

NEEDHAM PLANNING BOARD MINUTES

October 20, 2009

The regular meeting of the Planning Board held in the Selectmen's Meeting Room at the Town Hall, was called to order by Jeanne McKnight, Chairman, on Tuesday, October 20, 2009 at 7:30 p.m. with Messrs. Warner, Ruth, Jacobs and Eisenhut as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 1991-07: Gibbous Moon Inc., d/b/a The Center Café Needham, PO Box 723, Natick, Massachusetts, 01760, Petitioner (Property located at 1027 Great Plain Avenue, Needham, MA)

Upon a motion made by Mr. Ruth, and seconded by Mr. Eisenhut, it was by the five members present unanimously VOTED: to waive the reading of the public hearing notice.

Steve Waller, proponent, noted he plans to run what used to be FAVA as a restaurant 6 nights a week. He has no plans for lunch now but will see how it goes. He wants to transfer the permit. Ms. McKnight asked if the seating will remain the same at 100. It will. Ms. Newman noted there is one outstanding issue. The dumpster is supposed to be screened. She wants Tony DelGaizo to go look at it. They wanted to consolidate a couple of dumpsters there but this is a piece that is not done. They could screen the dumpster where it is or Plan B, which is to put in near the Rice Barn dumpster and enclose them with a fence. Karen Waller noted their preference would be to put it near the Rice Barn dumpster and enclose it with a fence. Mr. Ruth stated he is comfortable delegating it to Mr. DelGaizo. Ms. McKnight noted the following correspondence for the record: a memo from the DPW with comments; a memo from the Health Department with no comments; a memo from the Fire and Police Departments with no negative comments.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously VOTED: to grant the requested relief with the condition discussed.

Minutes

It was noted on the minutes of 6/15/09, page 2, 2nd paragraph, it should be 40 years not 4.

Upon a motion made by Mr. Ruth, and seconded by Mr. Eisenhut, it was by the five members present unanimously VOTED: to adopt the minutes of 6/15/09 with the above change.

Review and approval of 81X plan, the Access Easement Plan, the Access Easement and the Access License: 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).

Ms. Newman noted they need to approve. The engineers have looked at these and are ok with it. Town Counsel has reviewed the easement and there is only one change he suggested. They should limit the liability to 100,000 dollars. The Selectmen have approved and are holding it in escrow. Mr. Cramer noted the new draft is done. Ms. McKnight asked if they were approving the form as it has already been approved by Town Counsel. Mr. Eisenhut noted Mr. Cramer has complied with the terms of the contract. Ms. Newman clarified the 81X needed to be completed and submitted prior to the building permit being issued. It will go on record prior to the occupancy permit.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously VOTED: to communicate they have applied the applicable conditions to the Board's satisfaction.

8:00 p.m. – Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner (Property located at 1471 Highland Avenue, Needham, Massachusetts).

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously VOTED: to waive the reading of the public hearing notice.

Douglas Manley, architect, noted this is a 30 foot wide addition that runs the entire length of the building on the north side. It is currently used for on site parking. They are moving the front stairs to allow for a handicap ramp. There will also be a new handicap entry at the end of the building. There will be a new curb cut as part of the towns plan for a new crosswalk. They will enter at the existing curb cut with 9 spaces and a handicap space. They propose to reduce the existing parking by 3 spaces along Garrity Way. The second floor will be renovated to auditorium use. Currently they are in violation of the height regulation. They have included the architect's plans and propose a 44 foot height. They will increase the existing 12 foot curb cut. They are seeking relief of on site parking. They need 97 spaces on site and have 17. They have done a parking study and feel there is parking available in permitted lots. They are 3 feet away from the building rather than the 5 feet in the dimensional requirements. There is minimal space from the property line. Mr. Jacobs asked what he meant by permitted spaces. Mr. Manley noted the town has permitted 41 spaces this year – 20 spaces in Walgreen's, etc. He noted Plan B (1A) for parking, the lot is entered through a widening of the existing curb cut at the bank. It is approximately 9 feet wide now. They would widen it to 24 feet and propose a demarcation strip and signs to direct traffic. Cars can go through and exit to Highland Avenue via the existing curb cut. This would require increasing the curb cut from 18 feet to 24 feet. This option would need a change in the Zoning By-Law whereas the first can be done by right. Mr. Warner noted they could apply for both. Ms. Newman agreed and stated if the zoning changes at Town Meeting they could do Plan B (1A). Ms. McKnight noted the following correspondence for the record: a memo from Police Chief Leary, dated 10/6/09, with comments on the parking analysis report. Mr. Manley noted the pedestrian walkway along the building will be granite or brick pavers to demarcate it. Ms. McKnight asked if the comments on bollard or barrier was referring only to the first plan and not this plan. Mr. Jacobs noted he feels the Police Chief's concern is applicable to both plans. He is hearing there is no room to put a barrier. Mr. Ruth commented it is a small, sleepy parking lot and the only ones allowed to park there will be employees who have a pass and know the routine. Mr. Jacobs noted he is thinking safety.

Ms. McKnight noted the following correspondence for the record: a letter from Tony DelGaizo with no comments or objections; a memo from the Board of Health with no comments; a memo from Fire Chief Paul Buckley with comments that he prefers plan 1A and does not want to see the width of Garrity Way decreased. Mr. Manley noted they are moving the steps out and taking away 2 spaces next to the steps. They have not decreased the width of Garrity Way. Ms. Newman asked he speak of the zoning and zoning analysis and how it is to be presented. Steve Popper stated a request was made to provide a zoning table on the proposed site plan entered into the package. We have taken it under advisement. Ms. Newman noted they need a clear site plan on one sheet with a zoning analysis presented. It would be an auxillary piece to this package. Mr. Ruth noted, regarding Chief Leary's comment the assembly be restricted, he does not think it is appropriate. The Town Manager would have control of assembly events. He does not think it should go into the permit. Mr. Jacobs noted he has an issue with barriers and asked if there could be a rumble strip like on the side of a highway so as to alert people along. Wendell Kaslow noted he was not sure how it works at slow speeds but they have discussed it. Mr. Jacobs stated they need to take reasonable steps to ensure the safety of pedestrians. Kathy Bradford noted cars can not back up in 12 feet and need to go over into the walkway. Mr. Jacobs commented he was even more concerned. Mr. Kaslow stated they are talking less than 10 cars. They are trying to make it a nice walk for pedestrians and a nicer surface to walk on. He noted they could make it all asphalt. Mr. Eisenhut stated he is concerned they are creating a false sense of security. Selectman Maurice Handel noted it is not a high turnover lot. People are leaving it one time per day at most. People currently cross the lot now between 2 rows of cars. He feels it will be safer than it is now. Town Manager Kate Fitzpatrick referred the Board to New Garden where people back over the sidewalk. Ms. Newman noted they need to have a site plan and zoning analysis.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously VOTED: to hold the hearing open until 11/2/09 before Town Meeting at 6:00 p.m. for site plan and zoning analysis.

ANR Plan – 29 Ardmore Road, Needham, MA

Alex Dauria, representative for the applicant, stated 80 feet of frontage needs to be obtained for a house lot. Discussions are getting closer with the neighbors.

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

Decision: Major Project Site Plan Special Permit No. 2009-05: 1095 LLC d/b/a Comella's Restaurants, c/o 288 Washington Street, Wellesley, Massachusetts, Petitioner (Property located at 1095 Great Plain Avenue, Needham, MA).

Mr. Eisenhut asked if they had 2 15-minute take-out spaces on site. George Giunta Jr. noted they do -- that the landlord has approved that. Mr. Ruth noted "take-out at lunch is subject to those 2 spaces being made available" should be put in the permit rather than those spaces being available at all times. Mr. Jacobs noted Condition 3.10 -- add under (a) between the hours of X and Y (11:30 -- 2:00). Condition 3.17 -- the last sentence should be moved to 3.14. Mr. Giunta Jr. noted the only plan modification is 2 parking spaces. They would like to do this by way of a sketch plan submitted. Mr. Jacobs noted that would be fine and all agreed.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously VOTED: to provide relief as set forth in the first page of the decision with the 2 changes discussed.

Appointment

8:30 p.m. -- Informal Discussion, Ken Mackin & Bob Smart: Redevelopment of Old Theatre Parcel, Great Plain Avenue and Dedham Avenue.

Ken Mackin noted these are the storefronts between Abbots and the House of Pizza and behind. There are 20,000 square feet with 5,000 square feet vacant. They had 6,800 square feet of retail and 25,000 square feet for the theater. They are proposing 3 stories above. They have 110 feet of frontage on Great Plain Avenue and 105 feet of frontage on Dedham Avenue. They are building a separate building on Dedham Avenue. They will have an additional 1,150 square feet. There will be 28 units with 20 2-bed units and 8 1-bed units. Three units will be affordable. The building has been dormant for 7 years and they wanted to get a sense from the Board of some of their concerns. A 25-foot wide access path goes to the rear of the property. All cars will be under the structure. There will be second floor balconies with canopies. Each building will have 2 means of egress and an elevator with clapboard siding. Nothing is set yet. They may have a common patio or deck. Entrances will run front to back. There is 2,100 square feet of retail on Dedham Avenue and there will be a separate theater entrance. The FAR is 2.0 but if they back out the affordable housing it is at about 1.98 FAR. The entrance is 25 feet wide and half the spaces will be compact. The remaining will be 9 feet by 19 feet in dimension. Mr. Warner clarified the windows on Great Plain Avenue face north and Dedham Avenue faces west. He asked if all parking would be entirely on site and was informed the 28 spaces would be. All retail parking will be somewhere else. This is not part of the retail use. Mr. Jacobs asked him to explain the parking. Mr. Mackin noted they will expand the Dedham Avenue curb cut to 25 feet to allow an entrance/exit. They will plant some large caliper trees with one in the center, they hope. Mr. Jacobs noted 9 spaces will be covered. Mr. Mackin confirmed yes, about half way.

Mr. Eisenhut stated there is a real need for wider sidewalks, crosswalks and signalization. He asked what his thoughts are on the infrastructure around improvements. Mr. Mackin noted they need a triangular island to shorten the distance from the sidewalk on Dedham Avenue to the Village Fish. Mr. Eisenhut noted a double wide crosswalk with signalization would be best. Mr. Mackin stated the estimate was \$450,000 and he is not here to offer that. Mr. Eisenhut stated he wants to make it easier to get from the Village Fish to that corner. Mr. Mackin noted he looked at building underground parking. They have a common drive so they needed a long entrance and it was not economically feasible. Ms. McKnight asked if the property presently on Great Plain Avenue was to be torn down or built on top of. Mr. Mackin stated they are somewhat flexible. They are planning to build on top of and there will be basements to all stores. Ms. McKnight asked if there would be 2 elevators and was informed there would be. She asked what is going to be at the rear near the parking spaces to separate the property. Mr. Mackin noted a fence probably 6 feet. Currently there is a chain link fence. Mr. Warner asked if all apartments have windows in front and back. Mr. Mackin stated the floors do not go completely through. They are separated by corridors. Ms. McKnight asked if there is a common drive and all 28 spaces use that drive. Mr. Mackin noted yes. They may allow the neighbors to use or may discuss combining trash. There will be a reciprocal easement for both properties. Ms. McKnight asked if only the residents may park there. Mr. Mackin confirmed there will be one space in the lease. Robert Smart stated it calls for 1.5 spaces per residential unit. They would like to waive it down to one space per unit.

Mr. Mackin stated they would not lease to anyone outside the building. Ms. McKnight commented they need to focus on what is reasonable for the project and how to fund it. Robert Smart noted they would like a determination of parking on the retail side. Ms. Newman noted they could do a waiver.

Review Landscape Plan: Major Project Site Plan Review No. 2007-10: Beth Israel Deaconess Hospital Needham, 148 Chestnut Street, Needham, MA, Petitioner (Property located at 148 Chestnut Street, Needham, MA).

Ms. Newman noted there are 2 options for transformers. It did not work out looking at screening with landscaping. Roy Cramer, representative for the applicant, stated the Design Review Board approved and signed off on vegetative screening and fencing. Mr. Warner commented there was something with the curbing and was informed it was all fixed. Mr. Cramer noted the sidewalk is to be done by 10/31. All is fixed and was approved today. They would like approval of the landscape plan so they can get going and would like approval of the sidewalk. Ms. Newman noted the engineering department went out and approved the sidewalk. There is no problem. All is resolved. Ms. McKnight asked which design the Design Review Board approved. Mr. Cramer noted the one in front of them tonight with 7 to 8 foot arborvitae.

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

Review and Approval of Final Plans for Building Permit: Major Project Site Plan Review No. 2009-04: Danversbank, One Conant Street, Danvers, Massachusetts, Petitioner (Property located at 827 – 835 Highland Avenue, Needham, MA).

Mr. Ruth recused himself. Ms. Newman noted they want the Board to endorse the final plans. The DPW has reviewed and has no comment. Ms. McKnight noted the following correspondence for the record: a memo from Tony DelGaizo, dated 10/20/09, with no comments or objections. There will be a rumble strip at the entry, arrows painted on the pavement and they have moved the light standard back 3 feet. They have put a bench in the front with a tree added and a bike rack. There will be an entrance only sign. Ms. McKnight stated the plans show the changes they wanted.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the four members present unanimously VOTED: to accept the plans showing the modifications.

Proposed Project: Treat Cupcake Bar: Request to waive parking study.

Mr. Ruth recused himself. Roy Cramer, representative for the applicant, noted the original location changed to Highland Avenue. There are 1,860 square feet and it is the same proposed use. They want to waive the parking study. They expect a lot of pedestrians. Kids after school are the demographic and it is \$2,500 for a parking study. Ms. Newman stated they need to look at the medical use and see if there are restrictions on food use. Mr. Cramer noted the clinic has a long term lease for 41 spaces from Walgreen's. Mr. Eisenhut noted a recent parking study was done in this area for Town Hall. Mr. Cramer reiterated the target is 11 to 15 year old girls but they want pre-teen boys also. Ms. McKnight asked if there is any parking designated for this shop. Mr. Cramer noted there are 6 or 7 spaces in the back designated for doctors and maybe one or 2 for employees, but none for customers. Mr. Eisenhut commented he is skeptical of parking studies. Mr. Jacobs agreed. He would not push for a study.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by three of the four members present (Mr. Eisenhut abstained):

VOTED: to waive the parking study.

Planning Board Recommendation of Zoning Article for Special Town Meeting: Citizen's Petition Article.

Mr. Ruth returned to the meeting. Ms. McKnight noted the hearing is closed and this is discussion. Mr. Warner stated he is sympathetic with the citizen's petition but thinks the area should be studied and some regard taken to bring uniformity to the area, to bring forward to 2 family and bring forward to Town Meeting in March. Mr. Eisenhut stated he is amenable to a rezoning to encourage multi-family use in this area but other things need to be considered

such as preserving historical, discourage over-density, do not allow garages to face the front of the street and encourage further study. Mr. Jacobs stated he agrees with Mr. Eisenhut and disagrees with Mr. Warner. The existing general residence zone will not preserve the historical nature, would encourage over density and encourage garages which face the street. Mr. Ruth stated they need to be clear if the petition is brought forth at Town Meeting in November they are opposed as of that night. He would love to not actively oppose in November and actively support in May. Mr. Jacobs asked if the intent was to have a better solution ready for May and one we may be the sponsor of. Ms. McKnight stated they need to make it clear they are not in favor of the present proposal. Mr. Eisenhut noted the study area may change the boundaries. Ms. Newman noted they could ask it be referred back for further study. Mr. Ruth asked if the proponent is amenable to that. Mr. Giunta Jr. stated they are concerned with the end result but it is a unique area. They would be amenable if it was referred back for a place on the spring Town Meeting. The Board seems to have interest in developing this area so they would like to take a couple more steps forward before Town Meeting. Mr. Warner noted they are all on the same page. Mr. Jacobs noted he just thinks there are other ways of doing it.

Upon a motion made by Mr. Ruth, and seconded by Mr. Eisenhut, it was by the five members present unanimously VOTED: to comment they are opposed to the proposed zoning but amenable to studying multi-family use while preserving the items discussed.

Mr. Ruth will speak at Town Meeting if necessary.

Release of off-street drainage bond for Meadow Woods Subdivision Lot 5/Land Court Lot 51 (#27 Woodworth Road): Frank Vacca, Petitioner.

Ms. Newman noted one lot in the subdivision had a bond. Mr. Petrini built the house so they are returning the money to him. There are no complaints from the abutters. Ms. McKnight noted the following correspondence for the record: a memo from the Board of Health recommending release of the bond.

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

Request for Permanent Occupancy Permit: Major Project Site Plan Review No. 2007-05: 868 Highland Avenue, LLC, 66 Crescent Road, Needham, MA 02494, Petitioner (Property located at 868 Highland Avenue, Needham, MA).

Ms. Newman noted when the water line connection was made the sidewalk/street settled and is now collapsing. The DPW is requesting no permanent Certificate of Occupancy but to extend the temporary. Ms. McKnight noted they are holding a bond for the handicap ramp and sidewalk connected to the paving.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously VOTED: to deny the request for a permanent Certificate of Occupancy and extend the time to the end of November for the temporary Certificate of Occupancy.

Endorsement of Plan for distribution after appeal period: Amendment to Major Project Site Plan Special Permit No. 2007-09: High Rock School, Town of Needham, Petitioner (Property located at 77 Ferndale Avenue, Needham, MA).

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously VOTED: to authorize the Planning Director to send the authorization for the solar panels when the appeal period has run.

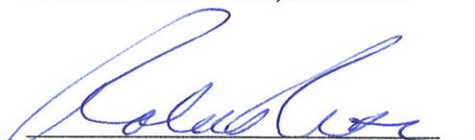
Report of the Planning Director and Board Members.

Ms. Newman reported on the New England Business Center. She noted she is working with the Council of Economic Advisors to see why there is no action in the business park. Are the current goals and vision really where they want to go. Do they want to relook at zoning. She noted they need to look at some uses that were articulated. There is interest in funding an additional planning study at this spring Town Meeting to relook at some of the goals they have

created and if there are some tweaks they can do. Mr. Ruth stated 30 to 40% seems to be medical and it seems it wants to be medical. Mr. Jacobs added it might be a prime spot for Longwood Medical Center to move some out to here. It could be a tremendous market. Mr. Eisenhut stated he does not mind going over uses but he does not want to look at FARs and such. He feels they got that right and this is not the right time. Ms. Newman agreed with Mr. Eisenhut. Ms. McKnight asked is there was someone who could show them around so they can get the feel of it -- what buildings are vacant, what is there, etc.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously VOTED: to adjourn the meeting at 10:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Ron Ruth, Vice-Chairman and Clerk