

NEEDHAM PLANNING BOARD MINUTES

April 23, 2012

The regular meeting of the Planning Board held in the Selectmen's Chambers at the Needham Town Hall was called to order by Bruce Eisenhut, Chairman, on Monday, April 23, 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

Ms. Newman noted they need to make the precinct assignments for the League of Woman Voter's Warrant Meeting. She noted 2 Board members will not be there. Assignments were made. Mr. Eisenhut noted the following correspondence for the record: an article in the Needham Times about Volante Farms and a letter from Mr. Warner regarding the Lake Oswego project summary.

Public Hearing:

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 2010-03: F & A Farms, Inc., d/b/a Volante Farms, 226 Brookside Road, Needham, MA, Petitioner (Property located at 292 Forest Street, Needham, MA).

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to continue this hearing to the 5/22/12 meeting.

Request for extension of 708 South Street Subdivision and updated bond amount.

Roy Cramer, representative for the applicant, stated they are asking for a 2-year extension of the bond. This is a 6-lot subdivision. Four lots have been built upon and sold. They have an agreement for sale of one and there is one more house to be built. Ms. Newman stated she thinks the extension is appropriate. The binder coat is down.

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to grant the extension and continue the existing bond through 2/2014.

Request to authorize Planning Director to review plans and authorize Building Permit: Major Project Site Plan Special Permit No. 2012-02: Swizzles of Needham, LLC d/b/a Swizzles Yogurt, 1029 Post Road, Darien, CT 06820, Petitioner (Property located at 1450 Highland Avenue, Needham, MA 02492).

Roy Cramer, representative for the applicant, stated the Board issued the decision and they have filed the final plans. At the end of the 20 day appeal period they need to file the decision. It expires 4/30/12.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to delegate authority to the Planning Director to review and send a letter to the Building Inspector when the appeal period has run.

Endorsement of plans: Deminimus Change: Major Project Site Plan Special Permit No. 91-3: North Hill Needham, Inc., Petitioner (Property located at 865 Central Avenue, Needham, MA).

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

VOTED: to endorse the plans for North Hill and send to the Building Inspector when the appeals period has run.

Board of Appeals –April 26, 2012

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

Ms. Newman noted the church has revised plans for the parking lot. Mr. Ruth asked what the engineer said about the 2 curb cuts. Ms. Newman noted Engineering was ok with this.

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

VOTED: to indicate to the Zoning Board of Appeals the proposed parking is an improvement to the original proposal.

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 2/7/12 and 3/20/12 subject to minor revisions provided by Ms. McKnight to Ms. Clee.

Report from the Planning Director.

Ms. Newman noted she is setting up meetings with other department managers to create a more streamlined and predictable process for review of plans and applications. She will be coming back to the Board with a proposal for going forward. Ms. McKnight asked if it is the intention now to have a staff meeting for everyone to look at plans at one time. Ms. Newman noted currently there are monthly administrative reviews.

Vote Recommendations on Zoning.

Ms. Newman noted definitions on studios. Mr. Eisenhut and Ms. Newman have spoken with the Selectmen. There is a lot of thought on this article and how it may change neighborhoods. She has been told there is no support from the Selectmen on this article. Mr. Eisenhut asked if the Board should offer an amendment or go back to the drawing board.

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

VOTED: to reconsider the Board's recommendation and withdraw it.

7:50 p.m. – Amendment to Major Project Site Plan Special Permit No. 1996-12: Beth Israel Deaconess Hospital – Needham, Inc., 148 Chestnut Street, Needham, MA 02492, Petitioner (Property located at 73 Chestnut Street, 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.

Roy Cramer, representative for the applicant, stated they want to redevelop the property. The front building is the rug store and the back building is vacant. They are proposing for the front building 3,690 square feet with a medical records department in the front of 1,170 square feet and 2,080 square feet in the back for a central storage

area. There will be 430 square feet of common area which includes bathrooms and hallways. There will be 972 square feet on the second floor which will be central storage. At the right side rear, double doors will be put in.

Mr. Cramer noted in the back building there will be 6,904 square feet and a 3-car garage. There will be 3,798 square feet for a physical therapy/occupational therapy suite. There is 3,106 square feet they are not sure what the medical use will be yet so they are leaving it as medical office space. The only façade change is minor. Some windows will be changed to doors and some doors to windows.

They presently have 51 parking spaces on site. In 1997 the Board approved a parking plan. It was revised in 2001. They recently did an updated plan. They noted what was on the ground did not match the plan from 2001. A re-striping plan is proposed and all spaces comply. It becomes 50 spaces on site and 5 spaces on Keith Place for a total of 55 parking spaces. The requirement is to have 44 spaces so there is a surplus. There are 3 garage spaces and 7 compact spaces along the boundary line. The applicant suggests the 3 spaces in the garage and the 7 compact spaces plus the 5 along Keith Place be designated as employee parking spaces.

Mr. Cramer reviewed the relief requested under 7.4, 3.22 for a hospital use and 3.22 for more than one building and use on a lot. He noted there have always been 2 uses on the lot. The Hospital is also requesting relief under 1.46 for altering a non-conforming building and 5.1.1.5 to waive the design criteria of 5.13.

It was noted the front building will have medical records in front, storage in back and the applicant will change a single door to a double door in back. In the back building they will take out all the insides and create a PT/OT suite, working rooms, exam rooms, offices and a big gym. They are taking out the double doors and putting in windows. They are also moving a door and putting in windows.

Mr. Cramer noted the awning in the front of the building. The applicant has not decided what they will do with that yet. He noted Giles Ham of Vanasse Associates did a traffic impact study and the impact is negligible.

Mr. Jacobs noted a discrepancy in the square footage in the lot and in the legal ad. There is a 4 square foot difference. Mr. Cramer clarified the legal notice is a typo. Brian Dunn stated the field survey is more precise than the assessors map. Mr. Jacobs asked for clarification about whether it will be outpatients only for the PT and OT and was informed that was correct.

Ms. McKnight noted the existing landscaping condition. She wants to clarify if there is an oak, maple and birch on the plan. She does not believe the trees on the plan exist. She saw a couple of flowering trees but does not think there is a birch or maple on the site. She stated it is not a good landscaping situation, particularly at the front of the building. She commented the properties next door are beautiful. The applicant needs to think about the landscape plan for the front with sod and plantings. She thinks there is no change being proposed in previously-approved landscaping. Mr. Cramer stated they could put together a landscape plan for the front.

Mr. Eisenhut asked if engineering has looked at the re-striping. Mr. Cramer stated they had and the DPW had no comment.

Mr. Eisenhut noted the following correspondence for the record: a memo from the Town Engineer, dated 4/18/12, with no comments or objections; a memo from Janice Berns of the Board of Health, dated 4/17/12, regarding demolition guidelines; a letter from South Shore Management in support; and an email from Fire Chief Paul Buckley, dated 4/19/12, with no comments.

Ms. McKnight stated it seems the applicant does not need to count the spaces on Keith Place. She is questioning if the spaces should be shown at all. She does not want to say it is fine to park on Keith Place. Mr. Cramer stated they are showing on the ground because they are there. Mr. Jacobs noted some statement could be put on the plan. Ms. McKnight stated the plans could be approved with or without those spaces. Mr. Cramer noted something neutral would be fine.

Mr. Eisenhut noted there was no one from the public with comments.

Ms. McKnight asked if there are any upgrades to the drainage and was informed there were none. Mr. Cramer stated the Design Review Board has approved, the application has been signed by the owner and they will put together a landscape plan quickly. Mr. Ruth stated he does not feel he needs to review a landscape plan. Ms. Newman suggested it be a plan modification so it does not hold it up.

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

8:10 p.m. – Amendment to Major Project Site Plan Special Permit No. 1986E: 300 First Avenue Realty, LLC, c/o Intrum Corp. 60 Wells Avenue, Suite 100, Newton, MA 02459, Petitioner (Property located at 300 First Avenue, Needham MA, 02494).

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

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to reopen the hospital hearing as it appears some people were not aware the hearing was open and were still in the hall.

Mr. Eisenhut explained the process for the public. Mr. Cramer reviewed the proposal. Jeffrey Becker, of 119 Chestnut Street noted his concern is parking. The hospital use seems to be an improvement but he is still concerned with the parking in downtown. Mr. Cramer stated there are still the same number of employees but the PT and OT will park there instead of in the hospital lot. Mr. Eisenhut clarified there is a parking requirement for the site and they meet the requirement.

Mark Maiorana, 53 Chestnut Street and Garden Center owner, stated the new proposed plan shows a change in the existing spaces on Keith Place. He noted one is in front of his building. Mr. Jacobs clarified the Board will be neutral on the Keith Place spaces. Mr. Mayarana stated he does not want them to infringe on his property.

Al Mora, half owner of the building at 1040 Great Plain Avenue, stated he is opposed to any parking on Keith Place. Mr. Ruth reiterated the Board will remain neutral on Keith Place.

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

8:10 p.m. – Amendment to Major Project Site Plan Special Permit No. 1986E: 300 First Avenue Realty, LLC, c/o Intrum Corp. 60 Wells Avenue, Suite 100, Newton, MA 02459, Petitioner (Property located at 300 First Avenue, Needham MA, 02494).

Roy Cramer, representative for the applicant, noted this is an 80,000 square foot office building. The mid 1980s was the last renovation. The proponent purchased it and wants to modernize. Randy Goldberg stated the façade changes will include a front entrance way for a vestibule. He noted it is counted as square footage of the building if it is enclosed. That will be a 438 square foot increase so they will need a waiver of one parking space. There is no net increase in impervious surface. They have been to the Design Review Board.

Mr. Cramer noted a small portion of the addition goes over the landscape area. For 100 square feet they will add pervious pavers for a net increase in the landscaping. There will be an enhanced façade treatment on the building. He noted the proponent would like some discretion on the pervious pavers. He stated there will be only changes to the plantings not the area of plantings.

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

VOTED: to close the hearing.

Ms. Newman stated she will have a draft decision next Tuesday.

8:30 p.m. – Article 1:PB Amend Zoning By-Law – Description of Flood Plain Districts and Flood Plain District Regulations.

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

VOTED: to waive the reading of the public hearing notice.

Ms. Newman noted FEMA has updated the maps and they want the flood plain map changed. It is a minor change. There is a difference between the town flood plain maps and the FEMA maps. This accepts the FEMA maps. Mr. Eisenhut asked if it will be presented to the Selectmen. Mr. Jacobs stated he was confused by the use of the date 7/17/12. Ms. Newman clarified that the date is when they become effective. Ms. McKnight commented they are adding Section 2.3.1 and keeping the traditional maps. John Whalen, of 297 West Street, stated he would like to look at the FEMA maps.

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

VOTED: to continue this hearing to the next meeting.

8:40 p.m. – Article 4:PB Amend Zoning By-Law – Definition of Structure *Note: This hearing is continued from the March 20, 2012 and April 9, 2012 Planning Board meetings.*

Ms. Newman noted there will be a discussion at the Selectmen's meeting. This will allow the Planning Board to come forward in the fall and allow any legal agreements to be amended. Mr. Jensen should withdraw the article and the Board will go forward with something in the fall. Mr. Jacobs stated he is in favor of giving the Planning Board sense to the Selectmen that they should consider dropping the lawsuit. He does not understand their insistence on this.

8:45 p.m. – Major Project Site Plan Special Permit No. 2012-03: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 66B Street, 360 First Avenue and 410 First Avenue, Needham, MA 02494). *Note: This hearing is continued from the April 9, 2012 Planning Board meeting.*

Mr. Eisenhut noted the following correspondence for the record: a letter from Town Engineer Anthony DelGaizo, dated 4/19/12, with no comments or objections; an email from Roy Cramer, dated 4/23/12, with comments; and a letter from the Fire Department, dated 4/10/12, with no comments or concerns at this time.

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

VOTED: to close the hearing.

Ms. Newman stated she modified the decision and incorporated the comments made. She noted in 1.8 she clarified it includes the adjacent property; on page 8, the rights are carried forward with the adjacent property and 21 units can vary without coming back. In 3.5 it is licensed as a hotel and she clarified a 90 day stay. In 3.6 she clarified it functions as a hotel with a front desk and 24 hour staff. Section 3.34 clarifies reimbursement. Mr. Cramer stated he is happy with the decision. He noted in 3.5, they cannot market as "transient." He would like the Board to take out "for transient use." Mr. Eisenhut agreed.

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

VOTED: to grant the requested relief in the form presented tonight with the one change in 3.5.

Report from the Planning Director.

Ms. McKnight noted on 4/24/12 the Selectmen are having a hearing on the liquor store issue. She will go to the hearing and try to present her ideas at the hearing as hers and not the Board's. She will say the Planning Board is exploring and considering.

Ms. Newman stated she would like to discuss the articles and who will present them. Ms. McKnight stated she would like to do the takings article. Mr. Ruth noted he would like the Planning Director to assign rather than random.

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

VOTED: to adjourn the meeting at 9:40 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Sam Bass Warner, Vice-Chairman and Clerk