NEEDHAM PLANNING BOARD MINUTES

December 4, 2007

The regular meeting of the Planning Board, held in the Performance Center of the Broadmeadow School, was called to order by the Chairman, Devra Bailin on Tuesday, December 4, 2007 at 7:30 p.m. with Messrs. Eisenhut, Handel and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Minutes

Mr. Handel noted on the minutes of November 13, page 1, second paragraph, it should be clarified to state "the Board could not reasonably expect them to spend money after 5 years." Ms. McKnight clarified she stated her observation was that presently there is no parking on Lincoln Street both sides.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to adopt the minutes of November 13, 2007 with the revisions discussed.

Ms. McKnight clarified on the minutes of October 16, page 4, she commented she was concerned with the trees but the proposal seemed logical to her.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to adopt the minutes of October 16, 2007 with revisions discussed.

Appointments

7:30 p.m. – Dan Walsh: Discussion of Proposed Zoning By-Law Amendment, Definition of Structure.

Dan Walsh noted he was satisfied with the language being proposed – "any wall that meets the criteria as long as it is not attached to anything". He noted the building code is 4 feet. Ms. Bailin questioned 8 feet and asked if it should be more like 6 feet. Mike Crowe, of the ZBA, noted you create another issue if you do not go to 8 feet. That is the height of structures in town. Boundary walls are exempted. There are no height restrictions. Mr. Walsh noted in excess of 8 feet it just has to comply. Mr. Jacobs questioned what "at any location" means and asked if they meant "at all locations". He clarified what they mean is everywhere along the wall they want it to be no more than 8 feet. He suggested what they need to say is "a wall under 8 feet in height by finish grade throughout its length". He feels they need to add "at all locations" not "at any location" or add "throughout its length". Mr. Walsh suggested "at all points" and all agreed. Ms. Bailin noted they are trying to restore prior practice. Mr. Handel commented the consensus is to modify the language of the By-Law.

7:45 p.m. – Roy A. Cramer: Minor Modification to Major Project Site Plan Special Permit No. 1995-09, as amended -- Highland/Montrose, LLC, owner of 902-910 Highland Avenue, Needham, MA.

Mr. Cramer noted he has talked to Peter Zahka regarding different alternatives. Mr. Zahka suggested the landlord put fire exits on the rear exits and he would hold the key. He noted as long as this is working and he is monitoring the situation it is fine. It would save them money and they would not put a fence up. He added it is in their best interests to work with the other landlords and if it works it is a good solution. They do not want to keep coming back. Mr. Eisenhut commented it was a good plan. If it did not work he could write Ms. Newman a letter and it would go on the next agenda. Mr. Cramer noted that Mr. Makarious has spent a lot of money already and will not be compensated. They want a vote to put a fence up in case this does not work. Mr. Makarious noted he gave a proposal of the timeline. He will have special hardware installed by weeks end. He does not want to go through the expense only to have them put up a fence anyway. He stated he would be responsible for the alarm on the door. Ms. Bailin suggested they vote the relief but request the applicant wait a month to install and maintain the alternative. If it does not work both can come back in. Mr. Handel stated he thinks Mr. Eisenhuts' suggestion is better. Ms. McKnight agreed. Mr. Cramer noted they do not want to put up a fence but will if forced to. They would like to have the relief now and it should not be denied. Mr. Handel stated if there is no realistic cooperation they could come back in and they would grant the relief. Ms. Bailin noted she would like to grant relief subject to a trial period of alarmed doors going in and working with the abutters. She would like notification to the Board if issues arise. Mr. Eisenhut stated they should vote but put in a condition the rear doors are emergency exits only and give it a chance to work. Mr. Jacobs noted he would like to see exactly where a fence and gate would go. Ms. Newman noted they could request a plan be presented, describe the gate system and how it would work. Mr. Cramer stated that was not necessary as they have already been told. Mr. Jacobs stated the issue is safety. They want to maximize peoples' safety. Mr. Cramer informed the Board they would put the gate closest to Venus Nails. He would check with the owner if they have a problem and would gate at the center stairs. Mr. Makarious reiterated he does not want to lose access to the dumpster.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by the five members present unanimously:
VOTED: to grant relief subject to a trial period of alarming the rear doors, making the rear door emergency exits only, working with the abutters and notification to the Board if there are issues.

Extension of Temporary Occupancy Permit: Major Project Site Plan Review Special Permit No. 2006-02, Needham Cooperative Bank, 1063 Great Plain Avenue, Needham, MA, Petitioner (Property located at 1055-1063 Great Plain Avenue, Needham, MA).

Upon a motion made by Mr. Handel, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to grant the extension as requested.

Board of Appeals Recommendations: December 19, 2007.

Alexander and Elena Schneider, 37 Linden Street, Needham, MA.

The Board has already commented.

Leonardo Barros d/b/a L B Bistro, Inc. – 12 Glen Gary Road, Needham, MA.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to assert jurisdiction over the parking lot.

Upon a motion made by Mr. Handel, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 9:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

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Jeanne McKnight, Vice-Chairman and Clerk