

NEEDHAM PLANNING BOARD MINUTES

October 20, 2014

The regular meeting of the Planning Board held in Powers Hall at Needham Town Hall was called to order by Martin Jacobs, Chairman, on Monday, October 20, 2014 at 7:00 p.m. with Mr. Warner and Mss. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski. Ms. Grimes arrived at 7:15 p.m.

Correspondence

Mr. Jacobs noted a proposal from the City of Newton for a moratorium on full and partial demolition of residential dwellings; a copy of a letter to Selectman John Bullian from Priscilla Murray, dated 10/13/14, regarding construction on Curve Street and an article in CommonHealth regarding medical marijuana.

Request for Extension of Temporary Occupancy Permit: Amendment to Major Project Site Plan Review No. 2012-05: VO2 Max Elite LLC, 23 Francine Road, Framingham, MA 01701 & MMM Property LLC, 7 Harvard Street, Brookline, MA 02445, Petitioner (Property located at 916-932 Great Plain Avenue, Needham, MA).

Ken Mackin, applicant, stated he has a temporary Certificate of Occupancy for 916-932 Great Plain Avenue that expires at the end of October. The temporary is based on the parking lot behind the building. They will begin construction next Monday and it will take 3 to 5 weeks to complete. He would like a 2 month extension of the occupancy permit.

Mr. Jacobs noted a letter from Ken Mackin, dated 10/20/14, regarding the abutters parking.

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

VOTED: to grant an extension of the temporary Certificate of Occupancy through 12/31/14.

Ms. Grimes arrived at 7:15 p.m.

Decision: Amendment to Major Project Site Plan Review No. 2011-01: Wingate Senior Living at Needham, Inc., 63 Kendrick Street, Needham, MA 02494, Petitioner (Property located at 235 Gould Street and 0 Gould Street, Needham, MA).

Roy Cramer, representative for the applicant, reviewed the draft decision. He stated as of Friday he only had 3 issues. He feels he and the Planning Director have come up with a compromise on all issues. In Section 2.0(b), he does not want to have to delineate the affordable units. He wants to eliminate that section. There are 5 new affordable units and Ms. Newman would prefer he specify. There will be 1 2-bed unit, 3 1-bed with den units and 1 2-bed unit. The Planning Director agreed to drop the request to designate the affordable units now on the plan. Ms. McKnight asked where that would be in the decision. Ms. Newman noted it will be added to the conditions as a condition.

Mr. Cramer noted Sections 3.37, 3.38 and 3.39. There are already 2 affordable units and they are adding 5 new affordable units. The applicant will designate units when they submit the application package. When approved they will file with the state. Ms. Grimes asked why the applicant has to designate the units. Ms. Newman stated in order to be counted the units need to be throughout the new building and need to be consistent with the market rate size.

David Feldman noted the affordable units will be within range of the unit sizes – 1-bed, 1-bed with den, and 2-bed will all be in the new building. He stated they are committed to this. Ms. McKnight noted it will go in Section 3.37 of the decision after the first sentence. She stated she likes the sentence “proportionally throughout the

building". Mr. Cramer stated he is fine with moving the sentence there. He is willing to do that and modify the plan.

Mr. Cramer noted Section 3.36 (e), the condition of occupancy in Phase 1 should be deleted. He did an amendment to change that so it is not a condition of occupancy. The applicant has no control over the town and state when they do the DHCD approved affordable housing restrictions. He would like the Board to drop that condition. He would suggest that it must be filed with the town within 60 days of issuance of the Certificate of Occupancy. In Section 3.37, it should be once the town approves the package and files with the state, if they are ready for a Certificate of Occupancy and should not be conditioned on the recording of the DHCD restriction. Ms. Newman stated she is fine with this change.

Ms. McKnight noted it seems the affordable housing restriction will likely not get recorded prior to occupancy. She asked what if the property changes hands. Could it be recorded before a permanent Certificate of Occupancy? Mr. Cramer stated no, they need this stated as to be done as soon as possible with reasonable efforts. Mr. Warner suggested within 60 days of issuance of the building permit. Ms. McKnight asked if the applicant would deliver to the Town the housing restriction so the Town can deliver to the state as soon as it is signed. Mr. Cramer stated he would give Ms. Newman all documentation.

Ms. Newman state it did take the town a while last time but they have someone to facilitate it quickly now. Ms. McKnight asked if the Board could at least say the affordable units are not to be occupied. Mr. Feldman stated the fill up of units will probably take 8 months. Ms. Grimes stated she does not feel the need to put more conditions. The Board should be consistent.

Ms. McKnight noted she does not want the affordable units marketed or occupied until the Affordable Housing Restriction is approved by DHCD and the Affordable Housing Restriction is recorded. Mr. Feldman stated that is fine as long as it does not prevent the Certificate of Occupancy. Mr. Cramer stated he has a concern someone will say they cannot occupy those 5 units. Ms. McKnight stated Mr. Cramer is here all the time and his good faith is important to him but she does not feel comfortable with efforts that will be done. She wants in writing those 5 units will not be used. Ms. Grimes commented she disagrees. They should strike it and do the same as they did the first time. As a bank attorney often times that could be a problem. She asked Mr. Cramer if he would be comfortable writing a letter stating it is the intent of the buyers to come before the Board within 2 years but leaving it out of the decision itself. Mr. Cramer stated he has no problem writing a letter to that effect.

Ms. McKnight stated in Section 3.37, it is understood that this means their 5 units should not be occupied until the fair housing proposal is approved. Mr. Cramer stated he would provide a letter and it is understood that it will be in the letter. Ms. McKnight stated she would go along with that. Mr. Cramer stated he wants those units on the inventory. Mr. Jacobs stated Mr. Cramer should get a draft letter to the Planning Director as soon as possible and suggested tomorrow. Mr. Cramer noted he would do that.

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

VOTED: to accept the form of decision with those changes.

Public Hearing:

7:30 p.m. – Definitive Subdivision Amendment: 250 Cedar Street Realty, LLC, Dennis Paul, Manager, Petitioner (Property located at 250 Cedar Street in Needham, MA). Please note: This hearing has been continued from the September 2, 2014 and October 7, 2014 meetings of the Planning Board.

Ms. Newman noted she received a letter from Attorney Robert Smart requesting a continuance to 11/18/14.

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

VOTED: to continue the hearing on the Definitive Subdivision Amendment to 11/18/14 at 7:30 p.m.

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

De Minimus: Major Project Site Plan Review No. 2012-02: Treat LLC d/b/a Swizzles Frozen Yogurt, 54 Pheasant Landing Road, Needham, MA, Petitioner (Property located at 1450 Highland Avenue, Needham, MA).

Mr. Jacobs noted these are 2 separate cases that will be heard together. David LaLiberte, applicant, stated he is trying to make his establishment a more pleasant experience. The 2 businesses are staying separate. The change he is suggesting is to open a half wall between the 2 businesses so customers in both stores can see each other and he can see all. The doorway adjacent to the entrance/exit will have a nice entry to allow customers to go from one to the other without going outside.

Mr. Jacobs stated Ms. Newman contacted him as the change appears to be a good idea but the applicant may not be able to do it without further review. Ms. McKnight asked Ms. Newman to suppose they wanted one big business. Is there anything in the By-Law that would prohibit this? Ms. Newman noted both businesses are special permit uses and received partial waivers. Would the combined use need waivers and would they function differently? Ms. McKnight noted they have the same number of seats. Mr. LaLiberte noted there is the same everything. There is no change and the same number of employees.

Mr. Warner noted there was a small door followed by 2 doors from the outside. Mr. LaLiberte noted the double door was the main door to the entire building. It indents off the sidewalk. Mr. Warner asked if the wall was a weight bearing wall and was informed it was not.

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

VOTED: the requested changes to Treat Cupcake Bar at 1450 Highland Avenue and Swizzles Frozen Yogurt at 1450 Highland Avenue are determined to be de minimus changes.

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

VOTED: the requested changes to these 2 premises be approved.

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

VOTED: to amend the previous vote to add the Board approves the form of the decision as set forth in the proposed decisions before us.

Endorsement of Planning Board Recommendations regarding Zoning Articles on the Warrant for the October 2014 Special Town Meeting.

Ms. Newman noted the Board already voted this but need to sign. She reminded the Board members they are presenting next Monday at the Special Town Meeting and should meet at 7:00 a.m. downstairs.

Minutes

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

VOTED: to accept the minutes of 6/24/14.

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

VOTED: to accept the minutes of 7/8/14.

Report from Planning Director.

Ms. Newman noted she has been invited to attend a meeting with the Board of Selectmen on Thursday to talk with the Chairman and Vice-Chairman about medical marijuana and next steps. They would like to set a district without an overly similar to what Cambridge and Newton did. Those towns thought it was less confusing without the overlay and are just allowing the use in a district. Newton and Cambridge added a condition to the Special Permit.

Ms. Grimes stated she does not feel the overlay proposed by the Planning Board is so complex. Ms. Newman stated basically there are different tools to accomplish the same end. Newton is applying to the entire district. Needham could do all of Mixed Use 128 but not all of Highland Commercial 128. The Board could write it with a change in use table to allow only on a certain side of Highland Commercial 128. Mr. Jacobs noted this will not be a formal meeting. There will be 2 members of each board discussing views. Ms. Grimes stated it does not seem to be productive to her. Ms. Newman stated she will go back and look at the article.

Ms. Newman noted she is preparing the budget which is due Friday. The Community Housing Specialist has been paid for out of CPA funds for 2 years. She is asking for an appropriation to fund a portion out of the budget for FY'16, then fully for 18 hours a week going forward. She is trying to set a date for the draft Housing Production Plan. They may have a joint meeting with the Selectmen to discuss and vote the draft. She commented the Town of Needham is the housing monitoring agent.

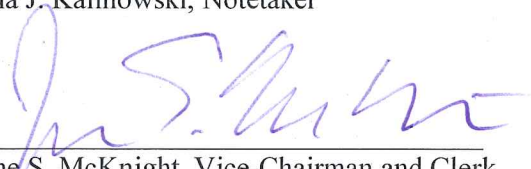
Mr. Jacobs noted at the Needham Square Chamber of Commerce Seminar he went to last week he was approached by a Newton resident. They want to use Community Preservation Act funds to buy houses that are being torn down, turn around and sell them and then use the proceeds again. Ms. Newman noted Needham would not do that.

Ms. McKnight noted that she was appointed to the facilities working group and has been attending the group's meetings, as has Ms. Newman. The Selectmen will be meeting on Wednesday to discuss the progress of the group. It will be an "all boards" meeting. The group is looking at certain buildings and sites in town, such as school renovations and new facilities, the fire and police stations, the pool, also sites that have been considered for relocation. For the DPW buildings the preferred site is on Greendale Avenue. She stated another issue is a community center. This meeting is to inform on the different sites that have been looked at and what the chain of events will be. This will be master planning for the town over the next 5 to 10 years. All information is on the town's website.

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

VOTED: to adjourn the meeting at 8:25 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Jeanne S. McKnight, Vice-Chairman and Clerk