NEEDHAM PLANNING BOARD MINUTES

March 17, 2009

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 Tuesday, March 17, 2009 at 7:30 p.m. with Messrs. Handel and Eisenhut and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearing

7:30 p.m. – FY 2010 (Program Year 2009) HOME Funds Allocation.

Ms. Newman noted there is award money within the budget structure of how to allocate. They have $53,142 of new money to be allocated to Needham Opportunities Inc. for the purchase of foreclosed homes and to transfer to buy down High Rock homes for affordable housing. Sheila Pransky, representative for Needham Opportunities Inc., noted the money for this years' proposal was to develop a piece of property on Yurick Road. This is not feasible so they propose to put it into a fund for the development of a foreclosed property next year contingent upon Town Meeting approval of CPA funds. Ms. McKnight commented it was a nice concept to have a mix of units at 110% and some at 80%. She asked if there is difficulty getting people to buy homes. Ms. Pransky noted at 110% those that qualify need to be at the top of the income levels and families need to be at maximum levels. There are tiny segments of people who could qualify. At 80% there is a broader number that can afford it. Mr. Jacobs asked if the new years' allocation was going toward buying a foreclosed property. Ms. Pransky noted it was. They are mandated to become a developer to qualify for the town CHDO and get HOME funds. They have until 2010. It is their ideal to buy a 3 family home, do work on it and rent it. Ms. Newman noted the Planning Board's role is to approve the allocation of the HOME funds.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to adopt the proposed allocation.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to allow the discretion of allocation within 10% in year 2010.

7:45 p.m. – Scenic Road Act: Ramin Abrishamian, Petitioner (Property located at 534 Charles River Street, Needham, MA).

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

Ms. Newman introduced John Sullivan, designer and builder. He wants to build a new house with a green design with solar cells and an energy efficient envelope. He noted it is a one acre lot with 50 foot setbacks on both lots. There is a vernal pool with a 100 foot buffer. There is a limited location for the house. They will abandon the Whitman Road entrance and come in off Charles River Street. There is no stone wall and one 10-foot pine is to be removed.

Mr. Jacobs noted the following correspondence for the record: a letter from Tony DelGaizo, dated 3/10/09, noting no comments or objections; a letter from Lance Remsen, Tree Warden, dated 3/9/09, noting he has reviewed that the adjacent trees that will not be impacted, care is needed and they are justified in the request to remove one tree at their expense; a memo from Inspector Papetti of the Fire Department, dated 3/11/09, with no comments at this time; a note from Chief Leary of the Police Department, dated 3/17/09 with no comments; and a memo from Tony DelGaizo noting the amount of the bond will be less than the $5,000 minimum bond and an estimate of $2,000 if the Planning Board wants an additional bond.

Jeffrey and Vicky Kaufman, of 25 Whitman Road, noted they are abutters and are in full support of the proposal. Ms. McKnight asked Mr. Sullivan to clarify which tree they are removing. She asked why he is taking a healthy pine tree down and not the dead pines next to it. She asked why not require a new tree be planted to replace dead trees. Lance Remsen noted it is a prerogative they could ask through the Selectmen. The Selectmen have asked for donations to funds in the past and the Board could request this. He noted the dead trees are on a public way. The town will remove them and would recommend if something is put back it be put on private property higher up. It may impact the sight line if replaced on the public way. Mr. Eisenhut noted he is content with the informal interaction with the owner and tree warden. Ms. Jacobs asked if they are abandoning the existing drive. Mr. Sullivan noted they are. They will remove the asphalt and will have a small greenhouse with a no asphalt drive about 12 feet wide. They may use crushed bluestone. Mr. Jacobs asked if there was a stone wall along Whitman and was informed there is not. Ms. Newman stated it would be helpful to have a revised plan that shows the removed driveway.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to grant approval subject to receipt of revised drawings and with 2 additional trees to be planted with an agreement between the applicant and the tree warden.

Appointments

8:00 p.m. – Robert T. Smart, Jr., Discussion regarding development at 100 Rosemary Way, Needham, MA.

This is off the agenda.

8:15 p.m. – Informal discussion with John Jensen, 43 Morton Street re: possible zoning change.

Mr. Handel noted it was a well written letter. Ms. Newman informed the Board she did some research and found some history back to 1963. Mr. Eisenhut stated he was interested in an option that relates to the pool and pool deck or something broader. Mr. Jensen noted the pool and shed were built too close to each other in 2001. It was quite by accident as the builder was from out of town. They are not 10 feet apart. One approach is to have the mistake declared a deminimus change but the Building Inspector would not go along with that. There is a possibility of connecting the 2 structures and have the shed bolted to the pool deck. It should be one structure. Decks are not part of a structure but a patio so this was 2 structures inadequately separated. He has checked the By-Law. Patio appeared only once and not in reference to his problem. He wanted to offer a friendly amendment to the By-Law. He suggests ground level patios and pool decks are part of a structure but exempt from the setback requirements. Mr. Eisenhut stated they could vote the whole thing is a single structure. Ms. McKnight added they could say the Zoning By-Law setback is not required for in ground pools. Mr. Handel noted he feels the 10 foot figure is completely arbitrary. Ms. Newman stated it would go to the fall Town Meeting. Mr. Eisenhut stated his opinion is this is really one structure due to the way it was built. Mr. Jensen reiterated the Building Inspector wants some resolution.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to undertake to propose an amendment to the Zoning By-Law to exempt in ground pools from the 10 foot setback.

Occupancy Permit: Major Project Site Plan Special Permit No. 2004-05: BankNorth, 1013 Great Plain Avenue, Needham, Massachusetts, Petitioner (Property located at 1013 Great Plain Avenue, Needham, MA).

This is off the agenda.

Scenic Road Act Agreement: Stephen Kistner, Petitioner (Property located at 690 South Street, Needham, MA).

This is off the agenda but Mr. Jacobs had some comments. He noted on page 1, #2 should be restore not relocate. In #3, after stone wall add "construction."

Scenic Road Act Agreement: Anthony Del Gaizo, Petitioner (Property located at the intersection of Charles River Street and Central Avenue, Needham, MA).

Ms. Newman noted the town is the applicant. They are trying to close and formalize what they voted. The Board needs to sign.

Review and approval of revised floor plan for Building Permit for BlackRock Financial Management, Inc., lessee: Major Project Site Plan Special Permit No. 2000-02, Sentinel Data Centers, LLC, 1270 Avenue of the Americas, Ste. 204, New York, NY 10020, Petitioner (Property located at 128 First Avenue and 72 A Street, Needham, MA).

Ms. Newman noted this is the old Level One. They are monitoring demand so it does not go over. Ms. Newman asked the applicant for a revised floor plan and expansion.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the four members present unanimously:
VOTED: to approve the revised floor plan and expansion.

Parking Determination: Newton Dog Walking, Inc., Petitioner (Property located at 322 Reservoir Street, Needham, MA).

Ms. Newman noted this will come as a site modification. New England Silks has moved out and they are scrambling to find tenants. This is not a use allowed. They will ask for a Special Permit for a use not called out. There is no parking standard established for it so they need to set one. This is for the training of dogs. There will be 2 classes at a time. The dogs will be picked up in a van by one of 4 employees and brought to the facility. There will be 4 employees and 2 vans. Tony Del Gaizo has recommended a minimum of 5 spaces. Mr. Eisenhut noted he thinks 6 spaces would be better. Ms. McKnight suggested they go with 6 spaces. Mr. Jacobs noted he thinks 5 is ok and he is alright with Mr. Del Gaizo's recommendation. Mr. Handel also thinks 6 spaces.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by three of the four members present (Mr. Jacobs voted in the negative):
VOTED: to determine 6 spaces.

Board of Appeals – March 19, 2009

John and Susan Murray – 221 Broadmeadow Road, Needham, MA.

Mr. Eisenhut noted the 2004 Special Permit has lapsed. They are not sticking to the footprint of the garage. They are substantially increasing the non-conformity and changing the scope and nature of the non-conformity. Mr. Jacobs stated they are increasing the non-conformity vertically.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: "No comment."

Review of Zoning Articles.

Mr. Handel commented Ms. Newman gave a stellar presentation to the Selectmen. Mr. Jacobs asked if 3.8.4.1(e) was clear enough that underground could be permitted in the 50 foot side and rear setbacks. Ms. Newman will add "side and rear" setback. Mr. Jacobs noted also in 3.9.4.1(e)(1) they should add "side and rear" to setbacks. He felt with these changes it was all set. Mr. Handel disclosed he received a call from a developer who happens to be his wife's landlord regarding Wexford and Highland Avenue. He was asked to raise his concern. With the extra FAR they will charge a $22,500 traffic mitigation fee. It was felt it was penalizing and the developers were being asked to add to the expense with sidewalks and curb cuts. Mr. Handel thinks they should take a look at this. He will exempt himself. Ms. Newman explained the history of the zoning changes and payments to the traffic mitigation funds. Mr. Handel suggested they look at it in general. He noted a letter will be sent so they should look for it.

Minutes

There was a question on the minutes of 11/25/08 in the first paragraph. It was unclear if Needham Bank was the official name. It is. In the second paragraph, 5th line from the bottom, it should read "far sighted" not "far sided." Mr. Jacobs noted they should take out "above sea level." They should remove "wind data" as it does not change and start the sentence with "They feel..." Second paragraph it should state "up to 200 feet" not "within 200 feet" and remove "depending on size." On page 2, Ms. McKnight noted it is a private way not public. Also, it should state "storm receptor" not "storm scepter." On the last page, change "forum" to "form." In the minutes of 12/16/08, on the last page remove the paragraph that begins "Mr. Ruth noted they have a request from Robert Smart." In the minutes of 1/20/09, on the second page add the words "6 unit proposal" after "Ms. McKnight stated this..." and remove the word "in" at the bottom of the 8:15 appointment.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by three of the four members present (Mr. Eisenhut abstained):
VOTED: to approve the minutes of 11/25/08 as corrected.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to approve the minutes of 12/16/08 as corrected.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to approve the minutes of 1/20/09 as corrected.

Finalize April and May meeting schedule.

Ms. Newman noted there will be a parking meeting on April 1 at 5:15. They will meet Wednesday, April 15, at 7:30 and Wednesday, April 29 at 7:30.

Report of the Planning Director and Planning Board Members.

Ms. Newman noted the building at 868 Highland Avenue was set too high. They will need to put some ramps and fencing in. It is not deminimus. They can not raise the sidewalk. It does not meet the ADA requirements but only by inches. Mr. Handel asked if they raised the question with Mr. DelGaizo regarding raising the sidewalks. Ms. Newman will ask but it may cost more than ramps. All agreed it is not deminimus.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 9:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne McKnight, Vice-Chairman and Clerk