

## NEEDHAM PLANNING BOARD MINUTES

April 24, 2018

The regular meeting of the Planning Board held in The Highland Room, Needham Town Hall, was called to order by Ted Owens, Chairman, on Tuesday, April 24, 2018, at 7:30 p.m. with Messrs. Alpert and Jacobs and Ms. Grimes, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski. Ms. McKnight arrived at 7:40 p.m.

### **ANR Plan – Briarwood Realty Trust, Andrew Jepsky, Trustee, Muneki Hirayama and Takako Hirayama, Petitioners (Property located at 30 Lakin Street and abutting Parcel A, Needham, MA).**

Paul Beaulieu, of Field Resources, noted this is a small portion of land. The applicant is purchasing the lot at 30 Lake Street and subdividing into 2 buildable lots. Both lots are conforming. The existing house complies with current zoning regulations. Ms. Newman stated she has reviewed this and is fine with it.

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

VOTED: to approve ANR.

### **Board of Appeals – April 26, 2018.**

#### **Oakcrest Builders LLC – 30 School Street**

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

VOTED: "No comment."

#### **Catalyst Development LLC – 23 Grasmere Road.**

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

VOTED: "No comment."

#### **Allen Douglass and Christine Lachkey – 238 Highland Avenue.**

Mr. Owens noted this is a new Montessori School. He commented that, as Highland Avenue gets widened, there is private parking now on the public way that will not be there. The applicant should be made aware that any additional parking cannot be on the town owned right of way. Ms. Grimes stated she would look to the same implementation as when the Temple moved the preschool. The parents could be asked to not get out of their vehicles.

#### **2076 Dorchester Avenue LLC – 175 Hillside Avenue.**

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

VOTED: "No comment."

#### **Westview Partners, LLC – 7 Trout Pond Lane.**

This case was continued.

Mr. Owens noted the Board would take a 10 minute recess until Ms. McKnight arrives. Ms. McKnight arrived at 7:40 p.m.

**De Minimus Change: 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, President of the Farmer's Market, stated this is a deminimus change to allow Chestnut Farms to park on Garrity Way. It was noted this vendor works at many other farmer's markets. The meat is frozen and kept in the truck. The truck engine is not running but has a converter that will keep the meat frozen. The applicant would like permission for Chestnut Farms to drive onto the market, park and shut off, then drive off at the end.

With the layout of Garrity Way with the cutouts, the Market would like to park the truck on the Highland Avenue side cutout. There is room for the truck and other vendors. Set up is 10:00 a.m. to noon and breakdown is 4:00 p.m. to 6:00 p.m. Mr. Owens noted a letter from the DPW with no comments. Ms. McKnight wants to make sure the truck will not have the engine running. Mr. Friedman assured the truck will not be running.

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

VOTED: to accept the application as a deminimus change.

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

VOTED: to accept the request as presented.

Mr. Friedman requested a waiver of the fee. He noted he made the same request a couple of years ago. Ms. Grimes stated she was against it then and is still against it. Mr. Alpert asked who would pay the fee – the Farmer's Market or the vendors. Mr. Friedman stated the Farmer's Market would pay. The license and permit are the responsibility of the Market. Mr. Alpert stated he is opposed to waiving the fee. He feels the cost should be passed to the vendors. Ms. McKnight stated she would vote in favor of waiving the fee. This is a combination of non-profit and serves the town as a whole. It is also a very simple request. This does not require a lot of time. Ms. McKnight made a motion to waive \$250 of the fee. There was no second so the motion did not pass.

**DeMinimus Change: Major Project Site Plan Special Permit No. 2015-05: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 77 A Street, 156 B Street, 189 B Street & 0 A Street, Needham, MA 02494).**

Roy Cramer, representative for the applicant, stated this is Center 128 East and the 156 B Street portion with the 128 unit hotel. There will be 19,000 square feet of retail use. The new hotel wants a small site change. The building is being moved by 10 feet. This does not affect zoning or parking. Glen Dougherty, of Tetra Tech, stated he met with the Town Engineer. There is a slight increase in impervious surface with 1,150 square feet mitigated. There will be 1,246 square feet of permeable pavers introduced instead of concrete. Mr. Cramer noted he has gone to the Design Review Board (DRB) who approved and there were no comments from the DPW or Fire. The Board of Health had comments if there was to be food.

Harry Wheeler, of Group One Inc., stated the 19,000 square feet of retail is the same. There will be a 10 foot, 6 inch, one story addition for lobby space. There will be a small indoor pool. The dimensional shape of the bar has changed slightly. There will be 13 foot wide rooms instead of 28 foot wide rooms. The building is being reduced by one story in height. It will not be an extended stay any more. Mr. Wheeler described the building changes. The façade has been upgraded with brick and masonry. There will be darker brick with a lighter band. The applicant feels this will be more cohesive.

Mr. Owens noted the following correspondence for the record: a memo from the Department of Health with no new comments; a memo from the Town Engineer with no comments and a memo from the Fire Chief with no comments. Mr. Alpert asked if there was a change in the number of rooms or the number of employees. There will be no change. Mr. Cramer stated there is no change in the function space.

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

VOTED: to accept this as a de minimus change.

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

VOTED: to approve the de minimus change and incorporate the changes into the decision.

The decision will be signed at the next meeting.

### **Discussion of Zoning for the May Annual and Special Town Meeting.**

Mr. Owens stated he sat with the Board of Selectmen and explained the changes to the Business District and the setback from Route 128. The Selectmen had no issues. They then spoke about marijuana. There seems to be a diversity of opinion. He believes the Selectmen will vote on the General By-Law first and Zoning By-Law Amendment second. He thinks the Articles will be discussed together and then voted on separately. Ms. Grimes commented she is not sure it is a big deal to take them out of order. Ms. McKnight agreed.

Mr. Alpert stated most towns voted in the affirmative on both a general and zoning by-law or on just the zoning. Whitman just had a general by-law article and it was approved. Weston had both a general and a zoning article. The general passed but the zoning failed. All the rest were zoning by-laws or both. It is as of right now and his position has not changed. He feels this is a matter for a full discussion by Town Meeting and he is not in favor of pulling the Article now. Ms. Newman stated the Selectmen have set a meeting for 5/3/18 at 8:00 p.m. to discuss this. Ms. Grimes stated she is not available.

Ms. Grimes asked why this meeting was necessary. The Planning Board has the right to move articles forward. She stated if other members want to listen to the Selectmen that is fine. Ms. McKnight agrees she wants to put the zoning article in front of Town Meeting. Mr. Alpert is in favor of discussion with the Selectmen so as not to have it on the floor of Town Meeting. Mr. Owens stated he is willing to meet as long as there is a real purpose to the meeting. He asked Ms. Newman to please pass that along to the Selectmen.

Mr. Owens stated, for the Special Town Meeting, the Board should ask the Selectmen to reopen the warrant for the Special and put both Chestnut Street Articles back on. The Planning Board will have a public hearing on 5/1/18. He feels his explanation for the warrant is sufficient and feels it would be acceptable to the Selectmen. Mr. Alpert and Ms. McKnight agree it is not sufficient. Mr. Alpert does not feel they are ready to go forward with the Articles but a hearing has been noticed. Ms. Grimes suggested saying "The proposal is as follows" and adding bullet points. Mr. Alpert suggested starting with "The Planning Board seeks to rezone the Chestnut Street Overlay District." and take out the last sentence. Ms. Grimes noted it should be continued with "This proposal seeks to do the following:" and add Ms. Newman's points.

The Board drafted the explanation of the Warrant article for publication in the Special Town Meeting Warrant.

### **Minutes**

Ms. McKnight noted there were 2 changes on the 10/24/17 minutes. At the bottom of page 2 a ( was mistyped and on page 4 the word "poor" is spelled wrong.

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

VOTED: to approve the minutes of 10/24/17 with changes.

Ms. McKnight submitted her changes for the 2/13/18 and 3/8/18 minutes.

### **Correspondence**

Mr. Owens noted a letter to Selectman John Bulian from Ms. McKnight regarding state regulation of marijuana taxation. Ms. Grimes noted the town tax is 3%. Ms. McKnight stated the local Town Meeting will vote the tax. She thought she read it was 2½%. Ms. Grimes asked if the licensing fees were just for the state and was informed yes. Mr. Alpert noted there was an impact fee up to an additional 3% for 5 years. Ms. McKnight stated the town needs to show what the money will be spent on. Mr. Owens noted a letter from William Zoppo with responses to the Board's request for information on By-Laws in other towns and articles from the Needham Times on the hearing on towers and Sira Natural CEO.

### **Report from Planning Director and Board members**

Ms. Newman noted the impact of zoning at 433 Chestnut Street and how it will change with the Parcel 2 rezoning. She did 2 diagrams. There are 1.5 acres at 433 Chestnut Street. There will be 2.5 acres with a 25 foot setback around the perimeter of the property and if the MBTA gives up the right-of-way.

She stated she heard from Trader Joe's. They are upgrading the drainage in the parking lot. Half the lot will be done first, then the other half. Each half will be closed for approximately 10 days. She asked how the Board would like to handle this. Ms. Grimes stated the Building Inspector should deal with it. Ms. Newman noted there is no change, just drainage under the lot.

Ms. Newman reviewed the power point presentations for Town Meeting and the schedule. The presentations need to be completed by Friday, May 4. She noted the Planning Board schedule will change to alternate from the Board of Selectmen in the Fall. All agree to change to the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays. Ms. Newman noted the League of Women Voter's warrant meeting is Monday, April 30.

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

VOTED: to adjourn the meeting at 9:00 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

  
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Paul S. Alpert, Vice-Chairman and Clerk