

NEEDHAM PLANNING BOARD MINUTES

December 15, 2009

The regular meeting of the Planning Board held in Selectmen's Meeting Room at Town Hall, was called to order by Ronald Ruth, Vice-Chairman, on Tuesday, December 15, 2009 at 7:30 p.m. with Messrs. Warner, Eisenhut and Jacobs and Ms. McKnight, as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

7:30 p.m. – Major Project Site Plan Review No. 2009-07: Treat LLC, d/b/a Treat Cupcake Bar, 45 Stonecrest Drive, Needham, Massachusetts, 02492, Petitioner (Property located at 1450 Highland Avenue, Needham, MA).

Mr. Ruth disclosed his law firm works for the landlord at this location occasionally. Roy Cramer, representative for the applicant, noted they propose to lease 1,868 square feet which was formerly the toy store. They will sell customized cupcakes and the primary use will be food. There will be 20 seats in front with a prep area and party room. There will be a back room with a television and 3 couches. Parking is one space per 3 seats. They will have 20 seats plus 10 in back for 10 spaces. Take-out requires another 10 spaces. They had a 7 space requirement when it was a toy store. The target audience is tweens. After school to the dinner hour will be the busiest time and they expect a lot of pedestrian traffic. It will be open in the evening for older kids and adults. The maximum staff will be 6 at any given time. The hours will be 9:00 a.m. to 10:00 p.m. Monday through Thursday, 9:00 a.m. to 11:00 p.m. on Friday and Saturday and 10:00 a.m. to 11:00 p.m. on Sunday. Mr. Cramer reviewed the requested waivers and noted there will be no exterior changes except signage. The application has been signed by the landlord. He clarified the As-Built site plan is to focus only on this site. The medical clinic was the main property in 1996 and was amended in 1997. The total parking requirement for this site is 77. They have 45 spaces for the site and 41 leased spaces from Walgreen's. Mr. Jacobs clarified where the spaces were leased. Ms. McKnight asked how long the present lease is. Mr. Cramer noted another 9 years. Mr. Eisenhut asked if it was fair to say the medical use has not generated as much parking as they thought. Mr. Cramer noted it has never been a problem. It never happened. Mr. Warner asked who leased the spaces. Mr. Cramer noted the landlord leases the spaces now, not the tenants. Mr. Ruth asked if there would be room for a bike rack. Mr. Cramer noted the permit was originally granted with a waiver of a bike rack. The issue has not come up but he is not sure where they would even put it.

Mr. Jacobs asked they explain the function room. David LaLiberte noted there will be small birthday parties, primarily on Saturdays he thinks. Ms. McKnight noted there are trash dumpsters in the rear and asked if they are sufficient and if the wooden doors and gates are in good condition. Mr. Cramer noted Waste Management takes the dumpster. It is now a 10 yard dumpster cleaned one time per week. They could service it 2 times per week if necessary. They have not really looked to see what kind of shape it is in. He knows it has to be covered and closed. Ms. McKnight asked if the existing decision has hours of pick up. They are between 8:00 a.m. and 6:00 p.m. during the week and 9:00 a.m. and 1:00 p.m. on weekends and holidays. Ms. McKnight asked about planting areas in front next to the medical building. Mr. Jacobs noted it is Walgreen's lot. Ms. McKnight asked if it was Walgreen's responsibility to keep it up. Ms. Newman clarified there is no requirement in the Walgreen's decision. Ms. McKnight asked if the party room requires adult supervision and was informed the employees would be adults that would supervise.

Mr. Ruth noted the following correspondence for the record: a memo from the Board of Health, dated 12/1/09, with concerns; a letter dated 12/3/09 from the Fire Department with no comments; a memo dated 12/16/09 from the Police Department with no comments; and a letter from Tony DelGaizo, of the DPW, dated 12/15/09, with no comment.

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

Mr. Cramer asked they vote the relief where there are 5 members present and there will only be 4 members at the next meeting. Ms. McKnight commented it was hard without a decision in front of them.

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

VOTED: to direct the Planning Director to prepare a decision that assumes a favorable decision.

Appointments

8:00 p.m. – Informal Discussion: Major Project Site Plan Special Permit No. 2001-02, 464 Hillside Avenue, Needham, MA.

Roy Cramer noted this is the Industrial District and will be regular office and medical office. He will come in for approval for further site plan review. It is 2,892 square feet on the second floor that will be converted to medical. There are 166 spaces in the lot and it requires 176. They have a waiver and will need a waiver of 5 more spaces when it is converted to medical. He asked if they will require a professional parking study. He noted Bob Hershel of Petrini Corporation did counts last Thursday and today. The minimum number of empty spaces was 50. The building is fully leased except for this space. Ms. McKnight agreed a professional study is not needed as it is all one parcel. Mr. Ruth noted the consensus of the Board is a study is not needed.

8:15 p.m. – Informal Discussion: 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, noted they are ready to go. The problem is the equity lender wants a building permit in hand before they give the money. The Building Inspector will not give a permit until the Planning Board gives him a letter. He noted there are 3 outstanding issues: the 81X plan is to be recorded at the time of the closing. Thomas Trudeau has authorized him to record early. They need to grant an access license to the town. He has prepared the document and the Planning Board has approved. They need to prepare an access easement agreement to be held in escrow until completed. He suggests they sign the easement agreement and license agreement and deliver both to the Planning Director and evidence the 81X is recorded. Once they are satisfied, they can send a letter to the Building Inspector that they are satisfied. Everything is ready to go. He noted this is the only way he can think to break the log jam. Mr. Jacobs noted they should have the present owner sign also. It may be overkill but he feels it should be done. Mr. Ruth clarified the easement is held in escrow until the project is completed. Mr. Eisenhut also feels they need to have the current owners' signatures. Mr. Cramer will record the 81X and get the other 2 to the Planning Board. He will have Thomas Trudeau and Jim Coughlin sign them. Mr. Jacobs noted they should get a certification the title has been examined. They need to insist on the certification for the town. He wants to know the easement is effective according to the terms. After discussion, Mr. Ruth noted he is comfortable, that as a group, the Planning Director can proceed.

8:30 p.m. – Informal Discussion: Continental Wingate Development Company.

Roy Cramer introduced Steve Levin, President of Continental Wingate Development Company. Mr. Cramer noted this is at the corner of Highland Avenue and Gould Street. There were permitted in 1993. This will be adjacent to the nursing home on an undeveloped 5 acre parcel. They just entered a purchase and sale for the property. The proposal is to expand the size of the building and create a memory loss unit with 60 units, an assisted living with 40 units and an independent living with about 40 units. It is in the General Residence Zoning District, across the street from Muzi Motors. The maximum FAR is .3 in general residence. A zoning change is the only way this project can move forward. Mr. Levin stated they are early in the process. They need to provide more private rooms and need to enhance and provide this type of access for seniors. Mr. Eisenhut stated they need to look beyond this specific parcel for a zoning change. He is not comfortable with singling out one parcel for a change. Mr. Cramer stated he would like an overlay district. Mr. Eisenhut noted he would like to see some sort of affordable housing component here. He feels it is a perfect location for it. Mr. Ruth asked if there was a timing question. Mr. Cramer stated they would work as fast as they can with the Planning Board to get it done as soon as possible. Ms. McKnight stated they should look at North Hill for a model. Mr. Cramer noted that became an apartment district. Mr. Eisenhut stated an overlay gives a little more control.

Sheila Pransky, Needham Opportunities Inc. Executive Director, stated she thinks affordable housing for seniors is important here and senior center space is being looked for. They could possibly integrate it into this space. She

commented she would love to be part of a conversation ongoing and see what develops. Ms. McKnight stated she does not feel they could make progress for a May Town Meeting. Mr. Ruth agreed it was not realistic for May. That was the consensus of the Board members. Mr. Warner noted this was interesting and they should help out. Mr. Jacobs stated he was open minded and Mr. Ruth noted he was intrigued and willing to spend time on this. Mr. Eisenhut stated he would like a more concrete proposal for affordable housing. He has a concern for the abutters and feels they need to talk to them. Ms. McKnight noted it is a discreet site. There is a good separation with the railroad.

Interpretation of Definitive Subdivision Plan Approval, Paul V. Ferreira, Petitioner (Property located at 342 Cartwright Road, Needham, MA).

Mr. Jacobs noted it seemed the grant went beyond what was decided. Mr. Eisenhut stated the restrictive covenant was a thought out document. Ms. McKnight noted they need to address the grove of trees. Mr. Warner commented there seems to be a lot of other land where they could put a driveway. They agreed to the restriction and he asked if it was possible to do nothing. Mr. Ruth noted it was possible. Ms. McKnight stated nothing has been presented with evidence of how to save the trees.

Upon a motion made by Mr. Warner, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to take no action, without prejudice.

Review of Final Parking Report funded under DHCD Downtown Initiative including supplemental in lieu parking assessment fee.

Ms. Newman noted there is a grant proposal to open up parking in downtown. She noted Jason had talked about a graduated fee. She asked if they wanted to talk with Jason again or are they comfortable to advertise for a hearing. Ms. McKnight commented she was uncomfortable with Warren Street being proposed as a location for parking and meters. It is very narrow and has no curbs. Mr. Ruth noted it is what makes the numbers work. He thinks Ms. McKnight is right but there are a lot of ripple effects. Mr. Eisenhut stated Warren Street is too narrow to withstand parking on both sides. Ms. Newman stated the purpose of the hearing is to set the fee. Ken Mackin, of MMN Property, explained why the fee schedule is no good. Ms. McKnight noted the schedule stands alone. Mr. Ruth commented he is not crazy about this. It discourages building. He asked if there would be annual payments. Ms. Newman noted upfront payments make more sense. Ms. McKnight stated she wants to be clear on what they are proposing. Mr. Eisenhut noted it should be adjusted for existing retail. Mr. Ruth stated he feels the only large change is for new square footage. He asked if someone should be credited for waivers if they got them. Mr. Eisenhut commented they need to lower the numbers. Ms. Newman will talk with Jason regarding some issues that were raised.

Request for Permanent Occupancy Permit: Major Project Site Plan Review Special Permit No. 1992-02: Walgreen's Corporation, Petitioner (Property located at 1478 Highland Avenue, Needham, MA).

This request has been withdrawn.

Release of Lot Endorsement: Definitive Subdivision Amendment: Standish Road Realty Trust, Alfred Volante, Trustee, 226 Brookside Road, Needham, Massachusetts, Petitioner (Property located at the end of Brewster Drive in Needham, MA).

Mr. Ruth recused himself from this hearing. Ms. Newman noted they would like to allow the town to buy this land with CPA funds. They have released one parcel in back.

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

VOTED: to release Lot 1B and Lot 2 from the subdivision covenant in these release of lot forms.

Discussion of locations for Red Cross Clothing Dumpsters.

Mr. Warner stated his contention is the Chestnut Street dumpster is in the wrong place. He feels there are 2 alternate locations: behind CVS or the heights parking lot. Ms. Newman noted the MBTA owns the lot in the heights. Mr. Warner requested she informally ask the Town Manager about them.

Board of Appeals – December 17, 2009.

Patricia M. Carey for the Memorial Park Trustees, 1471 Highland Avenue, Needham, MA 02492 – 92 Rosemary Street.

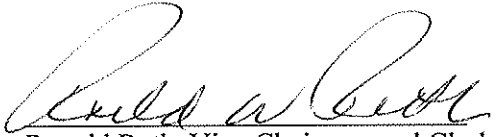
Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: “No comment.”

Patricia M. Carey for the Park and Recreation Commission, Board of Selectmen and the School Committee, 1471 Highland Avenue, Needham, MA 02492 – 380 Dedham Avenue.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the four members present unanimously:
VOTED: “No comment.”

Upon a motion made by Mr. Warner, and seconded by Mr. Eisenhut, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 10:35 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Ronald Ruth, Vice-Chairman and Clerk