

NEEDHAM PLANNING BOARD MINUTES

September 17, 2008

The regular meeting of the Planning Board, held in the Selectmen's Meeting Room at Town Hall, was called to order by Martin Jacobs, Chairman, on Wednesday, September 17, 2008 at 7:30 p.m. with Messrs. Eisenhut, Handel and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

730 p.m. – Amendment to Zoning By-Law, Map Change to Center Business District & Story, Height and Occupancy Limitations Exception for a Municipal Building in the Center Business District.

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

Town Manager Kate Fitzpatrick, representative for the Board of Selectmen, noted this is the Selectmen's proposal. There are 2 articles. One is a map change to put Town Hall in the Center Business District. There had been no need to address changes to it up to now. This request is being made so the project can take advantage of the Center Business District setback requirement. She noted the building is already non-conforming. Mr. Handel asked if the building would become conforming. Ms. Newman stated it would but the issue is the addition will have to conform. Town Manager Ms. Fitzpatrick noted the 2nd article is a section in the By-Law to allow an addition at a height approved by the Board appropriate to accommodate an elevator. With the version drafted there is a concern it would cost to determine air, light or wind velocity. These are unanticipated costs. Mr. Eisenhut noted he is in favor of having articulated standards. The By-Law allows for 3 stories at 50 feet with a 4th floor for storage. Mr. Jacobs asked if they should recommend a specific standard (i). He wondered if they should do away with it or modify it. Mr. Handel stated given the site he thinks it is necessary. He noted this could conceivably only affect the bank by shadow. Mr. Jacobs commented he does not feel it would create a detrimental impact. He noted they should add "substantial" detriment and all agreed. Mr. Jacobs asked if it was safe to say 50 feet and if that gave enough cushion. Ms. Newman noted it seems to be a comfortable cushion. Mr. Handel asked if the building was non-conforming because of the cupola. Town Manager Ms. Fitzpatrick noted it is 60 feet without the cupola. Ms. Newman believes the cupola is exempt. Mr. Jacobs noted the 4th underlined line stating the height is not to exceed 50 feet. He feels they should add "and not to include the cupola and the height limitation in 4.7.2 shall apply to such municipal building." Town Manager Ms. Fitzpatrick noted the architects chart says the maximum height of the existing is 60 feet. Ms. Newman noted it is non-conforming irrespective.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to authorize the Planning Direct to draft language recommending adoption as discussed and amended.

Appointment

7:45 p.m. – Informal Conversation: George Giunta Sr., Proposed Subdivision at 198-200 Nehoiden Street, Needham, MA.

George Giunta, representative for the applicant, noted this has been approved as a 40B by the Zoning Board of Appeals. They appealed to the DEP and they ruled in favor of the 40B. There will be a total of 8 units – 2 in the existing and 6 additional. The abutters are against a 40B and want a subdivision. This cannot be done as they would need to show they can do a conventional subdivision. They have had 2 40Bs approved -- one with a 16 foot paved drive and 8 units and the other 32 units with an 18 foot paved drive. They propose a 20 foot layout with a 16 or 18 foot paved drive and berms on either side. They would have 3 single family houses rather than 6 units. He noted the 40B was approved for many more units than he proposes and he feels 3 single family houses are better. The drive will be in the same location but 4 feet wider. They have plenty of room for emergency vehicles, etc. with the hammerhead. Mr. Eisenhut commented the problem is any time they create an exception it comes back later. He wants some articulated reason why they should do this. Mr. Giunta noted the number of units they are talking about is a good reason. There will be only 3 single family houses rather than an

8 unit 40B. Mr. Handel stated the question is how they can do it unique to this project that would not be for other projects. Ms. McKnight noted she is familiar with many towns that waive requirements for small subdivisions. She asked what the past history was. Ms. Newman explained they need to show what they can have as of right. Mr. Giunta noted they are requesting a waiver from 40 feet down to 20 feet and sidewalks. Hammerheads are allowed. Ms. McKnight asked for clarification if the practice is to require they show the full width or it is in the regulations. Ms. Newman noted it is in the regulations but they have also required it. They need to show they can legally do it. It needs to meet the requirements then they can waive it down. Mr. Ruth noted the effect of the change in policy would open up a lot of sites that would become eligible. Mr. Giunta noted not necessarily. They need 10,000 square feet and the roadway, etc. Ms. McKnight asked what abuts the land to the north and was informed it was private on both sides. She asked if the front house would remain. It is not being taken down. Mr. Ruth noted he is concerned a 40B creates a lot of collateral drainage, that they will end up changing patterns, not getting units and there will be more density.

Bill Lenahan, an abutter, showed the previous plan and noted the layout of the way would connect with a turnaround at the end of the road. He is concerned with the 200 foot river front buffer zone. The new proposal honors the intent of the Rivers Act. He feels the use of a hammerhead uses less paved surface than a cul-de-sac. He noted if they reduce the size of the impervious, they reduce the size of run off. They would have 3 houses that fit the rest of the neighborhood. He noted this is a better outcome from the abutter's perspective. Less traffic will be generated. Their greatest concern is honoring the river front buffer zone. Mr. Eisenhut noted the 200 foot river factor may be the distinguishing factor. They need to look at this rather than comparing it to a 40B. Mr. Handel agreed. He feels it is a planning issue and there may be some way to justify the planning use of the site. Mr. Giunta stated with 3 units or less they could waive the road width. This could be a change in the subdivision regulations. They could do a hammerhead. He noted one unit will be in the buffer area. However, there is currently a garage, sheds and a pool in the buffer. This will all go away and there will be less to disturb the whole area. Mr. Handel stated they have looked at houses behind houses before and it is undesirable. This is a concern and would open it as a precedent. Mr. Eisenhut noted the lot is 116 feet at the top. This is unusually narrow for the neighborhood. Mr. Giunta noted it is not. Most are only 80 feet and this is an unusually wide lot. Mr. Ruth noted it would not even have been looked at if not for the 40B. This concerns him.

Ms. McKnight asked if this is the sort of thing they want to see on approximately one acre of land in Needham. She asked how many situations like this would they find where people would want to do a subdivision. She feels they should not approach this as a one time thing. She asked if there was something special about this lot they should look at. They could look at exchanging waivers for open space easements as this abuts open land. Mr. Giunta noted the 40B proposed a 3 foot wide pedestrian access in the back. That could be maintained for this proposal. There are presently 2 houses, both to be demolished. Mr. Handel noted an argument is this is not a historical district but one of the finer streets in Needham. He thinks this will fit better and protects the streetscape more. Mr. Ruth asked if public benefits outweigh public detriments. They have talked about the buffer zone, pedestrian access, and the historical aspect. There may be restrictions on the lot. He is reserved on this but feels they may be able to create a package that makes this a public benefit case. Mr. Handel suggested they come back with a proposal with design constraints, access, etc. and see if those suggestions meet their benefit without having to do a design yet. Mr. Eisenhut stated they could open the hearing if there are substantial public benefits, uniqueness of lot, runoff, and public access. Mr. Giunta stated the street would be a private way and would remain so. Mr. Lehanan noted when it rains dirt runs down the street to the storm drain that goes to Rosemary Brook. Mr. Handel noted he was open to finding a solution. He would like to see something that does not lock them into a similar situation that does not make them as happy. Mr. Jacobs noted a letter to the Chairman of the Board of Selectmen from Bill Lenahan.

Issuance of Permanent Occupancy Permit: Major Project Special Permit No. 2007-06: First Parish in Needham – Unitarian Universalist, 23 Dedham Avenue, Needham, MA, Petitioner (Property located at 23 Dedham Avenue, Needham, MA).

Ms. Newman noted this was not ready yet. She suggested they authorize her to issue a temporary Certificate of Occupancy on the Sunday School portion. This may require a bond and she would like authority to take a bond if one is set by the town.

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

VOTED: to authorize the Planning Director to issue a temporary Certificate of Occupancy on the Sunday School portion and take a bond if one is set by the town.

Report of the Planning Director and Board Members.

Ms. Newman noted, regarding the public services building, they heard the Board loud and clear that they would like to have only the existing asphalt. They have revised the plan, eliminated the 5 spaces and redesigned 8 spaces into the grove area. The fire access can be narrowed. They have added 4 spaces along the DPW existing drive, one in the back lot and 2 in the front of the water building. The plan shows 2 new impervious areas and some impervious will become pervious. She feels it is an improvement. For the zoning issues regarding the property lot lines, the town does not want to change the Reservoir lot lines. Others could be combined. The PPBC is looking for a sense if this approach begins to address the concerns the Board raised. They asked if a concept plan would be ok or do they want a total site plan. Mr. Ruth noted a concept plan is fine and Mr. Handel agreed. Ms. Newman noted they were considering doing a swail type for drainage but they want an informal sense from the Board. Mr. Ruth reiterated it was a big improvement. Mr. Handel noted it addresses the issues and is a good faith response. Ms. McKnight states she is interested in the drainage. Ms. Newman will convey this.

Board of Appeals Applications – September 18, 2008.

Mr. Handel noted for the record he owns stock in American Tower and will not vote on this issue.

Pipeline Wireless, One Father DeVallee Boulevard, Fall River, MA – 350 Cedar Street.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: “No comment.”

Highland Montrose, LLC, 159 Cambridge Street, Allston, MA – 922-958 Highland Avenue.

Upon a motion made by Ms. McKnight, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to comment they are supportive as it was approved by this Board.

John and Barbara Fitzgerald, 170 Nehoiden Street, Needham, MA – 170 Nehoiden Street.

Ms. McKnight asked why they should encourage the garage to be built 5 feet from the property line. There is a lot of other area.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: “No comment.”

57 Dwight Road/49 East Militia Heights Road.

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: “No comment” absent other information with the understanding this is a technical change.

90-92 Marshall Street.

Mr. Eisenhut commented this needs to be re-noticed. The agenda appears to have an incorrect address.

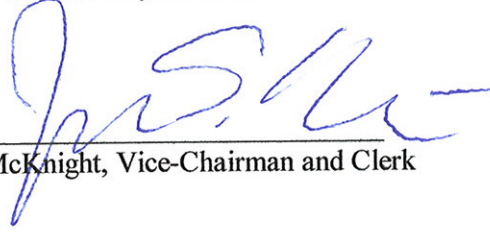
Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: “No comment” with the observation the agenda appears to have an incorrect address and should be re-noticed.

Report of the Planning Director and Board Members.

Ms. Newman noted the next meeting of the Downtown Study Committee is 10/6 to finalize the plan and to create a small working group to plan for the May Town Meeting. Mr. Jacobs thanked Mr. Ruth and Ms. McKnight for forwarding WIND Energy By-Laws information. Ms. Newman will put this on the next agenda for discussion.

Upon a motion made by Ms. McKnight, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 9:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Jeanne McKnight, Vice-Chairman and Clerk