NEEDHAM PLANNING BOARD MINUTES

April 29, 2008

The regular meeting of the Planning Board, held in the Performance Center of the Broadmeadow School, was called to order by Jeanne McKnight, Vice-Chairman, on Tuesday, April 29, 2008 at 7:30 p.m. with Messrs. Eisenhut, Handel and Ruth as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Minutes

Mr. Handel noted, on the minutes in general, he would like the word "questioned" changed to "asked." He feels the word "questioned" has a negative connotation. Ms. McKnight noted in the first motion, it states "adding the Bailin caveat." She does not feel this is an appropriate phrase and feels it should be "adding the caveat there is no provision of GL Chapter 40A regarding deminimus changes." Ms. McKnight noted on the last page, it should state "Legislature" not "Legislation." It was decided to discuss this at the next meeting as part of the second page was cut off.

Appointments

Extension of Temporary Occupancy Permit: Major Project Site Plan Review Special Permit No. 2006-02, Needham Cooperative Bank, 1063 Great Plain Avenue, Needham, MA, Petitioner (Property located at 1055-1063 Great Plain Avenue, Needham, MA).

Ms. Newman noted the bank put a binder course down and it needs to be replaced. They would also like to install panels to the upper façade. They want a temporary occupancy permit through June 30, 2008 to allow the 2 items to be completed.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the four members present unanimously:
VOTED: to extend the temporary occupancy permit through June 30, 2008.

8:30 p.m. – Deminimus Change: Major Project Site Plan Review Special Permit No. 2006-02, Needham Cooperative Bank, 1063 Great Plain Avenue, Needham, MA, Petitioner (Property located at 1055-1063 Great Plain Avenue, Needham, MA).

Jason Parillo, representative for Needham Cooperative Bank, noted they would like to install 2 aluminum panels on the upper façade to cover the concrete which is poorly patched and also to house wiring for halo illuminated panels. It has been approved by the Design Review Board. The panels would be painted to match the existing stone. It would match the building and they feel it is an improvement. The panels will be one inch deep and there will be one on the Great Plain Avenue façade and one on the Eaton Square façade. Mr. Ruth asked if they anticipated these being grandfathered as signs or just panels. Mr. Parillo noted just panels. The letters will mount through the panels into the concrete. They are applying for just the covering of the cement façade independent of the signs. There will be a separate building permit for the panels. Mr. Ruth asked if they are making clean panels with no signs and was informed they were.

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to approve the replacement of the panels as deminimus.

Public Hearings

8:00 p.m. – Definitive Subdivision Amendment: Charles Flint, 250 Cedar Street, Needham, Massachusetts, Petitioner (Property located at 250 Cedar Street, Needham, MA).

Section Deleted. Will be approved at subsequent Planning Board meeting and filed thereafter.

Rick Mann, Needham Gateway, LLC, request for a fee waiver on Major Project Site Plan Review Amendment No. 2005-07: Needham Gateway, LLC, 1208 VFW Parkway, Boston, MA 02132, Petitioner (Property located at 100 Highland Avenue, Needham, MA).

Mr. Mann noted on April 1 a Special Permit amendment was granted. It did not meet the definition of deminimus and they were charged a $1,000 filing fee. He feels it meets the spirit of deminimus. When they came in they forgot to request there be a reduction in the fee from $1,000 to $250. Ms. Newman noted it was an error on the Board's part. It was included in the findings but not carried over. Mr. Handel asked about the status of the other issue. Mr. Mann noted there has been the installation of "No Parking" signs and they have prepared a petition they will send to Ms. Epstein. He will file it but she should get the signatures. They have put signs on the doors of the trash unit and will increase the vigilance. Notices have been sent to all tenants and they will put it in the rules and regulations. They have not yet done the work but have commissioned the work to put panels and mulch in the gaps of the fence. The dumpster will not be emptied before 8:30 a.m. They have already taken steps for the drainage per the Town Engineer. He will write a letter to Mr. Negoshian regarding if there is still a problem and if they have created any others.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to reduce the fee to $250.00.

8:15 p.m. – Major Project Site Plan Special Permit Amendment No. 1986E: Three Hundred Realty Trust, Petitioner (Property located at 300 First Avenue, Needham, MA).

Paul Roberts, Trustee of 300 Realty Trust, noted when they purchased the building in 1984 it was one story. They reconstructed in 1986 to create a 3-story building. It was single occupancy up until approximately 2001 and has been as much as two thirds unoccupied at times. They would like to reconstruct for multi-tenant use. The parking garage was constructed when the setback requirement was 20 feet. Now the requirement has changed to 30 feet. The 2 stair wells were rotted and needed to be replaced. They did that and found out the requirements today require construction of a head house. They plan to construct a head house on each stairwell. He asked if they represent an expansion of a pre-existing, non-conforming. He noted one is interior and is not an issue but the other is exterior and will be built with the present 20 foot setback. Ms. McKnight asked if the office building was being reconstructed. Mr. Roberts stated they will rehabilitate it to occupy multiple tenants. He noted they have shown how the head house would look like from the street. There will be 7 feet additional on top of the building. Ms. McKnight asked if this was a major project site plan special permit amendment or a major project site plan review in itself. Ms. Newman clarified it is an amendment to the original.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to grant the requested Major Project Site Plan Special Permit amendment.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to grant a Special Permit for the alternation of a non-conforming structure that is not substantially more detrimental to the neighborhood.

Plan Endorsement: Major Project Site Plan Review No. 2008-03: Lauren Johnston d/b/a Sew Easy, P.O. Box 480, Needham, MA, Petitioner (Property located at 908 Great Plain Avenue, Needham, MA).

The Board signed the plans.

Town Meeting Presentations.

Ms. Newman noted Article 4 is the off street parking. She and Ms. McKnight met with the Board of Selectmen. Dan Matthews is requesting a change in wording. It is not the same as the wording previously requested that the Planning Board did not approve. There is a paragraph regarding appropriate funding approved by the Board of Selectmen or the Planning Board. Previously the Board of Selectmen wanted to delete the Planning Board. They would now like to strike the entire clause and add "the appropriation shall be made by Town Meeting." There is consistency with the Town By-Law process. Ms. McKnight read the memo from Mr. Matthews. It states the Town Manager should have the authority. She noted she agrees with the Selectmen personally. She likens it to the Community Preservation Act where the Selectmen are powerless to act without Town Meeting approval. She recommends they go along with the Selectmen's request to change the wording. Mr. Eisenhut stated he agrees they should go along. Mr. Handel commented these funds are conditioned to approvals the Planning Board is granting. He asked if they have a reasonable stake or control over these funds if they are attached to approvals they give. Ms. McKnight stated she does not see their function to plan for locations of town parking lots, etc. She sees that as a DPW or Town Manager function. Mr. Ruth asked what the role is

of the Planning Board. He noted they certainly generate the money. Ms. McKnight commented Ms. Bailin felt they should keep control. Mr. Handel noted the basic question is if they want to have a significant role in where the parking is supplied. He asked if they should add language designed to recognize the importance of their role. Mr. Ruth suggested "provided the parking improvements put into the capital improvement plan would be done in consultation with the Planning Board." Mr. Handel stated that gives the Board of Selectmen the obligation to inform them. Ms. McKnight suggested they substitute the word "and" for "or" and propose it back to the Board of Selectmen.

Ms. Newman stated she had a discussion with Sean Smitty and he wanted to know what "not attached to structure" means. She informed him if it was not mechanically attached it is not attached. He was happy with that interpretation. She asked if the geo grid was considered part of the wall as Dan Walsh said it was. Ms. McKnight noted Mike Tedoldi was concerned with the language "attached to structure." It was noted Mr. Jacobs is doing the presentation. Ms. McKnight will do the Article 4 presentation. Mr. Ruth asked what the anticipated fees were for Article 4. Ms. Newman stated they have not developed the downtown plan so they have no fees yet. She noted there is a specific fee in the parking mitigation fund based on a specific cost for traffic improvements. That is $1,500 per parking space. Mr. Ruth clarified there needs to be a relationship between the fee and the project. Mr. Eisenhut noted they need to have this in place now with respect to zoning. Ms. Newman informed the Board the citizen's petition has been withdrawn. Mr. Eisenhut suggested they ask the Moderator if someone from the Planning Board could speak on Article 25. He thinks they should ask Mr. McKnight to speak 2 minutes on the economic and tangible benefits. They need to encourage more activity during the evenings and economically underutilized times. There is approximately 3,200 square feet of net space for 18 employees. Ms. McKnight stated she signed the petition. They would need to ask the Moderator is she can speak on the issue or would it cut into their time. She asked if Mr. Jacobs should present. Ms. McKnight will check with the Moderator. Ms. Newman suggested they ask Robert Smart if he would present. Mr. Handel noted he has a trial early on but they could check.

Amendment to Subdivision Rules and Regulations – Fees for Subdivision Amendments.

Ms. Newman noted this is a fee she did not adjust last time. They changed the fee schedule and she did not catch that provision.

Summer meeting dates.

After discussion it was decided the August meeting would be August 12 and Ms. Newman will pick a July date that was not within the last 2 weeks of July.

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 9:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne McKnight L.N.
Jeanne McKnight, Vice-Chairman and Clerk