

NEEDHAM PLANNING BOARD MINUTES

July 20, 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 Ronald Ruth, Chairman, on Tuesday, July 20, 2010 at 7:00 p.m. with Messrs. Warner, Eisenhut and Jacobs as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski. Ms. McKnight arrived at 7:20 p.m.

Request for Extension of Temporary Occupancy Permit: Major Site Plan Review No. 2004-01: Permanent Public Building Committee for the Needham High School, 609 Webster Street, Needham, MA 02492, Petitioner (Property located at 609 Webster Street, Needham, MA).

Steven Popper, representative for the PPBC, noted they are requesting an extension due to the completion of items they are performing this summer. They have a number of issues that need to be addressed.

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

VOTED: to extend the temporary occupancy permit through 12/31/2010.

Request for Extension of Temporary Occupancy Permit: Major Project Site Plan Review No. 2008-09: Town of Needham Permanent Public Buildings Committee, Petitioner (Property located at 500 Dedham Avenue, Needham, MA).

Steven Popper, representative for the PPBC, noted part of closure entails a survey. They hoped Norfolk County would complete one that ties in adjoining parcels. Due to the lack of funds Norfolk has stopped. The Engineering Department has investigated completing it but they cannot. The Town Engineer has checked and Norfolk will continue and finish.

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

VOTED: to extend the deadline through 2/28/2011.

Request for Extension of the Temporary Occupancy Permit: 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).

Roy Cramer, representative for the applicant, noted they are requesting an extension of the temporary Certificate of Occupancy. They have finished and are waiting to hear from the Town Engineer what they need to file. They do not have the information yet. He heard recently there may be a couple of issues. Ms. Newman noted they need an As-built that shows the roadway improvements, signal schematics, lane markings and actual construction. They need to explain how the signals are communicating with each other. Mr. Cramer requested Ms. Newman e-mail him a list of documents needed. He asked the Board to delegate to the Planning Director the authority to sign off if they are done before the next meeting.

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

VOTED: to extend the temporary Occupancy Permit through 9/15/10.

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

VOTED: to delegate to the Planning Director the authority to issue the Occupancy Permit and release the bond or any applicable portion of the bond.

Decision: Charles River Street Definitive Subdivision: Richard J. Gaffey, Trustee, 634 Charles River Street Realty Trust, 420 Lakeside Avenue, Marlborough, MA, Petitioner (Property located at Map 305, Lot 23, off of Charles River Street, Needham, MA).

Decision: Scenic Road Act: Richard J. Gaffey, Trustee of the 634 Charles River Street Realty Trust, Petitioner (Property located on the southerly side of Charles River Street between 534 Charles River Street and 590 Charles River Street, and is shown on Assessor's Map 305 as Parcel 23).

Roy Cramer, representative for the applicant, requested a continuance rather than discuss the draft decision tonight. He would like to discuss it at the 9/7/10 meeting. He would like to extend the action deadline to 10/1/10. He will give Ms. Newman comments to the draft decision next week. Mr. Eisenhut noted he would not be at the 9/7 meeting. Mr. Cramer will advise his client he will need 3 votes but he would like to keep the date.

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

VOTED: to continue both hearings to the 9/7/10 meeting and extend the action deadline to 10/1/10.

Ms. McKnight arrived at the meeting at 7:20 p.m.

Request for Approval of As-Built Drawings and Release of Bond: Major Project Site Plan Special Permit No. 1999-07: Cabot, Cabot & Forbes of New England, Inc., 99 Summer Street, Boston, Massachusetts, Petitioner (Property located at 200 Second Avenue, Needham, MA).

Roy Cramer noted the work is done but the DPW and engineer have not done the site visit. Ms. Newman noted Town Engineer Tony DelGaizo e-mailed to state it is ok to go forward but Thomas Ryder may not have done the inspection. She noted they could delegate authority to the Planning Director subject to approval.

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

VOTED: to delegate the authority to the Planning Director to approve subject to DPW approval.

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

VOTED: to extend the bond deadline through August 2011.

Public Hearings

7:00 p.m. – Amendment to 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, MA).

Tiffany Shaw, architect, presented the changes. Douglas Manley, of McGinley Kalsow, stated they were last here on March 2. Subject to review by the Building Department they were asked to further develop the streetscapes on Highland Avenue and Chapel Street. They modified the design on Chapel Street. On the Highland Avenue side they did a similar version of street lighting and a ramp. The Highland Avenue ramp uses the sidewalk as the bottom of the ramp and there is a dimensional creep to the foundation. It is a 30-foot wide footprint but the final is 30.9 feet. They are asking for relief of the maneuvering aisle. They were originally 3 feet but are now 2 feet 3 inches. They made conforming maneuvering aisles and parking spaces. Mr. Ruth asked if 2 feet 3 inches is enough for landscaping. Mr. Manley noted it was. The landscape architect is comfortable. It will be a small planting bed. Mr. Warner asked what happens to the sidewalk if it is narrower. Mr. Manley stated it is still there and the same. Mr. Jacobs asked if he would explain the dimensional concept again. Mr. Manley noted to construct all they wanted the foundation size got bigger. Ms. McKnight asked where the handicap spaces were. Mr. Manley described the 2 handicap spaces and noted it was reduced from 3 but is still within the ADA requirements. Ms. Newman noted they got rid of the original street trees because of the narrow street. Mr. Manley stated they are trying to match Chapel Street with planters rather than trees. Ms. Newman requested they consider planting some sort of ornamental trees by the entrance. Mr. Manley stated there was a concern by the engineer the sidewalks be kept a clear width of 4 feet for plowing. Ms. Newman noted they could plant ornamental trees by the Chapel Street entrance. Ms. Shaw commented she would touch base with the landscape architect. Mr. Ruth noted the following correspondence for the record: a memo from the Fire Department noting no objections but with comments regarding the width of the street; a memo from the Police Department with no comments; and a memo from Engineering with no comments.

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

Mr. Eisenhut noted the changes are benign, and do not change the project, but they need to keep in mind to keep the amendments to a minimum. Mr. Jacobs stated he is uncomfortable to hear about dimensional changes. He wants to have confidence in schematics and plans that are presented. He commented he is bothered by it. He would like, in the event the architect approves a tree, to know a tree can be planted in that location.

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

VOTED: to grant Special Permits in accordance with Section 7.4, a Major Project Site Plan Review; in accordance with Section 1.4.6, to alter a pre-existing, non-conforming structure; in accordance with Section 4.4.3 to permit a municipal building of three (3) stories; to grant modifications to previously granted permits; in accordance with Section 5.1.1.6, to waive strict adherence to the requirements of Section 5.1.3, and to approve further site plan in accordance with Special Permit No. 2009-06.

Decision: Major Project Site Plan Review No. 2010-01: The Needham Golf Club, 49 Green Street, Needham, MA, Petitioner (Property located at 49 Green Street, Needham, MA).

Ms. McKnight recused herself. Mr. Ruth noted they had a draft decision. Ms. Newman stated she made some changes to the draft after she sent it out. On page 5, paragraph 1.13 – grammar correction; page 6, paragraph 1.18 – open until 10:00 p.m. not 8:30 p.m.; paragraph 1.21 – grammar correction; page 9, in the conditions section, paragraph 3.6 has been changed; and paragraph 3.7 – the hours have been changed. Mr. Giunta Jr. requested they clarify this to indicate the golf club is able to have no golf club functions during business hours. Ms. Newman noted paragraph 3.9 – the number of employees and their function would not be limited on non-golf related functions and trash pickup will be on a regular schedule not specific schedule. Mr. Warner asked about page 11. Mr. Jacobs noted they need some kind of clause to leave open for neighbor concerns of a 7:00 a.m. start time. Mr. Ruth asked how long the construction period would be and was informed 5½ to 6 months. Mr. Eisenhut noted it should be subject to review and modification in the event of a complaint. Mr. Giunta Jr. stated the number of employees' changes. It deals with the club house and area but they also have 7 greens people who work elsewhere. He noted they park in another location. They do not want them in the count of the 13 employees.

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

Ms. McKnight returned to the meeting.

Release of Street Maintenance Bond for the Jenna Circle Subdivision.

Mr. Ruth noted the conditions of the bond are set and confirmed.

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

7:30 p.m. – Nehoiden Street Definitive Subdivision: Fredrick L. Sewell, 1554 Central Avenue, Needham, Massachusetts, Petitioner (Property located at 198-200 Nehoiden Street). – (Please Note: This hearing was continued from the April 6, 2010 and June 1, 2010 meetings of the Planning Board).

Mr. Ruth stated the situation is the subdivision control law gives a limit of 135 days for action on a matter. The 135th day was last week. There may be an extension that could move that 135 days longer but, since it was not filed with the Town Clerk's Office, the potential may arise for there to be a constructive grant. The applicant has been cooperative. The Planning Board could take a vote to appeal the issuance of a constructive grant. The applicant and Town Counsel have spoken and, agreed to an arrangement that if appealed, simultaneously with that appeal a judgment would be entered such that a constructive grant would be a null. The applicant would reapply and at the next meeting on August 17 there would be a hearing on the substance of that subdivision.

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

Upon a motion made by Mr. Jacobs, and seconded by Mr. Eisenhut, it was by the five members present unanimously:
VOTED: to move for a motion to appeal the arguable issuance of a constructive grant and authorize Town Counsel to sign a settlement agreement on their behalf.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to waive the filing fee with regard to future applications.

Minutes

Mr. Jacobs noted on the minutes of April 20, 2010, page 3, Mr. Cramer "initialed the date change" rather than "initiated the date change." Under the Elder Services Zoning after the first sentence add "but did not yet vote to recommend the article." Change "Mr. Jacobs was not clear..." to "Mr. Jacobs thought the recommendation would be included in the vote." On page 4, at the top, change "a letter went out with a..." to "a letter went out reminding of the..." Under Informal Discussion, change "pull the cape study" to "review the Barnstable study."

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to accept the minutes of April 20, 2010 with amendments.

On the minutes of May 18, 2010, page 3, change "go directly to appeal" to "initiate the appeal period."

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to accept the minutes of May 18, 2010 as altered.

Mr. Jacobs noted on the minutes of June 1, 2010, page 1, delete "Toddlers start at 15 months not 24 months." Ms. McKnight added they should delete "Infants are under 5 months." Ms. McKnight noted on page 2, at the bottom, change "Scenic Road Act" to Scenic Road Petition." Mr. Jacobs noted on page 4, 2nd paragraph, change "similar to the condo" to "similar to a condo" and delete "They will probably have a second set of easements."

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to accept the minutes of June 1, 2010 with changes.

8:00 p.m. – 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).

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

Mr. Ruth noted the following correspondence for the record: a memo from Tony DelGaizo, of the DPW, dated July 20, 2010, with comments regarding drainage, etc.; a memo from Police Chief Thomas Leary with comments; an e-mail from the Fire Department, dated July 19, 2010, noting no comment; a memo from the Conservation Commission with comments and no issues; a memo from the Design Review Board, dated July 12, 2010, noting it was reviewed and is acceptable with comments regarding the site plan and building. Jon Solecki, of Sage Engineering, noted it is currently 10 acres in the Single Residence A district. There is agricultural use on site. They have additional land in Needham. They are having informal discussions with preliminary plans with department heads. They applied on June 21, 2010 for site plan review. The only relief is the parking lot illumination is less than one foot. The existing site is at Central Avenue and Forest Street. There are 3 curb cuts -- one on Brookside Road and 2 on Central Avenue. The corner of the site is obscured by a couple of buildings. Currently there is a 4,100 square foot farm stand, 5 greenhouses and a storage building. They have all utilities and underground water from Central Avenue and gas from Central Avenue.

They are proposing to consolidate the small to one large. The small storage, the house, farm stand, 5 greenhouses, mechanical building and storage building are all coming down. They want better flow to the site. They will relocate the curb cut from Central Avenue and will be able to pull off Central Avenue onto the site. It will open up the corner. The existing landscape will substantially stay the same. They are not disturbing the pavement on site and are trying not to disturb the whole site. They currently have 73 parking spaces with 3 accessible. They will have 100 spaces with 4 accessible. There will be a small connector ramp between the 2 buildings. The greenhouse will be set down a little from the main building. Frank Demarnis, of Sage Engineering, noted there would be a fairly large terraced area in front. The Design Review Board liked the idea. It was one of the main design challenges. They needed a visual entrance. He noted they changed a window. Mr. Solecki stated they will connect to the existing sewer and add a new water line. There will be a 6 inch fire line off Forest Street. The Fire Department wants a hydrant on site. The gas will be off the existing. He noted there will be a 14,400 square foot footprint, which is existing, and a 2,500 second floor office. They will have a 6,670 square foot basement. It will be accessible and will take the place of some storage on site. There will be cooler space in the rear and a food prep area. The loading dock will be in back. The building will be a slab on grade concrete block system. It will be post and beam with 8 foot by 8 foot posts and pine walls. There will be cement board and batten on the front. The second floor will have steel beams. There will be a cooler metal steel system around back, green shingles on the roof with canopies and a metal roof in back. The front area will have a flexible display area. The main entrance will be on the side around the display area. There is an existing black metal fence and they will try to keep it and go around the building to match. The light posts will match the existing and there will be some building lights.

Mr. Solecki noted the traffic report shows the trips will increase around 15 cars at peak and 30 on weekends. Mr. Eisenhut commented the problem is on week days at rush hour. It takes 10 minutes to get out. Mr. Demarnis noted it will be better with the entrance away from the intersection. They will no longer have the difficult movement to get in. Mr. Solecki stated the cars will not have to go to the intersection with the new entrance. Mr. Ruth asked if the engineer blessed this approach to the traffic study. Ms. Newman noted he did. Mr. Eisenhut stated this is an agricultural use. If they are selling pre-packaged foods it may change and the notice may be incorrect. Dave Volante, applicant, stated there was a letter regarding agricultural use. He noted anything they do will include foods grown on site. Mr. Warner asked them to explain the difference between prepared foods and sandwiches, etc. Mr. Ruth suggested they explain exactly what they want. Mr. Demarnis stated they would like both and have preparation of sandwiches as an option if they want. If there is 25% grown on site it is still an agricultural use. Mr. Warner stated cooking potentially comes under a different use. Mr. Eisenhut stated he wants a detailed business plan as to what they want to do. Mr. Demarnis stated they would be able to serve prepared foods according to the lawyer as long as they do not go over the threshold. Mr. Ruth noted there are limits as to how far that would go. They want a more detailed narrative of the business. Ms. McKnight stated she is not clear on the size of the facility. The notice says 17,740 square foot farm stand and a 6,670 square foot basement. Mr. Demarnis clarified it should be 24,110 total square footage. He added they discounted storage in the traffic study. Mr. Ruth noted the basement is not apart from the structure. He thinks the notice is accurate. Ms. McKnight asked if the basement would be accessible to the public and was informed it would not be.

Mr. Eisenhut noted he does not think the notice is sufficient. Mr. Ruth stated for gross square foot purposes it is. Ms. McKnight asked how the size of the proposed compares to now. Mr. Demarnis clarified it is about 4,000 square feet now and will be about 8,000 square feet. The total footprint is actually decreasing from the current with the consolidation. The collage of buildings will be one building. Mr. Warner stated he likes the new entrances. He is worried about comments from the Town Engineer wanting to change grades from 5% to 4%. Mr. Demarnis stated they always designed retail parking with a 5% grade but changing it to 4% is not a big deal. Mr. Ruth noted in his experience large carts sometimes need 1%. Mr. Warner feels it is an issue. Mr. Demarnis stated they received the comments today. They will review and they will address them. Mr. Jacobs commented coming down Central Avenue seeing the back of the building is like a warehouse. They need to soften the side and back to keep it from looking like a warehouse. He does not feel it is attractive. Mr. Demarnis stated he will have new drawings at the next meeting. Ms. McKnight asked if they were coming back with a storm water plan and was informed they were. Mr. Eisenhut stated they need to sort out the food prep. Mr. Demarnis summarized the points they need to address which include the rear of the building, engineering comments, the business plan and they need to go back to the Design Review Board and address their concerns. Mr. Ruth noted the following correspondence for the record: a letter from the Board of Health with comments. Ms. McKnight noted traffic reports often tell the direction of traffic. She asked where is the traffic coming from and what is the flow, particularly from Brookside. That data will be provided next

time. Mr. Ruth noted concern there will be traffic lights in the windows across Central Avenue if there is an entrance/exit.

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

VOTED: to continue the hearing to August 17, 2010.

Report of the Planning Director and/or Members.

Mr. Warner noted his letter and asked if they could possibly speak with abutters to get easements near the Charles River Street project. He feels the Planning Board should sign on to the trails plan. They need to work out a reliable way for the future of assessing the fix of a pedestrian way on properties. Mr. Eisenhut noted there were concerns there would be a decrease of property values due to safety and trash but the opposite is true and values were increased. Mr. Warner stated they could use the preservation act to purchase easements or the town gives tax abatement but by how much. They need to figure out how to arrive at the numbers. Mr. Eisenhut stated many sell easements for a nominal amount due to the tax advantage. He does not think there is a science to the amount and no hard and fast formula. Mr. Jacobs commented he thinks it is always a negotiation. Ms. McKnight stated she feels it is only up to the Board of Assessors as to how much a person is taxed and assessed. Mr. Ruth commented he thinks he is hearing they should encourage people and be a resource for them. Ms. Newman noted they would give what Brookline does. Mr. Warner reiterated he feels they should vote to sign onto the Trails Act with the other departments in town. Ms. McKnight stated she has only seen it once and does not know anything about it. Ms. Newman will make up a packet for members to discuss at a later date.

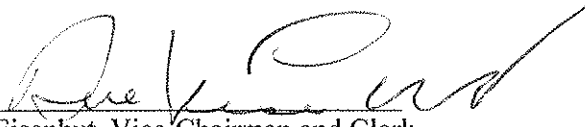
Mr. Ruth noted for an FYI. They received a request today from Sheila Pransky for the Planning Board to adopt a resolution on campaigns for 40Bs. Ms. Newman noted they will discuss that next time. Mr. Ruth noted he called Ms. Newman regarding the New Leaf issue. He walked through there. They suggested 2 separate businesses but they do not want that. The space next to it is for lease. They need to distinguish between a food store and a health food store. Ms. Newman asked if there was a way to define it and allow it to go forward. Mr. Ruth noted there were very little fresh foods. It was mostly dried and a lot of gluten free. It is driven by dietary restrictions. It was noted a grocery store cannot be over 1,000 square feet but retail is allowed by right. Mr. Warner noted it could be a category of retail store. Mr. Ruth noted it sells health foods and does not sell cigarettes. Mr. Jacobs feels it is a slippery slope but he is willing to try. People have very different opinions on what are health foods. Ms. McKnight asked how they can fit it within the current zoning and look to the future of downtown.

Mr. Ruth noted there was an article in the paper regarding Sweet Basil's closing down at lunch. He has had 3 people say why did they shut him down. Mr. Warner stated the issue is they treat everyone the same. Mr. Ruth commented he feels some projects are big enough to warrant a parking study. Ms. McKnight noted they could base it on the number of spaces to be waived or that it is in the downtown district. It would be helpful to have a packet of parking studies that have been done in the last few years so they could review them. Ms. Newman will put that together. Ms. Newman noted they are close to having an Economic Development Director on board. Mr. Ruth suggested they create a subcommittee to discuss work flow issues with regard to Nehoiden Street. Ms. McKnight noted subcommittee meetings would need an agenda and to be posted.

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

VOTED: to adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Bruce Eisenhut, Vice-Chairman and Clerk