

NEEDHAM PLANNING BOARD MINUTES

March 15, 2016

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Jeanne McKnight, Chairman, on Tuesday, March 15, 2016 at 7:00 p.m. with Messrs. Eisenhut and Alpert, and Ms. Grimes as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Correspondence

Ms. McKnight noted the following correspondence for the record: a Notice of Dismissal with Prejudice of the 300 First Avenue litigation against Normandy. She noted the proponent can now proceed with the 40B application. She also noted a City of Newton notice regarding health clubs and technical amendments; a copy of a Needham Times article, dated 3/3/16, regarding Large House Regulations; a memo from Nelson Hammer to Planning Director Lee Newman clarifying an earlier memo regarding permeable pavement with a copy of the September memorandum. Mr. Eisenhut noted this is Mr. Hammer's opinion. Others have other opinions. Ms. Newman stated Mr. Hammer is looking at using permeable pavers at the Rosemary Pool site. This is clarification that he felt it is appropriate to use at the Rosemary site.

Minutes

It was noted in the minutes of 1/12/16, page 4, remove "with the" in the 5th paragraph and spell out Railroad.

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

VOTED: to accept the minutes of 1/12/16 with the changes noted.

Public Hearing:

7:15 p.m. -- Article 1:PB Amend Zoning By-Law – Mixed-Use Overlay District
Article 2:PB Amend Zoning By-Law – Map Change to Mixed Use Overlay District
Article 3:PB Amend Zoning By-Law – Permitted uses in New England Business Center District
Article 4:PB Amend Zoning By-Law – Maximum Building Bulk
Article 5:PB Amend Zoning By-Law – Special Permit Granting Authority In Center Business District
Article 6:PB Amend Zoning By-Law – Retaining Walls
Article 7:PB Amend Zoning By-Law – Minimum Side and Rear Line Setbacks: Accessory Structures

Ms. McKnight noted Article 1, Mixed Use on the other side of Route 128, and described the location. Devra Bailin noted there was a prior proposal to create a residential overlay. The recommendation was made in 2001 with the Goody Clancy Report. The proposal is to have economic growth. The Council of Economic Advisers has been studying residential overlays and has received funding from Mass Housing for consultant John Connery's services and has received grants. The Council wants to make a recommendation of a proposal for a positive fiscal impact and retain 10% of affordable housing. She noted only affordable units would count toward DHCD's inventory.

Ms. Bailin stated the Selectmen want a little cushion above the 10% Chapter 40B quota of affordable housing units to new housing units and recommends 12½%. She has no objection to this because it is what was proposed initially. The town would take the cues from the state and whatever standards that are in place at the time. The FAR is changing from the underlying district, the parking is different from the underlying district and there is a

minimum lot size. Mr. Alpert stated this is allowing multi-family on a parcel. Multi-family is to be defined as 4 units or more and would need a 2 acre parcel. He asked what the goal is the Board is trying to achieve. John Connery, of Connery Associates, noted more than 3 units is the definition of multi-family. The objective is to create affordable housing to stay over the 10% value. With this inclusionary zoning concept the Board picks where the housing would go.

Mr. Eisenhut stated Town Meeting needs to be told this is a 5 or 10 year plan and immediate development is unlikely. Ms. Bailin noted height and lot area requirements cannot be waived under the proposed overlay zoning. Other dimensional requirements can be waived. Ms. Bailin reminded the Board there was a 3/9/15 report; a 10/9/15 memo that showed the recalculations from 12½ to 10; and an October email John Connery sent at the request of the Finance Committee regarding his discussions with School Superintendent Dan Gutekanst. Ms. McKnight also noted a memo from Town Manager Kate Fitzpatrick to Planning Director Lee Newman.

Ms. McKnight stated the report indicated that positive economic impact can still be reached at 15% affordable units. Mr. Connery agreed as long as the structure of the final project is maintained. The Board discussed the memo from Town Manager Fitzpatrick. Mr. Eisenhut recommended 12½ percent. Ms. McKnight noted all members were in agreement with a change to 12½ percent. Ms. Bailin stated if it is a non-40B private project the DHCD rule that 3-bedroom units must be included is not a requirement. Ms. McKnight stated she wants wording that the Planning Board has discretion to approve or disapprove 3-bedroom units for any particular project.

Ms. McKnight noted the Mixed Use Project should be Mixed Use Overlay Project or MUOD Project. Ms. Bailin stated it is defined in the By-Law. Ms. McKnight stated she wants to use MUOD Project throughout. She suggested for Master Special Project insert (MUOD) Project. Mr. Eisenhut suggested using MUOD Project (the project.) After discussion Ms. McKnight stated the Board will use Mixed Use Project in the first paragraph. Ms. Bailin noted this is the only type of project that will be done under this zoning overlay. Ms. McKnight will give language to the Planning Director.

Mr. Alpert suggesting taking out the 1st paragraph on page 2 under Overview and keeping it on page 7. He noted the language in 3.14.5 needs to be there. Ms. Bailin noted 3.14.7 is a statement of the law. It states the obvious but is not inconsistent with what happens. There is no need to delete it. Ms. Bailin noted Town Counsel David Tobin's comments. He has suggested switching the order in 3.14.7 but she does not agree. In 3.14.9.3, Town Counsel Tobin stated he does not know what visual relief is. Ms. Bailin stated it is clear. These are design requirements. Ms. Grimes and Mr. Alpert have no problem with this.

Ms. McKnight asked, in 3.14.9.4, what do features mean? Ms. Bailin noted building, garage, generator -- any component of the building needing shielding from neighbors. Mr. Connery suggested adding "constructed physical features." Mr. Eisenhut stated that wording helps. Mr. Alpert suggested adding "as determined by the Planning Board" in the 1st sentence. Mr. McKnight suggested adding "For example" at the beginning of the 2nd sentence. Mr. Connery stated this is positively strong and the town will never go in the negative with this.

There are no concerns or changes for Article 2. Ms. Bailin noted it was hard to see the property lines on the map.

There were no comments for Article 3. Ms. McKnight stated she did a little research. There are no eating establishments anywhere near 15,000 square feet. She is not sure how realistic that square-footage limitation is. She asked if the Board wants to reduce the 15,000 square feet. Ms. Grimes stated this is a totally different place than the center of town. She feels 15,000 sq. ft. would be appropriate. Ms. Bailin stated a very large restaurant would need to get a special permit from the Planning Board. All agreed to keep 15,000 square feet.

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

VOTED: to recommend adoption of Article 4 at Town Meeting as written.

The Board discussed Article 5 and Attorney Roy Cramer's comments. This has been redone to make it clear the Planning Board is stepping in. It was agreed to add "The Planning Board shall be the Special Permit granting authority as to the use."

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

VOTED: to accept the wording of Article 5 as redlined adding the word "the" and keep "this" in the above line.

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

VOTED: to recommend to Town Meeting adoption of Article 6 as written.

Article 7 is minimum side and rear line setbacks. Mr. Alpert noted an ancillary structure on Pine Street was placed 5 feet and one inch from the property line that he is sure is over 15 feet in height. He asked if the Board wants to grandfather existing structures. Mr. Eisenhut stated the alteration of non-conforming, pre-existing structures is allowed.

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

VOTED: to recommend to Town Meeting adoption of Article 7 as written.

Tom Parker, a Needham resident, asked if a project in the Mixed Use Overlay District could be residential only, rather than mixed use, and was informed that is possible. He noted destination/services and asked what the difference is. Ms. McKnight stated the Board wants stores and restaurants that people who work in the area go to. The Board does not want people coming to large stores like a Best Buy. Mr. Parker asked if this was fiscally positive with the revenues and was informed it was. He asked if it affordable housing income limits was based on the median income in Needham and was informed it is for the metropolitan Boston area and is set by the federal government.

Decision: Major Project Site Plan Special Permit No. 2016-01: 57 Dedham Ave. LLC, 471 Hunnewell Street, Needham, MA, Petitioner (Property located at 15 & 17 Oak Street, Needham, MA).

Ms. Newman informed the Board that Attorney George Giunta Jr. was away and this would be on the agenda for the next meeting.

Board of Appeals – March 23, 2016.

John E. Malone Realty Trust, owners and Ko Bistro, Inc., prospective tenant – 232-260 Chestnut Street.

Ms. McKnight stated the parking space stripes are now perpendicular to the building and, with proposed angled parking, she does not know how the applicant will deal with the several garage doors. People are now jumping the curb to park in front. There is one handicap space there and the applicant is planning to put another. She noted there is no landscaping and it is a mess. Ms. Newman commented she likes Petrini's Plaza where Nicholas Pizza is. Mr. Eisenhut stated the Board should send photos and say there are active garages. He stated the Board should comment it would be a good location to develop a plaza street market and use the example of the Chapel Street Plaza.

Ms. McKnight stated the parcel does not have the parking spaces needed. She wants a professional parking study done. Mr. Eisenhut stated the Board should comment on the take-out station. Mr. Alpert noted there is parallel parking on the street.

North Shore Residential Development, Inc. – 114 Hillside Avenue.

Ms. McKnight stated she likes the detached garage. She feels this is not a bad design though the nature of the permit requested is strange. The applicant wants an amendment to a variance that was issued in 1955. She noted the Board commented in 2008 that there are no amendments to variances. Mr. Eisenhut suggested making the same comment.

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

VOTED: to comment this cannot be done as an amendment to a variance.

Report of the Planning Director and Board members.

Ms. Newman stated she will issue an extension for 3 months each for the New Garden Restaurant – through June 25, 2016 and the generator at the St. Mary Pumping Station. She noted the Large House Committee meeting is tomorrow at 8:00 a.m. She hopes to get closure on some issues. The community meeting is in April. They will then present to the Selectmen who will refer it back and she will get ready for the hearing for Town Meeting in the fall. the Board decided on a date for a special meeting next week of Wednesday at 6:30 p.m. with a location to be determined.

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

VOTED: to adjourn the meeting at 9:20 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Elizabeth Grimes, Vice-Chairman and Clerk