

NEEDHAM PLANNING BOARD MINUTES

December 18, 2012

The regular meeting of the Planning Board held in the Charles River Room at the Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Tuesday, December 18, 2012 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.

Correspondence

Mr. Eisenhut noted a letter from Normandy. Ms. Newman informed the Board she put this in for their information. There is another letter where the Town accepted \$75,000 for the town. Normandy gave \$100,000 to the owner's association fund. Roy Cramer stated that the association has not been formed yet, but money is in escrow account; if owner's association is not formed by the end of the year Normandy will form it themselves.

Public Hearing

7:30 p.m. – Major Project Site Plan Special Permit No. 2012-06: Needham Music, Inc., 947 Great Plain Avenue, Needham, Massachusetts, 02492, Petitioner (Property located at 953-961 Great Plain Avenue, Needham, MA 02492).

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, 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, introduced the owner, Rich Vaughn. Mr. Giunta Jr. noted this is an existing business. It is a retail store with instrument repairs and offers music lessons. They have the opportunity to move to another space in the same building where the Sovereign Bank back offices were. The existing configuration does not require a lot of renovations. They would like to move from one end of the building to the other.

They currently have a retail storefront area, accessory storage in back and instrument repair, accessory storage in the basement and 9 instruction rooms upstairs for music instruction. They will be moving to the new location and keeping all components the same. They also will have a large open room in the middle. They want to offer some limited dance instruction. The dance instruction would probably be 2 times per week with a limit of up to 8 students. They will have the same hours as the regular music instruction.

Mr. Giunta Jr. noted it is the exact same use which is allowed by right. He reviewed the special permits being requested. He noted there is some parking available but only for employees and it is on the adjacent property. Technically there is no parking. He has included a request for a parking waiver although there is a net reduction of one space from the prior office space. There is a parking area behind the building and employees are issued permits to use the spaces.

Ms. McKnight asked, if when it was used as a bank, the permit for the bank had zero parking and a waiver for parking. Mr. Giunta Jr. stated he could find no Special Permit for the bank use. He noted it has been a bank for a long time and the bank use was as of right. He added they are decreasing the parking required based on this retail use.

Mr. Ruth asked that they describe the storefront. Mr. Vaughn stated the façade will be the same and will be where the ATM for Sovereign Bank was. Mr. Giunta Jr. noted not a lot of work is needed. They will go to the Design Review Board for the sign. He noted the window space has a display area for retail. They will be able to display without changing anything.

Mr. Eisenhut noted the following correspondence for the record: a memo from Fire Chief Paul Buckley noting no objections or concerns; a memo from Police Lt. John Kraemer with no safety concerns; a memo from the Health Department with no concerns; and a memo from the DPW with no comments or objections.

Mr. Warner asked if there were any handicap problems and was informed there were none.

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

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

VOTED: to grant a Special Permit for two private school uses (music instruction and dance instruction) in the Center Business Zoning District, a Special Permit under Section 3.2.2 for more than one non-residential building or use on a lot, a Special Permit under Section 5.1.1.6 to waive strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3 and also to approve a Major Project Site Plan Review for this project.

Amendment to Definitive Subdivision Plan: 342 Cartwright Road, Paul V. Ferreira, Petitioner (Property located at 342 Cartwright Road, Needham, MA), to approve the following items, subject to no appeal having been filed:

- a. **Approve subdivision plan**
- b. **Approve revised covenant**
- c. **Approve off-street drainage bond**
- d. **Issue a Lot Release for Lot 2/2A and the fee in Whitney Way for both building and sale.**

Ms. Newman noted she received an email from Town Counsel David Tobin with one additional change he wanted to make. She stated the Board needed a vote to approve the subdivision plan and sign it, approve the amendment that would be issued on the subdivision covenant, approve the Whitney Road bond agreement and to vote to approve and sign the lot release document that she will hold until she has the money.

Ms. McKnight asked why this was being done in such a complex manner. They are amending a covenant that applies to 2 lots then releasing the lots from the amended covenant. Then there is an agreement there will be \$4,500 held to secure the off-street drainage and that is to be recorded. She asked why go to the trouble of amending the covenant. Mr. Giunta Jr. stated the recorded covenant has a condition that the septic system actually has to be installed. He feels it makes no sense to install it until the house is built. This is part of the relief the Board voted at the last meeting. They are not only fixing plan errors but also fixing that issue and two other minor issues in the decision. He stated by fixing the decision the covenant now has to be fixed to reflect that. He noted maybe a lot could be released without amending but there is still an issue of the document of record with a stated requirement that will not be met. Ms. Newman stated Town Counsel Tobin would like the words "by the developer or by the owner."

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

VOTED: to approve the revised covenant except with change as to form recommended by Town Counsel.

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

VOTED: to approve the release of lots and sign the lot release provided the release of lots is held by the Planning Director until the amended subdivision plan is recorded with the covenant and the bond is received.

Ms. Newman noted the off-street drainage bond has been approved by Town Counsel in its current form. Mr. Jacobs noted the Planning Board should be the last ones to sign this. Ms. Newman stated she was going to have 2 signature sheets so they do not have to come back.

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

VOTED: to sign the Whitney Way agreement in the amount of \$4,500 pertaining to the surety bond for Whitney Way.

Mr. Cramer asked what the change in the covenant Town Counsel wanted. Ms. Newman stated he wanted the words "by either the developer or by the owner" inserted in (e) and after "the septic system will be installed on Lot 2A" by whom (the owner). The Board signed the paperwork.

Ms. McKnight noted the amount for Normandy is \$1,000,000 but the check is only for \$100,000. Mr. Cramer stated the first \$100,000 payment is due 30 days after the expiration of the appeal period.

Report from Planning Director

Ms. Newman noted Ken Mackin sold his building and the new owner came in, which is Brookline Development Corporation. She met with them and they are interested in tweaking the building. The nice thing is they are going to change the rear elevation. The change is not that significant on the front elevations. The driveway entrance height is going from 14.6 feet to 12.9 feet. This is still above the minimum the Fire Chief wanted established in the decision.

Ms. Newman stated on the east elevation some windows are added on the top floor, doors on the balcony are on the side now and the door is now a window. The west elevation brick wraps around to the back of the building. The back elevation they are going to make brick. They want to come in for a change in January. Mr. Eisenhut stated it needs to be pointed out where the doors are going to be. Ms. Newman will make sure. Ms. McKnight stated it would be helpful to have the old floor plans. Ms. Newman stated she will do that. She just wanted to give them information.

Discussion of Proposed Zoning Articles for May 2013 Town Meeting.

Ms. Newman noted the zoning is on as a placeholder but not ready. She will put that on for January.

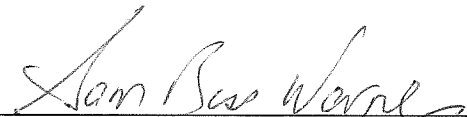
Minutes

Mr. Ruth noted informally on the record he would like to thank Ms. McKnight for stepping in on the Jensen pool issue for the Fall Town Meeting presentation

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

VOTED: to adjourn the meeting at 8:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Sam Bass Warner, Vice-Chairman and Clerk