NEEDHAM PLANNING BOARD MINUTES

February 28, 2017

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Elizabeth Grimes, Chairman, on Tuesday, February 28, 2017, at 7:03 p.m. with Messrs. Jacobs and Owens and Ms. McKnight, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Correspondence

Ms. Grimes noted there was no correspondence.

Request for off-street drainage bond agreement and release of Lot 3 (Land Court Lot 49). Meadow Woods Definitive Subdivision.

Ms. Newman noted this subdivision was approved in the late 1990s. This is the remaining lot in the subdivision. The applicant started construction without a permit and the Building Inspector stopped him. The off-street drainage bond has been set at $4,000 and the applicant is requesting a release of the lot. This will allow for building and conveyance of the lot. Ms. McKnight noted there were some typos on the agreement. The owner is one woman which is singular. It is not he and not owner(s).

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to approve the request for an off-street drainage bond as modified and release of Lot 3.

Review and Discussion of Citizen's Petition on Food Trucks.

Ms. Grimes noted the following correspondence for the record: a letter from Devra Bailin, staff to Council of Economic Advisors (CEA), to the Board of Selectmen, dated 2/24/16, regarding concern and opposition to the food truck petition. The petition is going again to Town Meeting but it is modified. There are changes to authorize the following locations: adjacent to Green's Field, by Second Avenue across from Charles River Landing, by First Avenue across the street from 40 A Street and Cabot Place and reducing the fees from $1,000 to $250.

Mr. Jacobs stated in the Article Information section point 2 reduces the restriction from 200 feet to 100 feet. The front section says 50 feet. Ms. Grimes noted the Board of Selectmen wanted the Planning Board to look at this because it is zoning related. She feels the Board of Selectmen are not in favor. Mr. Jacobs commented neither is the CEA. He is a member of the CEA and would not vote for this. Ms. McKnight noted that food trucks are presently not regulated by By-Law. She stated this article is poorly worded. It does not say a permit is required from the Board of Selectmen. It implies it but does not say it specifically. It does not say how long the Selectmen have to act on the application. She always likes when the Selectmen work with people to get articles in a good form. This is very unclear. She asked who decides a safe right-of-way.

Ms. McKnight stated she wants to say she is opposed to this By-Law. She does not feel it is Town Meeting's role to determine where food trucks are allowed. That is the role of the Selectmen. Ms. Grimes stated she is opposed as well but knows the difficulties brick and mortar restaurants have. She feels the Planning Board should get back to the Board of Selectmen and let them know this Board will be looking at zoning. Ms. Newman will check and see what exactly the Selectmen want. She will let them know of Ms. McKnight's concerns.

Request to authorize Permanent Occupancy Permit and Release of Surety: Amendment to Major Project Site Plan Special Permit No. 1991-3: North Hill Needham, Inc. (formerly known as Living Care Villages of Massachusetts, Inc.), 865 Central Avenue, Needham, MA 02492, Petitioner (Property located at 865 Central Avenue, Needham, MA).

Ms. Grimes noted the following correspondence for the record: a letter from Attorney Roy Cramer dated 2/14/17; an As-Built certification by Engineering and As-Built parking plans; a bond agreement and a letter from Assistant Town Engineer Thomas Ryder, dated 2/23/17, with no comments or objections.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to authorize a permanent Certificate of Occupancy and release the surety.

Minutes

Ms. McKnight noted on the bottom of the first page "could" should be struck.

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 12/6/16 with the one change.

The Board members passed in the changes for the other minutes.

Board of Appeals – March 16, 2017.

Welocke Development Corporation – 40 Ardmore Road.

Ms. Newman noted she asked for additional information and photos for elevations.

Upon a motion made by Mr. Owens, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: "No comment."

Elite Home Builders, LLC – 15 Pleasant Street.

Ms. Newman stated the applicant wants to add a third garage bay. Ms. Grimes stated it is confusing. Ms. Newman asked for elevations.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: "No comment."

Westview Partners, LLC – 7 Trout Pond Lane.

Ms. Newman stated the applicant wants to replace a 3 family with a 2 family. She asked why it does not trigger the new construction dimensional requirements. It does not meet the lot coverage requirement for new construction which is 25%. Ms. McKnight commented there are a lot of problems with this. It maybe fits in Section 1.4.6 regarding reconstruction but not in Attorney Robert Smart's suggestion of Section 1.4.7. She does not feel Section 1.4.7 applies. She asked if this is a prior non-conforming structure. Over decades conveyances of land made the lot smaller. She feels it is not pre-existing, non-conforming due to all the conveyances. Section 6.1.2, to allow 2 garages per unit, allows one additional garage space per property.

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

VOTED: to comment that the applicant does not appear to be properly before the Board requesting the relief he seeks for all the reasons Ms. McKnight laid out. Also Section 5.1.2 does not allow what Attorney Smart claims it allows.

Report from Planning Director and Board members.

Ms. Newman noted the meeting notice for the Large House zoning public hearing has gone out. She met last week with Marc Gluesing to discuss drawings for the meeting next week. She is preparing handouts for the articles. Ms. Grimes stated Roy Cramer sent 2 questions this evening Mr. Jacobs noted in the write up explaining the articles Ms. Newman should consider starting with basic question and answer of why this is being done. Ms. Newman stated she was going to do a separate piece of how the town got here and the specifics of what each article does. Mr. Jacobs stated it should be basic at the beginning such as what are we trying to do. It should speak focus and not large versus small. Ms. Newman will prepare a draft and send it out for comments.

Mr. Owens echoed Mr. Jacobs comments. Most do not understand what FAR is. The technical concept the Board members take for granted. Mr. Jacobs feels a lot do not know what zoning it. It needs to be very basic. What it is and what the Board is authorized to do by law. Ms. Grimes noted Mr. Cramer's questions. The first is a clarification of Article 1. She asked if there are any substantive changes. Ms. Newman noted it was a formatting change only. Ms. Grimes stated Mr. Cramer's second question was on Article 3 for a height clarification. Is this applicable to all districts or in previous drafts it was specifically only a couple of zones -- SRB and GR Districts. Ms. Newman notes she will have to go back and check on that language.

Ms. McKnight commented it was unfortunate the Board gave an incorrect answer at the Large House meeting as to applicability of FAR in the General Residence District and it is in the minutes. We need to clarify this somehow. Mr. Owens stated if the purpose of the hearing is to hear, he does not think it is all about presentations. The Board should just let people talk. He feels the presentation should be brief. He does not feel the Board needs to answer every question on the fly. The Board should bring the questions back and consider them. It is dangerous to answer on the fly in the meeting. Ms. McKnight stated if the members say they cannot answer they will appear unprepared.

Mr. Owens stated he feels the Board members need to answer the obvious questions but need to be careful with the technical questions. The less said the better. The purpose of the hearing is to listen. There should be brief, high level presentations. Town Meetings questions the Board needs to answer are: is there a problem, what is the problem and can the problems be fixed with zoning. He feels they need to be very cautious how they approach it. Mr. Jacobs suggested 6 pictures of what they do not want be put up as an example of what is to be avoided and that the committee has identified as issues.

Mr. Owens stated he agrees with Mr. Jacobs. The Board needs to find a way to explain the purpose of zoning which he feels is to enhance and protect everyone's property values. Mr. Jacobs stated he would start with generic issues such as what is zoning for. Most will not want to focus on the detail. The Board should try to keep the focus on what they are trying to do. Mr. Owens stated it is a good reason to do more listening that talking at the public hearing.

Ms. McKnight stated if the Board is asked specific questions they need to answer right then or it looks like we do not know what we are doing. She believes there should be no response to comments made. Those will need to be discussed at another meeting. She feels Marc Gluesing will be good at explaining certain things as he has an expertise. Ms. Newman asked what happens after the 3/9/17 public hearing. Mr. Owens commented the Board needs to be on the same page with the Town Moderator. He does not like amendments to articles. He feels there should be a meeting with the Town Moderator.

Ms. McKnight noted the Board should not adjourn its meeting immediately before Town Meeting. It should be kept open so if questions come up during Town Meeting they can be discussed by the Board. Mr. Owens feels there should be at least 2 question and answer sessions for Town Meeting members. Ms. Grimes will ask Mr. Gluesing to help with the technical issues. Mr. Gluesing stated the overview should be given as a handout, then explain article by article. They need to see if covered porches are an element the Board wants to allow if the front setback is not changing.

Ms. Grimes stated the hospital will move forward with plans for a new building in back. The hospital had a meeting with the neighborhood a couple of weeks ago and will come in for an informal meeting. She does not feel the abutters need notice of informal meetings. Ms. Newman disagreed. The hospital decided not to come informally if the abutters are notified as they have already spent 2 hours listening to the abutters. Ms. Grimes feels the Board should develop a policy on how these should be handled. Ms. Grimes stated she does not feel the Board should have informal hearings where abutters cannot be heard and then a public hearing with the same information. She feels there should be a balance. Mr. Owens asked if was possible for the abutters to sign up for automatic agendas on the town website.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 8:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk