

NEEDHAM PLANNING BOARD MINUTES

February 9, 2016

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Jeanne McKnight, Chairman, on Tuesday, February 9, 2016 at 7:08 p.m. with Messrs. Eisenhut, Jacobs and Alpert, and Ms. Grimes as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Correspondence

Ms. McKnight noted the following correspondence for the record: an invitation from Salem Bank; a letter from EBI Consulting to the Needham Historical Commission, dated 1/21/16, with a copy to the Planning Board with an invitation to comment on the 74 foot tower within the railroad right of way; a letter to Town Manager Kate Fitzpatrick from Planning Director Lee Newman with the town warrant articles and a copy of an email from Planning Board Chairman Jeanne McKnight to Planning Director Lee Newman with additional issues discussed at the Chair's meeting.

Appointment:

7:00 p.m. – Discussion of Accessory Apartments – Karen Mariscal, Advocacy for Autism Massachusetts, and Cathy Boyle, Autism Housing Pathways.

Karen Mariscal, resident of Richdale Road, stated she has a 22 year old daughter with autism. She is looking forward to the presentation. Cathy Boyle, President of Autism Housing Pathways, stated she discovered a number of regulatory glitches that stop a number of programs. She worked with an attorney, Mark Lanza, Town Counsel for Wayland, to draft a zoning by-law article. She reviewed the article. She reviewed the facts and figures for the elderly and how seniors might downsize. This could permit owner occupiers to create accessory apartments. For those with disabilities, the Department of Developmental Services (DDS), will step in only when family is unable to care for the member. The family may not get a bed in the same town. She discussed SSI and the fact that if the family gives their disabled family member over \$20 a month the SSI benefit is cut.

Ms. Boyle stated Mass Health will pay Adult Family Care (AFC) or foster care. The caregiver needs to live in the same unit. With a Section 8 housing voucher a 2-bed accessory apartment can be added to the home. The individual and the caregiver can move in. Currently, zoning does not permit 2-bed accessory apartments. She reviewed the Model Zoning By-Law. There needs to be a minimum FAR of 450 square feet and would be permitted by right. It would be restricted to a senior or a person with a disability who is a family member of the owner occupier.

Ms. Boyle noted there is precedent in San Diego and Rhode Island. It is a by-right use on the grounds of reasonable accommodations. Dover, MA allows accessory apartments provided no more than 10% have such apartments. The proposed by-law would work with S. 708. Owner occupiers would be able to borrow the lesser of \$50,000 or 50% of the construction costs from the state. She stated Winchester is hoping to get this on their spring Town Meeting.

Mr. Eisenhut stated this was talked about 15 years ago. There are real world monetary and enforcement issues. Ms. Boyle noted Winchester wants specific annual documentation. There will be an annual inspection by the Building Inspector at the expense of the home owner. She will send the Board the Winchester mark up. Mr. Alpert noted the burden of annual inspections and asked if there was an estimate of how many per year this would be. Ms. Boyle stated she did not think it would be too many. The applicant needs to meet criteria. It is estimated Winchester may have approximately 100 over the next 20 years that might go this route.

Mr. Jacobs noted the Special Needs Trust counts as owner occupier. He asked what that means. Ms. Boyle clarified the trustee would act as landlord and not live on site. Mr. Jacobs stated he would like to know what California did for accessory apartments so San Diego stopped. Ms. McKnight asked why FAR units do not apply.

Public Hearing:

7:30 p.m. – Major Project Site Plan Special Permit No. 2016-01: 57 Dedham Avenue LLC, 471 Hunnewell Street, Needham, MA, Petitioner (Property located at 15 & 17 Oak Street, Needham, MA) Please note: This hearing has been continued from the January 12, 2016 and January 26, 2016 meetings of the Planning Board.

George Giunta Jr., representative for the applicant, stated there is a revised site plan. The applicant will take down 2 existing commercial buildings. The Board asked the applicant to revise the plans to increase the landscaping. He stated there is not a whole lot that could be done without losing a lot of spaces. He noted 2 spaces were removed and landscaping was added in the front left corner. Now the project is 2 spaces short and will need a waiver for design requirements and for 2 parking spaces. The applicant looked at parallel parking but could only get 5.7 spaces. Mr. Eisenhut commented he likes the revised plan.

Mr. Giunta Jr. stated Mr. Tedoldi presented a foundation plan electronically but it has not been reviewed yet. Mr. Eisenhut stated he commends the applicant for doing this. He thinks it is a good plan and he has no issue with a waiver. Ms. Grimes agreed. Ms. McKnight asked if the applicant had a response to the Police Chief's safety concern with the driveway. Bob Tedoldi, applicant, stated the train is loud and the building would shake if it is next to the tracks. If moved, the building would be 5 feet from the tracks. The space mitigates it somewhat. Mr. Alpert asked how far from the crossing the exit is. Mr. Tedoldi stated it is 10 feet, which is far enough to turn out of the drive and get into the lane. Ms. McKnight asked if all drainage issues have been commented on. Ms. Newman stated the drainage is reflected on the plan but has not been commented on yet. She noted the hearing should be continued to the 2/23/16 meeting.

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

VOTED: to continue the hearing to 2/23/16 at 7:15 p.m. for the limited purpose of receiving comments from Engineering on the site plan and basement plan.

Decision: 1001 and 1015 Central Avenue Definitive Subdivision: RRNIR LLC, 20 Beaufort Avenue, Needham, MA, Petitioner (Property located at 1001 and 1015 Central Avenue, Needham, MA).

Ms. McKnight noted an email from Denise DiRocco, dated 1/28/16, with comments that she met with the applicant and is agreeable to the plan. The Board discussed the proposed decision. Mr. Alpert noted on page 5, paragraph 1e), they are regrading not regarding. On page 6, paragraph 5, why is there a specific deed restriction? The last line is unnecessary and should be removed. Paragraph 7 should be removed, paragraph 18 the word "effect" should be "affect" and in paragraph 45, it should refer to 14 and 44 not 45.

Mr. Jacobs noted on the 2nd paragraph, Central Avenue should be capitalized, on page 4, MA should be capitalized and it does not need to be repeated. On page 5, in Section a, b, c, d and e, removed wording after "as shown on the plan." He noted paragraph 13 reads awkwardly. In the 3rd line, after "use" put (a) and after hereof put (b). Ms. McKnight noted on page 5, Sections c and d. In Section c, did the Board consider more than topography such as comments from the Building Inspector. In Section d, should it be the number of homes being served and the extent of traffic on the road, not topography?

Ms. McKnight stated at the last meeting the Board wanted a plan that showed the sidewalk. Off site plantings were discussed. She asked if a plan could be done to show revised plantings. Mr. Eisenhut stated that is not a condition. Cliff London stated he would cooperate as set forth in Ms. DiRocco's email. He noted paragraph 4 refers to sidewalks. It should be walkway to be clearer. In paragraph 5, remove the last sentence and paragraph 7 should be gone. Add reconstruction of Central Avenue sidewalk and off site plantings just discussed.

Ms. McKnight asked, in paragraph 24, what does "bordering London Lane" mean. It should be on site. Ms. Newman stated the intent is to retain trees on site. She will remove "bordering London Lane." Mr. Giunta Jr. noted the last sentence in paragraph 4. This was appropriate for Rockwood but not here. It does not make sense to have a reserve fund set up now. He would like the last sentence removed. This has not generally been done in the past. Ms. Newman stated Rockwood was the first. She does not have an issue deleting this. Ms. Grimes and Mr. Jacobs agreed.

Mr. Giunta Jr. stated paragraph 18 is also from Rockwood and does not apply to this. This has not been done for any other subdivision except Rockwood. Ms. McKnight disagreed with the view that this a cookie cutter subdivision. There is a very steep slope and she wants to make sure the drainage is adequate.

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

VOTED: to approve the definitive subdivision dated 2/9/16 as the Board discussed and with the changes discussed.

Decision: Amendment to Major Project Site Plan Special Permit No. 1993-2: General Dynamics C4 Systems, Inc., 8201 E. McDowell Road, Scottsdale, AZ 85251 and General Dynamics Information Technology, Inc., 3211 Jermantown Road, Fairfax, VA, 22030, Original Petitioners (Property located at 77 A Street, 156 B Street, 189 B Street & 0 A Street, Needham, MA 02494. Special Permit was last amended on November 18, 2014.

Ms. Newman reviewed what the Board had requested at the last meeting. She is satisfied the applicant provided what was asked for.

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

VOTED: to adopt the decision for a Major Project Site Plan Special Permit as amended 2/9/16 and as drafted.

DeMinimus Change: Amendment to Major Project Site Plan Review No. 2011-01: Wingate Senior Living at Needham, Inc., 63 Kendrick Street, Needham, MA 02494. Petitioner (Property located at 235 Gould Street and 0 Gould Street, Needham, MA).

Roy Cramer, representative for the applicant, stated there was a minor modification. The original plan called for an emergency backup generator on the roof. The applicant would like to take the generator off the roof and put it on the ground. A plan has been done and the comments bubbled. The applicants have filed a plan and the specifications of the generator. He noted he has a letter that the generator complies.

Ms. McKnight noted the following correspondence for the record: an email from Police Lt. John Kraemer with no safety concerns; an email from Fire Chief Dennis Condon with no issues and an email from the DPW with no comments or objections.

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

VOTED: to determine the proposed change and location of the generator are minor in nature and deem the change de minimus.

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

VOTED: to grant the requested modification.

Discussion of Permit Conditions: Major Project Site Plan Special Permit No. 2014-06: New Garden, Inc., 250 Chestnut Street, Needham, MA, Petitioner (Property located at 40 Chestnut Place, Needham, MA).

Douglas Stefanov, Architect and representative on behalf of Raymond So, stated there will be precast concrete curbing. He is working with Building Inspector David Roach to define the walkway. It will be on the property. It will be 4 wide feet with a 1:20 slope with handrails. The precast concrete curbing is 6 inches in height. The applicant will infill the walkway if any changes need to be done. Mr. Eisenhut stated it looks good. Ms. Newman noted it is on their property and has to meet ADA requirements which it does. She noted it is a de minimus change.

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

VOTED: to determine the change in the proposed walkway on the property is de minimus.

A motion was made to grant the modification as requested. Ms. Grimes stated she does not feel the applicant needed to do this to begin with.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by four of the five members present (Ms. Grimes voted in the negative):

VOTED: to grant the modification as requested.

Ms. Newman asked Mr. Stefanov the status of the sub surface drainage systems. Mr. Stefanov stated the soil is great and easy to dig. They are scheduled to have PVC pipe protected by a manhole cover. This is an inspection port for the dry well. Ms. Newman asked when it would be installed. Mr. Stefanov stated he is not sure who will be doing it. He will provide the information.

Request to Release Lots for Foundation Permits: 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 stated she needs authorization for release of lots for foundation permits only.

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

VOTED: to authorize the release of lots for foundation permits only.

Request for Parking Determination: Major Project Site Plan Review No. 2010-03: F & A Farms, Inc. d/b/a Volante Farms, 226 Brookside Road, Needham, MA, 02492, Petitioner (Property located at 292 Forest Street, Needham, MA).

Ms. Newman stated there has been no recommendation from Engineering. This will be done on 2/23/16.

Minutes

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

VOTED: to approve the minutes of 12/15/15.

Report from Planning Director and Board members.

Ms. Grimes noted the correspondence from EBI Consulting regarding towers. She asked if they have a right to do this. Mr. Eisenhut stated the Board has researched this issue with billboards and, yes, they can do it. Mr. Alpert

asked the purpose of the pole. Mr. Eisenhut stated it is for a communication device. Ms. Newman will send a letter to the Selectmen with the Board's concerns. Ms. McKnight requested Ms. Newman communicate with members of the Transportation Committee to look at it.

Mr. Eisenhut stated Town Hall is historic. The effect on this historic building could be a point of concern. He requested the Planning Director ask the Historic Commission advise what properties would be affected. It could be the School Administration Building. Ms. Grimes commented it was best to leave it to the Historic Commission but point out what the historic locations in the area are.

Mr. Eisenhut stated there is a larger issue. He feels the Needham Center station might be on the chopping block like Ruggles Station. He stated the town should try to get commuter parking back in the center. Ms. McKnight does not share Mr. Eisenhut's view that eliminating commuter parking was bad. It opens parking up for people who want to go shopping.

Ms. Newman noted the Large House Study Committee delayed their meeting on Monday but are moving along. Ms. McKnight noted the Friday Forum of the League of Women Voters is this Friday morning. The discussion will be on "The Teardown Next Door." Ms. Grimes commented she has been bombarded by Selectmen in the last week and a half. The Selectmen will not assist with zoning regarding the Large House Committee. She thinks it is a mistake. There is momentum. She does not think the Committee has an idea yet of where they are going. Mr. Jacobs stated the Selectmen's reluctance to move forward is disheartening to members of the Committee who have worked so hard. Ms. Grimes stated she has made that clear. The architects have put in so much time doing plans. That has taken a huge amount of time.

Mr. Alpert stated he has talked with Selectman John Bulian. He said he did not want to do this rezoning in the fall as he only wanted one night for Town Meeting. Ms. Grimes stated it is a mistake to not move it forward. They need to let Town Meeting make the decision. Ms. Newman commented the Board needs to have community meetings and see if there is a positive sentiment.

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

VOTED: to adjourn the meeting at 9:22 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Elizabeth Grimes, Vice-Chairman and Clerk