NEEDHAM PLANNING BOARD MINUTES

April 5, 2011

The regular meeting of the Planning Board held in the Media Center at Needham High School, was called to order by Ron Ruth, Chairman, on Tuesday, April 5, 2011 at 6:30 p.m. with Messrs. Warner, Eisenhut and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Donna Kalinowski.

Correspondence

Mr. Ruth noted a letter from Building Inspector Daniel Walsh, dated 3/21/11, regarding 1257-1299 Highland Avenue; a letter from Laurence Maloomian to Bertucci's Restaurant, dated 3/28/11, regarding Unit 2 1257 Highland Avenue; and a letter from Richard Mulligan, undated, regarding 948 Great Plain Avenue. Ms. Newman noted Mr. Maloomian sent a letter to Bertucci's regarding a tenant's issue. She will meet with the Bertucci representative at the end of the week to try to resolve the issue.

Review of Proposed Zoning Changes for Special Town Meeting.

Ms. Newman noted this was on the last agenda. She has scheduled the Personal Fitness public hearing for 4/21. Ms. Newman noted, for the New England Business Center, she has asked Devra Bailin to come and update them. They have put a place holder and they are proceeding at the Special Town Meeting.

Devra Bailin noted the Council on Economic Advisors (CEA) will not be meeting again until 4/26/11. The Board could take testimony on the 21st and leaving it open to receive whatever other information there is including the CEA's recommendation with respect to final articles. She noted the CEA met today and got some of the results from the consultant. The net effect is that many of the changes do not effect development that is feasibly possible or economically viable.

Ms. Bailin stated they heard complaints from the business community that the study was limited. It looked at lot coverage but did not look at restrictions on height or mixed retail restaurant and consumer services on the first floor. There is only a 2% amenity. The CEA agrees medical use is politically controversial. There are questions there are no answers for. It is in flux. They have a draft that is the place holder but no traffic analysis or early design. This will come before the Planning Board on the 21st. She feels they should keep it open for all purposes and try to finalize it for Town Meeting and the CEA.

Mr. Jacobs noted they all agree it should be presented in the context there are more dramatic changes to come. Mr. Eisenhut commented incremental changes are not minor to him. Ms. Newman stated she cannot get to FARs. Mr. Eisenhut stated he has an issue with the dimensional requirements.

Louis Wolfson stated the building across from Coca Cola is looking for 5 stories. Ms. Bailin clarified 68 feet is allowed there. Mr. Wolfson commented as you go higher the land cost goes up. It is not more profitable for developers. Mr. Warner stated an incremental plan is part of a more basic thing. He is not clear on the tactics. Ms. Bailin stated they need controls on whatever is built.

Mr. Ruth asked if there was a cap on retail size. Ms. Bailin stated there was not one yet. They are still drafting that. It will say something like no single user will be more than X.

Ms. McKnight suggested they go back to the drawing board on 3.2.4.1. It does not make sense. She cannot tell from this wording what is allowed and not allowed and what is defined. Ms. Bailin noted they need to fix the problem with the language they already have. Mr. Jacobs stated that the confusion is right on. It is not clear. Mr. Eisenhut commented he thinks it is the economy that has been holding back development not FAR or some other.

Ms. Newman clarified there will be a hearing on 4/21, the CEA on 4/26 and the Planning Board again on 4/26.

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

VOTED: to forward the NEBC zoning and the Personal Fitness Zoning to the Selectmen for inclusion on the warrant for Town Meeting and refer back for a hearing.

Mr. Ruth noted the Fire Department has no issue with pergolas. Mr. Jacobs suggested they adopt Fire Chief Buckley's qualifier. Ms. McKnight stated it is to be allowed by right and will be up to the Building Inspector if it is allowed.

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

VOTED: to amend Article 13 by adding after "from streets and ways" ", and said pergola must not be constructed or placed in a position where it would prevent the use of a designated fire lane, or reduce access to any building in violation of state building codes."

Discussion of Board Recommendation on ATM Article 10: Building Height Requirements in the Needham Center and Chestnut Street Overlay Districts.

Ms. McKnight stated the original proposed a 15,000 square foot minimum lot size. Then it got reduced to 10,000 square feet. She stated maybe elimination of the fourth story could be if less than 15,000 square feet, and over 15,000 square feet you could do 4 stories. She is not inclined to try to put this forward at this time. She thinks it is valid but not now.

Mr. Wolfson stated this is not about the Mackin project. For him, it is right for the community and the town in general. Four stories is not appropriate and 15,000 square feet would not do that. He feels they should do 25,000 square feet and start with that. Mr. Warner commented he is thinking about continuity.

Mr. Wolfson stated 4 stories would over shadow the town. Mr. Eisenhut commented they are allowed legally to take in aesthetics and the impact on abutting properties.

7:30 p.m. – Judi Barrett – 40B Guidelines Discussion.

Ms. Newman noted Judi Barrett could not make it.

Diminimus Change: Major Project Site Plan Review No. 2010-02: Town of Needham, 470 Dedham Avenue, Needham, MA, and the Needham Historical Society, 1155 Central Avenue, Needham, Massachusetts, Petitioners (Property located at 1155 Central Avenue, Needham, MA).

Steve Popper, representative for the applicant, stated he wanted to clarify some misconceptions with the start of the work and correct some language in the 12/7 decision. Todd McCabe stated Phase 1 has an aggressive schedule. During the April vacation free time they will try to put the construction fence almost all the way around the site but not completely, do erosion control barrier, set up the construction trailer and the owner representative in the trailer. They are looking to establish temporary parking for the Historical Society and to install the water/sewer connection. Mr. Eisenhut asked if this has been run by the School Committee and was informed it has been.

Mr. McCabe stated in Phase 2 starting May 15, they will locate 2 dumpsters in the fenced in pen area, demolish the auditorium after Town Meeting and will be bringing out construction materials. This will be second shift work from 3:00 p.m. to 11:00 p.m. There will be no material taken to the dumpsters after 8:00 p.m. All interior work will be done after 8:00 p.m. There will be 10 to 20 people working. Mr. Jacobs asked if this was all pre-positioning and was informed it was.

Mr. McCabe noted on June 6 they will work in the kitchen space. This is all second shift work. The noisy work will be done 3:00 p.m. to 8:00 p.m. Access will be through the loading dock. They will install barriers for a dust free zone. They may have lunches outside the last 2 weeks of school.

Ms. McKnight noted there was no letter from the School Department but the letter from Patty Carey notes no issues.

Mr. Eisenhut stated he does not want to set precedent with this. This is an expanded diminimus. He wants to clarify this is pre-positioning. Ms. Newman will draft the language. She will add a finding that the scope of the work on the exterior remains the same and she will add the letters from Patty Carey and the Board of Health.

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

VOTED: to adopt the amendment to the decision as presented with certain changes in the recitation as discussed and with an additional finding there is no change in the scope of the work.

Diminimus Change: Major Project Site Plan Review No. 2008-08: V.S.A., LLC, 1105 Massachusetts Ave., Suite 11G, Cambridge, MA 02138, Petitioner (Property located at 225 Highland Avenue, Needham, MA).

George Giunta Jr. stated the building has been built. Awnings have been installed over all the windows. This was not previously in the decision. They want a diminimus change. He added the Design Review Board is fine with this. Mr. Jacobs stated he could not imagine anyone objecting to this. Mr. Giunta Jr. stated the owner is willing to take the risk.

Mr. Ruth noted the following correspondence for the record: a letter from Janice Berns, of the Board of Health, dated 3/28/11 and a letter from Town Engineer Anthony DelGaizo dated 4/5/11.

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

VOTED: to approve a diminimus change with regard to awnings.

Request for Permanent Occupancy Permit and Release of Bond: Major Project Site Plan Review No. 2008-08: V.S.A., LLC, 1105 Massachusetts Ave., Suite 11G, Cambridge, MA 02138, Petitioner (Property located at 225 Highland Avenue, Needham, MA).

Ms. Newman noted the town engineer did an inspection and is satisfied.

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

VOTED: to approve a permanent Occupancy Permit.

Review and Approval of Final Plans for Building Permit: Major Project Site Plan Review No. 2010-03: F & A Farms, Inc. d/b/a Volante Farms, 226 Brookside Road, Needham, MA 02492, Petitioner (Property located at 292 Forest Street, Needham, MA).

Ms. Newman noted engineering has approved and she has all drawings. This is ready for the Planning Board to sign. The Board signed the plans.

Request to authorize the Planning Director to authorize the Temporary Occupancy Permit: Major Project Site Plan Special Permit No. 2009-02: Northbridge Communities, LLC, 15 Third Avenue, Burlington, MA 01803, Petitioner (Property located at Duncan Drive off Old Greendale Avenue, Needham, MA 02494).

Roy Cramer, representative for the applicant, stated they are getting ready to ask for a temporary certificate of occupancy. It is 90% done but not the porches. That will take a few days and the striping of the parking lot is not done. Approximately 40% of the landscaping is done. The landscape plan is different from what was approved in 2009. Hawke Design was replaced in 2010 with Rebecca Bachand. She substantially increased the landscaping. They did not file a substitute plan. On 3/28/11 they got the As-Built plan. They will need to modify the landscaping.

Mr. Cramer noted there are several minor site issues. Procedurally, he would like the Board to delegate authority to the Planning Director to review and approve the As-Built, acoustical report, parking certifications, access easements, etc., and if all is in order, issue a letter to the Building Inspector to authorize a temporary certificate of occupancy. They have filed and itemized a list of all landscaping not done. They will give an estimate and a cash bond.

Mr. Cramer stated in November they came in and asked for approval for an amendment to the decision to allow porches. Ms. Newman did not get copies of the plans and it was not recorded. Ms. Newman has the plans now. They have been approved and recorded. They went to the Design Review Board. They have been stamped and approved. Ms. Newman has copies.

Ms. Bachand stated the majority of the revisions were additions. She added some trees by the courtyard to add shade and changed some species. She enhanced the screening along the front and added more shrubbery for walkway safety. There are also more foundation plantings in back.

Mr. Warner asked what trees were in the courtyards. Ms. Bachand noted each courtyard has a theme. There are river birches, cut leaf Japanese maples, hydrangeas, smoke trees and hedging in back. Mr. Cramer noted they are not going forward with a sign on the street,

Ms. McKnight noted the plan did not show existing trees. Ms. Bachand noted they have not changed the Hawke plan. The existing tree line remains. They are not cutting anything, just adding. The plan has a note referencing it back to the Hawke plan. Mr. Eisenhut noted "plan incorporates the tree line of the Hawke plan."

Mr. Cramer noted the parking area is done and the curbing is in. He reviewed the issues. The location of the dumpster is proposed to be moved. The sidewalk was originally a sidewalk to nowhere. They have eliminated the sidewalk and have a row of landscaping. The location of the rear door has been modified to accommodate the trash room. It has been moved 2 feet. The generator has been moved 90 degrees.

Mr. Cramer noted they have been able to eliminate the need for a retaining wall on the property line. They were able to do a stable 2:1 slope and then level it between the driveway and the building. It was a small wall. Engineering has not seen it yet. They approved the landscaping subject to the DPW review and approval.

At the front entrance, the concrete sidewalk is wider to better accommodate pick up, etc. The island is narrower and the maneuvering aisle is the same. There are additional concrete walkways in the exterior courtyards. They were put in within the courtyards. Ms. Newman stated she will make sure engineering looks at everything.

Ms. McKnight noted they have added impervious ground cover. She asked if the drainage calculations still work with these changes. Mr. Cramer noted they removed one sidewalk.

Mr. Ruth stated Ms. Newman can have the discretion but if she feels it needs to come back, it comes back. Ms. Newman will prepare a decision.

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

VOTED: to substitute the landscape plan with the changes represented in the drawing subject to the Town Engineer approval with a reference to the Hawke plan.

Mr. Cramer will prepare a bond and he asked they delegate authority to the Planning Director.

Upon a motion made by Mr. Warner, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to delegate authority to the Planning Director the authority to accept the DPW recommendation at 135% and establish a bond.

Mr. Eisenhut commented this was very nicely done.

948 Great Plain Avenue – Richard Mulligan

Ms. Newman noted correspondence received from Richard Mulligan. This location is where Abode used to be. It is 1,200 square feet with no parking. He would like to open a yoga studio. Class size is up to a maximum of 20 from 7:00 a.m. to 11:00 a.m. then 3:00 p.m. to 5:30 p.m. There may be one or 2 additional classes. They may have one trainer during the day. She noted this is outside the peaks and is an innocuous use. Ms. McKnight noted they will need a parking study. It may be tricky. Mr. Eisenhut stated he thinks they need to demand a parking study. Ms. Newman noted it is one space per 150 square feet. Ms. McKnight noted they will need to take the approved Special Permit into account. Ms. Newman noted there is a mixed class size of 15 in the Zoning By-Law.

Mr. Ruth noted they need to give guidance on what the hours they want him to study. Mr. Jacobs stated 7:00 a.m. to 11:00 a.m. and 2:00 p.m. to 6:00 p.m. Not the hours of 11:00 a.m. to 2:00 p.m. since he will not be open.

Mr. Wolfson stated this is a good use. They have already had 3 parking studies done that showed 31 spaces. They gave 8 spaces to Sweet Basil's. He asked why make him do a study?

Minutes

Upon a motion made by Mr. Warner, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to approve the minutes of 3/1/11 with changes discussed.

Article Assignments for Presentation at Town Meeting.

Mr. Ruth noted they will delay this until after the election as the Board may alter. Ms. Newman noted they will do this on 4/21/11.

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Bruce Eisenhut, Vice-Chairman and Clerk