

NEEDHAM PLANNING BOARD MINUTES

January 20, 2009

The regular meeting of the Planning Board, held in the Selectmen's Meeting Room at Town Hall, was called to order by Martin Jacobs, Chairman, on Tuesday, January 20, 2009 at 7:30 p.m. with Messrs. Handel, Eisenhut and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearing

ANR Plan – Property located at 33 Abbott Street and 34 Ware Road, Needham, MA.

Robert Smart, representative for the applicant, noted they would create 2 zoning lots. On Lot 26/64, 33 Abbott Street, they will add 587 square feet. Lot 63, 34 Ware Road, will have 587 less square feet in the existing. All meet frontage setbacks, build factor and lot coverage. Ms. Newman noted she has reviewed it as have the Town Engineer and Building Inspector. All are satisfied. Mr. Smart noted the lots shall be combined, – 26 and 64 – conveyed together and treated as one lot for zoning purposes. Ms. McKnight asked if both are land court lands and was informed they are. Mr. Smart requested they endorse both originals.

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to endorse the plan as ANR.

Minutes

Ms. McKnight noted the following changes: on 120 Highland Avenue – add the owners are swapping land with the state. The town holds the bond. On 225 Highland Avenue – change “It is 3,875” to “The building footprint is 3,875.” Add “the request should match the number request if all is office space.” Page 3, it should state “Section 6.8.” Correct spelling on 66 Chestnut Street to read “per se.” Page 5, first line, should read “non-conforming structure.”

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to approve the minutes of 10/7/08 with changes.

Mr. Ruth noted the following changes for the minutes of 10/16/08 – correct spelling to LEED on page 2.

Upon a motion made by Ms. McKnight, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to approve the minutes of 10/16/08 with the change.

Appointment

7:45 p.m. – Board of Appeals – Casey Corcoran, 21 High Street 40B Project.

Mr. Corcoran gave a quick review. This has been in front of the ZBA since 2006. The first attempt was denied. The second attempt was an 8 unit plan and the ZBA stated it was too dense and asked for them to go down to 6. The abutters spoke on their behalf with the most recent plan. Mr. Eisenhut asked about the affordability and was informed 2 out of 6 will be affordable. Mr. Corcoran noted they have added a recreation area in back, added visitor parking and detached garages. Mr. Handel asked what the Design Review Board comments were and what they questioned. Mr. Corcoran noted it was the garages they had concerns with. They are taking a look at the landscape plan, which will be done later after the final concept plan. There will be 6 condos with the landscaping kept by the Association. There will be a picket fence along the front and a 6-foot vinyl fence with lattice on top for a buffer from the abutters. Mr. Handel noted there was a person scaled entry door comment from the ZBA and he asked what that is. Mr. Corcoran clarified they are asking for an additional door. The architects are looking at it. Mr. Jacobs noted each garage has 3 bays for 3 cars each. The Fire Department has concerns that the turning radius is not sufficient. Mr. Corcoran stated it is designed for emergency vehicles. They are putting a hydrant at the back of the property. Mr. Jacobs asked what relief was being requested and was informed none. It was noted this will be an advisory recommendation for the ZBA. Mr. Handel commented it seems

like a nice conceptual plan. Mr. Eisenhut asked what makes up the recreational area. Mr. Corcoran noted a swing set, bench. It could be anything. Mr. Handel noted they need the Fire Department comments.

Mr. Corcoran stated the houses are about 1,800 square feet. There is no fence behind the garages. Ms. Newman noted the transformer is in front and asked if it could be moved. Mr. Corcoran stated it could be. Ms. McKnight commented one of her pet peeves is fences, particularly the shiny plastic. She asked how they were going to deal with the Design Review Board comments. Mr. Corcoran stated they will use a vinyl maintenance free fence and have proposed more picket fencing up front. Ms. McKnight stated this 6-unit proposal was a major change and asked why not a driveway between the houses. Mr. Handel commented that destroys the feel of a village. Mr. Corcoran stated the village effect is important with a pedestrian walkway and the abutters were looking for relief from the property line. They have addressed their concerns. The Bellomo side has requested a buffer. Ms. McKnight noted they are individual houses and asked how they are energy efficient. Mr. Corcoran stated they are looking at energy star ratings. They will use energy star components. Mr. Jacobs asked if they could use geo thermal. They will look into it. Ms. McKnight clarified affordable is 80% of the median and was informed yes. Mr. Ruth asked how big the parcels were and was informed ½ acre. Mr. Eisenhut made a motion they give a favorable report to the ZBA and Design Review Board with concerns regarding the Fire Department comments, fencing along the front and sides and the location of the transformer. Mr. Jacobs noted the e-mail from Tony DelGaizo, dated 1/13/09 noting a possible insufficient turnaround width – Mr. DelGaizo did not have a scale. He added they should maintain a separation between the gas, sewer and water lines, which is all set; the drainage capacity noting the soil should be well drained sand – they will provide with the final information; and the transformer. Mr. Jacobs noted they need a clarification from Mr. DelGaizo regarding the turn around.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to give a favorable report to the ZBA and Design Review Board with concerns as discussed.

8:00 p.m. – George Giunta Jr. – 17 Central Avenue, Zoning Change.

George Giunta Jr., representative for the applicant, noted they would like to rezone and develop for 2 family. There are all types of uses there. The zone lines cut through the existing buildings. The Panella's area was rezoned around 1990 but this area was not. It makes sense to talk about doing something. Mr. Handel noted there is a new house on the property and was informed there is. Mr. Giunta Jr. stated there were several 2 family houses around. The abutters are in support of a development for 2 family but they want the Planning Board input. Mr. Eisenhut asked if there was any downside to rezoning the area. Mr. Ruth stated he was generally familiar with the area but would like time to go around and look at it. This only came in today. Ms. McKnight asked if there was a 2 family zone that already exists and was informed by Ms. Newman General Residence allows 2 family. Mr. Jacobs stated he feels like Mr. Ruth. He wants to study it a bit. He asked if they could put a placeholder in for the May Town Meeting. Mr. Eisenhut commented the yellow proposal makes sense. Mr. Giunta Jr. stated they may increase the other side of Central Avenue then they could take it away. Ms. McKnight noted it was fairly isolated and separated from the residential zone. Mr. Handel stated he would like to see what the community feels about it. Ms. McKnight asked if the lots would meet frontage and area requirements. Mr. Giunta Jr. noted some would and some would not. Ms. McKnight stated that was good to know. Mr. Jacobs requested they put it on an agenda for a February meeting. They will have a public hearing in March.

8:15 p.m. – George Giunta Jr. – informal discussion re: lot release for Cartwright Road Subdivision.

Mr. Giunta Jr. noted they get the utility service from Wellesley. It is a private road. The subdivision approved by the Planning Board was a one lot subdivision to be developed in back. The roadway was approved for concept. The road has to be reviewed and fixed to deal with drainage. The developer has a purchase and sale on Lot 2 and has agreed to post a bond. The owner wants to sell the lot. Ms. Newman stated the base access needs to be in before it can be released. Mr. Giunta Jr. would like a release of lot release for sale so the developer can purchase it, post the bond, and do the work. He would then come back for the release. Ms. Newman stated the practice is to not release until the binder coat is down. Mr. Ruth suggested they could escrow a portion of the proceeds. Mr. Eisenhut suggested a conveyance release only and require a 150% bond. Ms. Newman will get an estimate for the Engineer. Mr. Giunta Jr. stated the developer got approval from the Conservation Commission for the house.

Review of Draft Zoning Articles for Annual Town Meeting: Downtown Study Zoning Amendments.

It was stated this is 3 separate overlays – Needham Center, Chestnut Street and Garden Street. This will increase height limits. There are a couple of sub areas. There will be 2 levels of Special Permit at an increased FAR. They will promote mixed use with retail, office/housing. The committee met last week. Ms. Newman stated she feels in Option 1 the language is clear and Option 2 is overkill. Ms. McKnight commented she prefers Option 2. It uses a lot of words but is very clear. Mr. Eisenhut agreed. Mr. Ruth stated he prefers Option 1. Mr. Jacobs stated the Option 2 exception confuses him. Mr. Eisenhut noted they should remove “with one exception” and end the sentence after the word “apply.” Mr. Handel stated Ms. Newman is comfortable with Option 1 and he is comfortable with Option 1 if it works. Ms. McKnight noted it is a By-Law not “rules and regulations.” They should change the word “regulations.” Ms. Newman will work on it but it was agreed Option 1 with a tuning. Mr. Handel suggested they change the word “regulations” to “provisions.” Under 3.8.8 he suggested they add “as amended from time to time.” He added they should adopt as regulations. There is more flexibility. Ms. Jacobs noted they should implant in the By-Law authority for the Planning Board to amend from time to time. Ms. Newman stated she wants the authority to advertise the article.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to advertise with correspondence from tonight for a public hearing and they will fine tune as they want for the hearing.

Review of Draft Zoning Article for Annual Town Meeting: Dimensional Regulations (Limited Exception to Lot Coverage Regulations by Special Permit).

Mr. Smart stated he does not need this anymore. Mr. Handel stated it creates a reasonable remedy for peculiar situations that can create unintentional hardships. He feels they should pursue it. Mr. Jacobs noted on the first line it should be “Single Resident A, Single Residence B and General Residence” not “or.” On the 3rd line, they should replace the word “and” with “or”. On the 3rd line from the bottom they should add the word “only” after “relief” to say “relief only in those unusual...”

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to submit to the Selectman and schedule for a hearing.

Review of Draft Zoning Article for Annual Town Meeting: Special Regulations, Accessory Uses (Garage Space Usage in the RRC District).

Ms. Newman noted Single Residence B and General Residence limits to 3 garage parking spaces per unit and one more with Board of Appeal approval. This is the standard now. It was inadvertently left out.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to approve.

Request from Conservation Commission to cosponsor adoption of Chapter 39, Section 23D.

Ms. Newman noted this makes sense. They will need transcripts of the meetings. Mr. Ruth noted they should get the input of the Zoning Board of Appeals. Mr. Handel feels they should speak with the Selectmen and Town Manager. He is in favor but they should check the politics.

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to convey to the Conservation Commission to coordinate with other town departments.

Update on Wind Energy and Monitoring Towers.

This has been postponed to a February meeting.

Review of Draft Planning Board Report for 2008 Town Report.

This is off the agenda.

Plan Endorsement: Major Project Site Plan Review No. 2008-09: Town of Needham Permanent Public Buildings Committee, Petitioner (Property located at 500 Dedham Avenue, Needham, MA).

The Board signed the plans.

Correspondence

Ms. Newman noted correspondence from Mike Moskowitz. It is merely informational.

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Jeanne McKnight, Vice-Chairman and Clerk