted the Board members to know that this document is around.

Mr. Eisenhut suggested all members look this over and email Ms. Newman with comments. Mr. Ruth noted there is an issue with location. It says it should be near public transportation but then says no area of town is precluded. Mr. Eisenhut reiterated these are just guidelines. They could say "near senior housing" or "other community services."

Mr. Jacobs stated he is uncomfortable with this conversation. He feels all these considerations are not to be binding, someone's preference, and anything can be changed. He asked why they are doing this. Ms. Newman stated they want to give it to the developers to the extent they could provide some direction. Mr. Eisenhut stated the Housing Appeals Committee looks favorably when these guidelines are in effect.

Mr. Jacobs asked why they are promoting permanent affordability. Ms. Newman noted they are giving exemptions from zoning for affordability. The feeling was if that was going to happen these should be permanent exemptions. Mr. Jacobs stated what he was thinking was if not permanent but is made affordable, and made affordable for a period of time, they may see more activity. Mr. Eisenhut stated the general economy is driving 40Bs.

Mr. Jacobs stated he would like to see some evidence it should result in more affordable housing. He feels it is the opposite but he has no evidence. He wants to know what this is based on. Ms. McKnight noted the length of time is not something she has heard negotiated. It seems it is accepted that it is perpetual and that is what the town wants.

Mr. Eisenhut feels the language could be generalized. All should look it over and get their comments to Ms. Newman. Ms. McKnight stated the section about density is the most valuable part of the guidelines. Ms. Newman will set a time in September with Selectman Dan Matthews and Judy Baird.

Board of Appeals – August 16, 2012.

High Street Trust, C/O Paul Bevilacqua, PO Box 812704, Wellesley, MA 02482 – 22-24 High Street.

This has been continued.

Peter Grable, 180 Standish Road, Needham, MA 02492 – 180 Standish Road.

This has been continued.

Beth Israel Deaconess Hospital – Needham, Inc., 148 Chestnut Street, Needham, MA 02492 – 145 Rosemary Street.

Mr. Eisenhut stated they may want to comment on the parking lot. Mr. Ruth noted they need to think this through in a systematic way. They should say something conceptual such as if there is excessive space on the site they may want to make some green. Ms. Newman noted they should talk to the building owners. Mr. Eisenhut commented the lot may be underutilized.

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

VOTED: "No comment."

2076 Dorchester Avenue, LLC, 175 Hillside Avenue, Needham, MA 02492 – 175 Hillside Avenue.

Ms. Newman noted this is a pre-existing, non-conforming use. The former use was a quiet use. It is now proposed as a food use. The question is the impact on the neighborhood. Do they continue the use to continue a non-conforming use? They want to substitute one non-conforming use for another. Mr. Eisenhut stated the intersection was graded a D or F. They have the studies that show that so they may want to comment.

A motion was made to recommend denial of a Special Permit to convert the use to food service because of the known traffic hazards of that intersection. Mr. Ruth added "recommend denial in the absence of traffic studies that document traffic issues." Mr. Eisenhut stated he feels they have a study from when the Hillside medical went

in. That intersection has been studied at length. Ms. Newman suggested they get the traffic engineer to see how the intersection would function. Mr. Eisenhut stated they should get the study and show them.

Ms. McKnight asked if there was more than one building on a lot. Ms. Newman noted she thinks there is a 2 family house there. Ms. McKnight asked if it was all owned by one person and was informed it is. She noted the refrigerator they propose to put at the back will be noisy. Ms. McKnight further amended the motion to add "and noise evaluation of refrigeration noise on abutting residential property." Mr. Ruth noted they need to remind the applicant's counsel of the request to accompany materials with plans that show the area.

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

VOTED: to recommend denial of a Special Permit to convert the use to food service due to the known traffic hazards of that intersection and the absence of traffic studies that document traffic issues; noise evaluation of refrigeration noise on abutting residential property and they need to remind the applicant's counsel of the request to accompany materials with plans that show the area.

Minutes

Ms. McKnight noted on the 6/12 minutes, page 5 on the bottom, after substitute motion they should add "to keep hearing open solely for the submission of a written easement..." Mr. Jacobs suggested they delete "Mr. Ruth would like to change no bananas foster outside." Ms. McKnight noted on page 7 they should endorse the appointment not authorize the appointment.

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

VOTED: to approve the 4/23/12 minutes.

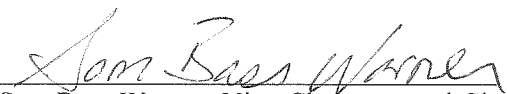
Report from Planning Director

Ms. Newman noted she is working on the zoning for liquor stores. She is not sure if the special act local approval article will go on the warrant in the fall. The Legislature adopted the special act authorizing liquor store licensing and the Governor has signed it but Town Manager Kate Fitzpatrick is not sure if it will go on the warrant.

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

VOTED: to adjourn the meeting at 9:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Sam Bass Warner, Vice-Chairman and Clerk