NEEDHAM PLANNING BOARD MINUTES

February 7, 2012

The regular meeting of the Planning Board held in the Charles River Room of the Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Tuesday, February 7, 2012 at 7:30 p.m. with Messrs. Warner, Jacobs and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearing:

7:30 p.m. – Major Project Site Plan Special Permit No, 2012-01: Grass Roots Performance Training LLC d/b/a Pure Performance Training, 120 Myrtle Street, Unit 3L, Waltham, MA 02453, Petitioner (Property located at 77 Charles Street/19 Wexford Street, Needham, MA).

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

Roy Cramer, representative for the applicant, noted this is at 77 Charles Street and Wexford Street in the Mixed Use 128 District. Pittsburg Paint and G Mail are in this location. There are 2 vacant spaces on Wexford Street with 5,753 square feet. There will be no personal training area over 2,500 square feet. This is an athletic facility by appointment only. There will be a maximum of 10 trainers who will work one on one. There will be one a.m. class with a maximum of 5 students and one p.m. class with a maximum of 5 students. They will use body movement to exercise, free weights and balancing techniques. There will be plenty of room for this. There will be agility ladders, more running and body movement. The peak hours are 6:30 a.m. to 9:30 a.m. and 3:00 p.m. to 7:00 p.m. They will be open Saturday but not Sunday. They have asked to waive the traffic consultant and the Board has granted that. The applicant has done a parking study. There are 63 spaces on site and 10 on Charles Street. There are 35 in the main lot, 11 on Wexford Street and 3 in each alley. In the a.m. there will be 6 vehicles maximum and in the p.m. from 3:00 to 5:00 the maximum number of vehicles will be 4. This is a low intensity use. There will be internal renovations. The only outside renovations will be minor striping to create 2 more handicap spaces for a total of 3. They are losing one space for a total of 62. The only other change is a second means of egress. The overhead door they are making a regular door with a platform and ramp. They have gone to the Design Review Board and they approved it on 1/9/12.

Mr. Cramer stated they are requesting a Major Project Site Plan Review and a Special Permit for an athletic facility. He noted there is a small portion of the property in the Highland Avenue Commercial District so they are requesting the same Special Permit. Also a Special Permit for a non-conforming structure and a waiver from the parking requirements. The parking requirements for athletic facilities are strict at one space per 150 square feet. They need 42 spaces. It will be by appointment only and they feel the actual parking need maximum would be 24 spaces at any one time. The total requirement for all uses on the site would be 75 spaces. They would have 62 spaces on site and request a waiver of 13. The landlord has Fasten All as a prospective tenant for the retail space. They have gone to the Design Review Board and received façade approval.

Ms. McKnight asked the location with respect to Highland Avenue. Mr. Cramer explained the location and commented it was where Whittemore's Religious Store was. Ms. McKnight asked about handicap spaces and the entrance. Mr. Cramer showed the location on the plans and commented there are 2 handicap ramps.

Mr. Eisenhut noted the following correspondence for the record: a letter from the Town Engineer, dated 2/3/12, with no comments or objections; an email from the Board of Health, dated 1/26/12, with no comments; an email from the Police Department, dated 2/3/12, noting no safety concerns; an email from Fire Chief Paul Buckley with no issues or objections; and an informal parking study, dated 2/1/12, submitted by Attorney Roy Cramer.

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.

Ms. Newman noted they need to add the square foot allocation on the architectural plans to match the site plan drawings. She noted they are approving a specific site plan. The other tenant will have to come in for changes. Mr. Cramer stated he has reviewed the decision. His only comment is in Section 3.14 it says the petitioner shall remove snow. This application is for a tenant. The landlord is responsible for snow plowing. The tenant should not be. He would like Section 3.14 removed. Mr. Jacobs asked if that is in the owner's permit. Ms. Newman stated there is no permit for the owner. Mr. Ruth stated in Section 3.9 the words "parking spaces" are missing. Ms. Newman noted in Section 1.12 she changed the date the study was done.

Ms. McKnight stated this is one of a number of situations with multi-tenants. They are waiving all ordinary requirements for parking lots and landscaping. The general problem is they impose a condition only when the building is torn down and put up. They should be thinking how they can make the areas work better with traffic.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to grant the relief described in the form of the decision presented at the meeting specifically with regard to the items on page 6 and 7 – Major Project Site Plan Review Special Permit; Section 3.2.6.2; Section 3.2.5.2; Section 1.4.6 and Section 5.1.1.5.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to approve the decision in the form presented at the meeting with the comments made and issues identified.

Appointments

8:00 p.m. – Discussion with Richard Pasciuto re: Wireless Communication.

Richard Pasciuto noted he would like the Board to amend the By-Laws, regarding 350 Cedar Street mainly, to include measurements for towers. There was a 1/26/2012 study made regarding measurements of towers in certain areas. Eighty percent is boilerplate and takes the tables from the OFC. There are no special permits. The ZBA is going to call for carriers to submit to the Building Inspector measurements. He would like peer reviews. In the Needham By-Laws Overlay District a section says something regarding installation and safety and measurements. He would like a proper report filed with the Building Inspector.

Mr. Warner noted safety of the structure and emissions are 2 concerns. He asked if Mr. Pasciuto was saying both are not well supervised. Mr. Pasciuto asserted they were not. Mr. Eisenhut asked if other towns had a peer review By-Law. Ms. Newman noted they do for the structure itself. Needham has a provision in the By-Law for a tower peer review but not peer review for antennas that go up or singular antennae put on structures. The ZBA requests a load capacity of the tower be certified as a condition of approval. This is not required in the By-Law.

Mr. Ruth stated he is unclear procedurally. What is the deadline for Town Meeting? Ms. Newman stated it would have to be a special within the annual. Mr. Ruth would like to hear what the ZBA's thoughts are. Ms. Newman will facilitate it for the next meeting or the Planning Board could sponsor or it could be a citizen's petition. Mr. Eisenhut asked what the measurements are for. Ms. Newman noted the measurements are to ensure what was permitted is there. There is a periodic filing to disclose facts such as operations aspects and emissions. Mr. Jacobs clarified they were talking monitoring and periodic filing. Mr. Pasciuto stated yes, particularly monitoring measurements.

8:15 p.m. – Discussion re: Normandy Real Estate Partners Proposed NEBC Development Project.

Roy Cramer, representative for the applicant, noted they have purchased 37 A Street and the property owned by Cabot, Cabot and Forbes. They will redevelop it and wanted to give an overview of the project. They are proposing 740,000 square feet of office and an 87,000 square foot hotel. It will be 5 phases. The first phase will be the hotel on B Street. There will be 3 office buildings and the final phase will be an office building at 37 A Street with a parking garage and surface parking. They have potential tenants for one building. It is one large parcel with each building to be a condominium unit. There will be a master permit that sets maximum parameters with square footage and number of vehicles, setbacks and such so they have some flexibility and do not have to come back for a new public hearing. He has attached 3 examples with the letter of master permits.

Mr. Cramer asked if the Board is amenable to that kind of idea and how they can craft it so that it gives flexibility. Mr. Ruth stated conceptually he is not troubled. They said the infrastructure will support a full build. Justin Krebs, of Normandy Real Estate Partners, clarified the reason for the phased approach. Each will stand alone and satisfy all requirements including storm water, mitigations and parking. Mr. Ruth noted he is concerned with off campus issues – traffic and storm water – or what affects others also. He has no real issues otherwise. Mr. Eisenhut noted off-site traffic issues are his concern.

Mr. Ruth asked if they would commit to full mitigation. Mr. Cramer noted this project would include knocking down 37 A Street. They are paying into the traffic fund. Ms. Newman noted there are some other issues. How do they manage the project with other things being done such as the 128 Add-a-Lane project and the Kendrick Street repairs? The transportation distribution will be different. Mr. Cramer stated they cannot have a project contingent upon Add-a-Lane. Mr. Jacobs stated he is supportive of the concept and the idea. He would speak with the Building Inspector and make sure he is comfortable with this.

Mr. Cramer asked if the Planning Board is agreeable to the concept. Ms. McKnight stated she thinks about how the Design Review Board would fit in. She would like to see some role for them. Becky Mahoney, of Waterford Development, stated she is very excited. They want to get into the ground. They need to open hotels at a certain time of year.

Eben Tormey, of Schleicher and Stebbins Hotels, stated they have 20 hotels and a management company that manages the hotels. They are building a Residence (Marriott) Inn in Rhode Island. They will have 128 rooms with some parking under. They currently own 5 Residence Inns. Three or 4 nights a week there are social aspects with food guests can take to their room. There is a complimentary breakfast buffet and evening social events. There is no restaurant but a small bar with 3 or 4 seats. The kitchenettes all have a refrigerator, microwave and sinks and hot plates.

Ms. McKnight asked what is different from an apartment building. Mr. Cramer noted it is more transient. It is not a permanent residence. Mr. Ruth noted the rate structure precludes it. Mr. Krebs stated they could decouple the hotel then do the rest as a group. Mr. Eisenhut noted that makes a lot of sense. He thinks there should be another informal discussion before they file. Mr. Tormey invited the Board to go see the Portsmouth hotel to see what they will be building.

Vote Relief and Endorsement of Decision: Amendment to Major Project Site Plan Review No. 2007-06: Needham Farmer's Market, Inc., 28 Perrault Road, Apt. 1, Needham, MA 02494 and First Parish in Needham, Unitarian Universalist, 23 Dedham Avenue, Needham, MA 02492, Petitioner (Property located at 23 Dedham Avenue, Needham, MA).

A motion was made to grant the requested Major Project Site Plan Special Permit amendment under Section 7.4 of the Zoning By-Law; Section 3.22; Section 1.4.4.6 and 5.1.1.6 in accordance with the draft decision before us.

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 Major Project Site Plan Special Permit amendment under Section 7.4 of the Zoning By-Law; Section 3.22; Section 1.4.4.6 and 5.1.1.6 in accordance with the draft decision before us.

Ms. Newman noted there was an issue with the length of time. In paragraph 3.8, second sentence, after "all applicable" they should add "shall be met." She noted she did not change the length of time. She wrote it for one year but they could grant it up front for 2 years. Mr. Eisenhut stated he thought it was 2 years. All agreed. Mr. Ruth noted it should be the same months and the same hours. Ms. McKnight noted some grammatical errors in 1.2A and 3.2 that needed correction.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to adopt the decision as presented and with corrections identified.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by four of the five members present (Mr. Jacobs voted in the negative):
VOTED: to waive the filing fee.

Report from Planning Director

Theater Block update

Ms. Newman noted she has contacted Ken Mackin with issues going forward. He wants to come back to the Board. He wants to only build on Dedham Avenue, 4 stores with 10 residential units and nothing on Great Plain Avenue. It will be 1,800 square feet of retail and 28 parking spaces. Mr. Eisenhut asked if there will still be affordable units. There will be one affordable unit. Ms. Newman noted it is 3 feet further away from the abutter. They cannot make an agreement with the abutters. It will be all on-site parking for this building. Mr. Warner stated he is not happy with 4 stories. Ms. McKnight commented she will have to see what it looks like. Mr. Ruth would like to think about it. Mr. Jacobs agrees. He is open to look at it but needs time to think about it.

Discussion of possible Zoning Amendments for the Annual Town Meeting:

- **Sale of alcohol in retail establishments**
- **Amendment to wireless communications**
- **Citizens Petition on pool**

John Jensen noted a mistake was made. He had an addition put on the house, a pool was put in and a shed. The shed was 1.7 feet too close to the edge of the pool. He is trying to get relief of 10 feet. He is currently being sued by the town. Mr. Warner noted there is a Citizens Petition with 15 signatures so it will go to Town Meeting. Ms. Newman stated they will hold a public hearing and make a recommendation. She noted she put it on the agenda to enlighten the Board. Mr. Jensen stated he put it in place 10 years ago. He asked why it was not regarded as one structure as it sits.

Report from Planning Director – Continued

Proposed Yogurt shop at 1450 Highland Avenue & need for parking study.

Roy Cramer, representative for the applicant, stated this is Swizzles of Needham. They would like 24 seats to sell frozen yogurt. It will be self serve with 4 employees maximum. The peak hours will be 2:30 p.m. to 4:30 p.m. and 6:30 p.m. to 9:30 p.m. He asked if a parking study is required and if they need a site plan update. It goes back to 1997. They did not require a study for Treat Cupcake.

Mr. Ruth disclosed his firm does work for Mr. McQuillan, owner of the property, but not on this location.

Mr. Cramer noted it will be internal renovations only except for the sign. It will be mainly after school and for kids. Ms. McKnight commented she is in favor of parking studies with new uses in the center that requires 24 seats. They could say they do not need a site plan update. Mr. Ruth asked if they required a parking study for the custard people and was informed they did not. Ms. McKnight asked what the parking requirement was. She was informed it was one space for 3 seats and a takeout station. Mr. Eisenhut asked if Ms. Bailin could do an informal study of these peak hours. Ms. Newman will assign it to her.

Mr. Ruth commented there were vacancies downtown and they should not start requesting studies now. Mr. Jacobs feels this is a lesser demand use than Treat Cupcake. Mr. Eisenhut stated if the employees have stickers the number should be 8. Mr. Jacobs noted that was fine with him. He would not require a study -- only Ms. Bailin going out during the relevant hours.

Ms. McKnight stated she is concerned that the permitted but not built yet projects not be double counted. Ms. Newman will follow up using the same distance as Mocha Blue. Mr. Cramer disagreed with the need for a study from 6:30 p.m. to 9:00 p.m. They have consistently stated there is no parking issue at night. Mr. Jacobs agreed.

Trader Joe's delivery.

Ms. Newman stated they want to increase the hours to evenings. They currently have 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 1:00 p.m. Saturday and Sunday. They wanted it revised in 2007 to 7:30 a.m. to 6:00 p.m. Monday through Saturday. They want to go to 9:00 p.m. now. Ms. McKnight noted they are doing it now. Mr. Eisenhut stated they need a public hearing with a notice to the abutters.

Discussion of possible Zoning Amendments for the Annual Town Meeting:

- **Sale of alcohol in retail establishments**

Ms. Newman noted Ms. McKnight requested this be put on the agenda. She asked if they can have a category in the use table for retail sales of alcohol. She noted Rockland felt they were treading on the Selectmen's role with Special permit conditions, and allowed/ not allowed is thus preferable.

Ms. McKnight disclosed she lives across the street from a business zone. She feels they need to have some protection for residents close to business zones. They should put something in the Zoning By-Law that some places are fine and others are not or a Special Permit process. She wanted to get the feeling of the other members.

Ms. Newman noted the Selectmen are thinking about the direction they want to take. Mr. Eisenhut noted there are many concerns -- so many feet within the residential district, schools, churches, not allowed where? Ms. McKnight noted her big concern is it being across the street from residential. It should be a certain number of feet away from the residential zone unless there is a buffer like a river. She stated she does not want it across from her.

Mr. Eisenhut stated they will recommend to the Board of Selectmen whatever proposal the Board makes. Mr. Ruth commented Ms. McKnight is welcome to discuss the Board's thoughts. Mr. Eisenhut noted it could be dealt with by the Board of Selectmen through a By-Law change. Mr. Ruth stated they are trying to solve a non-problem. Ms. McKnight noted they would have a By-Law with a separate use for retail liquor and have a footnote it is not allowed across the street or adjacent to a residential zoning district unless separated by a river or highway. It should be very clear. Mr. Eisenhut stated he would support that.

Ms. McKnight will write that up and discuss it with the Selectmen. Mr. Jacobs stated he would look at it. Mr. Ruth commented they should narrow it down to which districts they are talking about. Mr. Eisenhut noted they need a rational basis to separate the zones. Mr. Jacobs wants to look at specifics.

Board of Appeals – additional information on continued cases.

Needham Presbyterian Church – 1458 Great Plain Avenue, Needham, MA.

Mr. Warner suggested pervious surface with open pavers that grass can grow through. Mr. Eisenhut noted their comment is still good. Mr. Ruth agreed.

Report from Planning Director – Continued

Ms. Newman noted she has started to put together the peer review. Mr. Eisenhut commented it should be done on a case by case basis. Ms. Newman noted that is how she has structured it. Ms. McKnight stated they do not need to mention 30B in the ad.

Minutes

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 11/15 with changes made.

Upon a motion made by Ms. McKnight, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to adopt the minutes of 10/18.

Mr. Eisenhut noted they will have a meeting with the League of Women Voters to discuss Ridge Hill. Mr. Warner is on the panel and Ms. Newman is attending also. He noted it is an underutilized asset. He feels they should put some money into it and make more use of it.

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 11:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Sam Bass Warner, Vice-Chairman and Clerk