

NEEDHAM PLANNING BOARD MINUTES

June 21, 2011

The regular meeting of the Planning Board held in the Public Services Administration Building, was called to order by Bruce Eisenhut, Chairman, on Tuesday, June 21, 2011 at 7:30 p.m. with Messrs. Warner, Ruth and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

7:30 p.m. – Amendment to Planned Residential Compound for Fieldstone Acres: Leslie Lee, 366 Cartwright Road, Needham, MA, Petitioner (Property located at 366 Cartwright Road, Needham, MA).

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

VOTED: to waive the reading of the public hearing notice.

Roy Cramer, representative for the applicant, noted a residential compound on Cartwright Road was done in 1985 on a single parcel of 8½ acres. This is a 4-unit condominium with 3 single family homes and a barn. There is an exclusive use area around each house. They propose to replace the existing pool with a new pool 17 feet closer to the house. It will still be 76 feet away from the house. The existing barn/pool house will be renovated and expanded. A bathroom will be put in. He noted the decision in 1985 stated any change requires approval of the Planning Board. This is a residential renovation and everything conforms. They are requesting the Board approve the proposed modification of the approved plans and make a finding this is not further development.

Mr. Cramer noted there is a shared septic system for all 3 houses. The Board of Health requested they run a line to a new tank. The Design Review Board approved the plans on 5/16/11. They have met with the abutters and described the project. All have approved and signed a note of approval.

Alice Dunn, project architect stated there was a change in elevation. The existing barn is slab on grade. They will keep the existing foundation and walls. They are changing the pitch of the roof and adding a small deck. They are adding a small pergola structure with the pool going back. It will be an entertainment area. It is single story and the additional height will include storage or mechanical. There will be a pull down ladder and storage. It will not be habitable. The storage room will go to an exterior shower room and changing rooms. The intent is to maintain an open floor plan and not allow for a separation that would create a second bedroom.

Mr. Eisenhut asked if it was the intent to keep it all not habitable. Mr. Cramer noted that is the intent. There will be no bedroom or kitchen. Mr. Eisenhut stated he wants to make sure it does not morph into something more.

Mr. Cramer stated it would not be an extra unit and they feel it would be a condition there be no bedroom, kitchen, etc.

Mr. Eisenhut noted the following correspondence for the record: an e-mail from Fire Chief Paul Buckley, dated 6/13/11; a memo from the Board of Health, dated 6/15/11, regarding a deed restriction; approval from other condo owners; an updated application, dated 6/20/11, with deed restrictions; a memo from Janice Berns of the Board of Health, dated 6/21/11, clarifying the conditions of the bedrooms; a memo from the DPW, dated 6/21/11, with no comments or objections; and a memo from the Police Department, dated 6/9/11, noting no safety concerns.

Mr. Warner asked if the pool was used by all or just the owners. Mr. Cramer clarified only the owners. Mr. Warner asked how far from the Fuller Brook area was the septic system. Ms. McKnight asked if there were any additional impervious ground cover that would require changes to the drainage. Ms. Dunn noted they will be paving around the pool.

Ms. McKnight noted they need to be careful in drafting the conditions that there be no further changes. The storage room doors exit to the outside. No wall niches and no change in the doors to the storage rooms will prevent any living there.

Mr. Ruth stated they should just say no bedroom, no separate dwellings. He is not anxious to control walls. As long as there is not a bedroom or it is used as a dwelling. They should not honor the Board of Health request to control anything to do with the house and deed restrictions. It is not used for living, dwelling, no bedrooms, etc.

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

VOTED: to close the hearing.

Ms. Newman stated she would like guidance to prepare the decision for the next meeting.

Mr. Ruth stated he does not want to constrain them any more than they already are. Mr. Eisenhut stated no stove. It would be considered a kitchen if there is a stove. He noted no dwelling, no kitchen with stove and no bedrooms is enough. Mr. Ruth stated they need to remember this is a residential project.

8:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 1996-7: TD Bank, 95 Highland Avenue, Needham, MA, Petitioner (Property located at 95 Highland Avenue, Needham, MA).

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to waive the reading of the public hearing notice.

Mr. Ruth disclosed TD Bank is a client of his firm and Brian Levy, Counsel for TD Bank, is his former partner.

Brian Levy, attorney for the applicant, noted in October 1996 the Board granted a special permit for Metro West Bank. TD Bank stepped in. They would like to add a tower, change the lighting, upgrade the façade, add a back door and change the parking. The Design Review Board has approved. They would like to amend under 7.4.

Randy Myer noted they are adding an accessible back door and a couple of ramps. They are adding a tower element in the right corner with a bump out about 5 feet. They are still outside the setbacks. ADA accessibility is causing the elimination of one parking space.

Jim Sullivan noted they are updating the façade. They will be painting the building white with complementary gray. The light scones and tower elements will be dark gray stucco. There will be updated signage and awnings on the windows in back that will be white and dark gray with green.

Mr. Jacobs stated he thinks it makes all the sense in the world. He feels it is a great idea.

Ms. McKnight noted the handicap spaces marked out front and asked if there are any identifiable spaces in the rear. Mr. Myer stated only one space is required. Mr. Eisenhut commented it was practical to move it to the rear to be more accessible. He noted Sheet 3 has arrows going the wrong way. Sheet 1 is correct. Mr. Myer stated he would correct the sheets. All sheets will be revised.

Mr. Eisenhut noted the following correspondence for the record: a letter from the Town Engineer, dated 6/21/11, with no comments or objections; a letter from the Police Department, dated 6/9/11, noting no concerns; a revised letter from the Police Department, dated 6/16/11, noting no concerns; a memo from the Board of Health, dated 6/7/11, with no comments; a revised letter from the Board of Health, dated 6/16/11, with no comments; a memo from the Fire Department, dated 6/8/11, with comments.

Ms. McKnight asked if the ATM machine would be in the front vestibule and was informed yes. She asked if there would be any in the rear and was informed there would not be.

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

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: subject to the addition of a condition to revise the traffic flow arrows, to accept the form of the amendment to the decision before us.

Update on progress of Green Communities Study Committee.

Ms. McKnight stated she was the representative for the Green Study committee. They have had lots of meetings. Many towns are already green. There is a lot of compliance. They have to have some by right zoning for green space. The Town has to meet the goal of 20% reduction in energy use in their buildings. The Town is well on the way to reaching that but will what they did in the past count toward that. She noted Town Meeting hired a consultant to advise the Selectmen. They will need to decide on vehicle purchases. She noted the final requirement is adopting the stretch code. This departs from the statewide building code. The effect of having it is on new construction and it has to meet a higher standard. They need to get a Herz rater. She noted most would use prescriptive measures. There is an increase in costs up front. They would need an air exchange device and there were negative comments about the cost to the town. There is a certain amount of hand holding expected by the Building Inspector with the applicant. She stated she would have to vote tomorrow if she is in favor or not.

Mr. Jacobs asked what the key tangible pros were. Ms. McKnight stated money. There are annual grants. Other towns have received \$150,000 and \$160,000 to be used for energy improvement projects for the town.

Mr. Warner stated it seems sensible. Mr. Eisenhut agreed but they would need to look at experiences of other towns, particularly Lexington.

Mr. Jacobs asked, with more communities, would it mean less money? Ms. McKnight stated it is a steady source of money. Mr. Ruth commented he feels the stretch code would be changing in the next couple of years as the state building codes are updated. He thinks they should do this as soon as possible.

Gary Kaufman, of 12 Eaton Road, is a builder and contractor. He noted there is an additional \$20,000 to \$30,000 more cost to the home owner. An \$180,000 grant to the town is not that great with the new costs to residents. He feels they need to consider that.

8:30 p.m. – Oak Street Definitive Subdivision: Richard Nigro, 9 Cabernet Drive, Unit 2, Concord, NH 03303-1035, Petitioner (Property located at 66 Oak Street).

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to waive the reading of the public hearing notice.

George Giunta Jr., representative for the applicant, noted this was a combination of 6 separate parcels in 1895. They will divide into 2 separate lots with each having 3 parcels from the 1895 plan. One would front on Oak Street and one would front on Cypress Street. Cypress is an unconstructed private way. One lot is 11,989 square feet on Oak and the other is 11,946 on Cypress. They fully comply with all requirements.

Mr. Ruth asked who has interests in Cypress Street and rights. Mr. Giunta Jr. stated it is bounded by 5 existing parcels. The current lot at 66 may own the entire fee in the road. 98 Linden Street owns to the center of the street and may own all across. In 1953 the 110 Linden Street property went through the registration process. They were given an easement right. They have no interest in Cypress Street. All lots are bound by the line of Cypress Street. This was changed in 1972 to own to the middle. All lots have easement rights.

Mr. Giunta Jr. noted he has requested a continuance but would go over the proposal. He stated he did an almost as of right plan. The size of the circle is the only thing lacking. The circle is only 40 feet not 60 feet. Mr. Eisenhut asked if he did 50 feet would he not have sufficient lot size? Mr. Giunta Jr. stated there is no compliance factor. It is not typical but neither are pre-existing lots or pre-existing roads. It is a deviation from the usual. The road is laid out at a 40 foot width -- just the circle would not be but it only accesses one house. This proposal makes sense.

Mr. Eisenhut asked if the Board has granted down to 40 feet and if the Fire Department would agree. Ms. Newman stated the Fire Department is considering it a driveway for one lot. The subdivision off Nehoiden Street was an exception and down to 40 feet.

Mr. Giunta Jr. reiterated the proposal is only for one house. They propose less than a 12 foot driveway to access the house. They may make it wider with a 6 foot sub-base to support the weight of emergency vehicles.

Ms. McKnight asked if Mr. McSweeney did or did not have rights of access over the property. Mr. Giunta Jr. stated the house property has no rights but the small parcel has all easement rights.

Katherine D'Addesio, of 110 Linden Street, noted her property abuts Cypress Street. Mr. Jacobs disclosed Ms. D'Addesio was his sons' 4th grade teacher. Ms. D'Addesio stated she had some concerns. It appears it is 20,000 square feet and 2 building lots. It does not show Cypress is a conforming lawful street. There is not enough room for a 2nd parcel even if it went down to 50 feet. She does not feel there is enough for a 2nd lot to be a subdivision. She is also concerned with how Oak Street has been measured. It appears the east boundary of 66 Oak Street as measured goes over Cypress Street. She only owns 138 feet not 184 feet as stated. Lot 3 belongs to Mr. McSweeney but it seems to clump them together. She noted her deed does not say she abuts 66 Oak Street. This needs to be cleared up.

Ms. D'Addesio stated it appears 66 Oak Street is taking ownership of Cypress Street. She noted there is an issue with the number of waivers being requested. She feels the full abutters' rights are being limited. The hammerhead being suggested is less than 1 foot from her property line. Why not put it in the center of the street to make it more attractive? She stated she will bring up other issues at the next meeting such as drainage and underground water streams. She commented she feels there are too many waivers here.

George Giunta Jr. clarified they are not trying to challenge the right, or the ownership, to use Cypress. The legal description requires they put the entire street on whether they own it or not.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to continue the hearing to 7/12/11 at 8:30 p.m. at the High School Media Center.

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

Tiffany Shaw, representative for the applicant, stated they have started work on Chapel Street. They are making the utility connections. They want to put in new light fixtures in the common. They propose to replace 6 on the common to match those on Chapel Street. She noted the Design Review Board has approved. They are adding one bench to the left of the door.

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

VOTED: to approve the changes as diminimus.

Request to authorize the Planning Director to Release Lots: Nehoiden Street Definitive Subdivision (Property Located at 198-200 Nehoiden Street).

Ms. Newman noted the street is in and has been inspected by the DPW. When she has the street bond and off-street drainage bond she will release the lots.

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to authorize the Planning Director to release the lots when she has the street bond and off-street drainage bond.

Request for Extension of Time – Needham High School – 609 Webster Street, Needham, MA

Ms. Newman noted Steve Popper forgot to request an extension of time.

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

VOTED: to authorize the Planning Director to extend to the date of the next agenda and put on the agenda.

Report from the Planning Director.

Ms. Newman noted she received zoning approval back from the Attorney General's office faster than ever. They have jurisdiction on the farmer's market. It may be the parking lot across from the hospital or the High School. They should put some language in the zoning if they intend to keep control over their projects.

Ms. McKnight noted the distinction between the High School and the hospital. She assumes the High School would be used for community uses. She does not know if using the High School for a farmer's market would have to come back to the Board. She would not expect a hospital to be used for a community function.

Mr. Eisenhut stated he feels it is a bit of a stretch. Maybe school events but not necessarily community events. He agrees with regards to the hospital.

Mr. Ruth noted the hospital is running a blood drive in their lot. This would be considered incidental. It is the same impact as a farmer's market. Ms. Newman stated the High School, yes, the hospital, no.

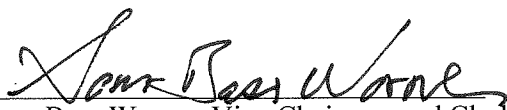
Mr. Eisenhut noted community non-profit uses are customarily incidental to the High School use.

Ms. Newman noted, with regards to Central Avenue, Mark Gluesing has agreed to do case studies for them. She asked what setbacks should be to set goals.

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 9:50 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Sam Bass Warner, Vice-Chairman and Clerk