

NEEDHAM PLANNING BOARD MINUTES

November 20, 2012

The regular meeting of the Planning Board held in the Charles River Room at the Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Tuesday, November 20, 2012 at 7:30 p.m. with Messrs. Warner and Jacobs as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski. Ms. McKnight arrived at 7:45 p.m.

Appointments:

7:30 p.m. – Wireless Communications Facilities: Proposed Regulatory Amendments

Mr. Eisenhut noted this will be continued to the next meeting on December 4, 2012.

Request for Permanent Certificate of Occupancy: Project Site Plan Review Special Permit No. 2011-02 (Pollard Middle School): Town of Needham by its agent the Needham Permanent Public Building Committee, 470 Dedham Avenue, Needham, MA, Petitioner (Property located at 200 Harris Avenue, Needham, MA).

Mr. Eisenhut noted the following correspondence for the record: a memo from Town Engineer Anthony DelGaizo, dated 11/20/12, noting no objection to a permanent occupancy permit being issued. Ms. Newman stated they have the approvals for Phase 1. In the second phase the tennis courts were to be put back. All is completed and they have the As-Built. Engineering is recommending a close out.

Mr. Jacobs noted the 8/23/12 email from Diane List, which is a 2 page memo. On the second page it states there is plenty of parking in the back and there should be no need for parking on Glenwood or surrounding streets. He asked why people continue to park on Harris rather than in the back. He stated there is no reason to continue to park there. Ms. Newman stated they could write a letter and ask why they are parking on Harris when there is plenty of parking in the back. Mr. Jacobs stated they should put signs and tell them to park in back. He requested the Planning Director send him a copy of the letter when she sends it.

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

VOTED: to authorize issuance of a permanent Certificate of Occupancy of Special Permit No. 2011-02.

Request to review plans and authorize Occupancy Permit: Amendment to Major Project Site Plan Special Permit No. 1996-12: Beth Israel Deaconess Hospital – Needham, Inc., 148 Chestnut Street, Needham, MA 02492, Petitioner (Property located at 73 Chestnut Street, Needham, MA).

Ms. Newman noted she had put this as a placeholder. It is off the agenda.

Ms. McKnight arrived.

Deminimus Change: Major Project Site Plan Review No. 2007-06: First Parish in Needham, Unitarian Universalist, 23 Dedham Avenue, Needham, MA 02492, Petitioner (Property located at 23 Dedham Avenue, Needham, MA).

Derek Brain, representative for the applicant, noted they want to install 38 sun powered solar panels on the Lincoln Street parking lot side. These are the most aesthetically pleasing. They are black panels and the most efficient. They will be parallel to the surface of the roof and the top edge of the panels will be about 6 inches from the roof surface. He noted the draft decision was fine.

Ms. Newman noted the Design Review Board signed the approval last night. Mr. Jacobs stated they need to determine if this is de minimus in nature. He asked Mr. Brain to describe the process. Mr. Brain stated all work is done from ladders. The rafters are screwed on and this may take one or 2 days to complete. This is the loudest part but no louder than a nail gun. They are attached by hand. The work on the roof may take 4 days at most. The rest is interior work. There will be 2 people doing the wrapping and an electrician. There may be 3 electricians finishing up and may be 3 or 4 vehicles at most.

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

VOTED: to determine the proposed changes are minor in nature, do not require public notice or hearing, Special Permit No. 2007-06 is amended to permit solar panels and the request is granted as set forth in the decision.

Discussion: Liquor Store Zoning Controls

Ms. McKnight stated she presented at the Selectmen's hearing last Wednesday night. She stated there was no time to make an adequate presentation as they limited presentations to 3 minutes. She showed what she had prepared for the proposed zoning By-Laws that would regulate locations of liquor stores and plans that showed what the effect of those By-Laws would be. As a result there was no real discussion or response by the Selectmen. She noted the idea was generally rejected.

Mr. Eisenhut noted Ms. McKnight was not really speaking on behalf of the Planning Board so time was limited. He had an idea that it was a well thought out plan but could be used as a guideline or preference and could be incorporated into the regulatory framework. They could go to the Board of Selectmen as a body if they all agreed on that approach and say they want to present as a Board that they incorporate this as a guideline or a preference.

Ms. McKnight stated the voters voted a 70% majority in favor of the establishment of liquor stores so the Selectmen feel this is the will of the people. She commented what she tried to get across to the Selectmen, but did not have enough time, was that she was asking them to adopt this concept as part of their regulations.

Mr. Eisenhut stated they need guidelines and feels that would be a good way to go. Ms. McKnight stated she hoped to have a vote by the Planning Board to adopt as part of their regulatory guidelines consistent with the zoning controls concept developed by the Planning Board as illustrated. Mr. Jacobs stated they should add to A11 of the proposed rules and regulations "in conformance with guidance of the Planning Board and adopted by the Board of Selectmen." He asked how they sell it. Mr. Eisenhut stated they need a meeting with the Board of Selectmen.

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

VOTED: to ask the Selectmen to adopt as part of their regulations, guidelines consistent with the zoning controls concept developed by the Planning Board as illustrated; that they should add to Section A11 of the proposed rules and regulations "in conformance with guidance of the Planning Board and adopted by the Board of Selectmen" and communicate to the Board of Selectmen that the Board voted to recommend the regulations that the Planning Director should discuss.

Ms. McKnight noted a convenience store requires E1. They should focus on that to discuss at another time.

Public Hearing

8:00 p.m. – Amendment to Major Project Site Plan Review No. 2007-10: Beth Israel Deaconess Hospital Needham, 148 Chestnut Street, Needham, MA, and Beth Israel Deaconess Medical Center, Inc., 330 Brookline Avenue, Boston, MA, Petitioners (Property located at 148 Chestnut Street, 86 School Street and 92 School Street, Needham, MA). Note: This hearing is continued from the October 16, 2012, November 5, 2012 and November 13, 2012 Planning Board meetings.

Mr. Eisenhut informed the applicant Mr. Ruth is not here tonight but he will listen to the tape. He noted the following correspondence for the record: a letter from Roy Cramer dated 11/19/12; a photometric plan dated 11/15/12; a letter from Town Engineer Anthony DelGaizo dated 11/20/12; a memo from Giles Ham dated 11/20/12; a letter from Roy Cramer, dated 11/20/12, submissions and a landscape plan dated 11/16/12.

Mr. Cramer stated he has filed a composite landscape plan. It is all on one sheet. He met with the Design Review Board and they approved the Lincoln Street landscape and composite plan. It was requested they look at the lighting on the south parking lot. It is adequate but old. Six lights on the building could be replaced with new. They have filed a photometric plan, spec sheet and a letter from the electrical company. He met with Town Engineer Del Gaizo today. He said he would get a no comment, no objection letter to the Board and he sent it. Then he had an issue. He asked what would be the impact on Chestnut Street if Lincoln Street is an entrance only. There will be no impact.

Mr. Cramer stated he got the revised report from the DPW at 4:30 p.m. with a second issue he had not heard about before. Giles Ham noted they are recommending the southerly drive on Lincoln Street be entrance only. He noted there will be one vehicle per 4 minutes or about 15 cars per hour off Lincoln Street onto Chestnut Street. There are about 1,000 cars per hour on Chestnut Street now. There will be more impact at the signal on School and Chestnut Streets. Two to 4 cars per hour are added northbound. They have studied the traffic and feel they have answered the questions satisfactorily.

Mr. Eisenhut clarified there will be less than one vehicle per traffic cycle. Mr. Ham stated this was correct. Mr. Cramer noted they have proposed it in response to the neighborhood but if the Planning Board does not agree they will not do it.

Ms. McKnight noted the Phase 1 plantings were previously approved. Dennis Monty, of BIDMC Needham, stated that was the 2007 plantings. Ms. McKnight asked about Phase 2 replacements. Mr. Cramer noted in the interior of the north lot were swamp oaks. They felt maples would thrive rather than replant the swamp oaks. The Design Review Board agreed. That is the only change approved for the 2007 plan. There was a question about the master plan.

John Foley noted there are 2 phases. In phase 1 the emergency and in-patient areas were done. This is Phase 2 and the final phase. There are no future phases or campus developments planned. He stated they would be willing to give a yearly report but this is all they plan to do.

Mr. Cramer noted they have addressed all issues the Board and abutters have raised. Ms. Newman stated she does not have a draft decision tonight. Mr. Jacobs stated they could close the hearing subject to Mr. Ruth listening to the tape. They should not ask the hospital to continue bringing people here. He does not think it is fair. If any issues come up they could reopen.

Ms. Newman stated they would have to re-notice if that was the case. She stated she needs something from Mr. Ham regarding the 105 Chestnut Street complaint. Mr. Cramer stated to get a complaint at this late hour is a problem.

Ms. McKnight commented the individual seems to be complaining about a decision made months ago with Phase 1. She was informed this is correct. A motion was made to close the hearing subject to Mr. Ruth having the right to ask it be reopened if he has questions or concerns. Ms. McKnight stated she would like to make sure the comment of 105 Chestnut Street's owner has been addressed. Mr. Ham stated they are adding 5 cars in the morning and 2 in the afternoon southbound. There will be 2 to 4 added northbound.

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

VOTED: to close the hearing subject to Mr. Ruth having the right to ask it be reopened if he has questions or concerns.

Mr. Cramer stated he hopes the draft decision will be in front of the Board at the next meeting. Ms. McKnight noted changing the lighting is a good idea and should be incorporated. Mr. Eisenhut stated also landscaping, the entrance only and noise abatement. Mr. Jacobs added the chiller swap out is to be done in the spring. Ms. Newman will work on the draft.

Discussion: Large House Zoning Regulations

Mr. Warner noted, looking at the table listing new home reconstruction, the clear problem is the Single Residence B District. McMansions are being built and lots are small in the Single Residence B District. Ms. McKnight stated she thought Weston had FAR and you could not go over it but she was mistaken. What they do have is a floor area ratio and as long as you are under it you do not need site plan approval but if you are over it you can go ahead with a larger house or not depending on how the Board votes. Mr. Eisenhut stated the important thing there is if you are going with a large house it gives notice to abutters. The simplicity allows conversation.

Ms. McKnight stated she has been meeting with a League of Women Voter's group that is planning a forum in March on this subject. She wants to look at ordinances and By-Laws of surrounding towns. Mr. Eisenhut stated it was either a Special Permit or site plan approval. He feels Wellesley's is too cumbersome and complicated. They should keep it as simple as they can. Site plan may be a better way to go. Ms. Newman stated Wellesley has site plan approval.

Mr. Jacobs commented he is not convinced there is a problem. If there is it is a Single Residence B problem. In Single Residence B there is no maximum FAR and with at least 7,500 square feet the maximum lot coverage is 25%. Ms. Newman explained the background of when they did the study of large houses. The changes there were very weak and have been whittled down. If under 10,000 square feet and less than 80 feet of frontage the side yard setback standard you just proposed went away and you were down to a 10 foot setback. You were able to build at these lot coverage requirements but you did not have the setback standards off the side lot lines for almost 50% of the houses so it was a complete gutting of what had happened. The By-Law is so weak they feel they did not do anything. The height of the house, massing and off lot line had limits before but people were not building to them.

Mr. Jacobs reiterated he is still not convinced there is a problem. Why not change what we have? He feels they should just revisit their FAR. Ms. McKnight stated FAR would be simple – you either meet it or not. Mr. Eisenhut stated they need to prevent extreme examples.

Ms. Clee stated they should open up a dialogue. Ms. McKnight stated they should let the League of Women Voters take the lead for the moment. Mr. Warner noted they need to see what the general feeling is so they can see how to address it. Ms. McKnight stated she does not want the Board to get bogged down on endless hearings for large houses.

Discussion: Medical Marijuana Dispensaries & Zoning

Ms. McKnight asked if they could say not in our town at all. She feels it may be considered a clinic. Mr. Warner noted it is called a treatment center and must be non-profit. Mr. Jacobs stated it is more like a pharmacy.

Ms. Newman stated it is allowed in the center by Special Permit, most business districts and industrial. Mr. Jacobs stated it is similar to but he does not feel it falls within any use they allow. It is not allowed in Needham. Ms. Newman stated any lawful use not enumerated elsewhere is allowed by Special Permit in Industrial and Industrial 1. Ms. McKnight suggested they amend the By-Law to get rid of that language. They should let the Selectmen know they have considered it and feel it is allowed by Special Permit in Industrial and Industrial 1. Ms. Newman stated she is going to call the Building Inspector and see if he agrees with the interpretation.

Ms. McKnight stated she will call the Building Inspector to see if he may know of a builder who would like to be on the League of Women Voter panel.

Minutes

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

VOTED: to accept the minutes of 8/2/12 and 7/24/12 as written.

Report from Planning Director

Ms. Newman stated she received an email from Town Manager Kate Fitzpatrick regarding the Downtown Streetscape Committee. She was surprised by it as she knew nothing about it. She feels the committee is too large and not weighted in areas of expertise. She received the email today and was asked to get back by 4:00 today.

Mr. Jacobs stated he agrees with Ms. Newman's concerns. This should be within the Planning Board jurisdiction. Ms. Newman noted Town Manager Fitzpatrick wants to make sure there is public input. Ms. McKnight commented she feels it is appropriate for the Selectmen to control it. It does not strike her as wrong.

Ms. Newman stated she did not know why Park and Recreation was there or the Conservation Commission. Mr. Eisenhut agreed it was too large, too unfocused and too unwieldy. Mr. Jacobs stated this is what you do to get support from all sides. He thinks this is political and not planning. He agrees with Mr. Eisenhut it is too large and unfocused. Ms. Newman stated she feels there is a need for a committee but was concerned when she saw DPW in charge of the committee and they were going to be running it. She added some design guidelines should be included in the charge.

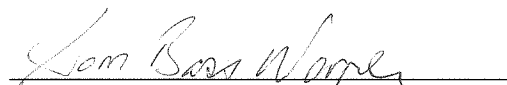
Ms. Clee stated there does not seem to be any timeline, goal end date or anything tangible of what is going to come out of the committee. There is no report. Ms. Newman stated she fears the DPW will drive the agenda. Mr. Eisenhut feels it should be run through the Planning Department. Ms. Clee suggested it could be co-run. Mr. Warner agreed it should be co-run. Ms. McKnight suggested a committee of 8 with no more than 12 would be better. Ms. Newman suggested a business owner and property owner. Ms. McKnight stated they should have 8 and the 3 ex-officios. All agreed.

Ms. Newman noted the property at Highland and Hunnewell. It is an existing building. They are proposing to take down a portion of the building. The only thing that would remain is the back building. In the Avery Square District the setback is not less than 10 feet and it is set farther back than that. They want to take off part of the building to make it more non-conforming. It is already non-conforming relative to this requirement. The front setback is not more than 15 feet on Highland Avenue. They want to put some housing above and retail on the first floor. It does not meet the goals of planning. She asked if they could get a Special Permit because it is pre-existing, non-conforming. Mr. Eisenhut stated they are voluntarily making it worse. They lose the protection of the non-conformity. Ms. McKnight stated they could reconstruct it. The By-Law allows that. Ms. Newman stated Town Counsel David Tobin says it encroaches on the MBTA line.

Upon a motion made by Mr. Warner, and seconded by Mr. Jacobs, it was by the four 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