

NEEDHAM PLANNING BOARD MINUTES

November 17, 2009

The regular meeting of the Planning Board held in Selectmen's Meeting Room at Town Hall, was called to order by Jeanne McKnight, Chairman, on Tuesday, November 17, 2009 at 7:30 p.m. with Messrs. Warner, Ruth, Eisenhut and Jacobs as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

7:30 p.m. – Discussion of interpretation of Definitive Subdivision Plan Approval, Paul V. Ferreira, Petitioner (Property located at 342 Cartwright Road, Needham, MA).

Ms. McKnight noted this is to be postponed due to discussions regarding the neighbors concerns. It will be discussed at the next meeting.

Decision: Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner (Property located at 1471 Highland Avenue, Needham, MA).

The hearing is closed and Mr. Eisenhut cannot vote. Mr. Jacobs noted he had one comment regarding 3.6, second sentence. Delete "the petitioner shall implement Version "B"" so it reads "Paragraph 18 is adopted, and in such event sixteen...." Ms. Newman noted Town Manager Kate Fitzpatrick's comment regarding 3.4. She does not want a set time but "monthly staff meetings to be held so as not to interfere with peak parking hours." Mr. Ruth noted 1.7 should be 216 not 219.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the four members present unanimously VOTED: to grant the requested Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law, the requested Special Permit under Section 1.4.6 of the By-Law, the requested Special Permit under Section 1.4.6 of the By-Law, the requested Special Permit under Section 4.4.3 of the By-Law, the requested Special Permit under Section 4.4.5 of the By-Law and the requested Special Permit under Section 5.1.1.6 of the By-Law, all as detailed in the draft decision in front of us.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the four members present unanimously VOTED: to approve the draft decision as amended.

Endorsement of Plan: Definitive Subdivision Amendment: Standish Road Realty Trust, Alfred Volante, Trustee, 226 Brookside Road, Needham, Massachusetts, Petitioner (Property located at the end of Brewster Drive in Needham, MA).

Ms. Newman noted this is a subdivision the Board approved. Mr. Ruth recused himself. One parcel is being conveyed. They have corrected the plan and a note on the plan references the recent actions.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the four members present unanimously VOTED: to approve and endorse the plan.

Release of Lot: Definitive Subdivision Amendment: Standish Road Realty Trust, Alfred Volante, 226 Brookside Road, Needham, Massachusetts, Petitioner (Property located at the end of Brewster Drive in Needham, MA).

Ms. Newman noted she will prepare this when she gets the recorded plan back. She will prepare the release of the covenant. Mr. Ruth recused himself.

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

Release of performance bond for Meadow Woods Subdivision Lot 4/Land Court Lot 50 (#41 Woodworth Road): Greg Petrini, Petitioner.

Ms. Newman noted there was a problem with the stone wall. They have reduced the height so visibility is satisfactory. Engineering has inspected and approved. Mr. Jacobs asked if there were any issues and was informed no.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously VOTED: to release the bond.

Review and Approval of Final Plans for Building Permit: Major Project Site Plan Special Permit No. 2009-05: 1095 LLC d/b/a Comella's Restaurants, c/o 288 Washington Street, Wellesley, Massachusetts, Petitioner (Property located at 1095 Great Plain Avenue, Needham, MA).

Ms. Newman noted they need approval of a set of drawings. A condition was they showed a small sketch of 2 take-out spaces. That is done and they need the plans signed.

Upon a motion made by Mr. Warner, and seconded by Mr. Ruth, it was by the five members present unanimously VOTED: to approve the final plans for the Building Permit.

Correspondence

Ms. McKnight noted the following correspondence for the record: a memo from Richard Gatto to Town Manager Kate Fitzpatrick regarding his feeling the replacement fence be a temporary fence.

Minutes

Ms. McKnight noted on the last page, first sentence in correspondence, add "regarding train crossings" should be added after "letter to the editor."

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously VOTED: to approve the minutes of 9/1/09 with the change discussed.

8:00 p.m. – Dave Becker to discuss proposed Amendment to Major Project Site Plan Review No. 05-08, Yeat, Inc., d/b/a Sweet Basil, Dave Becker, President, 942 Great Plain Avenue, Needham, Massachusetts, Petitioner (Property located at 936 – 942 Great Plain Avenue, Needham, MA).

Dave Becker noted he recently expanded. Three years ago he agreed to not use both sides of the restaurant for lunch service. He feels they are known as a restaurant you have to wait at. The rent goes up each year. He has noticed a lot of vacant spots on the street. He has been there 10 years in March and has never had a problem with parking. He would like 20 seats. Mr. Eisenhut noted he was on the Board at the time and parking was an issue. That was 3 years ago and he thinks he would need a new parking study. Mr. Becker noted the block has been vacant for most of his time there. Mr. Ruth disclosed his office has represented Mr. Rothman in the purchase of the property. He does not think there is a conflict. Mr. Becker stated bags on the parking meters, he feels, creates a problem since they can park for 8 hours. Ms. McKnight agrees a study should be done after the bags come off. She asked if a parking study was done at the time. They were not sure. Mr. Ruth noted he is leaning toward it being allowed. Mr. Warner asked about the possibility of connecting the lot next to the nursery. He commented it seems to him Dedham Avenue does not fill up. Mr. Becker noted it rarely does. Mr. Eisenhut reiterated he feels they need a new study. Mr. Ruth noted they need to look at what is upstairs in the Planning Office and see if they can figure something out to save the money for a study. Mr. Jacobs asked if there was a sense of walkers or drivers. Mr. Becker noted there were a lot are employees from surrounding stores, some older folks from North Hill and some drop offs. Ms. McKnight asked if there were any handicap spots close. Mr. Becker noted the closest was in the Dedham Avenue lot and there is one near the House of Pizza. Ms. Newman will look at the information they have and will get the studies from the Village Fish and Stone Hearth Pizza. The Board will look at the information she gathers.

8:20 p.m. – John Commando – Proposed Zoning Change.

Mr. Commando noted he is in discussions with the Building Inspector regarding his interpretations. More businesses are being conducted at home. He would like the Board to provide a letter of guidance to the zoning enforcement officer to prevent undue hardship on businesses in the gray area. He moved his winery home. It is less than 25% of the FAR and complies with zoning. The Building Inspector claims he has a manufacturing business and storage/warehouse going on in his house. Manufacturing is not defined. He is not allowed to sell retail from his home but you have internet services selling retail from their homes. Mr. Eisenhut noted he was on the Economic Advisory Committee years ago and tried to tackle this and it was endless debates. He understands his frustration. They could try to put something together but it will be difficult. Mr. Jacobs noted provisos 1, 2 and 3. He cares about how it would affect the neighborhood, cars, traffic, signs, noise, etc. Mr. Ruth commented he is sympathetic to the plight in trying to get the situation cleared up. With customary home use there is a long tradition of exceptions. He feels they have a wrong headed interpretation of our By-Law. He agrees with Mr. Jacobs and Mr. Eisenhut that trying to change this is too difficult. He noted he would be delighted to work with Mr. Commando to resolve his issue but not to open it up. That would be a lot of time and energy for too little. Mr. Warner asked what the issue is at this time. Mr. Commando noted the Building Inspector says this is accessory use to the residence and a manufacturing use. Ms. McKnight asked if there is any standard language/model language put out for zoning By-Law provisions. Ms. Newman will look at this. Ms. Newman noted he requests a permit, if the permit is denied, he then goes to the ZBA. The Board will issue a letter saying it is allowed. Ms. McKnight noted they should check into other towns such as Dedham, Wellesley, Weston, etc. Mr. Ruth noted he is not crazy about going down this path as it always ends at Town Meeting. Mr. Jacobs agreed. Mr. Warner noted they should encourage them to apply for a permit. Mr. Jacobs informed him he has the Board support.

8:40 p.m. – Scott Ravelson – Discussion of interpretation of Major Project Site Plan Special Permit No. 2003-02: 322 Reservoir Street.

Roy Cramer, representative for the applicant, noted Scott Ravelson just bought the building. It has been 50% vacant from 1995 to present. In 2003, NE Silks was on the first floor and Petrini owned it at the time. In 2006, they got a Special Permit for the dance studio to go upstairs and were approved for 27 spaces upstairs. In 2009, Personal Best Karate came in and was approved for 15 spaces and an extra 6 for 21 and a total of 48 spaces approved. The karate studio went out of business and Mr. Ravelson bought the building in foreclosure. As long as they have uses allowed as a matter of right, and do not exceed 48 spaces, they do not have to come back. Ms. Newman noted the language of the decisions gets in the way. There are 2 trigger points. One was a number and the other is NE Silks was a unique user – low demand. Mr. Cramer noted in the 2003 decision, Section 1.8-1.9, if NE Silks vacates and another comes in that generates more parking and traffic demand they need to come in for additional site plan review. In Section 3.6, changes of use are permitted only by amendment except under 1.9. Ms. Newman noted in the 2006 decision, in 3.3, a double standard was created for the first floor when the dance studio went in. Mr. Ruth clarified they were more generous upstairs because NE Silks was not really using 19 spaces. Mr. Cramer noted a recent decision allowed 21 on the first floor and reads it as no further site plan review if no more parking is required. Ms. McKnight commented she thinks they need to apply for an amendment to the current with different wording that goes back to something like they had before. Mr. Cramer would like the Board to say as long as it is a matter of right use, and does not result in a greater parking demand, there is no need to come back. Ms. Newman thinks the intent was to request an amendment to the original permit. Mr. Eisenhut noted they need an amendment to a Special Permit and it has to go to a public hearing. Ms. McKnight thinks this is a major change in the permit but they need to amend this section. She is inclined to go back to the 46 spaces in the 2006 decision.

Discussion of Parking Fund.

Ms. Newman noted she anticipates an application. She asked if it would be helpful to bring Jason back. Mr. Ruth noted he would like a discussion without him. Ms. McKnight stated she would like to better understand his theories but there are some things she does not think would work well in Needham. Ms. Newman will get the information and put it on the agenda for the next meeting. Mr. Eisenhut stated the immediate issue is they would need a formula. Mr. Warner asked what the current free market price to rent a space is. Ms. Newman will put it on the next agenda.

Discussion of Red Cross Clothing Dumpsters at Chestnut Street and the Junction parking lot.

Mr. Warner commented considerable effort has been made to make Chestnut Street look nice but these dumpsters collect trash. He thinks they are objectionable and should not be there. They have a location at the dump and he feels this is not a fitting place for a clothing dumpster. Mr. Jacobs noted they could suggest alternate placement like the T lot in the heights. Ms. McKnight noted the members should keep their eyes open and check it out.

Central Avenue Zoning Proposal – strategy going forward.

Ms. McKnight noted they need to discuss how to go forward. She feels they should have small working groups with one or 2 members, 1 League of Women Voters member or neighbor and possibly Mark Gluesing or an architect. Maybe a couple of meetings with 3 to 5 people. Mr. Ruth spoke with Paul Alpert, on the Conservation Commission, and he was upset the committee was not included in the process due to conservation issues. Ms. McKnight noted they should add the Conservation Commission and the Historic Commission. Mr. Jacobs noted the goal is to have the recommendations set by February.

Board of Appeals – November 19, 2009.

Daniel J. DiSchino, 57 Wachusett Road, Needham, MA 02492 – 49 Wachusett Road.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously VOTED: to make no comment because of the intense factual matter.

Finalize Winter Schedule (January, February, March).

After discussion the Board members decided on December 1 and 15, January 5 and 20 (Wednesday), February 2 and 16 and March 2.

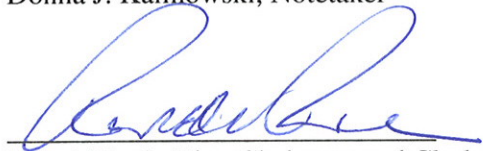
Minutes

Ms. McKnight noted on the minutes of 4/15/09, page 4, under the Discussion of Warrant Article 20, delete the 2nd sentence. The 3rd sentence should begin “the proponents” rather than “they”. The next sentence should be “Growth is proposed” rather than “They are proposing growth”. Change “2 grade crossings and cars can go around” to “2 grade crossings so cars can not go around.” Add “like” before Concord in the next sentence. Add “of Selectmen” after “Ms. McKnight noted she has talked with a couple..” Change “concerned” to “convinced”. On the last page, under minutes, change “and” to “than” after Carredwyn Horrigan rather...

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously VOTED: to adopt the minutes of 4/15/09 with amendments.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously VOTED: to adjourn the meeting at 10:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Ronald Ruth, Vice-Chairman and Clerk