

NEEDHAM PLANNING BOARD MINUTES

May 10, 2017

The regular meeting of the Planning Board held in the Highland Room, Needham Town Hall, was called to order by Martin Jacobs, Chairman, on Wednesday, May 10, 2017, at 6:45 p.m. with Messrs. Alpert and Owens and Ms. McKnight, as well as Planning Director, Ms. Newman.

Correspondence

There was no correspondence.

Decision: Cartwright Road Definitive Subdivision: Mary Stare Wilkinson and Bradley Wilkinson, 260 & 267 Cartwright Road, Needham, MA, Petitioner (Property located at 260 and 267 Cartwright Road, Needham, Norfolk County, MA, Assessors Plan No. 218 as Parcel 1).

Mr. Jacobs noted a draft decision was circulated today. He asked if Attorney Roy Cramer has had a chance to review and if he had any comments. Mr. Cramer stated he had reviewed and does have comments. On page 1, it is Bradford Wilkinson, not Bradley. On page 2, the paragraph that begins "If applicable..", last sentence, should be "general area" not "exact." Ms. McKnight noted where it says "will provide an extension to Cartwright Road" she would like it known that Cartwright is itself a private way. It should say "Cartwright Road, a private way."

Mr. Cramer noted on page 4, on the paving width, it should be gravel and not pave. In paragraph c, he suggests crossing out XX distance. Mr. Jacobs noted paragraph d, 3rd line, "all" should be changed to "the" before "subdivision." All agreed. Ms. McKnight noted on page 4, paragraph b, it says 16 foot wide gravel roadway as shown on the plan. She wants to look at the plan again to see the width of the roadway. Ms. Newman stated it is 16 feet. Ms. McKnight stated from the lot line to the paved part of the road it is not sufficient if the width is not 16 feet. Mr. Cramer stated that is Cartwright Road. The applicant does not have a right to change that. Mr. Alpert stated the right of access does not give the right to do construction. Ms. McKnight commented it absolutely does. If you have an easement you have the right to construct and put in utilities.

Mr. Cramer noted that is outside the scope of the project. The Fire Department had no issue with it and the abutters do not want it widened. He does not feel the Planning Board can put that on this applicant. Mr. Jacobs noted the Fire Department is ok with this. He asked if Ms. McKnight was concerned even though the Fire Department is ok with it. Mr. Cramer stated 2 houses have already been developed. This is not a normal subdivision. The applicant is tearing down one house and building another house.

Ms. McKnight stated the Board needs to justify the grant of waiver. The Fire Department letter is not noted. She wants it clear the Fire Department letter says there is adequate access. Ms. Newman will add something referring to the Fire Department letter. Ms. McKnight asked if there was any recommendation letter regarding water and electric lines from Wellesley. Ms. Newman noted there was. Ms. McKnight commented those letters should be referenced where they belong in paragraphs d and e and the fire letter in paragraph b.

Mr. Cramer noted page 5, paragraph 3, says single family residential use or lot owner, lot occupied single owner and should also say "other uses allowed by right or by special permit in the zoning district in which the property is located". Ms. Newman noted the Board generally restricts the use because of all of the waivers that are being granted, for example the access standards have been reduced. Mr. Alpert stated this goes to the waiver of the street construction requirements. If you are going to have uses other than single family residential, the Board may require the road be widened or the road may be paved. Paragraph 3 goes to the waiver of the street requirements. Ms. McKnight stated page 5, g, should refer to the Fire Chief letter.

Ms. McKnight noted granite bounds should be set. Ms. Newman will note "the Plan needs to indicate the bounds should be set on the ground and shown on the plan." Ms. McKnight stated "Private Way" should be capitalized in

g. She asked what is referred to by the capitalized term "Private Way." Mr. Cramer noted it is the extension of Cartwright Road on the applicant's property. Ms. McKnight stated the applicant should maintain all of Cartwright Road. Mr. Alpert commented the Board cannot put that expense on these 2 owners. It is not our place as the Planning Board to put that kind of expense on the homeowners. Mr. Cramer noted on page 5, each and every lot owner would be jointly responsible to do things. He does not think on top of that a Homeowner's Trust Agreement is necessary for 2 people. He feels it is an unnecessary expense. Mr. Jacobs asked why the Board would do that. Ms. Newman stated it has always been done and no one has questioned it. Mr. Jacobs stated he agrees with Mr. Cramer that it is in an unnecessary complication. Ms. McKnight stated she agrees also.

Mr. Cramer noted page 6, paragraph 4, says "snow plowing to a public way" but it should be to "Cartwright Road." All agreed. In paragraphs 5 and 6, Homeowner's Trust Agreement should be taken out. He stated paragraphs 7, 8, 9 and 10 should have "Trustees of the Homeowner's Trust Agreement" taken out. Page 7, paragraph 14 is a repeat of paragraph 13. Ms. Newman will delete it. Mr. Cramer noted paragraph 13 should be the longest period permitted by law but not in perpetuity. Ms. McKnight suggested the longest term enforceable by law is reasonable. Mr. Cramer noted that was fine. Mr. Alpert noted "in perpetuity or for a stated term of the longest stated term enforceable by law." Ms. McKnight stated "covenant in perpetuity or the longest period enforceable by law." Ms. Jacobs commented Ms. McKnight wants "enforceable" rather than "permitted."

Mr. Jacobs noted in paragraph 12 the language needs to be worked on. Mr. Alpert suggested moving the phrase "any configuration." Mr. Jacobs noted "a" should be moved to the next line between "include" and "transfer." All agreed. Mr. Cramer noted page 7, take out "public notice and hearing" and put in "following such notice and hearing, if any, as the Planning Board may require." All agreed.

Ms. McKnight stated "Private Way" is capitalized but not defined. Page 4, subsection b, says "showing a 16 foot gravel roadway." "Private way" should be added. All agreed. Mr. Cramer stated on page 8, paragraph 19, he does not think the Town can impose restrictions as to removal of trees. There is no Tree By-Law yet. He feels this should be taken out until there is a By-Law. In paragraph 21, there is a separate bond for the Board of Health. He does not feel it is necessary. The applicant is demolishing one house and building one house. He does not feel this is necessary with this development. Mr. Alpert stated the Board could add at the beginning of the paragraph "unless waived by the Board of Health in writing" since this is a Board of Health requirement. Ms. Newman noted Tim McDonald, of the Board of Health, felt it should be left in. The Board of Health has decided not to change their recommendation.

Ms. McKnight noted paragraph 29, should say "no construction parking on Cartwright or on any public streets or private way." All agreed. Mr. Cramer noted paragraph 33. He stated if the Board does not like it would be rescinded. He feels it should say "unless the applicant requests an extension." Ms. Newman will add language. Mr. Cramer noted paragraph 35 should have Home Owners Trust taken out.

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

VOTED: to approve the decision as modified.

Board of Appeals – May 18, 2017

Robert and Kathleen Trabucco – 120 Jarvis Circle

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

VOTED: "No comment."

RRNIR, LLC, Owner – 5 Sunrise Terrace

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

VOTED: "No comment."

Matthew Stutz, Owner – 83 Rolling Lane

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

VOTED: "No comment."

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

VOTED: to authorize the Planning Director to release the surety for Wingate Senior Living Care.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Paul Alpert, Vice-Chairman and Clerk