

NEEDHAM PLANNING BOARD MINUTES

November 25, 2008

The regular meeting of the Planning Board, held in the Community Room of the Needham Public Library, was called to order by Martin Jacobs, Chairman, on Wednesday, November 12, 2008 at 7:00 p.m. with Messrs. Handel and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Appointments

Michael Greis: Wind Discussion

Michael Greis, representative for the Green Needham Collaborative, noted they are working together on a wind feasibility study. They are looking at the residential wind power, a wind feasibility study, and the Green Communities Act. They want to take advantage of the funding available. The project they want to explore is to put a turbine in Needham to generate power at a competitive cost effective rate. They would put up a meteorological tower and take measurements for one year so they could build a business case. They want to put it at the Needham RTS which is 200 feet above sea level. Olin College, Charles River ARC and North Hill are all above sea level. The wind data does not change and they feel there is a good chance there is enough wind to build a case to put up a turbine. They would have an advantage. He feels it makes a lot of sense and it could be tied in with the schools. The Needham Education Foundation has a \$5,000 grant and Science courses. Needham Bank has granted some funding. With those and another source they may have enough to put up the tower. There is some advantage to looking at smaller scale turbines. The met tower would be freestanding. He asked what they would need from the Planning Board. Chip Laffey, of the DPW, noted this is just an informational meeting. They are trying to get a feel of the Board and what the requirements are or if there are any. Mr. Ruth asked how tall the tower would be. Mr. Laffey noted 180 feet tall. Ms. Newman stated she had reviewed what heights they allow. Mr. Jacobs asked if the tower would be for only one year. Mr. Laffey noted it would not be due to the instability of the RTS land. He added it would have to come down after 2 years.

Mr. Greis noted there is a turbulence zone close to the ground. They want to get above that for maximum wind. Mr. Laffey stated they are measuring at 2 different levels – half way up and at the top. Mr. Ruth clarified it would ultimately not be permanent and was informed this was correct. Mr. Ruth asked if they would have adequate data from this tower for a smaller tower. Mr. Laffey stated they are not presupposing anything. They are just collecting data. Mr. Jacobs asked if they would need some kind of By-Law such as a 2 year met tower up to 200 feet. Mr. Greis stated he was not sure they need a By-Law or what. They are fact finding and want to raise the topic and get guidance. Ms. Newman noted they need something in the zoning that would allow this. She asked what their timeline was. Mr. Greis noted they want it sometime early next year, like spring or summer. Ms. Newman noted the use was not addressed in the zoning at all. They will need to add a provision. Ms. McKnight noted the met tower may be a permitted use as a municipal structure. On page 23 in the zoning book it would be municipal. It does not deal with the height issue. Ms. Newman stated the height is under 4.7.2 on page 115 but only relates to specific districts. Ms. McKnight asked if the RTS was in the residential district and was informed it was. Mr. Handel asked if there were turbines and zoning to allow them up to 200 feet would the height be enough for a permanent turbine. Mr. Greis noted they are 100 to 200 feet. Mr. Laffey stated the blades are 80 to 100 feet in length themselves. Mr. Handel noted they would need to count to the top of the blade. That would be 180 feet plus 90 feet for the blades. Mr. Jacobs noted he was concerned it was the early stage. He thinks there may be all kinds of technology breakthroughs and they will be unable to account for all in the By-Laws. Mr. Greis noted the commercial scale is more straight forward. In theory a residential turbine could give power energy to a house. They need to get at least 2 times above the surrounding terrain. Mr. Handel asked how many would there be at the RTS if that location was ok. Mr. Laffey stated maybe there could be up to 6 there without them interfering with each other but it is complicated. Mr. Greis added there is usually one at each location. Mr. Handel asked if there was any noise in the residential. Mr. Laffey noted if it was close, but in relation to these surrounding neighbors, it is not an issue. Mr. Greis stated strobe may be a concern. Mr. Jacobs asked what the Green Communities Act was. Mr. Greis stated the most far sighted act passed. Solar wind is a true net metering capacity. They can sell electricity back to the grid at near wholesale cost. There are grants and funds to green communities. There are real monies sitting there and they believe the first there will get the money. They need to adopt an expedited filing procedure and need to put a base line plan in place. They have a lot of material available if anyone wants to see more. Mr. Jacobs asked if any town in Massachusetts have By-Laws. Ms. Newman noted Brewster has one. They received the information today.

8:00 p.m. – Informal Conversation: George Guinta Sr., Proposed Subdivision at 198-200 Nehoiden Street, Needham, MA.

Mr. Guinta noted the Board asked he pull together and put in writing why they should allow a 3 lot subdivision rather than a 40B. He wrote the letter as requested. The current takes up most of the riverfront. There is over 9,000 square feet of disturbed area in the riverfront, 2,179 square feet of structure and impervious area in the riverfront. All the roof drains recharge into the ground. There is no impervious in terms of the run off. The existing drains to Nehoiden to Rosemary Brook eventually. They have proposed the same storm water infrastructure. There are catch basins on site, a stormceptor and all the water is clean. A 3-foot wide cart path will be added with an easement granted to the town. The streetscape of houses will be similar to others on the street in a colonial style. There are pre-existing 2 houses on 2 existing lots. They are only adding one house so it is not a major subdivision. Ms. McKnight noted there is a 20-foot wide proposed road. She asked if the easement could be granted to the town along the road and then a walking trail be added at the end of the hammerhead. Mr. Guinta noted the easement will be landscaped and part of the roadway. It will be maintained by the owners. Mr. Jacobs requested Ms. McKnight clarify the easement along the road to the hammerhead. There is a safety concern with people walking along the road. Ms. McKnight noted it would be preferable for public access along the private way. Mr. Guinta stated they want to keep access to the pedestrian access but do not want people parking in a private way. He would prefer to keep access along the property line. Ms. McKnight commented 3 feet was not very wide.

Mr. Ruth commented they have been responsive to what they requested in terms of in lieu of a 40B. He feels these are all good things but none address affordable housing. He asked how this would be a public good for the town. William Lenahan, an abutter, noted the existing conditions are 2 non-conforming lots. One is grossly out of character with the neighborhood. Mr. Ruth stated he is profoundly concerned with the fact that if this property did not already have the benefit of a 40B proposition they would not have spent so much time on it. He is concerned the town is being asked to create a new lot to avoid a 40B with no public affordability benefit. Mr. Lenahan noted the run off has been reduced. That is an advantage and the improved conditions eliminate a small non-conforming lot. With regards to Ms. McKnight's comments the sidewalks vary from 3 to 4 feet. They do not have a problem gaining access to a parcel. It would create a public hazard if they suggested parking there. He feels a better use is a pedestrian walkway to get to Camp Malcolm. The proposal has the same size houses as the abutters. He commented there was not a lot being asked for them to grant the request of the development. Beth Tucker, of 205 Nehoiden Street, noted this is the historical part of the neighborhood. To add 3 houses that fit in the neighborhood and carry the tradition of the houses would be better. A 40B would be unsightly. This would add quality to the neighborhood.

Bruce Wolfeld, of Nehoiden Street, noted the current 40B proposal is most detrimental to the neighborhood. It is less than 10 feet from his property line. He would have to look at a wall of housing. He added he is in favor of providing additional access to the parklands. The houses being in tune with the neighborhood is a good thing. There are a few issues: the placement of the path, they would need to mitigate the light on the road and need to address the potential that people will park on Nehoiden Street to gain access. He commented he will bring up those 3 points to the developers if it goes forward. Bill Lahey, of Nehoiden Street, stated people have been pointing out the historic nature of the neighborhood. It is a windy road without sidewalks in some areas. He thinks the way this has come out with the riverfront being protected, respect for the neighborhood and access to public land all make it a unique proposal. It deserves support and he feels it is in the best interest of the town. It would put to rest a very contentious battle. Mr. Jacobs clarified they are dealing with an informal discussion regarding the proposed application. It is not formal, they wanted to gather information. Ms. McKnight would like a winding pedestrian access along the roadway and Mr. Ruth is concerned this does not meet the town obligation to meet the affordable housing quota. Mr. Handel stated he was conceptually pleased but he knows it does not meet the town needs. Mr. Jacobs agreed with Mr. Handel. Ms. McKnight stated it was a good case for why it was special. There are storm water draining improvements. She noted she is a member of Friends of Woods and Water. The concept of public access is desirable and she would like to work further on this. The big public benefit is public access. Mr. Guinta stated he saw a revised 40B proposal with the units moved to within 10 feet of the lot line. He does not believe there is public access there now and believes it is a great loss. He feels he has heard enough to go forward with a preliminary plan and, if approved, he will go forward with the final.

Temporary Occupancy Permit Extension to Major Project Site Plan Special Permit No. 2007-08: Aronson Insurance and Highland Montrose (Property located at 922-958 Highland Avenue).

Greg Eaton, representative for Highland Montrose, noted on June 19, 2008 they were granted a temporary Certificate of Occupancy for 6 months to redesign the handicap accessibility wheelchair lift. They came up with a plan. They spoke with Trader Joe's as they needed some of their area. The elevator will arrive on January 12 and they require a 3 month extension to cover this. Ms. Newman noted there is another issue. There are large potholes on site in the parking lot. Mr. Eaton stated he was informed tonight there are 2 holes next to Trader Joe's in the bank parking lot. They will be fixed by contractors on Friday and will be done by noontime or 1:00 p.m. Ms. McKnight noted she had an observation. The landscaping was improved and sidewalks put in. She has noticed signs going in the landscape. She feels it would be better to not put signs in. Mr. Eaton stated he would take care of it and remove them. He was not aware.

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to grant the requested extension for 3 months.

ANR Plan – North Shore Construction and Development, Inc., 7 & 11 Shirley Road.

Ron Lopez, representative for the applicant, noted there are 2 lots that North Shore owns. One is a small triangular lot and is unusable for Lot 1. They want to convey this piece to Lot 2. It does not affect the dimensions. Both lots have the required frontage and area. Ms. Newman clarified there are no issues.

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to determine ANR for the subdivision.

8:30 p.m. – Informal Conversation: Robert Smart, Discussion regarding proposed zoning amendment.

Robert Smart stated he wanted to see if the Board would support a proposed By-Law change. His client bought the lot at 33 Abbott Street and tore the house down. They filed a plan with the survey department. The Building Inspector did not catch the problem. The footprint is 144 square feet larger than what is allowed. They were issued a stop work order. This needs to be resolved but there is nothing to do. They have been told to remove 144 square feet to correct the error as they are in excess of 10,000 square feet. This is a father-son operation and they have no error insurance. As this is a violation of a setback the ZBA would have the authority to deal with it. He noted when the big house change was adopted it was not carried over if there was a setback violation. Kate Fitzpatrick thought it would be a good idea to go to Town Meeting to give the ZBA authority for area issues, with the Board's support, for this kind of change. They would give the ZBA authority to issue a Special Permit where the structure has been constructed and the issue is there is an error. Mr. Handel commented it makes sense to have a safety valve. This at least provides some relief and he is comfortable with it. Ms. Newman noted Town Counsel David Tobin has taken the position there is no occupancy permit if it does not conform to zoning. Mr. Jacobs clarified the size of the lot is 10,000 square feet. Mr. Smart noted the maximum lot coverage requirement is 25%. They want to go to 2,644 square feet. They thought the coverage was 30% but it was 25%. No one caught it including the Building Inspector. There was an issue next door and the Building Inspector looked at it. Mr. Handel noted he assumed they talked to the abutters regarding the land purchase. Mr. Smart noted they are in discussions. Mr. Jacobs noted some builders may back into it claiming inadvertence. He is not inclined. They would need to build in a provision to minimize the chance builders would take advantage. Mr. Smart commented he did not think there is enough incentive but maybe a lower percentage would maximize the square foot amount. Mr. Ruth noted it may not be bad to put a maximum square footage. Ms. McKnight stated Footnote K does not seem all that different from the array and not all that different in the end. Ms. Newman stated before the Board does anything it would be nice to know it would solve the problem. Ms. McKnight commented the developers in Needham are mostly locals or small companies. Ms. Newman stated she does not see them. They have hardly any subdivisions anymore.

Minutes

On the minutes of September 8, 1st paragraph, line 12 stated they are increasing by one acre. Add "increasing the impervious surface by one acre"

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to adopt the minutes of September 8, 2008 with the change.

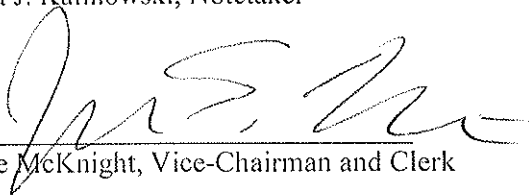
Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to adopt the minutes of September 17, 2008.

Report of the Chairman and Board Members

The December 2 meeting is a no go. The January meeting dates will be 1/6 and 1/20. Alex will send an e-mail. They may change 1/20 to 1/27 as 1/20 is inauguration day. Ms. Newman noted they will create a small subcommittee to prepare a draft on the wind towers. Ms. McKnight stated she does not see spending time drafting a By-Law or forming a committee right now until they see if there is enough wind. She is not sure there is enough wind in Needham. Mr. Ruth stated they may need to wrestle with residential size units as people may choose to do it. Ms. McKnight noted she would like an analysis of the Zoning By-Law done to see what sections refer to this and what is possible now. Mr. Ruth noted he would like to see whether other towns went for a By-Law or a creative approach to avoid it. Ms. Newman will call other towns to see if they put test towers up, how they handled met towers and their strategies. Mr. Jacobs noted they should define municipal structures to include this. Mr. Handel asked if they can tie this into broadcast towers already there near the NIKE site. Mr. Ruth noted that solves the zoning problem. Ms. Newman will look into this and see how other towns have approached it.

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker



A handwritten signature in cursive script, appearing to read 'Jeanne McKnight', is written over a horizontal line.

Jeanne McKnight, Vice-Chairman and Clerk