

NEEDHAM PLANNING BOARD MINUTES

December 15, 2015

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Elizabeth Grimes, Vice-Chairman, on Tuesday, December 15, 2015 at 7:15 p.m. with Messrs. Eisenhut, Jacobs and Alpert, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Appointments

7:00 p.m. – Devra Bailin: Discussion regarding NEBC District limitation on retail, restaurants and other consumer services to multistory office buildings.

Devra Bailin, Economic Development Director, noted there were significant changes 5 years ago. One change made at the time was there could be a mix of uses (retail, restaurant and other consumer services) on the first floor of a multistory office building with a limit of 15,000 square feet. The town has learned that most of the new buildings are primarily single tenant occupancy. This is not providing the amenities the town wants in the park. The Council of Economic Advisors (CEA) asked her to discuss this with the Planning Board. The CEA would like to change the By-Law to allow a mix of uses on the first floor of a building so that if you only have one story, you could create a mix of uses on that one story.

Ms. Bailin stated any restaurants that go in would be required to get Special Permits. She spoke with Normandy to discuss any issues they have found and they commented the open space requirement was a limitation. In going through the By-Law, she realized the Board always intended that all retail, restaurant and other commercial uses provided for, whether by right or by Special Permit, were limited to 15,000 square feet. However, that limitation is not clear in the restaurant provision as the language did not carry through.

Mr. Jacobs noted the terms -restaurant, eating establishment and food establishment. He asked if they were talking about the same thing. Ms. Bailin stated a restaurant has waiter/waitress service; an eating establishment has take-out; and a food establishment is a mix of retail that may sell products. Mr. Jacobs stated the Board needs to be careful about defining the uses.

Mr. Alpert stated he was confused about the 15,000 square foot limit. Are they limiting restaurants to 15,000 square feet? Ms. Bailin stated they were. Mr. Alpert noted the Board needs to define food establishment. Ms. Bailin stated all the language needs to be carried throughout. Ms. Newman asked if the intent is to allow standalone retail or allow it in a multi-tenant building with mixed uses. Ms. Bailin replied that the CEA did not care. The CEA would want to make sure that a 15,000 square foot building would be allowed to be used as a restaurant. Ms. Grimes stated, to be cautious, the language should be tweaked to be sure it allows a restaurant in a standalone building. The Board needs to find the right wording.

Mr. Jacobs stated the Board is limiting food establishments to the ground floor. He asked why the Board would do that and why would they care? Ms. Newman stated the town wants active pedestrian oriented uses on the first floor. Mr. Alpert suggested the possibility of a 2-story restaurant. Mr. Jacobs asked why the Board would prohibit that? Ms. Bailin asked if they were talking about all retail on the first and second floor or just restaurant.

Mr. Eisenhut stated he has no problem with what Ms. Bailin is proposing. He would have an issue with the expansion of it. Mr. Alpert asked why coffee shops are singled out. Ms. Bailin stated they are trying to take all food uses in the underlying table and bring them all over. She noted Mr. Eisenhut says to leave it on the ground floor. Mr. Jacobs stated he is willing to tinker with the language but he understands what Mr. Eisenhut is saying and he is not wrong. Ms. Bailin asked if the Board was in agreement with the multi-tenanted building requirement. Ms. Grimes stated yes, it should be multi-tenanted but she wants to see if there are any 15,000 square foot buildings that could be used. The goal is to bring this to Town Meeting in the spring.

7:20 p.m. – De Minimus Change and Request for Renewal: Amendment to Major Project Site Plan Special Permit No. 2012-04: Needham Farmer’s Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA, 02494 and Needham Bank, 1063 Great Plain Avenue, Needham, MA and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1055 & 1063 Great Plain Avenue, Needham, MA 02492).

Jeff Friedman, of Needham Farmer’s Market, noted the market has an agreement with the bank for 2016 and 2017. He has applied for a Special Permit for those 2 years. He noted Section 4.6 in the original decision needs to be amended. Currently the permit is on a year to year basis. He is requesting it be for 2 years.

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

VOTED: to approve the change as deminimus.

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

VOTED: to grant the relief requested.

Mr. Friedman noted he is also requesting the Board waive the filing fee.

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

VOTED: to waive the filing fee.

Endorsement of Plans and Approval of Documents: Oak Street Definitive Subdivision: Oak Street LLC, 235 Billerica Road, Chelmsford, MA 01824, Petitioner (Property located at 66 Oak Street, Needham, MA).

Ms. Newman noted the plans have been revised with the revisions the Board required. The Board needs to sign the plans. Ms. Newman will hold the plans. The 2 documents need to be approved by the Selectmen. She will release the plans once the documents are signed. The Board signed the documents.

7:35 p.m. – Justin McCullen: Transportation Committee Interview and Appointment.

Ms. Grimes thanked Mr. McCullen for coming to the meeting. Mr. McCullen noted he has been a Needham resident for 3 years. He went to St. Sebastian’s School and had friends in Needham. He takes the train to Boston. He loves the trains and is interested in the quiet zone and finding information regarding transportation. He does a lot of work with the MBTA through his job mainly around storm management.

Mr. Eisenhut commented the Transportation Committee also works on more traditional vehicle traffic. Ms. Newman noted it is mostly focused on transit oriented development. She stated Ms. McKnight wants to look at ways to implement quiet zones. Mr. McCullen stated \$300,000 to \$600,000 would be needed for the mitigations that would need to be added at the 6 grade crossings. There are things such as wayside horns, which are horns that are attached at intersections that conductors can activate. He stated that data that is starting to come out on quiet zones is that they are not as safe as first thought. Last night a woman in Ashland was killed on the tracks. He feels there are happy mediums.

Mr. Eisenhut stated he would like traffic calming techniques and dedicated bike lanes. Ms. Newman clarified that was for the Traffic Committee not the Transportation Committee. The Transportation Committees focus is on Mass Transit and MBTA.

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

VOTED: to approve the appointment of Justin McCullen until 5/31/16 to complete the existing term.

Vote to Set Project Inspection Fee: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Petitioner (Property located at 36 Rockwood Lane and 5 adjacent parcels, Needham, MA, Assessors Plan No. 17 as Parcels 22, 23 and 24 and Plan No. 20 as Parcels 57, 60 and 61).

Ms. Newman informed the Board she has a check for \$64,000. The Board needs to vote to set that amount.

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

VOTED: to set the replenishment amount at \$64,000.

Committee Appointments (Design Review Board, Transportation Committee, Future Needs Committee, Large House Review Study Committee).

Ms. Newman noted the Board needs to vote Stephen McKnight to the Transportation Committee then sign forms for everyone they voted at the last meeting.

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

VOTED: to renew Stephen McKnight for another 3 year term.

Request for Occupancy Permit: Major Project Site Plan Special Permit No. 2013-02: Needham Solar, I, LLC, 40 Walnut Street, Suite 301, Wellesley, MA 02481, Petitioner (Property located at 1407 Central Avenue, Needham, Massachusetts).

Ms. Newman stated she is not ready to go forward with that.

Minutes

The Board members gave their comments and changes to Ms. Clee.

Report from Planning Director and Board members.

Ms. Newman noted she had a letter updating her on New Garden. The applicant had a meeting with Town Engineer Tony DelGaizo. He asked for a sketch plan to show how the sidewalk would be done. They have the sketch of the sidewalk, 6 inches above the street grade along the property line, connected with the asphalt sidewalk. It will be a concrete sidewalk. Mr. Eisenhut commented it was a good plan. Ms. Newman stated she will handle it on an As-Built plan.

Ms. Grimes noted correspondence from Roy Cramer, representative for Normandy Real Estate Partners. Ms. Newman stated there is a performance bond in the area of the garage where the landscaping is. Normandy wanted to get approval to expand the garage and it is in appeal. They are asking for a bond extension to 6/2016 and to extend the temporary Certificate of Occupancy to June 30, 2016. She noted the applicant may build the garage under the original permit.

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

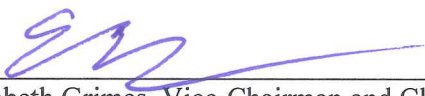
VOTED: to extend the temporary Certificate of Occupancy to 6/30/16 as well as the bond.

Ms. Grimes noted correspondence from Paul Dawson, architect, regarding 49 Wachusett Road. Ms. Newman noted the Large House Study Committee will probably be doing something in the spring to address homes like those presented by this construction. The house is being built on a slope. It fronts on 2 streets. The house has two basements on two levels that plans show as more than 50% below grade. The Building Commissioner has taken the position that 2 basements on 2 levels below grade is permissible under the Zoning By-Law. This needs to be addressed for the future. Ms. Grimes noted there is the same situation on the corner of Hunnewell Street and Central Avenue. Ms. Newman stated Building Inspector David Roche feels it is allowed. She feels the abutters are going to appeal it.

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

VOTED: to adjourn the meeting at 8:10 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Elizabeth Grimes, Vice-Chairman and Clerk