

NEEDHAM PLANNING BOARD MINUTES

April 16, 2013

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, April 16, 2013 at 7:30 p.m. with Mr. Warner and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Correspondence

Ms. Newman stated she has included the legal notice from Westwood regarding zoning. Ms. McKnight stated it was interesting to see that at the area of University Avenue she thought was office park they will propose more retail. Ms. Newman stated they did a whole redevelopment plan.

Public Hearing:

7:30 p.m. – Article 3:PB Amend Zoning By-Law – Lot Width Definition/Measurement. Note: This hearing is continued from the March 5, 2013, March 19, 2013, April 2, 2013 and April 8, 2013 Planning Board meetings.

Mr. Eisenhut noted the following correspondence for the record: a letter, dated 4/11/13, from Michael Zafiropoulos; the original language for Article 2 and alternate language; and an email, dated 4/1/13, from Morton Hyams.

Mr. Eisenhut asked Building Inspector David Roche if he had any comments. Mr. Roche stated this is written so people can understand. The intent of what is being said is what he is looking for. He can enforce what is in the body of it as written. He commented he would rather have it in writing than have to interpret. Mr. Zafiropoulos stated he is struggling with this and the impact on the town and residents. He thinks it needs more work. He feels there is not enough time and resources to do it on his own. He stated assuming each lot will be 90% and be perfectly square is unrealistic. He thinks more information needs to be gathered. He would like a study done to see how many residents would be affected. It still does not take into account the lots that do not have parallel lines. A lot of lots will be excluded. He feels this will eliminate some lots as there are irregular shaped lots. He asked the Board to consider alternatives or add his language regarding lots considered with irregular shape.

Mr. Roche stated they cannot take a By-Law that is in place and get rid of it. Every lot is not buildable or viable. Some lots are slightly irregular. He stated he would not be opposed to other language. They could take a point on the lot line and take a 90 degree angle. Mr. Zafiropoulos respectfully disagreed. He asked where are they going to draw the line. What is irregular? Mr. Eisenhut stated lot width is required in Needham. He noted Mr. Zafiropoulos seems to be arguing against lot width. He added they need words for the methodology. Ms. Newman clarified the idea was to have minimum width through the house.

Mr. Zafiropoulos stated he would like an impartial surveyor's opinion. Mr. Roche noted he spoke with a surveyor. He stated minimum lot width needs to be continued through any primary structure on the property. Mr. Zafiropoulos stated he would like to see the report of the surveyor. He does not think enough information has been provided to the Board. Mr. Roche reviewed the surveyor's comments. Mr. Zafiropoulos stated he needs more information. He would like an independent surveyor's comments to his proposed language. He asked how many lots may not conform to this measurement.

Gary Kaufman stated he feels there are over 100 different residents that will be affected by this. He thinks the Board needs to step back and gather more information.

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

VOTED: to close the hearing.

Mr. Warner stated they need to find some concrete way to measure that people can rely on. Mr. Eisenhut noted there is a lot of time between now and Town Meeting. If they vote alternate language there is time for the Building Inspector and Mr. Zafiropoulos to work on language to recommend. Ms. McKnight stated it would be helpful to have the illustration Mr. Zafiropoulos supplied. It is exactly what they do not want and what the By-Law is there to prevent. She stated the League of Women Voters had a study and came up with the position to have regular lot sizes.

Ms. McKnight noted she is in favor of continuing the lot width requirement and the current By-Law and clarifying how it is measured. They are not making the assumption all lots are square as the speaker suggested. She noted with this wording it is sensible and works no matter how irregular the lot is.

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

VOTED: that 4.1.5 be amended by inserting the word “primary” before “building”, continue to 120 feet and insert lot width. The word “primary” should be added in the fourth line of the alternate language.

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

VOTED: to recommend to Town Meeting adoption of the amendment to 4.1.5 of the By-Law, under Article 3.

8:00 p.m. – Presentation on M.G.L. Chapter 40B Project: Greendale Village LLC, 165 Chestnut Hill Avenue, Unit #2, Brighton, MA 02135, Petitioner (Property located at 894 and 906 Greendale Avenue in the Single Residence B District).

Mr. Eisenhut explained the role of the Planning Board is to make a site plan recommendation. Bob Engler, the applicant, introduced his son Geoff and noted this is a family business. It is a small development firm. He stated they have been involved in 150 40Bs and 10,000 units. This is their own development.

Geoff Engler stated they have met with the Zoning Board of Appeals, neighbors, and the Fire Department. They will meet with the Town Engineer for site work. He described the area. He stated there will be 20 units. Twelve will have first floor master bedrooms. The primary target market in Needham is empty nesters. He noted the units are fairly modest in size at 1,800 to 2,200 square feet. Some will have walkout lower levels. They will be single family and a couple of duplexes. Most will have a one car garage but some have 2 car garages.

Mr. Geoff Engler stated they like Greendale Avenue. They have a full traffic study. There are excellent site lines in both directions. He noted they are adding 16 cars per hour. Currently there are 1,200 cars. There are 2 points of access and both are 2 way. He noted there are 2 accesses for the internal configuration. Mr. Eisenhut stated they had previously suggested one-way traffic going through. Mr. Bob Engler stated he will speak with the engineer. It is a good point and they will look at that.

Mr. Eisenhut stated they will need for children to cross. Mr. Geoff Engler stated they will extend the sidewalk to the crosswalk. Mr. Eisenhut noted the other issue is how many feet is it from the edge of the property to 128. Mr. Geoff Engler clarified from the back of the property was maybe 425 feet and a steep grade behind that is wooded. Mr. Bob Engler stated the Conservation Commission is trying to tie them into the trail which is impossible.

Ms. McKnight stated she had a property line question. She asked if they will be adding landscaping to the area next to the town owned property and maintain it. They have not talked about this. She added they have not left any room for any landscaping to buffer between the abutting properties. Mr. Bob Engler stated they have proposed a 6 foot fence. They feel the buffer is already good and do not feel they need to buffer the buffer. There is an area right behind the property in the corner that may benefit by some plantings of trees that would provide some buffer for their own residents. Mr. Geoff Engler stated it is a very dense area already. It is very wooded.

Mr. Eisenhut stated when they did the Boris project they had several pages of suggestions. He asked if they could get a copy of that. Ms. Newman will have that at the next meeting. Mr. Geoff Engler stated this is the least dense 40B that has been approved in Needham. It is 20 units on 2.5 acres, which is just under 8 units per acre.

Mr. Warner asked, since these are ownership units, what would the owners be responsible for? Mr. Geoff Engler stated there will be a condo association with a monthly fee. It will be maintained by the condo association. They will have exclusive use in back of each unit in the condo documents and the common uses of everything else. It will be privately managed with trash removal and snow removal.

Mr. Eisenhut asked if they had a lighting plan. Ms. Newman noted they do not have drainage calculations yet. Mr. Bob Engler stated it is an issue of contention whether you need to do drainage calcs at a schematics level or not. They think they are keeping everything subsurface. He noted the Town Engineer has raised some issues. They are meeting with them on Friday with their Civil Engineer. He has no concerns they will not be able to meet what they suggest. Every building will have a retention basin of their own underneath and then there will be some large retention basins.

Ms. McKnight asked if they are satisfied the water and sewer are sufficient in the area. Mr. Geoff Engler noted there is an area in the back where the grade goes way down. They will have a pump that will pump it up to the middle and then it will be by gravity. Ms. McKnight clarified the service internally will be private and then connect. Mr. Bob Engler stated this was correct.

Mr. Eisenhut asked if there are any energy efficient commitments. Mr. Geoff Engler stated they will have blown in insulation, efficient siding, and all appliances will be energy star and energy efficient. There are no solar panels or geo thermal. Mr. Eisenhut stated one of the things they look for is environmental sensitivity. He would like them to consider alternate methods for pavement.

Artie Crocker asked if the setback requires going through the Zoning Board of Appeals. Mr. Eisenhut stated it does but the Planning Board could comment. Ms. McKnight reiterated she would like the Avita Decision. Mr. Crocker stated a lot of neighbors would voice their concern about the minimizing or maximizing of the buffer at the rear. He noted the neighbors would be happier if they cut down fewer trees if possible.

Request to review and approve final plans for issuance of building permit and partial occupancy permit: Major Project Site Plan Special Permit No. 2012-06: Needham Music Inc., 947 Great Plain Avenue, Needham, MA, 02492, Petitioner (Property located at 953-961 Great Plain Avenue, Needham, MA 02429).

Ms. Newman noted they want to legalize the occupancy.

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

VOTED: to approve a temporary Occupancy Permit for Needham Music provided that prior to issuance of the temporary the banner be removed.

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

VOTED: to recommend issuance of a building permit.

Request to authorize the Planning Director to review plans and authorize the issuance of a building permit: Amendment to Major Project Site Plan Special Permit No. 91-3: North Hill Needham, Inc., Petitioner (Property located at 865 Central Avenue, Needham, MA).

Ms. Newman noted she was requesting authority to review the plans and issue a building permit when she is satisfied.

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

VOTED: to authorize the Planning Director to review the plans and issue a building permit when she is satisfied.

Request to authorize the Planning Director to review plans and authorize the issuance of a building permit: DeMinimus Change: Major Project Site Plan Review Special Permit No. 1996-05, Vinodivino (Ralphael Keller-Go), 899 Walnut Street, Newton, MA 02461, Petitioner (Property located at 922-958 Highland Avenue, Needham, MA).

Ms. Newman noted there are no plan modifications.

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

VOTED: to authorize the Planning Director to review the plans and recommend issuance of a building permit.

Request to authorize the Planning Director to review plans and authorize the issuance of a building permit: DeMinimus Change: Major Project Site Plan Review No. 2011-01: Wingate Senior Living, 63 Kendrick Street, Needham, MA, Petitioner (Property located at 235 Gould, on the westerly side of Gould Street between the Wingate at Needham Nursing Home at 589 Highland Avenue and the MBTA Right of Way).

Ms. Newman noted there are no plan modifications.

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

VOTED: to authorize the Building Inspector to issue an Occupancy Permit.

Article Assignments for Town Meeting.

The Board members discussed who would recommend each article. Ms. Newman noted she was writing a guide for the warrant meeting on 3/29/13 and will have it for them.

Minutes

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

VOTED: to accept the minutes of 12/18/12, 1/8/13 and 1/22/13.

Board of Appeals

155FH Reservoir Realty Trust, Frederick M. Hartman, Trustee – 155 Reservoir Street, Needham, MA.

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

VOTED: to comment they are unable to comment due to a lack of information.

Volante Farms, 204 Brookside Road, Needham, MA 02492 – 292 Forest Street, Needham, MA.

Mr. Warner stated he was confused. Ms. Newman clarified they would like to sell beer and wine but the Building Inspector has said wine but no beer. Ms. McKnight noted they are asking for an interpretation.

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

VOTED: "No comment."

Yo So Good, LLC, 54 Samoset Road, Peabody, MA 01960 – 33 Highland Avenue, Needham, MA.

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

VOTED: "No comment."

Edward Mullahy, 62 Wilshire Park, Needham, MA, owner – 62 Wilshire Park, Needham, MA.

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

VOTED: "No comment."

Greendale Village LLC, 165 Chestnut Hill Ave. Unit #2, Brighton, MA 02135 – for construction of 20 town house units, 4 of which are to be affordable.

Ms. Newman will draft a letter.

Report from Planning Director.

Ms. Newman noted the Board signed the recommendations for Town Meeting and the bond agreement for Cabot Cabot. She has emailed them to Town Counsel David Tobin. Ms. Newman noted a 300 unit 40B was filed on Friday. The state has given them \$15,000 for a consultant. She noted the site cannot sustain it. The drainage is not sufficient. They will need to move the sewer.

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

VOTED: to adjourn the meeting at 9:47 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Sam Bass Warner, Vice-Chairman and Clerk