

NEEDHAM PLANNING BOARD MINUTES

June 8, 2015

The regular meeting of the Planning Board held in the Selectmen's Chambers, Needham Town Hall, was called to order by Martin Jacobs, Chairman, on Monday, June 8, 2015 at 7:00 p.m. with Messrs. Eisenhut and Alpert and Ms. Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Request for Temporary Occupancy Permit and Establishment of Bond: Amendment to Major Project Site Plan Special Permit No. 2012-07: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 66B Street, 360 First Avenue, 410 First Avenue and 37 A Street, Needham, MA 02494).

Ms. Newman noted she has authority. This is a placeholder. She had one concern with the language of the bond agreement but that has been resolved. Roy Cramer, representative for the applicant, stated Normandy wants to pull a temporary Occupancy Permit. Some landscaping is not done. They have agreed on a bond amount and the text. Normandy had to write a check for \$930,000 originally. Normandy wrote it from their account and did not give a bank check. They want to write a Normandy check rather than a bank check. Kevin Daly, of Normandy, stated it was easier to write a check. Mr. Cramer noted the number the town gave was 135% but much of the work is done.

Mr. Jacobs asked what is the issue? Normandy could wire the money to Mr. Cramer's account. Ms. Newman stated the Selectmen accepted Normandy's check previously rather than a bank check. Ms. Grimes stated the money should be wired to Mr. Cramer's account. Mr. Alpert stated he is not for accepting personal checks unless the Board does it for all. Ms. Grimes disagreed. This project is different from others. Mr. Alpert stated the applicant should wire the funds to their own attorney. Mr. Jacobs reiterated the applicant could have the bank wire the money to Mr. Cramer's account and he can write a check to the town. Mr. Alpert is ok with that. Ms. Grimes thinks it is ridiculous.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by three of the four members present (Ms. Grimes voted in the negative):

VOTED: to accept the bond agreement with the funding mechanism discussed.

Discussion of potential zoning change to accommodate historic restorations by Special Permit.

Elizabeth Handel stated she wanted to do a small project with their house on Rosemary Street. The chimney was put on in the 1950s. They are trying to keep the 2 fronts as accurate as possible. The chimney needs to be replaced which leaves a space on the side of the house. They have the original door that was on the Webster Street side and would like to put the door back. She stated they do not intend to use it as a door. It will only be cosmetic. She stated they were told they would need a variance. She is hoping there could be some change for people to make improvements to their historic houses.

Ms. Newman stated, earlier, the Planning Board took the position that if there was something new along the side yard there are setbacks. The Board needs to look at a change that may allow this type of change to historic houses. Mr. Eisenhut noted the house is not on the historic register. He asked Ms. Handel how she defines historic structure. Ms. Handel noted it was built in 1779. Mr. Alpert stated the Board could define a historic structure as any structure that is more than X number of years old.

Mr. Eisenhut stated the Board would need to limit the mass by some means. Mr. Jacobs suggested "restore to historic condition." Mr. Eisenhut stated the Board needs to define "historic structure." It would not enlarge but restore and it should be done by Special Permit by the Zoning Board of Appeals. Mr. Jacobs stated there is something in the packet from Attorney Robert Smart asking that the Planning Board look at this. Mr. Eisenhut stated he is ok with defining it, limit mass and return to some number to be determined. Mr. Jacobs stated there is a consensus of the 4 members if the details can be worked out.

Correspondence

Mr. Jacobs noted a letter from 7th grader Sean Greene of Xaverian Brothers High School regarding adding more restaurants.

DeMinimus Change: Amendment to Major Project Site Plan Review No. 2010-02: Town of Needham, 500 Dedham Avenue, Needham, MA, and the Needham Historical Society, 1155 Central Avenue, Needham, MA, Petitioners (Property located at 1155 Central Avenue, Needham, MA).

Mr. Jacobs noted the following correspondence for the record: a memo from Matt Varrell, Director of the Conservation Commission, with comments and a memo from Assistant Town Engineer Thomas Ryder, dated 6/5/15, with no comments or objections.

Tree Warden Ed Olsen stated he wants to amend an order of conditions from the Conservation Commission. He had a low cost alternative to piers. The DEP said they would add alternate helical piers in that section. The contractor added \$1,000 to assist since there is no money in the budget. Engineering said the changes are appropriate.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:

VOTED: to deem the modification as a de minimus change.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:

VOTED: to approve the modifications.

The Board signed the bond agreement.

Board of Appeals – June 18, 2015.

Spiga, LLC – 18 Highland Circle.

Ms. Newman noted the applicant will come in front of the Planning Board for a Special Permit. The applicant is getting too close to the property line. This is a unique case as 2 Boards have jurisdiction. Mr. Eisenhut asked if there are any issue that Ms. Newman sees. Ms. Newman stated her concern is with adequate parking and spill over parking. She does not know if there are existing parking issues. Mr. Alpert noted the applicant is reducing the number of seats. Mr. Eisenhut asked if the applicant has a permit for take-out. The Board needs to make sure. Ms. Grimes commented there is always plenty of parking there. Mr. Eisenhut asked if take-out is authorized and is it calculated in the parking waiver.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:

VOTED: to ask if take-out is authorized and is it calculated in the parking waiver otherwise No Comment.

Myrtha Chang, Inc. d/b/a Mathnasium – 1299 Highland Avenue.

Ms. Grimes stated the Board needs to make sure the new use does not take away from the existing.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:

VOTED: “No comment.”

Minutes

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by three of the four members present (Mr. Alpert did not vote):

VOTED: to approved the minutes of 1/6/15, 3/10/15 and 3/24/15.

Report from Planning Director and Board members.

Ms. Newman noted there is one issue around drainage on Rockwood Lane and a question if the town can step in. The town has talked about a lien on the lots. Town Counsel David Tobin does not think there is the legal authority to do that. He is exploring alternate ways to make sure the money is there. The town is looking at an escrow account but Town Counsel is not sure about that. Mr. Jacobs stated Town Counsel does not feel the town could collect it like a real estate tax. Mr. Eisenhut stated a lien is a simple solution. It does not need to be tied to a real estate tax. Ms. Newman noted a trust is structured like a mortgage.

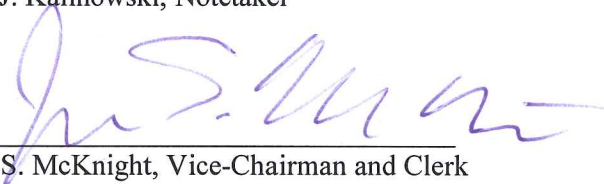
Mr. Eisenhut suggested Mr. Jacobs speak with Town Counsel Tobin. The town is willing to do a drainage system but no roof drains on peoples' houses. Mr. Jacob stated Town Counsel is not comfortable with a performance bond. He noted there are 2 issues to talk to Town Counsel about – a performance bond and some type of lien. Ms. Newman will try to set up a meeting for Tuesday morning. She noted she will be away Wednesday through all next week but will be available by phone and computer.

Ms. Grimes asked when someone sends a letter do we acknowledge them. She has drafted a note to Sean Greene. Mr. Jacobs commented on the waiver of regulations article Mr. Alpert gave the Board members. He noted they need to meet some requirements. He would like to put in on the next agenda or a mid-July meeting when Ms. McKnight is here.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:

VOTED: to adjourn the meeting at 8:05 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Jeanne S. McKnight, Vice-Chairman and Clerk