

NEEDHAM PLANNING BOARD MINUTES

July 12, 2011

The regular meeting of the Planning Board held in the Needham High School Media Center was called to order by Bruce Eisenhut, Chairman, on Tuesday, July 12, 2011 at 7:00 p.m. with Messrs. Warner, Ruth and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Major Project Site Plan Review Diminimus Change 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, stated they are renovating the old emergency room. They will work on the windows. There are 8 double hung wood windows under 5 masonry infills. They will replace 7 windows with aluminum double hung. They will remove one window and replace it with masonry infill. They will put new windows where 3 infills are. All windows are staying in the same area. He noted the Design Review Board approved it last night. It is a very simple repair and upgrade of the windows.

Mr. Warner asked if the infill was inset or flush? Mr. Cramer noted they are set back about one inch. Mr. Jacobs asked how long the job was going to take and was informed about 2 days at the most. The impact will be minimal.

Ms. McKnight asked about the proposed elevation as she thought the emergency room sign was being eliminated. She was informed it was an old picture. The signs have been eliminated.

Mr. Eisenhut noted the following correspondence for the record: a memo from Lt. John Kraemer of the Police Department, dated 7/7/11, noting no safety concerns; a draft decision with revisions; a memo from the Fire Department, dated 7/1/11, with no issues; and a memo from the DPW, dated 7/12/11, with no comments or objections.

Mr. Cramer stated he was fine with the decision.

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

VOTED: to close the hearing.

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

VOTED: to adopt the draft decision as presented in the packet as is.

Endorsement of Decision: Amendment to Planned Residential Compound for Fieldstone Acres: Leslie Lee, 366 Cartwright Road, Needham, MA, Petitioner (Property located at 366 Cartwright Road, Needham, MA).

Ms. Newman noted the draft decision had been e-mailed. Roy Cramer, representative for the applicant, stated he was fine with the draft.

Mr. Eisenhut asked if they had captured the restriction with the bedroom in the barn area adequately. Mr. Cramer stated it was specific in paragraphs 2 and 3. It is very clear.

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

VOTED: to adopt the draft decision in the form presented tonight.

Request to authorize Planning Director to authorize Permanent 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).

Roy Cramer, representative for the applicant, stated he filed all the As-built plans. It has been approved by engineering. A supplemental access easement has been granted to the town and has been approved by Town Counsel and by the bank counsel. It will now go to the Selectmen for acceptance. This is the last piece. He would like the Planning Director to be able to authorize when satisfied.

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 direct to the Building Inspector the issuance of a Certificate of Occupancy and take all necessary actions.

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).

Ms. Newman noted there were some building code issues. This extension is to allow the inspectional requirement necessary to grant the final occupancy permit. They are requesting an extension to 7/30/11.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to grant the extension of the issuance of a temporary occupancy permit to August 1, 2011.

Minutes

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to approve the minutes of 3/23/11 as written.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to accept the minutes of 4/26/11 with changes noted.

Public Hearing:

7:30 p.m. – Major Project Site Special Permit No. 2010-04: The Mackin Group, LLC, 7 Harvard Street, Brookline, MA 02445, Petitioner (Property located at 916-932 Great Plain Avenue and 36-58 Dedham Avenue, Needham, MA). Note: This hearing is continued from the September 28, 2010, October 19, 2010, November 1, 2010, December 7, 2010, January 4, 2011, January 18, 2011, February 15, 2011 and March 15, 2011 and May 24, 2011 Planning Board meetings.

Mr. Eisenhut noted the following correspondence for the record: a letter from the applicant, dated 7/11/11, consenting to an extension of the deadline to August 31, 2011.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to accept the letter from the applicant without prejudice.

Robert Smart, attorney for the applicant, stated they have submitted revised plans and made some revisions to the heights. Each building is 37 feet and they have corrected the fourth floor reference to the actual third floor. Ms. McKnight noted they only received the revised plans tonight and they need to go slowly.

Mr. Smart noted the principal change is the height of the buildings. On Sheet A1 the building area FAR of the ground floor retail went from 3,988 square feet to 4,027 square feet due to an error in calculations. This changed the parking calculations slightly from 13.29 to 13.42 for retail and 28.5 for the units for a total of 41.92 or 42

spaces. They have 28 spaces and need a waiver of 14. They have 13 standard spaces, 13 compact and 2 handicap spaces. He noted the letter on the diagram is incorrect but the number and size are correct. The total FAR is 1.555 which is half of the maximum that could be approved. They are asking for a Special Permit for approval in 2 phases -- Great Plain Avenue first then Dedham Avenue.

Mr. Smart stated he was asked to address the green features. They have incorporated as many as practical and they meet the standard under the By-Law. There is a list attached to his memo and he attached a memo from Steve Popper. He stated he considers this a worthy design for the development.

Ms. McKnight asked if these would qualify under the Stretch Code. Mr. Smart stated he was not certain. Ken Mackin noted many are LEED certified.

Mr. Smart noted the Police and Town Engineer looked at one access on Dedham Avenue and all is satisfactory. He noted the e-mail from Police Chief Leary and stated they understand management will take charge of traffic issues. It is the intent of the police to prohibit left turns if there is an issue. The applicant is prepared to do that.

Mr. Jacobs asked what the systems would be. He feels they are being by-passed. Mr. Smart noted they would give Tony DelGaizo different options and certainly to the Board. Mr. Smart stated he would like the Board to direct the Planning Director to write a favorable decision and leave the hearing open for the limited purpose of bringing back documentation of submissions supportive of the signal systems.

Mr. Ruth commented he would hate to hold it up over this. They should put a condition in the permit that the Planning Director and the Town Engineer would review prior to the issuance of a permit.

Mr. Smart stated his clients met with the Design Review Board and received stamped approval. It has been signed by Mark Gluesing.

Mr. Eisenhut noted the following correspondence for the record: a memo from the Design Review Board, dated 7/11/11, with comments; an e-mail from Town Engineer Tony DelGaizo, dated 7/12/11, noting traffic and parking impacts; a letter dated 7/12/11 from Robert Smart with enclosures; revised traffic assessments and revised sheets.

Ms. McKnight asked about the traffic and parking assessments. Ms. Newman noted they had been previously submitted. Mr. Ruth stated there was a reference to a duplex character. He is not sure what he meant. Ken Mackin stated that was duplex as in 2 floors. Mr. Ruth asked about the green elements of the project. They are using the existing ground floor retail and recycling units. Michael LeBlanc noted there is a benefit with the reduction of materials.

Mr. Ruth asked if they will manage construction waste. Mr. Mackin stated they would. Mr. Jacobs noted on the 7/11 letter from the Design Review Board the next to last sentence is incorrect. Mr. Mackin stated it should say "more details." He clarified they wanted clearer details. Mr. Eisenhut noted they touched on the green technology and the egress and ingress with regard to parking. He asked about Design Review elements.

Mike Zafiropoulos, attorney for 934-950 Great Plain Avenue, stated conceptually they are in support. They are not in agreement with the details. The biggest issue is the easement they still need to work out. He stated they are vehemently opposed to the phasing. He feels they could do it all at once. It will be a significant hindrance to their project as access will be restricted. He reiterated they are opposed to phasing and the tenant's use of the property.

Mr. Zafiropoulos stated they are opposed to a condition of restricting access in and out in the future. It would restrict their access also. They need to agree upon this. They will not agree to a condition when their access could be restricted at a future date. They are able to take left turns now and they do not want to impose a condition upon themselves.

Mr. Jacobs noted the location of the shared access is to be changed. Mr. Zafiropoulos clarified that is what they are saying. It is moving about 10 feet.

Ms. McKnight noted the existing easement is 6 feet on both properties. The phase 2 plan shows building posts that interfere with the easement. The applicants plan will relocate the easement and that has not been agreed to. Mr. Zafiropoulos stated he feels they can reach an accord at some point. They are requesting no traffic-turning condition and they do not approve a phased project. If the project is approved, they want a condition requiring that windows that face their building be re-sealed.

Mr. Jacobs asked if the relocation from the existing 12 foot spot to the proposed 24 foot wide area is the only relocation they are talking about. Mr. Zafiropoulos stated the building is within a foot of the property line and will need an easement. Mr. LeBlanc noted they are 3 feet off the property line.

Mr. Jacobs asked why it is taking so long to work out the issues. Mr. Mackin stated Mr. Rothman wanted to wait until his tenant works something out, then an agreement will be reached.

Stuart Rothman, principal of 934-948 Great Plain Avenue Trust, stated his civil engineer has been working with Mr. Mackin's civil engineer over 2 months. His engineer had several concerns in May and he has not spoken with him since then.

Gilbert Cox, owner of the abutting building, commended the Board for some decisions -- the 5 foot setback from his line, reducing the units and going from 4 floors down to 3 floors. But there are still issues like the phased idea. He is not opposed to development but parking is an issue and will continue to be. It has never been addressed. He feels they should approve phase 1 and see what the problems are before approving phase 2. This is a half acre lot and a very intensive use.

Ms. McKnight stated she has served on the Green Community Study Committee and noted the town is interested in being green. She asked would the building be in compliance if the Stretch Code were adopted. Mr. Smart stated a condition should not be added due to the cost. They prefer not to agree to that because of the cost. He added they will come back with precise information on the signal systems. Mr. Ruth stated they should deal with the signal, etc., the same way as the screening for the generator with a condition subject to review.

Ms. McKnight noted Mr. Mackin stated a containment system could be used by the abutter also with extra capacity. Mr. Mackin confirmed this was true. A motion was made to close the hearing. Mr. Jacobs stated he wanted to see the audio visual information the applicant referred to prior to closing the hearing

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

VOTED: to close the hearing.

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

VOTED: to add a condition the audio and visual signal must be submitted and reviewed by the Town Engineer prior to issuance.

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

VOTED: to allow the project to be developed in 2 phases with Great Plain Avenue in phase 1 and Dedham Avenue in phase 2.

Ms. Newman stated she will look at Cabot, Cabot and Forbes and see how long they allowed for the phasing on that project. Ms. McKnight clarified the phasing will be 3 or 4 years. Ms. Newman stated they still need to work with the Selectmen for streetscape improvements. Mr. Eisenhut noted the parking waiver. A motion was made to direct the Planning Director to draft a decision granting the requested parking waiver of 14 spaces for the entire

project. Mr. Ruth noted the waiver triggers an impact fee. Ms. McKnight clarified this is just guidelines for the decision, which will be made at a later meeting.

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 draft a decision granting the requested parking waiver of 14 spaces for the entire project.

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 request payment of a fee in lieu under the By-Law.

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

VOTED: to waive the increase in FAR.

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

VOTED: to approve a Special Permit for a mixed use building.

Ms. McKnight noted the left turn issue should be in the draft decision so that this property owner is encouraged to direct their own tenants and occupants to avoid left turns. The Selectmen and Police will decide what traffic controls will be. They should not have any condition regarding left turns and traffic conditions if prior to the issuance of a building permit there is a request for traffic controls. The applicant pays the cost of signage, curbing, etc. This should be incorporated in the decision requirements for developers and owners.

Mr. Ruth noted there should be a condition on signage such as “if it is determined by the Board of Selectmen then appropriate signage at an approved cost must be put on the property.” The applicant should notify the tenants about the overnight parking ban and any marketing materials regarding spaces represented by the applicant. Mr. Eisenhut noted the Design Review Board comments should be incorporated.

Mr. Jacobs stated there should be a condition regarding construction vehicle use and only traveling on certain roadways to keep out of neighborhoods.

8:00 p.m. – Major Project Site Plan Special Permit No. 2011-03: VO2 Max Fitness LLC, 73 Kodiak Way, #2415 Waltham, MA, 02451, Petitioner (Property located at 948 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.

Nicholas Shaheen, representative for the applicant, noted all has been submitted. This location formerly housed Abode. This is a low impact physical fitness studio and no burden. There will be 3 employees and 2 clients at 45 minute intervals. There is a slight retail use. The maximum parking needs per the June 3 letter is 5. The decision has been drafted and submitted and he is satisfied.

Mr. Warner noted there are alcoves for training and a boxing ring. He asked who is boxing whom? Matthew Dupee, proponent, stated it will be used as a venue for training and not real boxing. There will be no real hitting.

Mr. Ruth stated there should be a condition they are not seeking a license for boxing. Mr. Warner noted the wrong label is on the plan and they should change that. Mr. Dupee clarified it was a training ring. Mr. Ruth noted it is mostly windows and asked if they would be screening them. Mr. Dupee stated there would be a small reception area by the windows. It was noted the windows would not be closed off.

Mr. Jacobs clarified the basement space is not part of this and was informed that is correct. Mr. Eisenhut noted a letter from Janice Berns, of the Board of Health, for the record.

Ms. McKnight asked the Planning Director if this was exempt from the payment requirements because this use is replacing another use within a certain period of time so that the need for an in lieu fee is not triggered. Ms. Newman noted the in lieu fee only applies to that which is being done under the term of the overlay district. Ms. McKnight asked how long it has been vacant and was informed since December 2009.

Mr. Eisenhut noted the following correspondence for the record: a memo from Janice Bern, dated 6/22/11, noting no comments; a memo from Fire Chief Paul Buckley, dated 6/22/11, with no concerns; a memo from the Town Engineer noting no comments or objections; a letter from Nicholas Shaheen, dated 6/27/11 and a memo from the Needham Police with comments.

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

Ms. Newman noted they need to change Section 2.1 from boxing ring to training ring. They will need to secure permit parking. She stated they need to clarify what would be done with the windows that face the street. Blinds should not be shut all the time. Mr. Shaheen stated he does not recall that condition anywhere else.

Ms. McKnight asked the hours of operation. Mr. Shaheen stated 6:00 a.m. to 9:00 p.m.

Mr. Ruth suggested commenting the Board recognizes the desire to have a viable active store front presence and they would work to maintain that. Ms. McKnight stated she would like something definite. It should be unobscured by blinds. Mr. Shaheen noted there will be glazing around the front entrance but the windows were closed a long time ago and it is the intent to leave it.

A motion was made to note the applicant recognizes the potential that the left turn may be restricted by future actions. Mr. Eisenhut stated he does not feel it is necessary to reference that in the decision. Ms. McKnight agreed. Mr. Jacobs commented he agreed if it was clearly referenced in the minutes.

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

VOTED: to note the applicant recognizes the potential that the left turn may be restricted by future actions.

Ms. Newman noted the plumbing inspector has no issues.

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

VOTED: to grant the requested relief set forth in the decision with items 1 through 5 in the proposed decision and the decision be adopted as modified in the discussion tonight.

8:30 p.m. – Oak Street Definitive Subdivision: Richard Nigro, 9 Cabernet Drive, Unit 2, Concord, NH, 03303-1035, Petitioner (Property located at 66 Oak Street). Note: This hearing is continued from the June 21, 2011 Planning Board meeting).

Ms. Newman noted there has been a request for an extension.

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

VOTED: to continue to the 9/8/11 meeting at 7:30 p.m. and extend the action deadline until 11/30/11.

Report from the Planning Director.

Ms. Newman reported the PPBC will be coming in for a diminimus change for the removal of the awning on the building and they will be adjusting the drainage also for Pollard. They are relocating the headwall farther away from the tennis courts due to water and they will do some re-grading on the east side of the access drive. She

feels it is a diminimus change. Town Engineer Tony DelGaizo is happy with the design. It will be coming in front of them in August.

Ms. Newman noted the pizza block will be redeveloped. They would like to add a 2 story shell to bump up to the Mackin property. They will develop at a later date when it is feasible. Mr. Eisenhut stated they would have to define the uses. Ms. McKnight stated it would require an amendment to the overlay district. Ms. Newman clarified or it would require an expansion to the overlay district. Mr. Eisenhut stated they should think about rezoning.

TD Banknorth – 89 Highland Avenue, Needham, MA.

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

VOTED: to authorize the Planning Director to send along for the building permit when the plans come in and are final.

Board of Appeals – July 20, 2011

39 Wexford, LLC d/b/a Wexford Repair, 14 Aspen Avenue, Newton, MA 02466 – 43 Wexford Avenue, Needham, MA.

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

VOTED: “No comment.”

Joseph J. Dalton and Eithne M. Trainor, 70 Hillside Avenue, Needham, MA 02492 – 70 Hillside Avenue, Needham, MA.

Ms. Newman stated she is not sure it meets the lot coverage requirement. She assumes it does but there is no data.

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

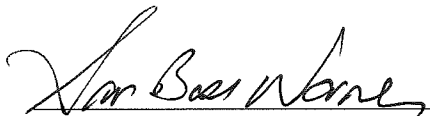
VOTED: to ask the Planning Director to call it out to the Zoning Board of Appeals.

Mr. Warner stated he would not be able to attend the 9/6 meeting

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 9:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Sam Warner, Vice-Chairman and Clerk