

NEEDHAM PLANNING BOARD MINUTES

May 24, 2011

The regular meeting of the Planning Board held in the Performance Center of the Broadmeadow School, was called to order by Ron Ruth, Chairman, on Tuesday, May 24, 2011 at 7:30 p.m. with Messrs. Eisenhut, Warner and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

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 locate 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 Planning Board meetings.

Mr. Ruth noted this was a continued public hearing. He noted the following correspondence for the record: a letter from Robert Smart, dated 5/11/11, with changes, a memo from Robert Smart requesting a continuance of the decision date to 7/31/11; revised plans dated 5/9/11 in conjunction with Mr. Smart's letter; revised plans, dated 5/10/11 and copies of newspaper articles from the Needham Times.

Ken Mackin, proponent, noted they have a new design based on public comments. There will be 3 floors on Great Plain Avenue and Dedham Avenue with 10 units on Great Plain Avenue and 3,988 square feet of retail. There will be 9 residential units on Dedham Avenue with 795 square feet of retail. They are replacing the same footprint in the retail. There are 28 parking spaces or just under 1.5 spaces per unit. They need 28.5 spaces with 13.29 spaces required for Great Plain Avenue retail. They have 28 spaces for retail and need 41. They are requesting a waiver of 14 spaces. There will be affordable units in each building. The buildings will be 37 feet in height with an additional 2 feet of cornices. The abutter's groundwater will flow through their system.

Michael LeBlanc noted the biggest change is the height. He reviewed the site plans which he noted did not have many changes. He described the parking area spaces and noted there will be 24 foot wide vehicle access with a 14 foot clearance. The dumpster and transformer are the same. There will be a pedestrian pathway and bike area.

Mr. LeBlanc noted Phase 1 will be a full build out of the Great Plain Avenue building. There will be 5 units per floor with 3 in front and 2 in back and 4,000 plus square feet of retail.

Phase 2 will be a build out of Dedham Avenue with approximately 800 square feet of retail in front. All units are 2 bedroom. There are no one bedroom units. The Great Plain Avenue building will be brick with projected bay windows, parroted metal storefronts, detailed cornices and gooseneck lighting.

Dedham Avenue will have 795 square feet of retail with residential entry in the parking lot. There will be 2 large units on front. The 4 units on the top floor are about 1,400 square feet. It will be a clapboard building with projected bay windows, detail cornices, aluminum storefronts with cast stone details, shade canopies and a gate, fence and hedge along the side. There will be brick along the ground floor to match the Great Plain Avenue building. The elevator has been flipped and is tucked into the edge of the building. He reviewed the green aspects of the building.

Robert Smart, attorney for the applicant, noted they are asking for approval in 2 phases with a 3 year period between the building permit for Phase 1 and Phase 2. He reviewed the waivers – parking, fee in lieu, increase in FAR. He stated the comments are favorable from the DPW, Fire and Police.

Mr. Ruth noted the following correspondence for the record: an e-mail from Fire Chief Paul Buckley, dated 5/24/11, with comments regarding clearances; a letter from Town Engineer Anthony DelGaizo, dated 5/24/11, with comments; and an e-mail, dated 5/24/11, from Police Chief Thomas Leary with concerns and comments.

Mr. Eisenhut stated he appreciated that they specifically addressed the environmental factors. He asked why they are foregoing the LEEDS certification.

Mr. Mackin stated it was related to costs. He stated it would add about 10% and they would not be able to add the cost with the small number of units. They can achieve most like LEEDS without the additional money.

Mr. Eisenhut asked what drives the costs. Mr. Mackin stated they would probably meet the LEEDS criteria but they often do not certify due to the extra costs.

Mr. Warner stated he would like the project to succeed. He has a problem with the entrance and he feels the problem will appear when they build on Great Plain Avenue on the south end of the building. He feels they should borrow from Mr. Cox and come in from behind. He stated it would be safer and be better for the future. He noted he would be willing to give parking spaces in return for safety.

Mr. Mackin stated they did look at the issue raised by Mr. Cox's attorney and tried to move the entrance 80 feet or so. They would lose 8 parking spaces. They would have to give Mr. Cox an easement through the entire property. That is not feasible. They have never looked at going onto Mr. Cox's property.

Mr. Smart stated the police, fire and DPW have no issues with the entrance that is currently there.

Mr. Jacobs asked where the bicycle parking is located. He was informed there are 2 areas adjacent to the back. Mr. Jacobs then asked about the visibility with the vine trellis area. Mr. Mackin noted cars will be able to see out to see cars coming from the left. Mr. Jacobs asked how is it going to appear? Mr. Mackin stated it would be like a vertical venetian blind turned at an angle to see out. Mr. Jacobs stated he would like confirmation of that.

Ms. McKnight noted there will be street trees along Great Plain Avenue on the north side of the building but there is not much light. What kind of trees will there be? Mr. Mackin noted the trees will be similar to what is there now. They will have an architect work with the landscape architect to determine what kind. He stated he is willing to set aside money for that strip.

Ms. McKnight stated she is not clear about the way vehicles would use the existing easement. Would traffic be separate at all times? Mr. Mackin stated they would maintain the 24 foot driveway and it would be unchanged in Phase 2. He noted the shading is confusing. Ms. McKnight asked if there were any walls, curbs or fences along the lot line. She was informed there were not. She asked whose the existing easement was. Mr. Mackin stated the 12 foot easement is for mutual use. The abutter would be allowed to use their drive to reach the back of their property. Ms. McKnight stated she would like to see that. She asked if there would be any roof access or roof deck for the occupants. She was informed there would not be.

Ms. McKnight asked how many feet above the roof the elevator was. Mr. Mackin stated it was 5 or 6 feet above. She asked if there would be an elevator exit on the roof. There will be a set of stairs to go up to the roof.

Ms. McKnight asked if each unit would have an individual HVAC unit and was informed they would. Mr. Mackin stated the building wide system was cheaper but less efficient. She asked him to review the parking waivers. Mr. Mackin stated in the first phase they would need a one space waiver. He noted a letter from the police with concerns regarding the entrance for southbound vehicles. Ms. McKnight asked if there would be

resistance to making it one way from the start. Mr. Mackin stated they believe they can resolve it with the residents. Ms. McKnight noted she feels the drivers would go down Warren Street not Webster Street.

Mr. Ruth noted he is concerned. He is not anxious to have traffic go into the neighborhoods. In Phase 1 there will be retail parking in back. He asked how they are going to keep retail shoppers from turning left. Mr. Mackin noted there will be employees parking in the back not shoppers.

Louis Wolfson, of 29 Cimino Road, asked about loading and the height of the elevator shaft. He asked how high the staircase is. He noted he agrees with Ms. McKnight about all the right turns. He also had an overhang question. He was informed there is an indented area in the residential section with a small overhang. Mr. Wolfson asked the height of the staircase. Mr. Mackin stated it is 6 to 7 feet as it is easier to access.

Susan Abbott, of 60 Otis Street, noted there should be better criteria for choosing street trees. She questioned the difference between survival and thriving. She was informed there are many that will thrive. They will be looking at a lot of criteria. The town will ok the final selection. Ms. Abbott stated she would like bio-diversity in town. She asked if there is a movement in town to have painted bike lanes down Dedham and Great Plain Avenues in the future. Ms. Newman stated she is not aware of any planned. Ms. Abbott suggested maybe the library could help with the LEED certification. She commented it would be nice if they could do it.

Mike Zafiropoulos, attorney for 934-950 Great Plain Avenue, reiterated they received revised plans on how this has been changed only yesterday. He would like this continued to get around the unresolved issues.

Tom Connors, of 75 Ridgeway, stated this is a much better proposal. The town will be better off. He wants to recognize the work done to bring this up. He noted there is a fair amount of empty retail already. This would be a challenge but they should have 2 parking spaces per unit. Mr. Ruth noted they have 1.5 spaces per unit. Mr. Connor stated they would not be providing enough spaces for the units. They need to acknowledge that. He added it is a nice looking building.

Brian Levy, attorney for Gilbert Cox, noted the setback between the building and common drive is 5 feet. It seems to be notched. He asked if that is at ground level. Mr. Mackin noted the overhang is 4 to 5 inches and the setback is from the wall. Mr. Levy stated they always favored relocating the driveway closer to their property as long as the 5 foot setback is retained along the drive. His client does not object to relocating the drive closer to his property. They feel it would not create a traffic hazard and a major benefit to relocation would be traffic safety. They also feel shifting it southerly would help with the queue. They would support shifting the access driveway southerly. They would like to put this on the table for consideration.

Mr. Levy noted another issue is parking. They have not heard a lot tonight but it is still a substantial waiver. The applicants offer to provide off-site leased spaces has been taken off the table and is not in this package. They do not feel the parking has been adequately addressed. The Board needs to look at this. He would like to request, if the application is approved, the Board make it personal to this applicant so that if the project is flipped to another developer that developer would have to come back.

Gilbert Cox, abutter, stated this is much more satisfactory than it was. He is happy with a 5 foot setback but he would like no water to come onto his property. He would like the Board to consider approving Phase 1 now, then having them come back for Phase 2 at a later time. He agrees with Mr. Levy's presentation regarding the driveway relocation. He commends the applicant for a much improved project.

Paul Iantosca showed photos of trees on Dedham and Great Plain Avenue. The consensus is they support the project now and the improvements are quite noted. He feels the town should work on additional parking. He stated there is a lot available near the town lot. He feels Needham needs to spend money to purchase land for parking.

Mr. Eisenhut asked the applicant to clarify if leased parking is off the table. Mr. Mackin stated the controversy scared off potential spaces. This was an ill effect of the process. He noted, frankly, they do not need parking. The retail is slightly smaller than is currently there.

Ms. McKnight asked about the traffic generated by the site. She noted it appears 9 vehicles per hour will be going into the site and asked if that was correct. She was informed it was.

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

VOTED: to accept the applicants proposed extension to July 31, 2011.

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

VOTED: to continue the hearing to July 12, 2011 at 7:30 p.m.

Appointment

8:30 p.m. – Scott Ravelson: proposed use at 330 Reservoir Street.

George Giunta Jr., representative for the applicant, introduced Mark Jackson, a prospective tenant. He had requested this informal discussion. He feels this is a new kind of occupancy. It is close to a personal trainer. It is a mind body approach and a unique use. It encompasses more than just a personal trainer or athletic facility.

Mr. Jackson stated he has been a personal trainer for 18 years. He used to work at Wellbridge and now works at Gold's Gym as an independent contractor. He has experience with meditation, acupuncture, yoga, hypnotherapy, stress reduction and weight loss. He wants to open a facility that has all in one. He will have a life coach, an herbalist and massage therapy. He can easily convert office spaces to rooms they want and the warehouse area is very open. He likes the Charles River there. He will have mind body teaching -- cognitive learning and changing their ways.

Mr. Ruth asked what the proposed layout would be. Mr. Giunta Jr. noted it would be very basic. There will be a cooking instruction area near a juice bar, meditation rooms, and an open area.

Mr. Eisenhut asked what will require professional licenses. Mr. Jackson stated there will be a dietician for classes, an acupuncturist, massage therapist and possibly a hypnotherapist. They will all need licenses.

Ms. McKnight stated this is a helpful facility to have. She noted personal fitness is limited to 2,500 square feet. This seems to her to be a personal fitness service establishment. It seems what he is proposing could be allowed as an accessory or any lawful purpose or use not enumerated in the By-Law. She feels this use is enumerated in the By-Law. She is not convinced this proposal is essentially a school.

Mr. Giunta Jr. stated if you look closely at the definition of the personal fitness use it talks about all the business of the use must be personal fitness. All of the categories they are suggesting do not fall within that use.

Mr. Eisenhut asked what the square footage would be and was informed 6,400 square feet. Ms. Newman explained where the 2,500 square feet came from. Initially when they created this zoning they were focusing on commercial districts in Needham Center, Chestnut Street and Avery Square Business and they did not want to have the street front interrupted with large areas dedicated to this type of use. They did not want to see this use on the first floor in downtown. This worked in downtown but they should have been more flexible in this district.

Mr. Jacobs asked the timing of the new provisions. Mr. Eisenhut noted it was 20 days and the Attorney General has 90 days to ask questions. He stated he agrees there is a problem with the 2,500 square foot limit. He also feels this is personal fitness. Mr. Ruth stated there should be an emphasis on "all." He feels at some point a line was crossed.

Mr. Jacobs agreed with Mr. Ruth. He is open to this kind of proposition and feels this spot is a good spot for this use. Mr. Eisenhut stated he stands by the 2,500 square foot limit.

Request to approve as-built plan and to authorize issuance of Permanent Occupancy Permit: Major Project Site Plan Review No. 2010-01: The Needham Golf Club, 49 Green Street, Needham MA, 02492, Petitioner (Property located at 49 Green Street, Needham, MA).

Ms. McKnight recused herself from this hearing.

Ms. Newman noted they issued a temporary occupancy permit through the end of the month. Minor changes have been made such as walkway changes, the access drive was shifted, etc. It has been reviewed by the DPW and they have approved.

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

VOTED: to approve the as-built plan and authorize the issuance of a permanent Certificate of Occupancy and note the changes are de minimus in nature.

Ms. McKnight rejoined the meeting.

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 3/15/11 with changes discussed.

Report from the Planning Director

Ms. Newman noted the owner of 225 Highland Avenue approached her. There is a person who wants to open a tutoring service on the second floor. There will be 6 to 8 students at a time with 4 to 6 staff. They will be open 9:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 3:00 p.m. Saturday. The peak time will be after school from 3:30 p.m. to 8:30 p.m. It will be mostly drop off. They are willing to have some staff park off-site. Ms. Newman noted it fits as a school use. The students will be between 6 and 16. Parking will be in the rear.

Mr. Ruth commented he would be willing to hear more. Mr. Jacobs noted he was not sure parents would drop off the young children but was willing to hear more. Ms. McKnight stated, ideally, they want kids to be walking and riding bikes but Highland Avenue is not ideal.

Ms. Newman noted they want to take an awning off at Pollard and want a de minimus change. Mr. Eisenhut stated the awning was on the plan. They should come in for a plan modification. Mr. Ruth noted it was called out as an amenity for the students. It is de minimus but it runs counter to their presentation.

Mr. Jacobs stated the temporary awning was to be up less than a year. He feels it is de minimus but it was presented as part of the whole project. He would like a presentation. Ms. Newman will schedule it.

Reorganization

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

VOTED: to nominate Bruce Eisenhut as Chairman.

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

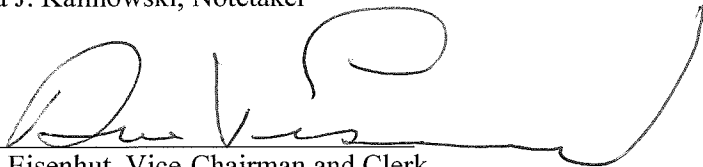
VOTED: to nominate Sam Warner as Vice-Chairman.

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 10:00 p.m.

Respectfully submitted,

Donna J. Kalinowski, Notetaker

A handwritten signature in black ink, appearing to read 'Bruce Eisenhut', written over a horizontal line.

Bruce Eisenhut, Vice-Chairman and Clerk