

NEEDHAM PLANNING BOARD MINUTES

October 7, 2014

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building was called to order by Martin Jacobs, Chairman, on Tuesday, October 7, 2014 at 7:00 p.m. with Mr. Warner and Eisenhut and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Appointments:

7:00 p.m. – Discussion on Medical Marijuana

Mr. Jacobs noted Selectman John Bulian and Town Manager Kate Fitzpatrick were at the meeting to discuss Medical Marijuana. He stated there were basically 3 issues. The first issue is that Registered Marijuana Dispensaries (RMD) are a lawful purpose; thus noted they all agree RMD's will be treated under the existing Zoning By-Law as a special use not enumerated elsewhere and would require a Special Permit in Industrial, Industrial 1 and the Business Zones and would be prohibited in other zones. This is the current state of affairs. The second issue is that the Planning Board does have a provision that was recently added to Section 3.1 of the Zoning By-Law whereby the Planning Board can make a determination that a use such as Registered Marijuana Dispensaries is similar in kind and similar in impact to another allowed or specially permitted use, such as a medical clinic. By this means, RMD's would be treated as allowable by Special Permit in all above districts and Chestnut Street, Center Business, Avery Square Business and Hillside Avenue Business.

Mr. Eisenhut noted a Special Permit is now required in all cases and requires a public hearing. There are stringent terms and conditions. The Planning Board could adopt or regulations for special permits. He thinks the districts proposed could work in certain circumstances. The Special Permit process flushes out all issues and gives the public a chance to weigh in. He noted there is a fair argument the Neighborhood Business Districts are not generally good locations. The Planning Board could determine that a Registered Marijuana Dispensary is similar to a special-permit-required use like a medical clinic. They could eliminate Neighborhood Business Districts from being a location where the use is allowed by special permit. The proposed zoning could be simple. Ms. Newman stated medical clinics are not allowed in small Neighborhood Business Districts, so it wouldn't be allowed there anyway.

Ms. McKnight stated she agrees with the interpretation of the Zoning By-Law that the Planning Board has power to make a determination regarding a theoretical use, finding such a use similar in impact and similar in kind to a use specified in the Zoning By-Law. She does not think it is wise, however, to make a determination like that without an actual application for an actual use. She would like an application for a particular proposal before the Board before she would feel comfortable making such a determination.

Ms. Grimes stated she feels Chestnut Street, Avery Square and Hillside are inappropriate areas. Mr. Warner commented the public is not in favor of Chestnut Street and the other 4 districts.

Town Manager Fitzpatrick stated the Board of Selectmen see a big distinction between a Registered Marijuana Dispensary retail and the production of marijuana. The town had one applicant apply for growing, drying and packaging. That is a very different use from retail. She is concerned the process be simple to understand and predictable. The town needs the ability to provide guidance to applicants. She knows the dispensaries will be regional facilities.

Selectman John Bulian noted the only applicant to Needham (that didn't make the state's cut in the first round) stated the business model needs to be close to highways. The Board of Selectmen heard clearly at Town Meeting that Town Meeting is not willing to zone any location other than the Industrial Zones for RMD's. The Board of Selectmen is not interested in bringing back a zoning alternative to Town Meeting. The Board of Selectmen is willing to work with the Planning Board. They all need to be on the same page.

Mr. Jacobs asked if the Planning Board is prepared to determine that an RMD is similar in use and similar in kind to some other use specified in the Zoning By-Law. He is not sure it is similar. The Board would need an actual application in front of them to make such a determination, he feels. He will pass over this issue. He stated the Board could amend the Zoning By-Law to change the current state of affairs another way. They could add a district where Registered Marijuana Dispensaries are allowed or something else.

Ms. Grimes asked whether the Board of Selectmen feel it should not go to Town Meeting again. Mr. Bulian stated that is correct. They could do preemptive zoning or action, but the Selectmen doesn't see the need to do so right now. Ms. Grimes stated she still feels they should bring something to Town Meeting. They heard from a loud minority when this was before the Annual Town Meeting. She feels there is a huge majority who should be heard. She feels it is appropriate the Planning Board propose zoning for this. Selectman Bulian stated, in absence of any change, the Board of Selectmen are comfortable with the areas as they currently are.

Ms. Grimes stated her fear is in not doing anything it leaves the door open for a future Planning Board to make a determination such as that an RMD is like a medical clinic. Mr. Jacobs asked what an amendment change would look like. Ms. Grimes stated it would be similar to last time. The Planning Board would tell people, if it does not pass, these are the options. She feels the Planning Board should do something in Mixed Use 128 and Highland Commercial.

Ms. McKnight stated the voters should know if nothing is done RMD's could be put in small areas near neighborhoods. She asked if the Planning Board could give a report at the fall Town Meeting. Town Manager Fitzpatrick stated it is not already on the Warrant, so not possible. Ms. McKnight stated the moratorium is up at the end of the year. The Planning Board could make a report at the annual Town Meeting and get a reaction. Selectman Bulian stated there is plenty of time for the boards to have discussions. He suggested they meet. Town Manager Fitzpatrick stated there is not a lot of sentiment from the Board of Selectmen to move forward. She stated the zoning needs to be simple and easy to follow.

Bob Timmerman, of 360 Hunnewell Street, stated he likes the way Ms. Grimes is headed with respect to zoning with Mixed Use 128 and Highland Commercial 128 the sole locations for Registered Marijuana Dispensaries. He would look favorably at these areas. These areas make sense. He stated he wanted to thank the Planning Board for their thoughtful negotiations. He appreciates their efforts. Ms. McKnight asked if the Board would propose to Town Meeting the same as they previously did, go forward with some changes or simply make a report to Town Meeting. Selectman Bulian suggested they have time to engage and go forward.

Public Hearing:

7:30 p.m. – Definitive Subdivision Amendment: 250 Cedar Street Realty, LLC, Dennis Paul, Manager, Petitioner (Property located at 250 Cedar Street in Needham, MA). Please note: This hearing has been continued from the September 2, 2014 meeting of the Planning Board.

Ms. Newman stated there is a request to continue this hearing to 10/20/14.

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

VOTED: to accept the request and continue the hearing to 10/20/14.

Transfer of Permit: Major Project Site Plan Review No. 1998-07: Paraskevi Tsoutsoplides, d/b/a Sweet Corner, 2 Hancock Road, Needham, Massachusetts to Konstantina Choros, 7 Edgewater Road, Westborough, MA 01581, Petitioner (Property located at 1056 Great Plain Avenue, Needham, MA).

Ms. Newman stated this is a transfer of a permit. There is a letter dated 9/23/14 from the applicant. The applicant will take over and run it consistent with the permit. The applicant will be adding more baked goods and more

greek items to make it a nice bakery/café. Mr. Jacobs asked if the applicant needs a Special Permit and was informed they do. Ms. McKnight clarified the location was next to the train tracks on the corner.

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

VOTED: to authorize the transfer of the permit in the notice.

De Minimus Change: Major Project Site Plan Special Permit No. 2012-04: Needham Bank, 1063 Great Plain Avenue, Needham, Massachusetts, Petitioner (Property located at 1055 & 1063 Great Plain Avenue, 10 Eaton Square, 232 & 244 Garden Street, 0 Garden Street, 0 Eaton Square, Needham, MA).

Ms. Newman noted there is information in the packets. The Town Engineer has identified 3 deviations in the plan but she believes they have come up with a solution to work around the drainage structures. Christine Monaghan, Needham Bank, stated the first issue was the proposed walkway was not constructed. The bank will plant an added tree to remedy the issue so there will be 13 Inkberries. She stated the second issue was some trees were not planted in some locations. She stated the applicant changed from regular sized parking spaces to compact spaces to plant more trees.

Ms. Monaghan noted the third issue is the flush granite stone. She showed a rendering of additional bollard lights. She stated there are no issues with stormwater ponding. Vic Taylor, representative for Needham Bank, stated the bank has agreed to maintain that area. Ms. Newman stated this is all being documented with the Town Managers office.

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

VOTED: to grant the changes as deminimus and approve the changes subject to the revisions discussed.

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

VOTED: to extend the temporary Certificate of Occupancy for 30 days past the date of expiration.

Request to review and approve final as-built plans for authorization of Occupancy Permit: Scenic Road Act: Kenneth Davison, 1051 South Street, Petitioner, (Property located at 1051 and 1065 South Street, Needham, Massachusetts).

Ms. Newman stated the Board approved the scenic road application for this location. The project was not built exactly as shown on the approved plan. The applicant is asking to substitute the As-Built plan for what was proposed. Susie Stevens, representative for the applicant, stated they took trees down on one side and planted 19 trees. She met with Tree Warden Ed Olson and Matt Varrell of the Conservation Commission. Mr. Varrell came and looked at what they did and signed off on it.

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

VOTED: to allow the As-Built to be substituted for the approved plan and authorize the issuance of an Occupancy Permit.

Request to review and approve final plans and documents for authorization of building permit: Major Project Site Plan Special Permit No. 2013-02: Needham Solar, I, LLC, 40 Walnut Street, Suite 301, Wellesley, MA 02481, Petitioner (Property located at 1407 Central Avenue, Needham, Massachusetts).

Ms. Newman stated this was off the agenda.

Correspondence

Mr. Jacobs noted an email from Building Inspector David Roche, dated 9/30/14, to Christine Francis-Barta regarding trash pickup at Bertucci's. Ms. Newman stated the Board has had complaints again about dumpsters being emptied early in the morning. They have changed managers and she will speak with them. She stated there is supposed to be a lock on the dumpster. Ms. McKnight commented it is disturbing to live near the business district and wake up with loud noises.

Mr. Jacobs noted a letter from Priscilla Murray, dated 10/2/14, regarding MacMansions vs. Senior Health; a copy of a letter to the Board of Selectmen, dated 10/6/14, from Priscilla Murray regarding MacMansions; a notice from the Town of Dedham with their Fall Town Meeting Zoning Articles; a letter from Sam Bass Warner regarding Destination Downtown; an email from Margaret Dasha, dated 9/13/14, to Karen Sunnarborg regarding housing needs and an email from S. H. Grossman, to Karen Sunnarborg, dated 9/23/14, regarding the affordable housing meeting on 9/23/14.

8:00 p.m. – Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Petitioner (Property located at 36 Rockwood Lane and 5 adjacent parcels, Needham, MA, Assessors Plan No. 17 as Parcels 22, 23 and 24 and Plan No. 20 as Parcels 57, 60 and 61). Please note: This hearing has been continued from the June 10, 2014, August 6, 2014 and September 2, 2014 meetings of the Planning Board.

Mr. Jacobs noted this is a continuation. He noted a letter from George Giunta Jr. to Planning Director Lee Newman requesting an extension of the applicable action deadline to 12/5/14.

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

VOTED: to approve the request for an extension of the action deadline to 12/5/14.

Mr. Jacobs noted the following correspondence for the record: a letter from Attorney Robert Smart dated 9/11/14; a letter from Attorney Robert Smart dated 10/3/14; a "To Whom it May Concern" letter from the residents of Richard Road and others with pictures; site layout plan; a site utility plan; a redrafted site plan dated 5/6/14 and revised 7/3/14, 8/22/14 and 9/26/14; a Green Roads manual regarding noise mitigation plans; a package with the Declaration of Restrictions and the Declaration of Trust for the Rockwood Estates Homeowners Trust; a Rockwood Operation and Maintenance Plan; a letter from Town Engineer Anthony DelGaizo dated 10/7/14; a letter from the O'Hara's of 107 Tudor Road, dated 10/6/14 and a letter from John Lee of 85 Richard Road, dated 10/6/14.

Ms. Newman stated she had a meeting 2 weeks ago with the project engineer, Town Engineer Anthony DelGaizo and the abutters. She stated the plans have been revised to represent the changes discussed. George Giunta Jr., representative for the applicant, stated he held a meeting with Attorney Peter Barbieri and Landscape Architect Michael Radner, and further changes were discussed.

Steven Garvin, Engineer, stated one of the main changes based on the meeting is there is a 20 foot wide landscape and drainage easement covered under the NPDES Stormwater Management application and homeowners association. There will be 2 feet of gravel brought in throughout under the infiltration system with the infiltration more natural. They have increased the size of the detention systems for 100 year storms to contain all the roof drainage. They have added perforated pipe at the edge of the development and under the drain system along the wall to capture more water.

Michael Radner, Radner Design Associates, noted they have taken every area not paved within the 20 foot wide drainage easement, eliminated grass and added plantings per Town Engineer Anthony Del Gaizo. They have extended a small section of stockade fence 4 feet tall on top of the wall through Lot 5. The applicant has provided some clarification on species and quantity. He noted an extensive plant list has been submitted to the Planning Board.

Mr. Radner clarified the existing arborvitae plantings are to remain. They have added some allowable details for patio construction, if an owner wants to add it to the Detail Sheet L3. Ms. Grimes stated this should also be in the Homeowner Association documents. Mr. Barbieri clarified it is not in the agreement yet, but stated the owners need to comply with the Planning Board approved plan. The applicant could add a specific note for compliance with a cross section. Mr. Giunta Jr. stated there is a kind of review provision in the Homeowners Agreement. Mr. Eisenhut stated it should be spelled out. The applicant will add that information.

Mr. Giunta Jr. stated he had not seen the engineering letter as it was not ready this afternoon. He understands there was some confusion regarding infiltration structures. There was a typo on the plan that has been corrected. Ms. McKnight asked if the plans submitted tonight are supplemental or substitution plans in this set. She was informed they are supplemental plans.

Ms. McKnight asked a question about the concept behind the restriction. In the Declaration of Trust, on page 4, the Town of Needham is a beneficiary of the restrictions imposed by the documents; but the restriction itself does not appear to be granted to or accepted by the town. Mr. Barbieri stated the restriction is the lot owners. This is not a benefit to the town. The benefit to the town is in the trust. He stated it is found on page 4 and he will number the pages so they are easier to follow. Ms. McKnight is not sure what Board would accept and enforce the restriction.

Mr. Eisenhut stated he understands the Town prefers non-pervious drives because of plowing. He asked if the sidewalks could be pervious. Mr. Garvin stated the Town Engineer prefers the sidewalks be impervious. Ms. Newman stated she would speak with Town Engineer Del Gaizo.

Ms. Grimes commented she thinks the Declaration of Trust and Restrictions document needs a lot of work. The restrictions need to be clearly defined. Mr. Barbieri stated the restrictions are for the owners so they are aware of what they can and cannot do. Ms. Grimes stated she will give some detailed comments to the Planning Director. She would like a detailed discussion of how the subdivision will be maintained such as lawns and swales. Mr. Barbieri stated the trust will maintain all the landscape and the trees. This is in the trust not in the restrictions.

Mr. Jacobs stated in the Declaration of Restrictions, Section 1B, the word "residential" should not be in there. He agrees with Ms. Grimes the documents will need work. He commented on the Operation and Maintenance Plan and asked who else was reviewing it. Ms. Newman noted Town Counsel David Tobin and Town Engineer Anthony DelGaizo have received copies. She will get their comments.

Ms. McKnight asked if there would be an easement for repairs to the town. Mr. Barbieri stated the Homeowners Trust document gives the town the right to do that on page 3 to page 4. It is not specifically an easement. Mr. Jacobs stated he feels that needs to be a grant of rights to the town and more than just a trust. Ms. McKnight asked, in the past, who has enforced the restrictions. Was it the Board of Selectmen or some other board? Ms. Newman stated she would check previous documents. Mr. Jacobs stated he would like the applicant to propose a noise mitigation plan.

Janet Bernardo, of the Horsley Whitten Group, stated she attended the engineering meeting. The Town Engineer seems to be confident with the new drainage plan. She wants a resident engineer on site during construction doing inspections. She stated last time she felt there was a lot of impervious surface on site. Three acres will have 40% of impervious surface, including the road. That is significantly more than the entire Town of Needham, which has 22.96% impervious. Newton, Waltham, Wellesley and Dedham as a whole also have less than 44%. She feels the impervious area is a big deal. Mr. Jacobs stated that it seems like an apples to oranges comparison – a 3 acre 9 lot subdivision versus an entire town with golf courses and such. Ms. McKnight asked what areas are proposed to be pervious. Mr. Garvin stated the walkways to the houses and future patios. Mr. Eisenhut reiterated he feels sidewalks should also be pervious.

Robert Smart, Attorney, requested the Board not close the hearing. Town Engineer DelGaizo will be reporting back; documents are to be worked on; and there will be a noise report. He feels all parties should have a chance to look at that. These are still all open items. He noted the Board has discussed what departments in town should

have enforcement rights. In documents he has seen in the past the Town was been given the rights if issues came up. Then if an issue came up the Town made a determination on who would handle it. He would think the Town Counsel should make the determination if there were issues.

Mr. Smart stated he has spent time going through the Restrictive Covenants and the Homeowners Declaration of Trust document. It is in his October 3 letter, paragraphs 2 and 3. In the Declaration of Restrictions it seems to him the deeds ought to specifically reference the obligations in the Declaration of Restrictions. It should explicitly state the annual and weekly maintenance schedules program should be continued from year to year. He also feels there should be a provision for annual reporting by the Trust to Planning Board regarding what has been done.

Mr. Smart stated the initial trustee is not identified; it is not clear how the drainage facilities are to be conveyed to the Homeowners Trust; the attorney's fee should be included in the document; and an adequate bond or escrow if the town has to step in should be included in the document. The applicants need a noise control plan. He stated he is not convinced 4 foot trees behind Lots 1 through 3 are adequate. The trees should be higher trees. A low fence will not do the trick. Mr. Smart stated the applicant should pay for periodic inspections by the Town during construction. There should be no truck traffic when kids are going to or coming from school. He would also like a speed bump.

Mr. Warner asked what happens if the system fails. Mr. Giunta Jr. stated it would depend upon the nature of the failure. John Lee, of 85 Richard Road, stated he wants a speed bump at the entrance of the development. Mr. Jacobs clarified he meant the southwest edge.

Beverly Schwartz, of Richard Road, stated Bird Street was closed yesterday and the truck traffic came down Richard Road. She feels they would need to have restrictions. If one car is parked on the street 2 cars cannot come down. They will have trucks daily and it will be a hazard. She does not know how it is going to work. Mr. Giunta Jr. stated they are keeping truck traffic away during school hours. Mr. Warner suggested they could ask the police, the applicant and the school to work out a traffic and parking plan. Mr. Jacobs stated they should ask the applicant to work with the others and come up with a plan.

Ed Rogan, of 47 Richard Road, asked what percent of water are they trying to capture with greenery? Mr. Garvin stated they are not capturing but allowing less run off. A wooded or planted area will allow more infiltration than lawn would. Mr. Rogan asked how is all this greenery going to be established and maintained? Mr. Radner stated the plantings are guaranteed by the contractor for one year. The areas will be maintained as gardens and there will be drought resistant plantings. It is not dependent on irrigation; irrigation is considered supplemental. Mr. Rogan said there is no swale on Town land keeping water from his property. Mr. Garvin stated it the grading sheets currently west to east, towards neighbors, but will be changed from moving from north to south.

Mr. Rogan noted the gutter systems and asked how the water would get from the back of the house. He feels they need an underground system with non-perforated chamber in the ground with a quarter inch slope – a system designed and approved by engineers. Mr. Garvin stated the system has been designed with engineering. It has been designed so the water would flow to the ground and be piped directly to the Town drainage system. It would not be an issue. The grading would be such that it would not go to the neighbors. The roof drains are designed to go directly to the system.

Kurt Lockwood, of 131 Bird Street, stated he had a question about the under drain. He asked if the water goes directly to the system and was informed it does. He asked if there was also one at end of the extension. He was shown where it was located. He asked if some of the under drain water could be pushed into the Town system. He asked why they could not put an under drain in along the swale to the Town system. Mr. Garvin stated Mr. Del Gaizo has a concern with the amount of water being put into the Town storm drainage system. Most of the water is being captured above grade and not below grade. He has not spoken with the Town Engineer about below grade water.

Joe Comenza, of 22 Rockwood Lane, stated they have created a condition that will become inherently stale. People will not be able to put a deck or patio. It will fail and the neighbors will be the ones that will get hosed. People will want to get a home, and change it, but will not be able to. Mr. Jacobs stated, to the extent Mr. Comenza is right, people should pay less. This is not an issue for the Planning Board.

Mr. Comenza stated a significant portion of this system relies on the human element. That is not realistic. They should make this project with larger lots, fewer houses and make it more reasonable. He feels the solution is to make fewer lots. He feels the neighbors would accept that and it would be less problematic. Ms. McKnight asked whether the cul de sac systems are located within the 20 foot easement and the Homeowners Association does maintenance. She was informed this is correct. Stacy Blasberg, of 59 Richard Road, stated she has concerns about flooding and the number, shape and size of the houses. She feels this development seems to be the opposite of the direction we want to go as a town.

Gary Potogal, of 74 Richard Road, noted the easement for fire trucks. He asked if the abutters could request the Town not be held responsible for any damage done by fire trucks. The Town should not be responsible since the street is not being maintained by the Town. Ms. McKnight clarified Mr. Potogal would like some kind of hold harmless agreement. This Board's role is to make sure the width of the pavement and the turnaround area are suitable and the Fire Chief is satisfied with it. She does not feel a hold harmless agreement is the direction she would like to go in.

Nancy Finn, of 117 Tudor Road, stated the plan is dependent on a homeowners association and having the cooperation of all the homeowners. She feels the neighboring units are more at risk. What legal hold does the Town have over the homeowners to make sure the drainage and maintenance issues are being addressed? Mr. Jacobs stated there are documents that require certain maintenance requirements and other things with an enforcement provision. It is a very important point and one they are well aware of. If applicable they would make sure they are written in the covenants and restrictions. Mr. Giunta Jr. stated most of the drainage system is relatively low maintenance. There is natural grading with the natural flow of water.

Joe Lovett, of 59 Richard Road, stated the human element is the issue. What if the swales are gone one day? Ms. Grimes stated there should be deed restrictions that need to be specific in the rules and regulations. Ms. McKnight noted that would need to be reviewed by Town Counsel. Steven Smith, of 89 Tudor Road, stated most public streets require snow and trash removal. Will this street be plowed by the town? Ms. Newman stated it will not be.

Bridget O'Hara, of 107 Tudor Road, stated she is concerned trees will be taken down. She would like the applicant to reconsider and leave a buffer zone. This will change the neighborhood. She would like the applicant to leave the trees. Mr. Giunta Jr. stated the applicant will look at it.

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

VOTED: to continue the hearing to 11/5/14 at 8:00 p.m.

Update: Major Project Site Plan Special Permit No. 2014-04: ONE Nation Fitness, LLC, 15 Kenilworth Road, Wellesley, MA 02482, Petitioner (Property located at 10-16 Charles Street, Needham, Massachusetts).

Ms. Newman stated the applicant has a temporary Certificate of Occupancy for 60 days. They needed to repave the drive in the flood plain. She was notified of the violation and is recommending a temporary permit.

8:30 p.m. – Amendment to Major Project Site Plan Review No. 2011-01: Wingate Senior Living at Needham, Inc., 63 Kendrick Street, Needham, Massachusetts 02494, Petitioner (Property located at 235 Gould Street and 0 Gould Street, Needham). Please note: This hearing has been continued from the September 16, 2014 meeting of the Planning Board.

Roy Cramer, representative for the applicant, stated he has filed revised plans. The applicant has eliminated the land bank spaces in the back corner and is building others. All thought it was a good idea. Ms. Newman stated she has a letter from the engineering department and they are ok with the change. Mr. Jacobs stated they are not going to build the land bank spaces. The Planning Board could give them the waiver. Ms. McKnight noted they need to have the spaces set aside in case they need them later. Mr. Cramer stated his recollection was to build some and eliminate the other land bank spaces and the Planning Board would give them a waiver.

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

VOTED: to eliminate the land bank spaces and grant the waiver requested.

Ms. Newman stated it is a waiver of 6 spaces. Mr. Cramer stated he has filed a revised landscape plan. David Kelly, of Kelly Engineering, noted there are small changes by the curb cut. They will install a buffer between the north neighbors in the MBTA right-of-way subject to permission from the MBTA. Ms. Newman asked if he would be presenting an alternative plan. Mr. Kelly stated the locations are approximate and he has a note on the plan. Mr. Cramer stated he had hoped for a draft decision at tonight's meeting. Ms. Newman stated she will have a draft decision at the beginning of next week and the Board will vote on this at the meeting on the 20th. Mr. Cramer was asked if they will still do 16 trees if they do not get MBTA permission. Mr. Cramer stated they would but in another location that would not be as helpful.

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

VOTED: to close the hearing.

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

VOTED: to grant a Major Project Site Plan Special Permit in accordance with the application and revised plans as presented tonight to permit the petitioner to consolidate Lots A and C.

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

VOTED: to grant a Special Permit under Section 3.12.4 of the Zoning By-Law for independent living units in the Elder Services Zoning District.

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

VOTED: to grant a Special Permit under Section 5.1.1.5 to waive strict adherence with the parking plan design requirement of the By-Law as requested in the application.

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

VOTED: to grant a Major Project Site Plan Review under Section 7.4 of the Zoning By-Law.

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

VOTED: to grant a Special Permit under Section 5.1.1.5 to waive the parking requirements of Section 5.1.2 to the extent of reducing the number of spaces required by 6.

Board of Appeals – October 16, 2014.

D. Michael Collins, architect, on behalf of Laura Roos, owner – 23 Glover Street.

Ms. Newman noted this was a flood plain case.

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

VOTED: "No comment."

Planning Board Recommendations to Special Town Meeting on Zoning Articles.

Ms. Newman noted the Board already voted the recommendations.

Warrant Article Assignments.

After discussion it was decided Ms. Grimes would do Outdoor Seating, Ms. McKnight would do Flood Plain and Mr. Warner would do Personal Fitness.

Report from Planning Director.

Ms. Newman stated she had a public meeting on the draft housing production plan. She noted there were about 12 people there and she gave the Board members a copy of the draft. She noted the Planning Board should review and if they want changes they should let her know. She noted once the Planning Board approves it will go to the Board of Selectmen. Once approved by the Board of Selectmen it will go to the state. She noted the Town needs 55 more affordable houses to be free of 40Bs. It is important to get the production plan completed and have both the Planning Board and Board of Selectmen approve it. Ms. Newman gave an update on the Large House Committee. They are meeting and trying to get consensus to move forward.

Ms. Grimes stated she received a call from an attorney in Newton. Newton is thinking of a moratorium for one year for teardowns. They are suggesting Needham is in a form of chaos. Those pro-moratorium are using Needham as an example of what they do not want.

Minutes

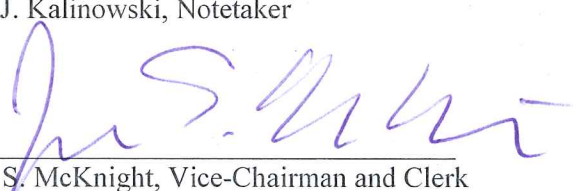
Upon a motion made by Ms. McKnight, and seconded by Mr. Warner, it was by the five members present unanimously:

VOTED: to accept the minutes of 6/10/14 with revisions.

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

VOTED: to adjourn the meeting at 10:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Jeanne S. McKnight, Vice-Chairman and Clerk