

NEEDHAM PLANNING BOARD MINUTES

March 6, 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, March 6, 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.

Correspondence

Mr. Eisenhut noted the following correspondence for the record: the Needham Community Council dinner announcement and 2 public notice FYIs regarding proposed Zoning Amendments for Dedham and Westwood. Ms. McKnight stated a notice is going around her office regarding updated flood plain maps. Ms. Newman stated she is doing that. She has spoken with Town Manager Kate Fitzpatrick about it. A public hearing on the new FEMA Flood Plain maps has been re-advertised and will be held in 2 weeks. They have been reposted with the Town Clerk.

Deminimus Change: Major Project Site Plan Review Special Permit No. 2005-07: Needham Gateway, LLC, 66 Cranberry Lane, Needham, MA, Petitioner (Property located at 100-120 and 126 Highland Avenue and 54 Second Avenue, Needham, MA).

Mike Moskowitz, one of the owners, noted this is 1,600 square feet of space. They are subdividing for a 1,000 square foot tenant. The entrance for one tenant will be on the parking lot side and the entrance for the other tenant on the Highland Avenue side. Mr. Eisenhut asked if they had determined it would be deminimus. Ms. Newman agreed they had. It is the same as Omaha Steak and she has followed the same process. Mr. Ruth noted the draft decision is good. It recites that this is not practical to have an entrance on Highland Avenue given the configuration of the proposed layout for Super Cuts. Mr. Jacobs thinks it is fine.

Ms. McKnight noted that in the draft decision findings and conclusions a main entrance on Highland Avenue is referenced. She asked if Super Cuts has more than one entrance. Mr. Moskowitz stated they do not. Ms. McKnight stated it would be clearer to say the sole entrance. Ms. Newman will change that.

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

VOTED: to approve the amendment to the Major Project Site Plan Special Permit for Needham Gateway LLC to allow for a sole entrance for the Super Cuts establishment onto the parking lot as set out in the draft decision.

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

VOTED: to reopen the hearing.

Mr. Ruth made a suggestion they amend the Super Cuts space to say Super Cuts or an alternative allowed user. Ms. McKnight stated it should be the main entrance to the space as shown on the plan entitled Property Overview. Ms. Newman will reference the plan.

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

VOTED: to amend the Super Cuts space to say the main entrance to the space as shown on the plan entitled Property Overview.

Deminimus Change: Lot A Amendment to Major Project Site Plan Review No. 2000-02: Digital Realty Trust, c/o Walter Greaney, 451 D Street, Suite 912, Boston, MA 02210, Petitioner (Property located at 128 First Avenue and 72 A Street, Needham, MA).

Walter Greaney showed the view that was approved from the back of the building. He noted they would like to change the look to accommodate the request of a potential tenant for energy savings. To bring in outside air requires putting in condenser louvers. They have submitted a letter that says they meet the sound requirements. It will not increase sound and is within the limits of the boundaries. He could get the exact numbers if the Board would like. Ms. Newman noted the DPW has not seen this. They just received it this week. The applicant had indicated what the requirements were given what state requirements are at 3 locations around the property line. They gave a projection of what the sound levels would be. This letter says it is compliant but does not really tell us what the end result is at those 3 locations.

Mr. Jacobs stated he was confused by the letter. He thought the change they were talking about is the openings covered by louvers to allow natural air in to help cool. The letter dated 2/27/12 says they have updated the acoustical model to include the computer room air handling units, the associated relief fans and the roof top units of the facility. What about the intake shafts? Isn't that the change they are trying to determine? Mr. Greaney stated it is a difference in how the air is handled. Mr. Jacobs thought there may be additional noise from the louvers rather than a solid wall. Mr. Greaney stated the roof top units are not changing. Mr. Warner clarified louvers are being added and new fans to go with them. Mr. Greaney agreed this is correct.

Mr. Jacobs noted the letter did not say anything about louvers. It would be fine if the letter said there would be no more noise from these changes and the louvers. Mr. Greaney commented all that was being added is a vent to bring in fresh air and some louvers. Mr. Jacobs stated he could not tell that from the letter. Mr. Ruth agreed the letter is a little fuzzy. It needs to be clearer.

Mr. Eisenhut stated this should be continued. They should have Engineering look it over and get a better letter. Ms. Newman will clarify the letter and the situation at the property line with the sound. She stated it is deminimus as long as it meets the standards.

Ms. McKnight stated the letter refers to new equipment. It should say it does not increase any sound levels at all. Mr. Eisenhut clarified it is within town requirements for borders. It is still diminimus. Ms. Newman noted the Mass DEP guidelines are 3 levels at 3 different locations. She wants to see the numbers for these 3 locations. Mr. Jacobs stated if the levels increase he will want a public hearing. Ms. McKnight agreed she would also want a public hearing. They need to see how much of an increase there is. Mr. Greaney reiterated it is within guidelines. He is not sure why he would need a public hearing. He feels he is being held to a higher standard.

Mr. Eisenhut noted they need a clearer letter with changes being made to include the louvers and confirm if there is a noise increase and what the increase is in a measurable way. Mr. Ruth commented he thinks they have that letter. It is phrased badly but he thinks they have it. It needs to be rewritten.

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

VOTED: to get a letter that reiterates the changes do not increase sound levels, engineering needs to be satisfied and it should include all changes conditioned upon the review and approval of the Design Review Board.

Ms Newman informed the Board Building Inspector Dan Walsh resigned effective 2/29/12. She discussed the changes she would like and what is being discussed going forward with the Building Department.

Review and Approval of Final Plans for Building Permit: 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).

Ms. Newman noted this is the project they approved on Charles Street and Wexford Street. The plans are ready for signature.

Request to authorize Planning Director to authorize Occupancy Permit: 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).

Ms. Newman noted Volante Farms is ready for a temporary occupancy permit. She would like authorization to process a temporary when she has the As-built, As-built landscape and a bond.

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

VOTED: to authorize the Planning Director to process a temporary Occupancy Permit when she is satisfied.

Request to authorize Planning Director to authorize Occupancy Permit: Major Project Site Plan Special Permit No., 2011-05: Fusion Cuisine, Inc., 187 Harvard Street, Brookline, MA, Petitioner (Property located at 1019 Great Plain Avenue, Needham, MA).

Ms. Newman stated she would like permission to do a permanent Certificate of Occupancy. She noted the work was all internal.

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

VOTED: to authorize the Planning Director to issue a permanent Certificate of Occupancy.

Board of Appeals – March 15, 2012.

Billy Jean, Inc., d/b/a Subway, 100 City Hall Plaza, Boston, MA – 1187 Highland Avenue.

Ms. McKnight noted there was a parking study. She asked what parking they studied. She noted they studied the Sudbury Farms lot but that is private property and she thinks they cannot use that. Ms. Newman clarified it is a common landlord and they can use it all. Mr. Jacobs asked if tenants have a right to park there. He suggested maybe Sudbury has a lease for the parking. Mr. Eisenhut asked if the parking was restricted. Ms. Newman will find out.

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

VOTED: “No comment.”

David Bovarnick, 56 Kearney Road, Needham, MA – 56 Kearney Road.

Ms. McKnight noted the site plan shows parking in the private way. Ms. Newman noted historically the Planning Board has been concerned about parking. She will remind the ZBA about George Giunta Jr’s commitment to come back with a site plan. Mr. Eisenhut asked the Planning Director to pull the former comments.

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

VOTED: to comment they believe there should be a consolidated parking plan consistent with a prior commitment made to this Board 5 to 6 years ago that would address the striping in the private way.

Minutes

Ms. Newman noted they will edit and redistribute the minutes.

Report from Planning Director.

Ms. Newman noted it does not look like the Needham Senior Center will get a formal agreement from Avery Manor for parking and the shuttle service. At the time the Special Permit was issued, she thought they had a Memorandum of Understanding. There is a condition in the permit under Section 3.11 that says absent those spaces they are not entitled to have those events. Under 3.3.2(d) this agreement is something the Planning Board needs to approve. If the Board agrees it is fine.

Ms. McKnight stated she would have to look at the wording of the memo. She read the memo and noted it was very bare bones but acceptable. Mr. Ruth noted the determination was more Town Counsel David Tobin and Town Manager Kate Fitzpatrick. Mr. Jacobs noted it should be an agreement, if Avery decides to change their mind the Board would have to trigger under 3.11 but how would they even know. He asked who will be monitoring this. Ms. Newman stated she is satisfied with the memorandum. Ms. McKnight and Mr. Ruth agreed. Mr. Jacobs noted they should re-title it as an agreement, then he would be fine.

Ms. McKnight noted the Transportation Committee had a meeting regarding the MBTA changes. People spoke mostly about service cutbacks. The Transportation Committee says they are in favor of the alternative suggested with a lesser fare increase. She thought they had voted on a letter and the Board would have it tonight but she was informed they are re-drafting the letter and will be back before the Transportation Committee next week. They are drafting a letter objecting to the fare increases and service cutbacks. She hopes it will still be timely to take it up at the Planning Board's meeting next week.

Ms. McKnight noted she had a meeting with a couple of the Selectmen. She feels the locations of liquor stores are worth looking into. The Selectmen feel to prohibit liquor stores across from residentially zoned areas including apartment zoned areas may be too restrictive and there would be unintended consequences. She was asked to study that in greater detail. Under state law, the Selectmen cannot control hours of operation. Under state law they can be open from 7:00 a.m. to 11:00 p.m. Also under state law, the Selectmen need to make a decision in 30 days of the application. A special act petition is proposed to address these issues.

Ms. McKnight stated she gave a presentation on 3/1/12 to a large group of students at the High School on the Rail Trail. She had an idea if there were 2 students interested in studying liquor store locations she would be willing to help them. She feels it would be a nice service project.

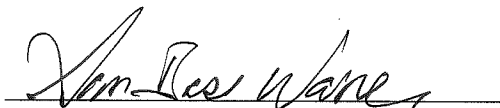
Mr. Warner noted appropriate zoning must be approved by Town Meeting. The referendum should come first. Ms. McKnight stated the Selectmen feel they will have the zoning in place as to where liquor stores can be located prior to the referendum. She feels zoning controls should come first. That may help with a referendum. Mr. Eisenhut noted he believes there should be some zoning parameters in place. Mr. Ruth stated he feels liquor licensing may distract from the real issues in town. He noted, to him, the opportunity costs are much more substantial than the benefits. He wants to be careful they do not get ahead of themselves.

The Board discussed the next meeting dates.

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

VOTED: to adjourn the meeting at 9:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Sam Bass Warner, Vice-Chairman and Clerk