NEEDHAM PLANNING BOARD MINUTES

August 7, 2018

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, August 7, 2018, at 7:00 p.m. with Messrs. Owens and Jacobs and Mmes. McKnight and Grimes, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Discussion of Zoning Article for the October Special Town Meeting.

Ms. Newman noted there was a proposed amendment in the packet with a few changes. The communication tower in the overlay is subject to certain requirements and there are limits to the Overlay District at the Recycling Transfer Station (RTS). Mr. Owens asked why the tower shown on the concept plan was so close to Central Avenue. Attorney Christopher Heep stated he thought it was the proximity to the storage building. Mr. Owens asked if it needed to be close to the storage building which is also too close to Central Avenue. He asked Mr. Heep to please carry back his dismay that the tower and storage building are so close to Central Avenue.

Mr. Alpert asked if the proposed RTS tower was 199 feet high and was informed it was. Mr. Heep apologized for any surprise. He will take the comments back to the design team. He noted he was not asking for approval of the location tonight. He is asking for approval for a 199 foot tower somewhere on the property. Mr. Owens stated he is ok with the zoning. Ms. Grimes noted there is very little space left as a lot of space was taken for the solar panels and there is conservation land. Mr. Heep stated he will commit to looking for the best location on the property.

Ms. Grimes asked how many acres are taken for the solar panels. Steven Popper, of the Permanent Public Building Committee, noted there were 12 acres taken. Ms. Newman stated the total parcel is 75 acres. Ms. McKnight stated she has no objection to the concept. She asked if there should be a more precise description of the RTS land. Ms. Newman noted she could reference the recorded plan. She will work on the wording.

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by four of the five members present (Ms. Grimes voted in the negative):
VOTED: to send the proposed zoning amendment to the Selectmen.

Public Hearing:

7:15 P.M. – Amendment to Major Project Site Plan Review No. 2011-06: Monselios, LLC, 235 Billerica Road, Chelmsford, MA 01824, Petitioner (Property located at 61 Central Avenue, Needham, MA).

Jorge Oslan, owner of 61 Central Avenue, noted when he purchased the property it was represented as having 8 parking spaces. There are only 6 spaces. He went to the Planning Board and received permission in December of 2011 for an addition, which would include the installation of a new, code compliant stairway providing safer and more efficient access to the three floors of the building, along with a handicapped bathroom on the first floor He added a handicap ramp to make the building handicapped accessible (there was no need for a handicapped bathroom if the building was not accessible). There is an issue with parking as there are only 4 spaces in back now plus 2 in front for a total of 6 spaces. Mr. Jacobs asked if there is a designated handicap space. Mr. Oslan noted there is not a designated space.

Ms. McKnight stated it would be preferable to have one handicap space. Mr. Oslan noted the lot is quite small. He could make space number 3 a handicap space but he does not have 14 feet away from the lot line. Spaces 1 and 2 are turf stone. Ms. Newman noted the original permit called for 10 spaces for 2,830 square feet. He showed 8 spaces and the Board waived 2 spaces. Ms. McKnight stated the landscaping is attractive but does not perform the function of leaving space to put snow. It is not on the plan and no landscaping is marked. Ms. Newman noted the Board could request a plan modification and call out the dimensions on the area next to the wall.

Mr. Owens stated, given the size of the lot and size of the building, a landscaping discussion is not meaningful. There is grass there. Ms. McKnight stated she is not asking for a physical change. She wants the plan to indicate what the landscaping is. It should also include the increase of the parking waiver by 2 spaces. Mr. Owens stated he is ok with identifying landscaping. Ms. McKnight feels if a handicap space is not required by law, the Board should not require it. Mr. Alpert noted the following correspondence for the record: an email from Tara Gurge, of the Board of Health, with no comment: a memo from Assistant Town Engineer Thomas Ryder with no comments or objections and an email from Fire Chief Dennis Condon with no objections.

Upon a motion made by Mr. Owens, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to waive the reading of the public hearing notice.

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

Upon a motion made by Ms. Grimes, and seconded by Mr. Owens, it was by the five members present unanimously:
VOTED: to approve the increase in the parking waiver by 2 spaces with the requirement the new plan shows landscaping and a handicap space, if required by law, be shown on the plan.

De Minimus Change and Request for Temporary Occupancy Permit: Major Project Site Plan Special Permit No. 2004-01: Town of Needham, 500 Dedham Avenue, Needham, MA, Petitioner (Property is the location of the Needham High School at 609 Webster Street, Needham, MA).

Hank Haff, representative for the applicant, noted this is a request for a deminimus change to the High School. The applicant wants to open the project in phases and have the ability to get a temporary Certificate of Occupancy. The temporary parking in place last Spring will continue to the Fall until the addition is open. The plan diagrams and schedule are in the packet. Phase one is the interior classroom renovation, getting the chiller in place and the maintenance shed installed. Phase 2 will be Gym A, the classroom wing and landscape. There will be a construction fence until that portion of the building is complete. Drop off will be on the Memorial Park side. There will be coordination with the Police and that will continue until the new wing is open.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the five members present unanimously:
VOTED: to treat this as a deminimus change.

Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to approve the deminimus change to the existing amendment to the decision for Needham High School to allow the Phased opening of the renovations and classroom addition to the High School: to approve a deminimus change to the site plan that will allow a "temporary" sidewalk; to allow a change to the size of the storage shed from 10 feet X 10 feet to 10 feet X 14 feet; and to allow a deminimus change to the storm drain lines due to found conditions on the site.

Upon a motion made by Mr. Jacobs, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to authorize the Planning Director to authorize a temporary Certificate of Occupancy.

De Minimus Change and Request to Release Lot for Occupancy and Reduce Surety: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Petitioner (current owners: Hillcrest Development, Inc., and Elite Homebuilders, LLC), (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. Grimes stated she will not be participating as she is representing the buyer of the lot up for discussion. Mr. Alpert noted the following correspondence for the record: a letter from Alton Engineering, dated 8/3/18, with calculations and responses to suggestions; a letter, dated 8/7/18, from Janet Carter Bernardo, of Horsley Witten Group, Inc, with responses to the Alton Engineering letter, a memo from Town Engineer Anthony Del Gaizo, dated 8/7/18, noting the swale has been corrected and the drainage systems function as intended and an email from the buyers of the remaining lot with a request to expedite the situation. George Giunta Jr., representative for the applicant, gave a summary of the letters. The work was done per the plan. There was one small area with respect to landscaping and the swale was not done per the plan. This has been corrected. He would like the Board to release the remaining lot. The main point is the drainage is constructed as it should be.

Mr. Owens asked how much money the Town is holding. Mr. Giunta Jr. stated $390,000. Mr. Jacobs asked what the deminimus change was and was informed it was off the table. Ms. Newman stated she went to the site with the Town Engineer and they are satisfied with the work. Mr. Jacobs asked if the permeable pavers were installed. He was informed they were installed on all walkways. Mr. Alpert asked what remains to be done for the money being held. His reading of the Bernardo letter is that the swale is corrected and the runoff of the drainage to the municipal system is in place.

Ms. McKnight noted infiltration systems were put in rather than special planting beds. Ms. Newman noted landscaping was added to the swales. Some was installed and some was not. Mr. Alpert stated the Bernardo letter said there was not as much planting as designed but there was a reasonable amount. Ms. Bernardo was satisfied. Mr. Jacobs asked for an explanation of the money being held. Ms. Newman stated it was a Tri-Partite Agreement with funds being held by the bank on behalf of the Town.

Joe Lovett, of 59 Richard Road, stated he would like a better understanding of how the Town will monitor maintenance. Ms. Newman stated the Home Owners Association (HOA) will be responsible to maintain and will be requested to give a report on an annual basis. Mr. Lovett asked if there are others around Town that do that? What is the trigger and penalties and is there a system in place? Ms. Newman stated this is a unique subdivision. There will be systems in place. The Board insisted on this.

Susan Lee, of 85 Richard Road, asked if the Town has enforcement. Ms. Grimes stated the HOA documents say the Town can step in. There was a lump sum of money required to fund the HOA. There is a mechanism in the HOA documents. John Lee, of 85 Richard Road, asked if there is a mechanism to get more money if the HOA runs out of money. Jodi Lockwood, of 131 Bird Street, asked if any questions or changes could be brought up at the next meeting. Mr. Alpert stated yes.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by four of the five members present (Ms. Grimes abstained):
VOTED: to release the requested lot.

7:30 p.m. – Accessory Apartments

Ms. Newman stated Building Inspector David Roche is at the meeting. She felt it would be beneficial to have him at the meeting to answer technical questions. Mr. Alpert asked what qualifies as an accessory apartment. Mr. Roche stated sleeping, eating and cooking are requirements. If a plan comes in that looks like a separate unit with a kitchen, bedroom or bathroom he would ask for a deed restriction to ensure that the property cannot be used, rented or leased as 2 separate units. He feels if accessory units are to be allowed there should be some parameters put in place like a special permit. There are 2 different types – family related or not. There should be a special permit process and abutters should have input. It should look like a Single Family house, not a 2-family (i.e. not have 2 front doors or 3 garage doors). He asked how the Board wants to look at it. What restrictions have they thought about? He suggests not having separate utilities for these units.

Mr. Alpert stated one advantage is this would allow other family members or a paid caregiver to reside with you. He noted Karen Sunnarborg, Housing Specialist, raised the point that elderly can earn money and stay in town. A tenant means rental income and tenants want privacy. He needs to think about that. Ms. Sunnarborg noted she sent a list of purposes for allowing these units. Mr. Jacobs stated one issue is the government is getting too much into people's lives if annual reports are required. He is not comfortable with that.

Mr. Jacobs stated he has a concern with cars and more garage spaces. Is there any limitation to the number of cars in a driveway now? Mr. Roche stated there is not currently a limit to an amount of cars. Mr. Jacobs suggested putting a limit on the number of cars. Mr. Roche stated the Board should address the commercial vehicle By-Law along with that. They should not have construction equipment in the By-Law. There should be a limit of one commercial vehicle per lot. There should also be a size limit. There are relatively small lots in town. Mr. Alpert stated he is leaning toward small accessory units. Mr. Roche stated there are a lot of positives but he would like a process. He feels there is a need for it. He thinks there should be amnesty provisions for current accessory apartments. He feels there should also be a discussion of the Air BNB issue.

Ms. Grimes stated she is concerned with going down the path of not elderly or caregivers but college kids. Ms. McKnight stated her understanding is the stove makes the difference. Mr. Roche clarified not really, but if it is an apartment with rooms, such as a living room, bedroom, kitchen, he requires people to record a deed restriction. Basically there is an understanding it is a single family home. He only follows up if there is an issue. Ms. McKnight feels the Town should allow permanent arrangements so people can sell as a single house with an accessory apartment that is no more than 800 square feet with one bedroom. Caretakers and young adult children of owners is what she would like to see. Mr. Roche stated that is the best scenario for him. Mr. Alpert added one unit has to be owner occupied.

Review of Proposed Retail Clinic at 1498 Highland Avenue.

Dr. Marcia Walker, applicant, stated she was previously a consultant and wants to open a retail based clinic. There will be retail of micro-nutrients and consultation areas. The business will be filed with the state as a medical clinic, which is a use allowed by special permit. Dr. Walker stated she does blood work. Some patients need to be monitored with blood work but mostly it is consultations. There will be supplements displayed along the wall and in the front window. This is all over the counter, no prescription.

Mr. Jacobs stated she would need to get a license from the state as a clinic. Dr. Walker stated that is in process. Ms. McKnight noted it looks like a clinic. It is not really retail like in New Leaf she can go in and pick what she wants off the shelves. Dr. Walker noted she strongly recommends consultations to go along with the products. Mr. Jacobs asked if there is Administrative Physician oversight. Dr. Walker stated a doctor is not on site but there is a nurse practitioner on site and everything is in place.

Minor Project Review for Outdoor Seating: Spiga, LLC d/b/a Spiga Restaurant, 18 Highland Circle, Needham, MA 02494, Petitioner (Property located at 18 Highland Circle, Needham, MA 02494).

George Giunta Jr., representative for the applicant, stated the patio area to the right was approved by the ZBA in 2008. Forty eight seats were approved for the outdoor area. The decision disappeared and was never issued or recorded. The applicant wants to upgrade his liquor license and clean up the outdoor seating issue. He would like to have the Special Permit blessed. Mr. Alpert noted the following correspondence for the record: a letter from

Assistant Town Engineer Thomas Ryder with no comments or objections and a memo from Police Lt. John Kraemer noting no safety concerns.

Upon a motion made by Mr. Owens, and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to approve the requested relief.

Review of Permanent Occupancy Permit Conditions: Amendment to Major Project Site Plan Special Permit No. 2012-05: Paul Boucher d/b/a A New Leaf, 1038 Great Plain Avenue, Needham, MA, Petitioner (Property located at 916-920 Great Plain Avenue, Needham, MA 02492).

Ms. Newman stated she thought this was off the agenda. She received an As-Built that was not labeled an As-Built and was dated 2016. Changes were not on the floor plan and it was labeled "proposed". George Giunta Jr., representative for the applicant, stated the applicant has to start from scratch. Mr. Alpert noted Mr. Giunta's client has an Occupancy Permit he should not have. There will need to be an As-Built prior to the 9/12/18 meeting or the Board may pull the Occupancy Permit. A permanent Certificate of Occupancy was mistakenly issued.

Board of Appeals – August 16, 2018.

Mr. Alpert noted a letter from Planning Director Lee Newman to Jon Schneider, Chairman of the ZBA, regarding Special Permits for the third garage. Mr. Jacobs noted the agenda has the wrong address for the new case. Ms. Newman stated the ZBA is going to fix that. It is not posted yet. Mr. Alpert stated the applicant is going to a 4 car garage. He is leaning toward no comment. Ms. McKnight agreed.

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

Discussion of Proposed Permit Streamlining Initiatives.

Ms. Newman stated she would like to start moving this forward. She would like to deal with one component at each of the next 3 meetings: 1) suggested changes to Special Permits regarding deminimus changes. She would like to put together language, have the Board approve it and use the language going forward; 2) standards for traffic and parking studies and to codify that; and 3) what kinds of things would be appropriate administratively 5 years from now after a project has been completed. She wants to put something together for the Board to look at. She is not hearing from anyone when changes are done. Landscape changes, striping and such are some changes made without coming back. She will give one draft at each of the next 3 meetings. Ms. Grimes thinks that is a great idea.

Correspondence.

Ms. McKnight asked if there was any response from the Planning Board's letter to the ZBA. Ms. Newman heard there was a hearing that was continued. There was a presentation by a lawyer who did not agree with the Planning Board's comments. Mr. Alpert noted the following correspondence for the record: 2 articles regarding accessory apartments -- one in the Boston Globe and one in the Banker & Tradesman; and 45 Chapel Street correspondence which has been resolved but Ms. Newman wanted the Board to be aware.

Also noted was a memo from Jon Schneider, Chairman of the ZBA, to Ms. Newman regarding amending the By-Law to eliminate the provision to have a third car garage. Ms. Newman noted Mr. Schneider will be at the meeting in September. She commented the issue may not be as black and white as she thought. Should 3 car garages be as of right? She will get Mr. Schneider together with the Building Inspector.

Mr. Alpert noted a memo from the Town Manager's office regarding the Public Safety Communications System Public Information Session. There is also a letter from Bertucci's. They want to have a block party in the parking lot on Saturday, September 8 from 3:00 p.m. to 6:00 p.m. They are just letting the Board know. Mr. Jacobs asked if Bertucci's has talked to the other tenants. He would like to know all are ok with this. Ms. Newman understood all parties are participating but she will verify.

Report from the Planning Director and Board members.

Ms. Newman stated she and Mr. Owens had a meeting with property owners along Chestnut Street – Greg Petrini, Bob Hentchell and Kerry Malone – to see what they want. There were 2 positive meetings. Mr. Petrini is looking at the By-Laws and will let her know what the constraints are. Mr. Owens commented they were good, interesting meetings. Mr. Malone and Mr. Petrini were quite cooperative. Ms. Newman stated she met with someone on the Hartney Greymont site. She will see if housing is a feasible option on that property. Mr. Owens stated the issue is economics. The Selectmen are anxious about the MBTA; and want correspondence to go through them.

Minutes

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to approve the minutes of 6/13/18 as corrected.

A motion was made to approve the minutes of 4/9/18 as red lined except for Ms. McKnight's comment "the tower space rental alternative at the Hoover Road water tower" and on page 4, after "pet day care" add "is".

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to approve the minutes of 4/9/18 with the changes discussed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to approve the minutes of 4/24/18 with one change.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the five members present unanimously:
VOTED: to approve the minutes of 5/14/18.

Mr. Jacobs informed the Board that Selectman John Bulian feels the Board of Selectmen is unanimously in favor of accessory units in the main building only and 2-family Zoning Districts.

Upon a motion made by Mr. Owens, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 9:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Martin Jacobs

Martin Jacobs, Vice-Chairman and Clerk