NEEDHAM PLANNING BOARD MINUTES

April 12, 2017

The regular meeting of the Planning Board held in Powers Hall, Needham Town Hall, was called to order by Elizabeth Grimes, Chairman, on Wednesday, April 12, 2017, at 7:00 p.m. with Messrs. Jacobs, Owens and Alpert and Ms. McKnight, as well as Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Request to authorize the issuance of the Temporary Certificate of Occupancy and establish a surety: 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).

David Feldman, of Wingate Development, stated they are requesting a temporary Certificate of Occupancy for 235 Gould Street. A portion of the landscape is not complete but it will be done by Friday. Residents want to move in. The applicant will post surety, submit a final As-Built, updated certificate and request for a permanent Certificate of Occupancy. Mr. Jacobs stated the bond agreement needs information. Ms. Clee noted there will be a letter from Assistant Town Engineer Thomas Ryder with a dollar amount at 135%. Ms. Clee will insert the information. Mr. Feldman stated he has submitted an estimate of the remaining work. Mr. Jacobs asked how many residents are moving in. Mr. Feldman stated 18 and the facility is about 50% filled.

A motion was made to authorize the issuance of a temporary Certificate of Occupancy for Wingate on Gould Street provided a bond agreement is entered into with a bond amount to be determined by the Town Engineer with an inclusion of a 35% factor on estimated work. Mr. Jacobs asked how long the temporary would be good for. Ms. Clee suggested through the end of June to give the applicant a cushion.

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

VOTED: to authorize the issuance of a temporary Certificate of Occupancy for Wingate on Gould Street provided a bond agreement is entered into with a bond amount to be determined by the Town Engineer with an inclusion of a 35% factor on estimated work and the temporary Certificate of Occupancy to be effective through 6/30/17.

Public Hearing:

7:15 p.m. – Amendment to Major Project Site Plan Special Permit No. 2009-06: Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1471 Highland Avenue, Needham, MA).

Jeff Friedman, of the Needham Farmer's Market, stated he is requesting a special permit for a new location at Garrity Way. There are unused parking spaces in front of Town Hall on Sunday afternoon. The market will be open 5/28/17 through 9/19/17 from 12:00 p.m. to 4:00 p.m. There will be 2 hours before to set up and 2 hours after to break down. The current location for the last 3 years has poor visibility. The market has lost many customers and vendors. He noted Garrity Way is in the center of the town. Many come to the downtown area on weekends but not much on Sundays. Garrity Way is not used on Sundays and Town Hall is closed.

Mr. Friedman stated there are 3 large public parking lots nearby. He noted foot traffic will increase and there will be a boost in business. He stated many support the new location. The Needham Business Association and the Newton Needham Chamber of Commerce both support the Farmer's Market. Tom Gehman, of the Needham Farmer's Market, stated there will be 2 farmers with one at each end. Vendors will occupy a single tent. This location will accommodate the market in its present size and can grow. The market has 8 or 9 vendors but could accommodate 18. There are 5 parking spots on the side of Town Hall to control during the set up and take down. The applicant will use orange cones and caution tape to control the area.

Ms. Grimes noted the following correspondence for the record: a letter from Fire Chief Dennis Condon with no issues with comments; a letter from Police Chief John Schlittler, dated 4/7/17, noting no street parking on Highland and Chapel with comments; an email from Tom Gehman, dated 4/11/17, noting caution tape will be used to block out areas; an email from Chief John Schlittler clarifying his comments on parking spaces; a license agreement; a letter from Police Lt. John Kraemer, dated 4/5/17, noting no safety concerns; a letter from Jeff Friedman, dated 4/7/17, with copies of letters sent to the Board of Selectmen in support of the new location. The packet included copies from: the Congregational Church; the Green Congregational Committee of the First Parish Church; Christ Episcopal Church; Center Café; The Closet Exchange; the Needham Community Council; Resident Donna DeMaria; the Needham Business Association; Plugged In and Resident Joseph Leghorn.

Ms. Clee noted there was nothing from Engineering. Mr. Jacobs asked what the vendors would have. Mr. Gehman noted there will be 2 farmers with vegetables and fruit, fish, meat, Italian items with pasta and sauces, a baker and rotating maple farms, a nut vendor, farm-made cosmetics, like soap and lotion, and a book vendor. The applicants are going after a cheese vendor. Mr. Jacobs noted the definition of farmer's markets and stated all is within the definition in the By-Law except he is not sure about books. This is not a flea market.

Ms. McKnight noted the Special Permit was not among the materials given. She recalls this issue and thinks there is something in the permit that lists the vendors. The maximum number of vendors cannot exceed 8. Mr. Friedman stated the license agreement with First Parish listed the number of vendors. It was dependent upon the space there. The word "predominantly" was added for leeway. Vendors were increased to 25. Mr. Jacobs noted the market can have up to 5 booths and tables for others. Section 3.8 says at least 80% of vendors will sell fresh food products. He thinks the letters of support are misunderstanding where it is going to be. All the letters state the Town Common.

Ms. McKnight asked the applicant to clarify the parking arrangements. The 5 spaces along Town Hall are public spaces. Others may park there. Mr. Gehman stated yes, they are aware of that. Mr. Friedman stated farmers markets are very popular in Massachusetts. The average time for shopping is 15 minutes. Ms. McKnight asked about the use of bathrooms. Mr. Gehman stated Center Café closes at 3:00 p.m. but allows the use of bathrooms for vendors. It stays open for vendors.

Mr. Jacobs asked if there will be a police detail and was informed there will not be. Mr. Jacobs stated his only concern is the farmers and vendors on the ends near the streets with families and kids. Ms. McKnight stated 25 vendors seem too much for this site. Ms. Grimes asked if Mr. Gehman was comfortable with his sketch being referenced.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to close the hearing.

Mr. Friedman requested the application fee be waived. A motion was made and seconded to waive the $1,000 application fee. Mr. Alpert noted $1,000 was a lot of money for a non-profit. Ms. McKnight stated she would vote for it because there is no building involved. Mr. Alpert noted there is a provision in the By-Law to waive fees. Mr. Jacobs stated he would waive a portion of the fee as there is minimal impact.

Upon a motion made by Mr. Alpert, and seconded by Mr. Owens to waive the $1,000 fee, it was nvoted in the affirmative by only two of the five members present (Mr. Alpert, Ms. Grimes and Mr. Jacobs voted in the negative). The motion did not pass.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by four of the five members present (Ms. Grimes voted in the negative):
VOTED: to waive $500 of the application fee.

Discuss draft Open Space and Recreation Plan.

Ms. McKnight commented she meant to suggest the draft of the Open Space and Recreation Plan be mailed out again. She did not bring hers. She noted there were 6 meetings of the Advisory Group but she was only able to go to 2 of the meetings. Mr. Alpert made it to one meeting. Ms. McKnight stated she kept up with the emails and comments and was engaged. The Open Space Plan will need to be approved by the Board at some point in the final form. She would not want to make a lot of changes at that point. If there are any concerns the Board members should let her know and she will bring them up.

Mr. Jacobs asked if the Planning Board was going to approve only what the Planning Board needs to do or the whole Plan. Ms. McKnight stated the state wants certain boards to sign off on the plans. Ms. Grimes asked for the timeline. Ms. McKnight thinks it is June. Ms. Clee will put it on the 5/23/17 agenda.

Minutes

Ms. McKnight noted on the 1/24/17 minutes, page 4, "not" should be "no" and on page 5, 2nd paragraph, "Board" should not be capitalized.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: to approve the minutes of 1/24/17 with the changes discussed.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: to approve the minutes of 2/7/17.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: to approve the minutes of 2/28/17.

Board of Appeals – April 27. 2017.

Westview Partners LLC – 7 Trout Pond Lane.

This hearing is continued.

The Tobin School d/b/a Tobin Afterschool – 1458 Great Plain Avenue.

Ms. Clee noted this is an increase in enrollment.

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

John and Kelly Faggiano, Brian and Kim Torrisi, Jane Fogg and Daniel Schleifer, and Michael and Karen Fondo, Abutters – 19 Parkinson Road.

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

Hillcrest Development, Inc. – 634 Webster Street.

Mr. Alpert noted the plan says Webster Street, Wellesley. Ms. McKnight commented she likes the old fashioned separate garage. She feels this is a nice design.

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

Discuss Town Meeting presentations.

Mr. Owens and Ms. Grimes met with Town Moderator Michael Fee on Tuesday to come up with a strategy for presenting the Zoning By-Law Amendment articles. Town Manager Kate Fitzpatrick, Selectmen Matt Borrelli and Marianne Cooley were there. It was agreed to give a complete overall presentation of all the articles on the second night. It was made clear the Planning Board could do that and it was agreed it was a good idea. Any amendments would need to be discussed with the Planning Board. The Town Moderator is researching these procedural questions. Mr. Owens suggested if someone proposed an amendment there will be a vote immediately after the discussion.

Mr. Alpert suggested a plan b if someone calls for an amendment. The Town Moderator could call on one of the Planning Board members who would make a motion to refer. Ms. Grimes stated these decisions would need to be made as a Board before Town Meeting. Mr. Alpert stated the Board could make an announcement at the beginning of the article. Ms. Grimes stated the Board needs to be prepared with a contingency plan. She feels the General Residence should be pulled. There will need to be a response as to why the Planning Board does not want that as an amendment. That was the Town Moderator's suggestion. Also, there may not be support for the side setback increase. The Board will need an answer for that and must be prepared with a quick response.

Ms. McKnight reviewed a handout she had prepared regarding existing and proposed relief mechanisms. Mr. Jacobs suggested the Board tell people this was prepared to show why their concerns are probably unfounded. Mr. Owens noted he and Ms. Newman met with the Finance Committee last week and went through the estimated fiscal impact. Mr. Owens stated the question of the fiscal impact on the town budget is very difficult to quantify. He noted property values have no impact on the town's revenue. The town sets the tax rate at the rate necessary to achieve the maximum tax levy allowed by law. This year's tax levy is last year's tax levy plus the 2.5%.

Mr. Owens discussed new growth. New growth includes everything --all additions, bathroom remodels -- every time you pull a permit. The Finance Committee cannot oppose this as a revenue killer. At the end, the Planning Board was thinking the Finance Committee would vote to take no position on the zoning articles. Most of the Finance Committee members felt there was no financial impact. Basically, the Finance Committee thought they would like to say it will have some negative impact on some homeowners.

Report from Planning Director and Board members.

Ms. Clee noted the following correspondence for the record: a letter from the Planning Board, dated 4/3/17, regarding 50 Dedham Avenue; a letter from Robert Smart, dated 3/16/17, regarding the Fine Art use at 50 Dedham Avenue; a letter from Robert Smart, dated 3/16/17, requesting a change to the zoning for 50 Dedham Avenue; and a Citizen's Petition Zoning Article filed for a Veterinary Office/Boarding, which will be discussed at the next hearing and will be on the 5/8/17 Special Town Meeting. She noted there will be 3 hearings on 4/25/17.

The League of Women Voter's warrant meeting is 4/24/17. The Board members discussed the Precincts each will represent at the League of Women Voters warrant meeting.

Ms. McKnight noted she attended the Massachusetts Committee on Legal Education Seminar on Monday. She thought it would be covering recreational marijuana but it was mostly about medical marijuana. She felt it was nevertheless very helpful. She noted it was said that the Attorney General would likely approve a one year moratorium as to recreational marijuana. The Needham Planning Board is asking for a year and a half. The Board will need to think about this.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 9:12 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk