

NEEDHAM PLANNING BOARD MINUTES

February 12, 2008

The regular meeting of the Planning Board, held in the Performance Center of the Eliot School, was called to order by Devra Bailin, Chairman, on Tuesday, February 12, 2008 at 7:30 p.m. with Messrs. Eisenhut and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearing

7:30 p.m. – Major Project Site Plan Special Permit No. 2007-09: High Rock School, Town of Needham, Petitioner (Property located at 77 Ferndale Avenue, Needham, MA).

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

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

Ms. Bailin reviewed the procedures for the public. Steve Popper, representative for the applicant, noted a permit was granted with 101 parking spaces included. He had a conversation with the Conservation Commission and they felt there was an invasion of the 100 foot setback area. They suggested moving 10 spots near the fields. They looked at it and felt it was creating a safety issue. He spoke with the schools and Park and Recreation. They all feel 91 spaces is enough and they are requesting they be allowed to reduce the number of spaces to 91. Mr. Eisenhut questioned if engineering has commented. Ms. Newman noted she has a letter from them. Mr. Popper stated the intent was to have 65 staff parking and 26 handicap and visitor spaces. Ms. Newman noted they looked at 84 spaces but the Broadmeadow showed it was inefficient. Ms. Bailin questioned if there was more parking than other educational uses and was informed there was. Ms. McKnight questioned if there were any objections from the police. Ms. Bailin noted the following correspondence for the record: a memo from Patricia Carey, dated 1/4/08, with respect to the spaces; a letter from Lt. Kraemer, dated 2/7/08, noting the spaces are inadequate compared to other schools and would not recommend lowering to less than 91; a memo from the Conservation Commission, dated 2/12/08, noting no final decision yet; a memo from Patricia Carey, dated 11/29/07, regarding the number of spaces needed; a memo from the Fire Department, dated 1/15/08, noting no problems; and an e-mail from Thomas Ryder, dated 2/11/08, recommending approval. Marianne Cooley, of the School Committee, stated the police felt it was comparable to Broadmeadow but they feel it is more like the Middle School. There is much more visitor traffic at Broadmeadow than thought. It is more comparable to Eliot if it becomes an elementary school. Janet Bernardo, of the Conservation Commission, noted they will have a meeting 2/28/08. They have not recommended any plan formally yet but will accept this plan. Daniel Gutekanst, Superintendent of Schools, commented he hopes they approve the plan. The parking is tight at all the schools but he thinks 91 spaces is appropriate and the design is safe. He requests they support the request. Mr. Jacobs asked if 91 spaces is not sufficient in the future would they be able to add 5 or 10 spaces. Ken DiNisco, of DiNisco Design, noted they could add although they would need to be careful with the ease of access. He added it was possible but it would be at the expense of something else.

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

VOTED: to approve the modification of the number of spaces subject to the Conservation Commissions approval on February 28, 2008.

Minutes

Ms. McKnight noted there was a discrepancy in the minutes for the 7:30 hearing. The restaurant is referred to as Alfresco in one place and Fresco in another. It should be Fresco. She also noted there were references to Tom in the 7:45 hearing. She clarified last names should be used not first names. She commented it was too informal.

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

VOTED: to approve the minutes of January 8, 2008 as corrected.

Review and Endorsement of Definitive Subdivision Plan: Riverbend Lane (Property located at 708 South Street, Needham, MA).

Greg Petrini, representative for the applicant, noted they set the roadway location and tweaked the water line location. All else is in the same form the Planning Board reviewed. The documents requested have been received and are 99% approved. He requests Ms. Newman release when all is set.

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

VOTED: to endorse the plans when they have everything.

8:00 p.m. – Definitive Subdivision Amendment: Standish Road Realty Trust, Alfred Volante, Trustee, 226 Brookside Road, Needham, Massachusetts, Petitioner (Property located at the end of Brewster Drive in Needham, MA).

Ms. Bailin explained the process for the public. George Giunta, representative for the applicant, noted they are proposing an amendment to the subdivision. The original subdivision had a lot line from the Goldberg property to the corner. The drain easement was never shown and no one was aware it was there. They created a new easement location and have shown it on the plan. They took the lot line and moved it 80 feet so there is room for a house to be built. There are only 2 lots. The number has not changed. Ms. McKnight noted they need a solid line if it is a lot line. She noted Lot 1 and 2 are the only lots changing but there are references to Lot 3 which is not shown. Mr. Giunta noted Lot 3 is not affected by this. Ms. Newman stated this should be sheet 1 of 2. This was agreed. Mr. Jacobs clarified the reference to Lot 3 then makes sense. He questioned who the drain easement was in favor of and was informed the town. Ms. Bailin noted the correspondence for the record: a memo from Lt. Kraemer, dated 2/7/08, noting no safety concerns; a memo from the Board of Health, dated 1/16/08, with no comments; a memo from the Fire Department, dated 1/15/08, noting no problems; an e-mail from Thomas Ryder, dated 2/11/08, recommending approval; and a memo from the Conservation Commission, dated 2/11/08, noting the delineations are accurate. Eric Lowitt, of 68 Brewster Drive, questioned where the physical house was going. Mr. Giunta noted the new location is a benefit to him as the house is being moved away from him. Mr. Lowitt noted there are mature trees that provide coverage and privacy. He questioned what will happen to the trees. Mr. Giunta noted there is a 25 foot side yard setback required but it is up to the developer.

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

VOTED: to close the hearing.

Ms. Newman noted she prepared a draft decision. Mr. Giunta will fix the plan and Ms. Newman will fix the reference to the plan. This allows this plan to be substituted for the previous plan and continues the previous conditions.

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

VOTED: to grant the Definitive Subdivision Amendment for Standish Road Realty Trust as set forth subject to the 2 changes.

8:15 p.m. – FY 2008 (Program Year 2009) HOME Funds Allocation.

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

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

Ms. Newman gave a history of the HOME funds and noted the first project was the Needham Housing. Needham Opportunities is now looking for a new project. Richard Gatto noted Yurick Road is next. There are several projects but they will need further investigation. Yurick Road is about 3 acres with some wetlands and some ledge. There is a good area in between. They would like to evaluate the site and prepare a plan that will be complimentary. Needham Opportunities will work with the Housing Authority and will be the developer in this case. They would like to start evaluating other parcels around town such as St. Mary/Central, Gould Street and Central Avenue. Mr. Jacobs questioned where the \$65,080 number came from that was on the notice. Alex Clee informed him she used last year's figures. Ms. McKnight noted the town will have to convey the land to CHDO. Mr. Gatto stated not Housing Authority land. Any other sites would be town land and would need an RFP from the town. Ms. McKnight stated she was not aware the Selectmen adopted the affordable housing plan. Mr. Gatto informed her they did last summer.

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

VOTED: to close the hearing.

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

VOTED: to approve the HOME Program allocation as outlined.

Discussion of Site Plan Submittal Requirements for 944 Great Plain Avenue, Former "Fueckiger Realty" space is proposed for conversion to "Abbott Frozen Custard".

Ms. Bailin noted she has some concern about this matter. The usual practice is to require a site plan. Roy Cramer, representative for the applicant, noted this is 600 square feet next to Abode and Sweet Basil. There is no parking. There will be no exterior work and no seats. There is a 1924 site plan. He has prepared the application and they would like to move ahead. He is concerned with the time and expense of a full survey. Ms. Bailin stated they do not require a full survey, only a site plan. She commented it is a better use than what is there but they need to go through the site plan. Mr. Cramer stated he wants to use the Assessor's map. Ms. Bailin noted like all other change in uses they need to go through the process. Mr. Cramer requested they waive the full instrument survey. All agreed this was fine. Ms. Newman stated they need to know where the dumpster would be and how it would be screened.

Appointment

8:30 p.m. – Thomas Trudeau and Roy Cramer: discussion regarding proposed rezoning of land located east of Hunting Road and Greendale Avenue, west of Route 129/95, south of Highland Avenue and north of the MBTA right of way to a Single Residence B Zoning District.

Ms. Bailin noted the Board had a request to rezone and wanted to hold an informal hearing for those impacted by the rezoning. They have formally filed and there will be a public hearing. Roy Cramer noted Mr. Trudeau owns the Duncan Drive subdivision. Most of the eastern part of Needham is Single Residence B with a minimum lot size of 10,000 square feet and minimum frontage of 80 feet. Single Residence A is one acre and 100 feet of frontage. There is a little strip between Greendale Avenue and Hunting Road that is Single Residence A and they would like to rezone it to Single Residence B. Mr. Trudeau bought it in 1998 or 1999 and knew it was one acre zone. He built a roadway but it has not been built yet. There is no market for one acre in that part of town. Mr. Trudeau does not want to do a 40B and a Single Residence B zone would give him 14 lots. There are 45 privately owned parcels in the strip. The northern part near Hunting Avenue is fully developed with some less than 10,000 square feet. This will make almost all the non-conforming lots conforming. Toward the southern part is town owned land and land that is abutting Route 128. In 1961, the owners of some lots went to the ZBA and requested a variance, which was approved. The church is exempt from zoning so there are very few parcels that will be affected by the zoning. Mr. Trudeau would like to do a 14 lot subdivision with 10,000 square foot lots. There will be an increase of 10 buildable lots over what they can do now. They want to do smaller homes on smaller

lots -- either a conventional 14 lots subdivision or a 13 lot residential compound. Mr. Cramer stated with the rezoning the real impact is their property with another 10 lots, 906 Greendale Avenue will get 2 more lots and 894 Greendale Avenue could get another 3 lots. There will be a total of 15 additional lots created. Mr. Cramer explained how this all came about. They were going to do a 40B but it stalled. Mr. Boris could get 16 or 17 lots, which he would be satisfied with. They have filed a citizen's petition to make the deadline. They cannot do spot zoning so it made sense to rezone the whole strip. Shirley Young, of 894 Greendale Avenue, stated she was sorry about Mr. Trudeau's financial problem but they are creating a financial problem for her. Kathy Scranton, of 11 Kenney Street, requested they keep it zoned as it. She suggested maybe the town decided to keep it as a buffer. Mr. Cramer reiterated the town owns the land behind them. John Behn, of 27 Broadmeadow Road, questioned how big the houses were going to be and the prices. Mr. Trudeau noted they will be 1,600 to 2,100 square feet. They will be cluster zoned so there will be very few trees taken down. The cost will be about \$600,000. Mr. Behn asked the total depth of the property from Greendale Avenue to 128. Mr. Cramer informed him about 500 feet to the town property. Mr. Behn questioned the space at the back of the property. Mr. Trudeau noted about 200 feet to the back then 500 feet to 128. Mr. Behn asked if they have checked health issues with the interstate so close and was informed they have not. Mr. Behn noted they can hardly get out of Greendale Avenue in the morning. William Cunningham, of 43 Kenney Street, stated there is a serious traffic issue. That area is a buffer zone. He commented there will be deterioration in the neighborhood with traffic and noise. Mindy McGinn, of 5 Bird Street, questioned if they could do a 20,000 square foot zone. Mr. Trudeau noted Needham does not have a 20,000 square foot zone but he would like it if they had. He would put in 8 houses.

Ellen Shapiro, of 787 Greendale Avenue, stated 128 and Greendale Avenue were there when Mr. Trudeau purchased the property. She commented it sounds like the neighbors are being asked to underwrite Mr. Trudeau's dilemma. She questioned if there was another choice like a Special Permit. Mr. Cramer stated they cannot do more than 4 houses without a zoning change unless they do a 40B. Ms. Shapiro stated there is a serious traffic problem now and this is not going to help them. James Krawiecki, of 664 Greendale Avenue, noted he could get 3 lots with the change as he has 382 feet of frontage. He has no desire to change the rules. The highway is a hazard and he thinks the one acre zoning is there for a reason. Arlene Stroller, of 6 Kenney Street, noted the traffic is bad. She stated there is a school there where the traffic is already horrible. They cannot plow the sidewalks on both sides and Broadmeadow School is already overcrowded. They will be adding to the overpopulation. She would prefer 4 lots to 14. She does not want more kids in the school. Marshall Golden, of 27 Petrini Circle, stated he wants an assurance given to the community the houses will be between \$500,000 and \$600,000. He noted people who buy could add on. Mr. Cramer stated people have a right to add on if they are conforming. He added pricing depends on the market and no one will make a guarantee. They would be market price for that kind of development. Susan Bonaiuto, of 906 Greendale Avenue, stated she would like to hear what the Planning Board thinks and she would like to know the process. She questioned what the pros are from a public good perspective. She noted she does not see any pros. Ms. Bailin explained the process. Mr. Behn stated the health of the citizenry is a serious issue. Ms. McKnight informed the public the role of the Planning Board is to make a recommendation to Town Meeting. Rezoning is up to the Town Meeting members and requires a two thirds vote. She added the Board will do their best to come up with a recommendation. Louise Condon, of 15 Tamarack Lane, stated she has been on Mr. Trudeau's case for years. She has been approached by many over 55 people who want smaller homes with a first floor bedroom. Needham does not have anything like that and there is a real need for this type of home. She understands the traffic issues and hopes it will ease with the new highway access but hopes the Board will think of the older family. Mary Boris, of 692 Greendale Avenue, stated there is a small development near her that is nicely designed and on a smaller scale. This project is the perfect setup for older people. She would like to hear what people think of a 40B density compared to this. Otto Mariano, of 840 Greendale Avenue, commented he would prefer this to a 40B. Mr. Trudeau commented he would prefer this also. He added he is not stuck with 14 but could maybe do 12 leaving 2 ½ acres of open space.

Review and Endorsement of Definitive Subdivision Plan: Central Avenue (Property located at 516-530 Central Avenue, Needham, MA).

Ms. Newman noted this has already been approved. The appeal period has run. The Board signed the plans.

Reduction of Definitive Subdivision Bonds: Andrea Circle & Gerber Circle.

Ms. Newman noted the streets have been accepted and they are now public ways. The Board should release the Performance Bond.

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

VOTED: to release the street bond for both these subdivisions – Andrea Circle and Gerber Circle.

Authorization of the release of the bond and an extension of the temporary occupancy permit until March 31, 2008 for Major Project Site Plan Review No. 2006-02: Needham Cooperative Bank, Petitioner (Property located at 1055-1063 Great Plain Avenue, Needham, MA).

Ms. Newman noted they cannot release the bond. The paint they used was waterbased and is fading already. There are also some dead trees.

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

VOTED: to extend the temporary occupancy permit until March 31, 2008.

Planning Board Recommendation on Zoning Article for Annual Town Meeting: Definition of Structure.

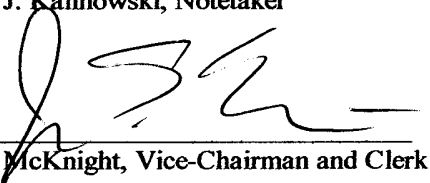
Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:

VOTED: to accept the definition of structure as drafted.

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

VOTED: to adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Jeanne McKnight, Vice-Chairman and Clerk