

NEEDHAM PLANNING BOARD MINUTES

February 17, 2009

*Review
As discussed*

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, February 17, 2009 at 7:30 p.m. with Messrs. Handel, Eisenhut and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman.

Release of performance bond and off-street drainage bond for Lots A1 and E: Hunter Way (Bridge Street) Definitive Subdivision Plan, Eugene Kushner, Petitioner (Property located at Bridge Street, Needham, MA).

Ms. Newman noted the town is holding a performance bond for streets in the amount of \$2,500 and \$4,500 for each of the 2 lots. The street is now complete. The engineer has recommended release of the performance bond as it relates to the street but not the off-street bond. Snow has precluded an inspection of the street. David DiCarlo noted the houses have been built for 3 or 4 years now. The lots are cleared. He asked how long he has to wait. It has been almost 2 months now since he asked for an inspection and they have been holding the bond for almost 4 years now. Ms. Newman noted the Board of Health wants to wait for the snow to be gone. Mr. DiCarlo stated he has had no response from the Board of Health for 2 months. Ms. Newman explained the Board of Health has not recommended release of any monies yet. Mr. Jacobs clarified when the Board of Health is satisfied it will be put back on the agenda for release.

Upon a motion made by Mr. Ruth, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to release \$2,500 for the performance bond for the streets.

The Board of Health will then take up the off-street bond.

Establishment of performance bond: Cartwright Road Subdivision, George Giunta Jr., Petitioner (Property located at 342 Cartwright Road, Needham, MA).

Ms. Newman noted they have a recommendation for a performance bond. The off-street bond has already been set. The engineering department is recommending a bond of \$110,000. She noted it is unusual to release a lot prior to the roadway being installed but they have agreed to take the engineering bond and add a 50% premium to it.

Upon a motion made by Mr. Ruth, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to establish a performance bond of \$165,000.

ANR Plan – Property located at 568 South Street.

Ms. Newman noted this is an existing lot with frontage on South Street, Webster Street and Foxhill Road. It will be subdivided to 2 lots. The new lot will have frontage on South Street. Both lots have required frontage on the right-of-way, meet lot size requirements and build factor. There will be a note on the plan that they are making no determination on zoning.

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

Public Hearing

7:30 p.m. – Amendment to Zoning By-Law: Needham Center Overlay District, Map Change to Needham Center Overlay District

7:35 p.m. – Amendment to Zoning By-Law: Lower Chestnut Street Overlay District, Map Change to Lower Chestnut Street Overlay District.

7:40 p.m. – Amendment to Zoning By-Law: Garden Street Overlay District, Map Change to Garden Street Overlay District.

Chairman Jacobs turned the meeting over to Ms. McKnight, Vice-Chair. Ms. McKnight asked for a motion to hear all 3 hearings at once.

Upon a motion made by Mr. Ruth, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to hear all 3 public hearings together.

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

Ms. McKnight noted she has been a member of the Downtown Study Committee for 3 years. Mr. Handel has also been on the committee. She clarified the amendments are being sponsored by the Planning Board. The Town Consultants are doing the presentation to Town Meeting on behalf of the Planning Board. She noted the Downtown Study Committee held 3 public forums. After the presentation there were comments and questions. Ken DiNisco, of DiNisco Design Partnerships, explained the study area. It is 54 acres with 131 parcels. The first workshop discussed the town common, Town Hall, the center and the commuter train extension. They also discussed the village environment regarding retail, the historical character and the sense of tradition. At the second workshop they built on these concepts and discussed design standards, increased height/density, parking development strategies, how to encourage housing and improved landscaping. The development plan is the existing zoning versus the proposed zoning. Highland Avenue is not changed much but Great Plain Avenue and Chestnut Street are impacted. They are looking at economics and looking at a build out over 20 years. They feel it will likely be a 30% building out which is reasonable. They are testing the build out at Rosemary Street, May Street, the center, Oak Street and Chapel Street. There is significant improvement shown with a 30% build out. With the proper improvements in signalization the economic decisions are supported from a traffic point of view. The key focal point is Town Hall and one story shops with trees. They have discussed 3 stories plus one additional story. After discussion with Advisory they feel it is too high. Four stories overwhelms Town Hall. They agreed to 2 stories plus one. They feel it is respectful but reinforces the Town Hall concept. Great Plain Avenue could have 3 stories plus one as the street is considerably wider. The goal is to make the center more economically viable. Mr. DiNisco discussed the design guidelines – traffic and pedestrian improvements, sidewalks, curb cuts, etc. They have a detailed blueprint on how they will take effect. This serves as a guideline. They will develop the street edge with landscaping. The streetscape is important when it works. They will deemphasize parking. They are building on a scale in keeping with the neighbors and that works well.

Judy Barrett, of Community Opportunities, Inc., clarified the 2 amendments are for overlay districts. The existing zoning rights are undisturbed. They feel this creates more choices. She discussed the advantages of the overlay districts. The Needham Center Overlay District divides into 2 subsections, A & B, to accommodate different height regulations, increased maximum FAR, increase minimum lot size, etc. The Chestnut Street Overlay District requires parcel assembly. This gives access management and allows taller buildings on lots with frontage on Chestnut Street, increased minimum area and frontage and increased existing FAR. Garden Street allows multiple family by Special Permit, increases area, FAR and maximum height. They discussed provisions for market rate and affordable housing. There are parking waivers and an off street parking fund. This allows applicants to request a waiver. The Planning Board may grant a waiver cost based on a "cost per space" basis. The revenue may be used toward the design or construction of parking facilities. The objective is to facilitate redevelopment. Ms. McKnight noted they are undecided what would be best – 3 separate or all as one. She acknowledged the presentation was hurried but there were some good illustrations in the presentation. She also noted the Downtown Study Committee took as a given the job was not to change the underlying zoning. She reiterated the underlying zoning does not change. The overlay zoning is to encourage increased density of development by Special Permit in order to achieve the redevelopment of the downtown area with a different look.

Steven Rosenstock asked what percent of lots today would be non-conforming. Ms. McKnight stated the information was collected as part of the study. Ms. Newman stated she has the information and will get it to him. Roy Cramer noted he agrees with the Board and the Committee that revitalization is important. He does have some concerns. He asked to clarify that the Highland Avenue B District is off the table for this year. He was informed it was. He commented they want to give incentives for the use of the overlay districts. He expressed concern if some provisions included have made the process or By-Law so complicated they may push potential developers away. The Downtown Study document is 100 pages long, the Design Guidelines are 27 pages, they have to satisfy Site Plan Review, etc. There are so many requirements they could go through the whole process not knowing if they would get a Special Permit. He noted the parking fund is an extra cost that may be a disincentive. This gives the Planning Board authority to come up with the number and it is not subject to Town Meeting approval. He is concerned Town Meeting will say they did not give a

number. He suggested they may want to rethink if they want to include the fund in the proposal. He also suggests they take another look at putting a setback restriction in the By-Law if they are encouraging underground parking. They may want to clarify up to the residential district boundary underground rather than a setback. They should make sure the Building Inspector is ok with that. He feels this should be clarified. He noted with underground parking there is no increase in the FAR but not underground is being included in the FAR. He stated they should not do that as it is not logical. Mr. Handel asked what is unreasonable give the need for parking and the lack of funds. Mr. Cramer stated they are never going to be able to raise enough money to build a garage. On a 15,000 square foot lot they are not going to have enough spaces or waive enough to make a dent in the cost of a garage. It is an economic disincentive. He would like figures if someone could show him otherwise. Ms. McKnight stated they want subjective criteria. If certain criteria are met there is no money going to the fund. She noted only if they cannot meet the criteria would funds be necessary. She noted they will take into account his comments on underground parking.

Bill Zoppo, Town Meeting Member Precinct F, noted he loved the village concept. He asked if the build out could potentially be 700,000 square feet. Mr. DiNisco noted that would be the 100% build out but they think a 30% maximum of about 200,000 square feet would be best. Mr. Zoppo noted without having a plan for public parking this plan can not be effectuated properly without planned parking on it. Traffic is another issue. The streets are much too narrow and they are talking about adding 200,000 more square feet. The key is what are we doing with the public lots and how are they fitting into this plan. Ms. McKnight stated Mr. DiNisco did say the development increase at 30% would necessitate traffic mitigations. Traffic and parking are an issue with every single special permit request. She agrees it would be good to see a plan. Mr. Zoppo stated they need adequate parking if they want to revitalize downtown. The value of retail space is related to the ability to park. Ms. Newman noted they have received a grant from the state related to parking. Joyce Moss stated the goal is to try to unlock some of the private parking for public use. There is an enormous amount of private parking. They are trying to get movement in that direction. Ms. McKnight noted the Committee did not look at the overlay for residential only areas that are currently zoned business.

Mike Broderick, of 215 Garden Street, asked if spillover traffic was addressed on Garden Street and what sort of mitigation is included for the side streets. Mr. DiNisco noted they did address it with improvements to intersections with signals. There are also improvements to sidewalks, streets, traffic patterns. They have eliminated some parking spaces and have looked at every curb cut and sidewalk. He noted these are guidelines and are not hard and fast. Mr. Broderick asked if the design discourages the use of side streets as thoroughfares and was informed it does. Ms. McKnight asked where the plans are available for people to look at. Ms. Newman noted they are at the Planning Board office and they will also put it on the website as a PDF file. Jeff Cristella, of 138 Elmwood Road, noted he has been at a number of the meetings. He suggested when the amendments are presented they should state the spirit of why it came about and the intent should be made very clear. A lot of people think it is a negative. They should be clear on why it is not a negative and the benefits to the residents of the town. He is concerned they would be voting on a zoning amendment and not voting on a plan per se and not voting on traffic improvements, curb cuts, etc. He asked when the improvements are going to be done. They do not seem to be budgeted and he asked if they need to do the improvements now. Ms. McKnight noted the timing is important and they should be prepared to discuss that at Town Meeting. A Garden Street resident noted that if they are increasing the square footage by 30% they would need to increase parking by 30%. *she* He feels this has not truly been addressed. The potential build out is 3 stories with retail on the first floor, with possibly franchise restaurants, and apartments 2 floors above. This has not been addressed. Also, who would do the plan aesthetics? This has not been addressed. Ms. McKnight noted all this is through the Special Permit process with the Planning Board being the authority. There can not be more than 5 *residents* in the mixed use district without a Special Permit. Issues will be dealt with in the special permit process. Mr. Handel commented the Planning Board is advised by the Design Review Board on all designs. The Planning Board tries to make sure everything fits in.

Carolyn Cardwyn Corvian
Rich Gatto noted he is the owner of a building on less than 10,000 square feet and added it is sad to see 15,000 square feet. He would not qualify under the overlay district. He would like affordable housing at any number of units. He is not sure why the number 5 was chosen or where it came from. He would like to see more affordable housing. Mr. Ruth asked Mr. Gatto if it was his thought that less than 5 would be financially feasible for affordable. Mr. Gatto stated 3 with one affordable would work. Bruce Claflin, of 229 Garden Street, noted they need to be aware of the law of unintended consequences. The second story requires handicap access but this is not affordable. They are encouraging the rising up of buildings outside but not at the center of town. They will have one story with higher around. He noted there is a real problem with delivery trucks. He asked if there are any provisions for deliveries to be made off-street. He feels this should be factored in. He commented people who have a one story building would probably not sell and developers would build on Garden Street rather than Chapel Street. He noted people on Chapel have said they can not afford a

second floor. Ms. McKnight stated she saw nothing about a delivery truck requirement. Ms. Newman noted it is covered under the Special Permit process. Mr. Handel added it was also addressed through the public hearing process.

James Hugh Powers of Nehoiden Street, stated Needham needs to pay attention to public transportation with this proposal. The MBTA is quite good but the bus service is out of date. There is no public transportation to the part of town the DPW building is at. He asked how disabled people were to get there without public transportation. They need to look at the traffic situation as it impacts Great Plain Avenue. The public transportation system is archaic and needs to be part of any scheme of things. The town needs to address this. Ms. McKnight commented that she hears him about other forms of transportation needed but one of the purposes of the overlay is to encourage development. Mr. Hugh Powers asked, if enacted, how are they going to implement this. They need to look at the structure of government that deals with community development. They do not have a community development agency. They need to have a serious plan. They need to add to the tax base of the town and need to have a community development agent who can be in charge. They need to have a greater sense of purpose and someone at the management level in town to drive this thing but they need to improve the tax base.

Mr. Eisenhut noted he is concerned with parking and believes they do need to look at the parking issues. He added they do try to, with Special Permits, look at issues of shuttle services and bringing employees away from the center. This zoning article will increase aesthetics and bring more people walking into town, which he would like to see more of. They need to break the cycle of driving into town and parking. They need to decide how to improve transportation in and around the center and how to get more monies into town. They need to encourage pedestrian use in and around the town center. Mr. Ruth noted they should make a distinction this is a hearing of the Planning Board. Mr. Handel noted it is a community process led by a committee that was very inclusive. The key to the philosophy is to try to develop the resources it will take for development. Mr. Jacobs stated he has no concern with the village concepts and asked if any had any concerns with it. Mr. Rosenstock noted he has a concern that every third structure will go along with the village concept. It will be very spotty. Maybe it will be ideally 30% by 2027 as Mr. DiNisco stated. Some buildings may take advantage but the vast majority may not. Ms. McKnight noted she appreciated the turnout, comments and objections.

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

8:00 p.m. – Amendment to Zoning By-Law: Dimensional Regulations (Limited Exception to Lot Coverage Regulations by Special Permit), Accessory Uses.

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

Ms. Newman noted this was Section 4.7.5 and gave a quick introduction. This is flexible as it relates to circumstances when a building is built with greater area than allowed by accident. This allows for lot coverage increases of not more than 10% with a maximum of 150 square feet by Special Permit in cases where construction of the building happened by accident. Mr. Jacobs clarified it was only in unusual cases. His question is in the terminology of “excusable neglect or inadvertence.” He asked if this needs to be defined further. He would say no but would like opinions. Mr. Eisenhut noted he would not change it and Ms. McKnight agreed. Mr. Ruth stated he would tend to think as it has been in there he would not look to change it further.

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

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

Article 7 correction
Ms. Newman noted the purpose is to correct an oversight that occurred in the zoning at the time the Rural Residential Conservation was created. It came out of the Single Residence A district and is a requirement on the number of garage spaces required. Rural Residence was intended to carry this forward but it was not. This corrects that.

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

side - ck 50ht

It was noted they would need to readvertise.

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

Appointments

9:00 p.m. – Roy Cramer: Informal discussion regarding proposed subdivision at 634 Charles River Street, Needham, MA.

David Kelly, Project Engineer, noted this is a proposed subdivision off Charles River Street. The previous proposal was a one way entrance from Charles River exiting toward Whitman Road for a loop. They have had conversations and have modified the plan. It will be a regular subdivision with a cul-de-sac and a 2 way exit/entrance on Charles River Street with no access to Whitman Road. They will have a vegetative buffer between this subdivision and Whitman Road and the road will remain private. He reviewed the waivers requested: the roadway would be 24 feet down to 20 feet, the right-of-way would be 50 feet down to 40 feet, the cul-de-sac pavement would be 60 feet down to 44 feet and the dead end roadway width would go from 1,200 feet to 1,900 feet. They spoke with the Fire Department regarding going through to Whitman. They do not think it is necessary but they are concerned with the radius of the cul-de-sac. They need to go to Conservation Commission for an order of conditions because of the vernal pool. They will file a notice of intent. They would like to get the Board's views on the plan. Ms. Newman noted she has had conversations with the Conservation Commission and the town engineer. They had some concerns with the plans as laid out so she thought it would be prudent to come before the development team on the 24th at their next meeting. Mr. Cramer stated they are willing to do that. He has spoken with the Conservation Commission. They do not want to meet with them just to file a notice of intent. Mr. Kelly noted this is about 30 acres. They propose to enter from the far right side. There are 9 conforming lots with 3 substantially larger lots. They look large but the developable part is closer to the roadway. They like this layout as it limits the amount of roadway and the proposed roadway matches the property. They feel this is quite good. They have the ability to run through to Whitman but do not feel it would benefit anyone. They have gone through an arduous review process that is almost complete and there will be a lot of additional technical data that conforms with Algonquin's requirements. They have spoken to the Conservation Commission regarding the vernal pool and mitigations possible. They will put together a package of mitigations to offer. The goal is to go to the Commission with an agreement.

Mr. Handel asked if there was a map that shows more of Charles River Street. They have discussed this before and it looks like a tight turn but they do not see where the road goes. He asked if the engineering department was concerned with the site distance. Mr. Kelly stated they have not given engineering enough information to discuss it yet. He added their concern may be with vegetation along the Algonquin easement. Ms. Newman noted Mr. DelGaizo had concern with the site distance and length of the dead end street. He suggested to get the roadway away from the vernal pool and to get 2 streets away from being so close to each other they look at access to the subdivision in from Whitman Road. Mr. Jacobs clarified he was suggesting an entrance/exit off of Whitman Road to get away from the vernal pool. Mr. Cramer stated they feel their plan is preferable to that and added the Conservation Commission is capable of dealing with wetland issues. Mr. Eisenhut asked the distance between the 2 streets. Mr. Kelly noted 500 feet from center of street to center of street. Mr. Eisenhut asked what the Fire Department wanted. Mr. Cramer stated they need to make sure the radius was at least 44 feet. They had the same discussion with them on the Petrini subdivision. Mr. Cramer noted they will meet with the group of town departments on the 24th at 1:30. He is concerned that someone is saying something that is not true so meeting all together will be good. As a political matter they would like to minimize their contact with the people on Whitman Road. Mr. Handel noted it changes the character of Whitman Road. Ms. McKnight suggested the cul-de-sac be considered temporary and they show a way to continue through to Whitman in case the town ever wants to lay out the road. It would be visual but not done now, if ever. Mr. Eisenhut asked why have traffic on Whitman if you do not have to. Mr. Ruth suggested they could use it as emergency access only. Mr. Cramer noted if the Fire Department says they need it the issue is closed. Mr. Ruth agreed with Ms. McKnight that it should be laid out and set aside, available for emergency access.

Minutes

Upon a motion made by Mr. McKnight, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to accept the minutes as written.

— jno dck votes

Two Board of Appeals Cases – February 19, 2009.

Ms. Newman noted they did not get them the support information so they do not have enough information and recommends they make no comment.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to comment they do not have enough information to make a comment.

Upon a motion made by Mr. Handel, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 10:40 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne McKnight, Vice-Chairman and Clerk

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