

NEEDHAM PLANNING BOARD MINUTES

May 18, 2010

The regular meeting of the Planning Board held in the Charles River Room, first floor of the Public Services Administration Building, was called to order by Jeanne McKnight, Chairman, on Tuesday, May 18, 2010 at 7:30 p.m. with Messrs. Warner, Ruth, Eisenhut and Jacobs as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

7:30 p.m. – Amendment to Major Project Site Plan Review No. 01-08, Yeat, Inc., d/b/a Sweet Basil, Dave Becker, President, 942 Great Plain Avenue, Needham, Massachusetts, Petitioner (Property located at 936-942 Great Plain 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 waive the reading of the public hearing notice.

David Becker, applicant, noted he came in earlier informally. He noted he rode around on bike doing a parking survey on Wednesday and Thursday in December and there were some noticeable patterns. The Dedham Avenue lot filled up first closest to CVS. He counted the utilization in the Dedham Avenue lot and the town lot. During most of the day Hillcrest Garden through the Baptist Church was mostly vacant except during events. He explained his parking chart. He noted he has always been able to get a parking space when he has needed it in front. Mr. Jacobs asked if he had any sense of how many walk and how many drive. Mr. Becker thinks it is fairly random but knows there is a collection of people who walk. He likes to think a lot of people will walk. He also thinks people may feel they have to wait so they do not go. Mr. Warner stated he does not see this chart indicating a parking problem. Mr. Eisenhut commented it was not a professional study. It does not have the appearance of objectivity and he cannot be assured of the accuracy. He noted previous studies showed they were almost maxed out. They are in a bad economy and he is not sure how that factors in. He commented he has mixed feelings. He feels the town should pay for a comprehensive downtown parking study. He is concerned with individuals doing this their own studies. Ms. McKnight agreed it was not professionally done and not objective. Mr. Ruth asked what other restaurants have limitations on lunch. Ms. Newman noted Marsala Art and maybe Village Fish. Ms. McKnight noted Pomodoro and Comella's. Ms. Clee added Pomodoro is closed for lunch and Comella's is restricted. Ms. McKnight stated she is concerned others will come in for the same request. Mr. Warner commented he feels Mr. Becker presented well. Mr. Ruth noted there are vacant storefronts downtown that, if occupied, would generate traffic. He thinks there is certain room for downtown to be busier whether they do this or not. Mr. Eisenhut reiterated they really need a professional study to see what the capacity is. Ms. Newman stated the request is going from 18 to 28 spaces if they open it up. Mr. Ruth stated the concern is to constrain a successful local business because another business may come with the same request.

Ms. McKnight noted the following correspondence for the record: a memo from the Fire Department with no comment; a memo from the Board of Health with no comment and a memo from the DPW with no comments or objections.

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

A motion was made to approve the requested relief for a full restaurant at lunchtime in the form presented as a draft decision. Mr. Jacobs asked if they were changing the number of employees. He thought they were but they are the same in the draft decision on page 2, section 1.2. Mr. Becker noted he was not really hiring more. He has the staff now. Mr. Jacobs asked if they would be open on Mondays and was informed no -- Tuesday through Saturday. Mr. Warner stated they should amend to increase the number of employees from 3 to 4. Ms. McKnight stated she is concerned with the concept of limiting a restaurant during lunch from what they are allowed at dinner time. She does not know what to say about parking in downtown at lunchtime. Mr. Eisenhut stated he was not ready to make this decision. Mr. Warner agreed with Mr. Eisenhut. He is in favor but requests he do a traffic study. Mr. Eisenhut stated

Mr. Becker did as he was requested to do but he is concerned with the planning function. He does not know how he feels about this.

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by three of the five members present (Mr. Eisenhut and Mr. Jacobs voted in the negative):

VOTED: to approve the requested relief for a full restaurant at lunchtime in the form presented as a draft decision.

The vote did not pass.

8:00 p.m. – Amendment to 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).

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, noted the kitchen is very small and cramped because the Building Department wanted 2 full handicap bathrooms. It is too tight for employees. They want to finish the downstairs and use it as a prep area. The other part is they want to install 3 new ovens in the basement and move one from upstairs down. The 3 will be for the catering business. They do a big bulk business. They get orders for pizza for sports teams sometimes 30 at a time. Mr. Eisenhut noted some work has already been done. Mr. Giunta Jr. stated it had been. The plumber pulled a permit, they started the process, then stopped. The original plans did not contemplate ovens in the basement but catering was approved. Actually it will be 2 ovens stacked on top of each other. Ms. McKnight asked if there will be any increase in parking. Mr. Giunta Jr. noted there will be no change at all. He noted one flue goes up the rear of the building which is doable per the Building Inspector. He noted correspondence from the Fire Department, Police Department and DPW all with no comments and the Board of Health with comments. Mr. Jacobs asked if the prep tables were already installed. JP Comella stated the ovens are there but not connected. Ms. McKnight noted the 2 plans are the same and it does not look like anything is moved from upstairs to downstairs. Mr. Comella apologized for the error.

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. Warner noted this is 2 different operations – food prep and catering business. He asked how many restaurants in Needham have basement kitchens. Ms. Newman noted Vicki Lee used to. She is not sure about Pomodoro. Mr. Giunta Jr. stated Marsala Art has prep in the basement. Mr. Warner stated there are no windows and no plan for ventilation. Matt Comella stated there is one window and a combustion vent that was approved. Mr. Warner stated he cannot approve of preparation of food and an oven in a basement in Needham. It is not a good place to work, not clean and he feels it is a bad idea. He is opposed. Mr. Eisenhut stated those are police, building and health department issues. They need to stick to the planning function. Ms. Newman stated the Board of Health is looking for a more detailed plan like where the sink is going. Mr. Eisenhut commented it seems the Board of Health is doing their job. Mr. Jacobs asked how many employees are in the original decision. Mr. Giunta Jr. noted 3 at lunch and 4 at dinner. He noted the codes are very specific with regards to ventilation. There will be discussions with the Building Inspector. Matt Comella noted the Board of Health does routine inspections.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by four of the five members present (Mr. Warner voted in the negative):

VOTED: to grant the amendment to the Major Project Special Permit to allow for ovens and modifications as stated in the plans subject to the oven being as accurate as described.

Request for extension: Major Project Site Plan Review No. 2008-03: Cabot, Cabot & Forbes of New England, Inc., 125 Summer Street, Suite 1800, Boston, MA 02210, Petitioner (Property located at 360 First Avenue, 410 First Avenue and 66B Street, Needham, MA).

Roy Cramer, representative for the applicant, stated this is a 3 phased office building. They are requesting an extension for 2 years to 2012. On 6/16/2010, Phase one lapses and on 6/16/2014, Phase 2 and 3 lapse. He is requesting a similar extension to 2016 for those phases. They are trying but have no idea what the economy will do. They are getting some nibbles now. Mike Boujoulian stated he feels it is a good area for a Longwood Medical expansion. It is a very attractive area for the medical community but there is minor interest in building new buildings right now. Ms. Newman noted the decision called for them to come back with plan modifications. She asked when they could expect them. Mr. Cramer noted going through the process of modification is very expensive. They request they not be required at this time. Mr. Ruth asked if they had something that showed changes. Mr. Cramer noted Section 2 of the decision outlines the changes. Mr. Eisenhut commented he is pleased they are going forward.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to grant the extensions as requested.

Appointments

8:30 p.m. – Informal Discussion: Steve Popper regarding Newman School Project.

Steve Popper, representative for the applicant, noted this was very preliminary about a year ago. He felt it was better to have an informal discussion to bring them up to speed. There will be a formal presentation on 6/15. They need to have the Building Department give them a permit before they can get a permit and begin. In order to get it all together, they hope to get through the hearing on 6/15 and initiate the appeal period. Calvin Olson, Project Manager, stated this is a mechanical repair project. They are addressing areas that are inadequate or need supplementing. They are redoing the kitchen, some work in the auditorium such as lighting, sound, acoustical and some ADA throughout the building. During 2011 and 2012 there will be modifications done in the parking area for one year. Common space work will be done during the 2 summers. They will replace the drive with an in/out for contractors and separate in/out for the school. They will temporarily use the tennis courts as parking and buses will be parked somewhere else. The big thing is the gas fired roof top units. There are no window upgrades but they will re-roof. They are sprinkling the whole building at the end of the project. There will be new supplementary water lines and gas. Steven Ventresca, of Nitsch Engineering, noted there will be a new sewer connection and the gas line is coming from Central Avenue. There will be a bio-retention system at the low point near the wetlands. They are not changing the drainage on site. Mr. Olson stated they have a phasing plan. They want approval for summer 2010 work. They are in design development right now. This summer they will be installing piers for modular foundations. During the first summer they are working in the building, will install modulars and are changing the tennis courts to parking. The second summer the modulars are removed, they are still working all over the building and during the school year contractors will have half the building.

Mr. Ruth asked if the access road will have jersey barriers. Mr. Olson stated yes with chain link on top. He is not sure if they will screen it. Mr. Ruth noted the gas corridor off the cul-de-sac and asked if there would be a gas easement. Mr. Ventresca noted there is already an easement there. Mr. Ruth asked if there would be a noise issue during the school day. Mr. Popper noted there would not be any typical construction noise. It is all interior work. There will be some noise but they do not expect significant issues. They will need fire walls and will have full height barriers and petitions between the school and the work space. They have a CMR contractor on board. Mr. Ruth asked if the Building Inspector and Fire Chief were on board. Mr. Popper noted they were but there is one issue with the Chapter 48, 26G Fire Code. They are requesting they sprinkle the entire building. They were going to sprinkle the area to be worked on after so they have to go to the sprinkler appeals board. The Fire Chief is in support. Mr. Jacobs asked if there was enough room for the contractors to park in the construction parking area. Mr. Popper stated he believes they have fairly significant space. They have options out back to make more room. Mr. Jacobs noted concern for the neighboring area. They should try to keep them from parking on the neighboring streets. Mr. Popper noted they intend to keep them on site. Ms. McKnight asked if trucks and cranes put the modulars in place and remove them. She was informed cranes or big loaders do the job. Ms. McKnight asked how long that would take. Mr. Popper noted the contractor has from June through August 20 to set up. That is why the foundations are going in this year. Ms. McKnight asked if there was a connection to the church for emergencies. There is no vehicle access but the church does park there in the school lot and will need to be limited. Ms. McKnight asked if there was ever a second entrance envisioned and was informed no. There is too much grade change to Great Plain Avenue.

Report from the Planning Director.

Ms. Newman noted she was approached by George Giunta Jr. regarding the New Leaf. They are expanding into the nail salon next door. They moved into selling about 50% more food products lately. They will be over 1,000 square feet but grocery is not allowed in downtown if over 1,000 square feet. She spoke with Mr. Giunta Jr. They could open a separate store. Ms. McKnight asked how the floor area and storage has been counted. Ms. Newman noted gross square feet. She stated two stores operations with a connection in the back is one idea. Mr. Giunta Jr. suggests up to 1,000 square feet by right and 1,000 to 2,000 square feet by Special Permit but limit to say specialty stores. Ms. McKnight asked what other towns are doing about this issue. Ms. Newman will look into it.

Review and approval of revised floor plan for certificate of occupancy issuance for Fast Research, Inc., lessee: Major Project Site Plan Special Permit No. 2000-02, Sentinel Properties, Needham, LLC, c/o Rose Associates, One Financial Center, Boston, MA, Petitioner (Property located at 128 First Avenue and 72 A Street, Needham, MA).

Ms. Newman noted Pfizer is moving down to the space previously occupied by Computer Sciences. There are 2,000 square feet on the first floor and 42,000 square feet on the second floor. They are picking up 6,000 square feet where Computer Sciences is. There is no change in employee number and the total parking drops from 133 to 127.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to approve occupancy of Pfizer on the first floor as outlined in the letter.

Board of Appeals – May 20, 2010.

Daniel J. DiSchino, 57 Wachusett Road, Needham, MA – 49 Wachusett Road.

This has already been dealt with.

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

This has already been dealt with.

Nino and Rebecca Tarantino, 82 Marked Tree Road, Needham, MA – 82 Marked Tree Road.

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

Minutes

Ms. McKnight noted on the first page of the 2/23/10 minutes, last paragraph, “She stated” should be added before “there is disregard...” Remove the period at the end of the sentence and add “and that a By-Law...” On page 2, 1st paragraph, remove “admission to the meeting” and change to “inclusion in the hearing record.” In the last sentence, change “this will be” to “this would be.” Second paragraph change the third sentence to read “regulations of the 2002 Federal Act that requires security screening...” On the last page, last paragraph, change “roles” to “rolls.”

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to adopt the minutes of 2/23/10 with changes.

Ms. McKnight noted on the minutes of 3/15/10, page 4, 3rd paragraph, change the sentence to read “...tighten the language to show that 10% is to be rented for 80% of the area median income.” On the last page, last paragraph, change the first sentence to read “He asked if they feel they can go behind the gas companies reports to investigate if they think things are not right.”

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to adopt the minutes of 3/15/10 with changes.

Reorganization

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to nominate Mr. Ruth as Chairman.

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

VOTED: to nominate Mr. Eisenhut as Vice-Chairman.

Mr. Ruth thanked Ms. McKnight for the wonderful job she did as Chairman.

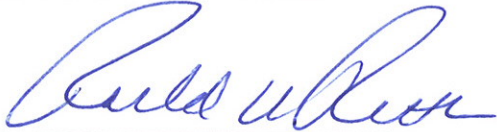
Set Summer 2010 Schedule.

After discussion, it was decided the meetings would be on June 29, July 20 and August 17.

Ms. Newman noted they are interviewing for an Economic Planning Advisor next Monday and Tuesday. She has hired an Administrative Assistant for 22 hours per week and she is trying to find someone to replace Amy Holland temporarily. Mr. Jacobs will participate in the interviews.

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Ronald Ruth, Vice-Chairman and Clerk