

NEEDHAM PLANNING BOARD MINUTES

September 15, 2009

The regular meeting of the Planning Board held in the Selectmen's Meeting Room at the Town Hall, was called to order by Jeanne McKnight, Chairman, on Tuesday, September 15, 2009 at 7:30 p.m. with Messrs. Warner, Ruth, Jacobs and Eisenhut as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Minutes

Ms. McKnight noted on page 2 the word "device" was misspelled in a couple of places. The word "unit" should be added on page 2 to read "no unit number change." At the top of page 3, add the word "wide" after "18 feet" in the first sentence. On Page 5, under Minutes, change the word "strike" to "amend" and change the sentence to read "amend the comment regarding Kathy Lewis' concerns..."

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to accept the minutes of 6/16/09 as amended.

Release of performance bond and off-street drainage bond for Meadow Woods Subdivision Lot 4/Land Court Lot 50 (#41 Woodworth Road): Greg Petrini, Petitioner.

Ms. Newman noted they are holding \$91,962 as surety -- \$83,000+ for road improvements and \$8,000+ for off-street. This is a request to release the performance bond and off-street bond for Lot 4. They have a letter from the Board of Health noting the lot can be released. Engineering has recommended the entire surety be released except for \$2,500 for a stone wall on South Street. Mr. Jacobs noted he would like to retain the \$2,500 plus an additional 1.35%. Greg Petrini stated this request was made in July and he received the DPW memo one hour ago. He feels \$2,500 is enough. He did not have a chance to look at it. Mr. Jacobs noted it would have been helpful for him if the DPW had come up with a cost to complete the wall rather than \$2,500.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by four of the five members present (Mr. Jacobs abstained):

VOTED: to release all of the bond except \$2,500.

Correspondence

Ms. McKnight noted Town Manager Kate Fitzpatrick sent a memo regarding a Special Town Meeting. She asked if there was any article on the warrant the Planning Board should be concerned with. Ms. Newman noted the rezoning on Central Avenue (Tocci) has been submitted. She noted she is requesting a salary transfer of \$1,500, the MET tower zoning will be in the spring, wireless communication on water towers, Mr. Jensen's zoning amendment and technical amendments.

Release of off-street drainage bond for Andrea Circle Subdivision Lots 4, 7 and 8. Release of off-street drainage bond for Gerber Circle Lots 3, 4 and 5: Ron Lopez, Petitioner.

Ms. Newman noted the 2 subdivisions have already been accepted by the town. With the release of these bonds the subdivision would be closed out. Ms. McKnight noted there was a \$10,500 drainage bond for each and the Board of Health has recommended release.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to release the 2 bonds (Gerber Circle and Andrea Circle).

ANR Plan – 29 Ardmore Road, Needham, MA.

Ms. McKnight noted this was continued from last time. Her thought is even if the other lot is non-conforming it would not matter to add a sliver to it. She reviewed a 1983 case with concerns regarding endorsements on plans and a

Rockland land court case which says all owners need to sign the plan if their lot is shown. You cannot show land you do not own on an ANR plan. Mr. Ruth asked if there was any update from the applicant. Diane Doherty noted she has not heard anything. She thinks it may be an issue of perhaps price.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to endorse ANR.

ANR Plan – 983 Webster Street, Needham, MA.

Ms. Newman noted they are getting rid of the internal lot line.

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

Endorsement of Decision: Diminimus Change: Major Project Site Plan Review No. 2008-09: Town of Needham Permanent Public Buildings Committee, Petitioner (Property located at 500 Dedham Avenue, Needham, MA).

The Board endorsed the plan.

Request to authorize review and approval of final plans for building permit: Amendment to Major Project Site Plan Review No. 2008-08: V.S.A., LLC, 1105 Massachusetts Avenue, Suite 11G, Cambridge, MA 02138, Petitioner (Property located at 225 Highland Avenue, Needham, MA).

Ms. Newman informed the Board this was a usual request during the summer but she is not comfortable going forward. She would like the authority to approve the modified plans with the eliminated basement and zoning updated on the documents. Mr. Jacobs asked if she was ok with this and she stated she was. She will do it this time but is not comfortable.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to give Ms. Newman the authority to approve the plans when she is satisfied.

Board of Appeals – September 17, 2009

Neponset Winery, LLC, 50 Kearney Street, Suite 11, Needham, MA 02494

This has already been commented on.

Sprint Spectrum, LP and Clear Wireless, LLC, c/o Ricardo M. Sousa, Prince Lobel, Glovsky & Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, MA 02114.

The Board had no comment.

Bell Atlantic Mobile of MA Corp., Ltd., d/b/a Verizon Wireless, 400 Friberg Parkway, Westborough, MA 01581

The Board had no comment.

Lofts at Charles River Landing, LLC, 5847 San Felipe, Suite 3600, Houston, TX 77057

A comment was made to waive the requirement only if the wells are dry.

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

George and Angela Davos, 652 Great Plain Avenue, Needham, MA.

Mr. Eisenhut noted there are 2 lots with 10,000 and 7,600 square feet total. The issue is regarding a 3 car garage on a 17,000 square foot lot. He does not think so. Mr. Ruth noted this neighborhood frequently appears in Boston's desirable neighborhoods. He does not want to overbuild in that neighborhood. The structure should not have been knocked down. It has been there since 1844 and he is not sure this does not have an adverse effect in the neighborhood. He wants to be sensitive to the nature and character of the neighborhood which is mostly one car garages. Ms. McKnight stated she feels the same way as Mr. Ruth. They have reoriented the house toward Eaton with the garages off Great Plain Avenue. It is unfortunate they have to face Great Plain Avenue. A motion was made to call to the attention of the ZBA the neighborhood has predominately one and 2 car garages and the proposed plan may give rise to a material adverse effect to the neighborhood. Mr. Jacobs asked they amend that to add it is on a prominent corner and to have massive garages and cars there would have an adverse effect. All agreed. Mr. Eisenhut stated they should pinpoint more clearly it is inconsistent with the historical development of the neighborhood. Ms. McKnight added "and facing Great Plain Avenue." Mr. Eisenhut reiterated massing and aesthetics. Mr. Jacobs commented he assumed they would put up a fence or screening of some sort. He asked if they could suggest screening -- that it is out of character and does not fit. Ms. Newman noted she will send out a draft.

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to call to the attention of the ZBA the comments as discussed.

Update of zoning articles on spring 2010 Town Meeting.

Ms. Newman noted she will draft the MET tower and Wireless Communication Articles. There may be a zoning change in the downtown. It is not a big year like last year.

Report of the Planning Director and Board Members.

Ms. Newman asked if they Board would like to retain jurisdiction on the HOME Funds. All agreed.

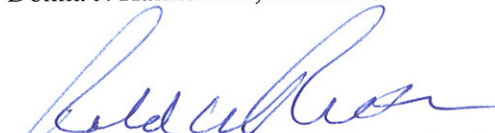
Finalize November and December meeting schedule (November 3, 2009 is Election Day, no meeting).

After discussion it was decided to meet November 2 before Town Meeting and November 17. If there is no election they will go back to November 3. Mr. Eisenhut noted he will not be here November 2 or 3. The December meetings will be December 1 and 15.

Ms. Newman informed the Board there is another proposal circulating for parking around Town Hall to use the McQuillan entrance off Chapel Street. One curb cut and it keeps the sidewalk along Town Hall. There will be a 2 year notice to the town by Mr. McQuillan to terminate it. They can go back to the K plan inexpensively.

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



Ron Ruth, Vice-Chairman and Clerk