

NEEDHAM PLANNING BOARD MINUTES

January 24, 2012

The regular meeting of the Planning Board held in the Charles River Room of the Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Tuesday, January 24, 2012 at 7:30 p.m. with Messrs. Warner, Jacobs and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Correspondence

Mr. Eisenhut noted the following correspondence for the record: an invitation from Devra Bailin on behalf of the Council of Economic Advisors.

Public Hearing:

7:30 p.m. – Amendment to Major Project Site Plan Review No. 2010-02: Town of Needham, 470 Dedham Avenue, Needham, MA, and the Needham Historical Society, 1155 Central Avenue, Needham, Massachusetts, Petitioners (Property located at 1155 Central Avenue, Needham, MA).

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

David Neves, Director of Fine and Performing Arts for the Needham Public Schools, stated they need to use the Newman auditorium for the High School musical. He has investigated alternative sites such as local colleges and other High Schools. They could not find a date that accommodated them. Regis College could possibly but the cost was prohibitive.

Mr. Neves noted he has revisited this with Steven Popper. They have lost 100 parking spaces at Newman due to the modulars. He has come up with alternate parking. Students cannot bring cars and will be shuttled from the High School. They have 151 spaces on site now. When people order tickets they will be given a parking pass. There will be additional police and volunteer students. He added they must have a minimum of 2 people on site for parking. They will also use Claxton Field and the Dwight School and have arranged for parking transportation. Park and Recreation has reviewed the plan. The community service officer has approved and the school has signed off on it. He noted it will cost additional funds but will be worth it.

Donald Dick, Property Manager for the Presbyterian Church, stated he wanted to offer them their lot. They have 22 spaces. He asked what time it started. Mr. Neves thanked him and noted it will be at 7:30 p.m. Friday and Saturday and Sunday they will have a matinee at 2:00 or 3:00 p.m.

Mr. Jacobs asked when they will start working with the students. Mr. Neves informed him 2 weeks in advance. Mr. Jacobs noted they should have in the decision a date specifying when the earliest use for rehearsals shall be.

Mr. Eisenhut noted 2 e-mails from Fire Chief Paul Buckley for the record both dated 1/24/12. One noted a maximum load of 528 for an assembly and the second one clarified the maximum was now 528 plus 50.

Mr. Neves stated they have lost some seats in the auditorium with the renovation. They will not sell more than 500 tickets. Mr. Eisenhut stated he is concerned. They did not want to permit over the limit.

Mr. Eisenhut noted the following correspondence for the record: a memo from Lt. Matt Forbes, dated 1/20/12, with comments; a memo from the Town Engineer, dated 1/23/12, with no comments or objections; an e-mail from Janice Berns, dated 1/12/12, with no comment and a letter from the applicant clarifying the application, dated 1/12/12.

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

VOTED: to close the hearing.

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

VOTED: to grant the requested relief in the form of the decision presented at the meeting knowing it will be amended.

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

VOTED: to change one provision in 3.2 to add a reference to the fact the Board has approved use of the Newman School for rehearsal purposes starting around 2/14/12.

Request to authorize Planning Director to authorize Occupancy Permit: Major Project Site Plan Review Diminimus Change No. 2007-10: Beth Israel Deaconess Hospital Needham, 148 Chestnut Street, Needham, MA, Petitioner (Property located at 148 Chestnut Street, Needham, MA).

Roy Cramer, representative for the applicant, noted this is a diminimus change for windows along Chestnut Street. This will be done this week. He would like the Planning Board to delegate authority to the Planning Director to authorize an occupancy permit.

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

VOTED: to delegate to the Planning Director the authority to issue to the Building Inspector authority to grant a Certificate of Occupancy.

Endorsement of Scenic Road Act Agreement Amendment: Richard J. Gaffey, Trustee of the Belle Lane Realty Trust, formerly known as the 634 Charles River Street Realty Trust, Petitioner (Property located on the southerly side of Charles River Street between 534 Charles River Street and 590 Charles River Street, and is shown on Assessor's Map 305 as Parcel 23).

Roy Cramer, representative for the applicant, noted his client signed only 1 of 3 copies. The form was prepared by Ms. Newman and Ms. Clee and is fine with him.

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

VOTED: to endorse the Scenic Road Act Agreement.

Mr. Cramer asked if there was any decision on the downtown study area. Ms. McKnight stated she agrees with Mr. Cramer regarding the hospital being included in the study area.

8:00 p.m. – Amendment to Major Project Site Plan Review No. 2007-06: Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and First Parish in Needham, Unitarian Universalist, 23 Dedham Avenue, Needham, MA 02492, Petitioners (Property located at 23 Dedham Avenue, Needham, MA).

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

VOTED: to waive the reading of the public hearing notice.

Mr. Eisenhut explained the public hearing procedure. He then disclosed he has been a long-time friend of Jeff Friedman's but knows he can be objective.

Mr. Friedman noted he has been a resident for 20 years. He stated the farmer's market would be on Sundays from 1:00 p.m. to 5:00 p.m. at the temporary location on the front lawn of the First Parish Church. He has been

authorized to represent the church. They will have fresh locally grown farm products. It will be a meeting place for residents and will have a volunteer program for seniors and youths. He has 5 letters from residents in support. He noted this will be a one year use with an option for a second year. It will run 6/10/12 until 10/28/12 and will have 8 vendors. He stated this is not a seriously detrimental use. Access will be from Dedham Avenue and they will have 10 foot by 10 foot canopies.

Mr. Friedman stated he is unclear what the demand would be. There could be more than one table under a canopy. There will be a 10 foot setback from the sidewalk. There is no negative effect on adjoining businesses. They will have free musical entertainment and there will be no excessive noise. It will be on Sunday afternoon. There is a traffic light and no need for a police detail per the police.

There are 24 parking spaces. They do not expect a lot of traffic. The Chestnut Street municipal lot and the Dedham Avenue lot are the 2 closest. He has discussed this with Lt. Schlittler of the Needham Police. There are 6 spaces on Dedham Avenue that Lt. Schlittler recommends be for vendor use. The 3 spaces closest to Lincoln Street would be for loading and unloading. He noted the parking determination is 24. There is plenty of space in the municipal lot and the Dedham Avenue lot. He does not feel there will be any problem here. The vendors will be able to use the bathrooms at the First Parish Church. They will have liability insurance and the vendors must also carry liability insurance.

Kate Canney, Needham resident and farmer, expressed her support. She stated if they had any questions or concerns she would be happy to discuss them.

Mi Herzog, of Plymouth Road, stated she has lived here for 25 years. She thinks this will enhance the community. She stated she has to leave town now to go to a farmers market. She feels this is a win-win situation and the Board should approve it.

Ms. McKnight stated she does not see anything that says the parking requirement for use has been determined to be 24. Ms. Newman stated it had been voted at the previous meeting. Ms. McKnight stated the decision will reflect the establishment of that number. She asked what does the farmer expect in clean up after the event. Ms. Canney stated the farmers leave the area as they found it. They need to be adaptable. This is their livelihood.

Mr. Jacobs asked what the relationship is between the farmer and the vendor. Mr. Friedman noted there is a written agreement between them with the requirements and insurance. Many go into the field and inspect it. They are trying to get vendors they can rely on. Mr. Jacobs asked if Mr. Friedman had a copy of the form the vendors sign. Mr. Friedman did not have one but will get him one.

Mr. Jacobs asked, of the 8 vendors, how many will be selling food. Mr. Friedman noted 4 will sell produce. They are looking for a bakery vendor, an egg vendor and one that sells honey. Ms. Canney stated the real focus is to keep it as a food based market.

Ms. McKnight noted the music needs to be amplified to some extent, maybe 50-100 watts. She thinks there should be a condition that limits the amplification. Mr. Ruth stated they should retain jurisdiction for some issues such as noise.

Ms. McKnight noted there was a discussion if a parking study was necessary. Ms. Newman noted it was discussed and they decided it was not necessary. Mr. Ruth noted it was possible during construction across the street spaces may be taken or eliminated. They should be aware they may lose the loading spaces.

Mr. Jacobs commented that at the last hearing he expressed concern how the front yard could be a parking area. This can only take place on the parking lot. He stated without this By-Law provision there could be no farmers markets anywhere in town. He stated he does not understand how the front lawn could be an existing parking area. He disagrees with Town Counsel's opinion. He noted he is glad they got an opinion but he disagrees with it. He commented he has no problem with farmers markets or markets on front lawns but still thinks it is not permissible under the By-Law.

Mr. Eisenhut noted the following correspondence for the record: a memo, dated 1/19/12, from Town Counsel David Tobin with his opinion; a memo from the Board of Health, dated 1/12/12, with no comments; a letter from Debbie Schmill, of the Needham Community Farm, dated 1/4/12; a letter, dated 1/12/12, from Kate Owens, Co-President of Parent Talk; a letter from Eleanor Rosellini, dated 1/12/12; a letter from Kate Canney, of the Neighborhood Farm, dated 1/14/12; a letter, dated 1/4/12, from the Green Committee with 6 signatures; a memo from Lt. John Kraemer, dated 1/20/12, with no comments; a letter from Town Engineer Anthony DelGaizo, dated 1/23/12 with comments and recommendations; a memo from Fire Chief Paul Buckley, dated 1/24/12, noting no objections or concerns; and the applicants letter.

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

VOTED: to close the hearing.

Mr. Eisenhut summarized they should authorize the Planning Director to draft a decision in accordance with the conditions discussed. There should be the usual conditions including sound, hours of operation and cleanliness. Mr. Jacobs stated he would like food sold on at least 4 tables. All agreed. Mr. Ruth noted deliveries cannot occur on the 3 spaces closest to Dedham Avenue. Mr. Eisenhut clarified it should be limited to 2 years. This was agreed. Ms. McKnight noted no sale of alcoholic beverages should be included.

Report of the Planning Director: proposed subdivision plan at 61 Kingsbury Street.

Ms. Newman noted she has been approached to subdivide the land to 2 lots. They need to show a compliant subdivision. They have done a series of diagrams and shown that they can do a compliant subdivision. Mr. Ruth stated he would be reluctant to grant this. It is a beautiful street about to be devastated by the manipulations of the subdivision laws. Mr. Eisenhut asked where the houses were situated – in front or in back. Mr. Ruth stated he would take a dim view of waivers.

Ardi Rrapi, of Cheney Engineering, stated it is a 30,000 square foot lot they would like to subdivide. He noted they have to show on paper they could subdivide. Ms. McKnight stated this has been the practice and she feels this plan conforms to practice. Ms Newman noted he has not entirely conformed. She has not seen the remnant parcels disbursed. Ms. McKnight clarified the reason for the policy is to not have excess development.

Mr. Ruth stated they would absolutely need to talk to the neighbors. Storm water would be an issue on this site as it slopes significantly upwards toward the High School. Mr. Rrapi clarified this lot backs up to the High School and is next to the tennis courts. Mr. Eisenhut stated there was a project on Walnut Street that he feels was just like this. Ms. Newman noted they have done this in the past.

Mr. Jacobs stated he agrees with Ms. McKnight and would maintain his view of precedent. He noted they have done what the Planning Board asked with the fourth diagram and he would go along with diagram #2. Mr. Eisenhut commented they should be prepared for a tough road to hoe. He added he did not like the Walnut Street project when it was approved. They need to look at that.

Discuss possible Zoning Amendments for the Annual Town Meeting.

Ms. Newman noted she needs language for a placeholder. She needs to write a letter to the Board of Selectmen which identifies the placeholders for the warrant. The first 3 were ones they did not do this fall. The first was definition of a studio, the second was parcels taken by eminent domain and the last was a technical change pertaining to parking lot illumination. She would like to put these 3 back on the warrant. They may have a residential overlay and maybe Wexford Street. They can do the residential overlay.

Ms. McKnight noted people will talk about dimensional changes. Mr. Eisenhut thinks these 3 should go. Mr. Ruth noted they should be thoughtful. Ms. Newman reiterated they are just placeholders. There is nothing definite but they need titles. Mr. Eisenhut stated they should think about authorization to get applicants to pay for

traffic. Ms. Newman agreed. She will put it on the next agenda. She noted the first 3 are the same and she will keep the same titles.

Ms. Newman stated the Center Business extends the same flexibility in Avery Square to all other districts. She feels they should put that back on the back burner. The overlay district change from 20% to 25% will include all 40Bs. Mr. Jacobs asked why it is 350 feet from the bank of the Charles River in Article 6. Ms. Newman stated she looked at the width to get development and looked at the residential housing across the river in Newton. Mr. Ruth commented this was written before 40R. Ms. McKnight felt there should be a placeholder for this. All agreed.

Ms. Newman noted she has been approached by Mr. Pasciutto, a resident who lives near the towers who would like several things. They have a peer review process for when a tower is put up but not a peer review process when an antenna is put on a pole. He is asking for one. He would also like to know if the Board of Appeals is sympathetic. He wants a requirement of some monitoring once a tower is installed. He would also like a provision requiring carriers every 5 years to submit documents of all aspects of the facility. He asked if the Board would like a tag on this or just a conversation. Mr. Jacobs stated he would vote to put a placeholder in for this. Mr. Eisenhut commented it was a lot of work. He is not sure monitoring of towers would be lawful. Ms. Newman will put the Wireless Communication name as the placeholder.

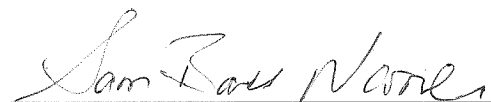
Ms. Newman stated she is having trouble closing out the Tocci project. She may have to pay someone to do it. Mark Gluesing cannot do it now.

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

VOTED: to adjourn the meeting at 10:05 p.m.

Respectfully submitted,

Donna J. Kalinowski, Notetaker



Sam Bass Warner, Vice-Chairman and Clerk