NEEDHAM PLANNING BOARD MINUTES

May 22, 2012

The regular meeting of the Planning Board held in the Charles River Room at the Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Tuesday, May 22, 2012 at 7:30 p.m. with Messrs. Warner and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

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). ***Note: This hearing is continued from the April 23, 2012 Planning Board meeting.***

Frank Flynn, representative for the applicant, noted the building has been constructed. A generator has been added to the scope of the work. It will be a backup generator as the greenhouses need to hold the heat. It has been placed between the greenhouse and the farm stand. A sound study has been done and it has gone to the Design Review Board.

Mr. Eisenhut noted the following correspondence for the record: a noise study dated 5/2/12; a memo from the town engineer, dated 5/17/12, noting he has reviewed the assessment and has no comment or objection; a memo from Police Lt. John Kraemer, dated 4/19/12, with no safety concerns; an email from Janice Berns of the Board of Health, dated 4/12/12, with no comments and an email from Fire Chief Paul Buckley with no comments or objections.

Ms. Newman noted there are a couple of minor changes to the decision she drafted. She changed paragraph 1.1 but there were no substantial changes.

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

Mr. Ruth noted paragraph 3.5 should be changed to state there will be no Certificate of Occupancy until an Asbuilt is given for the enclosure. Mr. Flynn stated they do not have a problem with that.

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to grant the relief in the form of the decision presented at the meeting and the relief will take the form of the amendment to the Major Project Site Plan Special Permit under Section 7.4 and to grant the requested Special Permit under Section 5.1.1.5 to waive strict adherence to the requirements of Section 5.1.3 (Parking Plan and Design Requirements) and further site plan approval in accordance with Special Permit No. 2010-03, Section 4.2.

Parking determination – Huntington Learning Center, property located at 225 Highland Avenue, Needham, MA.

Ms. Newman noted the recommendation from the engineer is consistent with others. There are comparable uses that have come in with the 8 parking space recommendation. Ms. McKnight noted they are using the parking standards for day care centers. That is usually ages 6 to 16. She feels there should be 17 and 18 year olds included. Mr. Ruth stated if they are older they will drive. Ms. Newman noted this will come in under site plan.

They could up it and grant a larger waiver when they come in. Mr. Ruth stated he is willing to go with 8 but they should alert George Giunta Jr. to that issue if they are seeking a waiver.

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

VOTED: to accept the recommendation of the Town Engineer with the appropriate number of parking spaces to be revisited at the time of submission of the project.

7:45 p.m. – Amendment to Major Project Site Plan Special Permit No. 1997-7, Trader Joe's East, Inc. d/b/a Trader Joe's, 711 Atlantic Avenue, Floor 3, Boston, MA 02111, Petitioner (Property located at 922-958 Highland Avenue, Needham, MA).

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

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

The Chairman explained the process to the public. Roy Cramer, representative for the applicant, noted Finagle-a-Bagel is going out. Trader Joe's is proposing to expand by approximately 2,565 square feet. They are currently a little over 7,500 square feet and feel the store is too cramped now. They want to increase the aisles from 4 feet to 6 feet with a wider produce aisle. This will alleviate the current bottlenecks and be more user friendly. They want to put out more inventory with more of a selection. This will be better for the current user base. There will be minor façade changes. They will open the emergency exit door on Highland Avenue.

Mr. Cramer noted the parking spaces on Highland Avenue are underutilized. They feel this is a win win for everyone. They went to the Design Review Board and they approved the façade changes last night. They feel it is an overall improvement to the neighborhood.

Jeff Taylor, project architect, described the existing conditions. He noted they will remove the partition and expand. It will have the same entry but there will be larger areas between aisles. There will be more check outs. It will be less constricted. They will have an entrance on Highland Avenue. They are modifying the original entrance for wider access. They will close up the Finagle-a-Bagel entrance and make a window. He noted there is no entrance for Finagle-a-Bagel on the parking lot side. It will be closed up. The signage will be the same.

Ms. McKnight asked how someone would check out and go out the Highland Avenue door. Mr. Flynn stated they have an overflow check out counter they can install. Mr. Ruth stated they should phrase it in a conditional way so when they close it in the future they do not need to come back if it does not work. Ms. McKnight asked if the Design Review Board has reviewed the design in front and was informed they had. They want copper mansard. Mr. Taylor stated the show windows will be reconditioned and most windows will be open.

Mr. Cramer stated they will expand deliveries. The hours currently are 7:30 a.m. to 6:00 p.m. Monday through Saturday. They would like 6:00 a.m. to 9:00 p.m. 7 days per week. They cannot open the store earlier with current delivery hours. They do not open until 9:00. People are in the parking lot waiting for the store to open. They want to be competitive. He noted this has been a commercial area for 150 years. They are asking the delivery hours be expanded. Mr. Cramer stated fresh produce is the name of the game. They need to deliver fresh every day.

Steve Hebda, of Trader Joe's, stated he has seen the letter from the neighbors. He clarified there is no trash change. They get deliveries each morning and afternoon. They sell a lot of produce per day and they get a supply every day. Trucks come from quite a distance. Mr. Cramer stated he understands some opposition but Trader Joe's has received no complaints. Ms. McKnight asked what the goal is for open and closing times. Mr. Hebda stated ideally they will open at 8:00 a.m. and close at 9:00 p.m. She asked when the afternoon deliveries of perishables now are. Mr. Hebda stated around 5:30 p.m. to 6:00 p.m. which is the peak shopping time. They would prefer later deliveries.

Ms. McKnight noted the landscaping near the fence is not done. Mr. Cramer stated the landlord did the granite curbing and barrier, then Ardi Rrapi did the fence. The management wanted to wait until the fence was in so as not to trample on the landscaping. He noted it is on the list. Ms. McKnight noted the periphery landscape area at the very rear looks good and by the movie place looks ok. The areas at the end of the parking strips do not have plantings shown on the plan. There is nothing but mulch and part of the cement is missing at the end. She would like to comment that the decision should require sprucing up. Mr. Cramer noted he could speak with the management company. They took care of the guardrail, internal renovations and some very minor façade changes. They do not think landscape/management issues should be tied to their desire to expand to a vacant storefront. They do not have the authority to do that. He noted this is the first time in 16 or 17 years the parking supply is adequate for the demand. The landlord has a responsibility but they do not want the expansion permit conditioned on the landlord. Ms. McKnight stated this is a major reconstruction. She feels they can refresh the plantings. Mr. Ruth stated the lease should give some leverage over the landlord. Mr. Flynn will contact the landlord.

Mr. Eisenhut noted the following correspondence for the record: a letter, dated 5/22/12, from the Hennigan's; a letter, dated 5/20/12, from Frank and Jan Flynn; a letter, dated 5/20/12, from Ardi and Estala Rrapi; a memo from the Design Review Board dated 5/7/12 and another dated 5/22/12; an email from Fire Chief Paul Buckley, dated 5/18/12, with no issues; a memo from the town engineer, dated 5/18/12, with no comments or objections and a memo from the police noting they are not in favor of modifying the hours of deliveries.

Jan Flynn, of 47 Mellen Street, stated they have been there over 30 years. She has 2 issues. She stated she is not opposed to the expansion. She is glad they are thriving and they use the store. She wishes them the best. She is opposed to the delivery hour expansion. She noted they were immediately non-compliant when they opened. They had a discussion 2 years ago and they agreed to 7:30 a.m. deliveries. She thought they had an understanding but it did not hold for any length of time. She has dealt with the property manager. For 18 months she and the property manager worked on the issues but the Trader Joe's problem has not gone away. Delivery trucks come at 6:15 a.m. They do not unload at that time but they are idling. It seems they are unloading before 7:00 a.m. then another truck comes. The dumpsters are emptied between 7:00 a.m. and 7:30 a.m. every day.

Ms. Flynn noted she agrees it is very difficult for deliveries between 5:00 p.m. and 6:00 p.m. People go into the store with delivery trucks there. It feels it is not managed well. She asked the Board to think about what it would be like to have noise every day at 6:00 a.m. Mr. Warner asked her to clarify the hours they want are 7:30 a.m. to 6:00 p.m. Ms. Flynn stated she would like them to remain although they never stood by those. Deliveries have not been reasonable.

Mr. Eisenhut asked if they were opposed to extending into the evening hours. Mr. Rrapi stated he would like to say he supports the application to expand. He purchased his property 3 years ago. He knew the hours of delivery were 7:30 a.m. to 6:00 p.m. Monday through Saturday and no hours on Sunday. He feels this is a major change and is unfair. He would like the hours to stay the same. He also suggested a lighting review may be necessary. Trucks idle at all hours. He stated a sign should be on Mellon Street stating there is no idling. He noted another item is exiting on Mellen Street. The sign is not clear. They should put a stop sign with no turn on left under it. He recommends they allow the expansion but no change in delivery hours.

A motion was made to extend the hearing to the next meeting to get more information such as the landlords view regarding the landscaping, the applicant's views of what they have heard and lighting. Mr. Hebda stated he made a commitment to Mr. Rrapi earlier tonight. Ms. McKnight asked if it was possible to have deliveries come in from the front early in the morning. Mr. Hebda stated he discussed with Ms. Newman renting spaces for loading but the town is not in favor of that.

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

VOTED: to extend the hearing to 6/12/12 at 7:00 p.m. to get more information.

8:15 p.m. – Major Project Site Plan Special Permit No. 2012-04: Needham Bank, 1063 Great Plain Avenue, Needham, MA, Petitioner (Property located at 1055 and 1063 Great Plain Avenue, 10 Eaton Square, 232 and 244 Garden Street, 0 Garden Street, 0 Eaton Square, Needham, MA). ***Note: This hearing is continued from the May 1, 2012 Planning Board meeting.***

Peter Vargas, attorney for the applicant, noted they have identified several issues. This is a joint venture that will benefit all. He noted the ATM location, curb cut, landscaping, town easements and how they would work. He stated Eaton Square will be abandoned and they have joined 2 parcels together. They have entered into an easement agreement with the town that allows access through Garden Street so the town parking lot can continue to be accessed. The town will have 85 dedicated spaces but will have the use of all the spaces during non-bank times.

Greg Samuelson stated the plans were revised due to the Planning Board comments. The ATM was flipped from the south to north direction and to a 3 car queue. It will be one way. They have included an extended curbed aisle to protect the handicap spaces. They have removed one Garden Street driveway. Currently there are 5 drives and it is down to 2 for 48 feet. They have maintained the emergency exit lane and provided site distances. It is 207 feet from the ATM to the sidewalk and 275 feet from the Garden Street curb to the ATM. The stairway on Garden Street should be improved and it will give access. There will be some additional landscaping along Garden Street. There will be over 25% interior landscaping. He added there will be a number of trees on the lot that will remain. They have increased the caliper of trees in the center from 4 to 6 inch caliper. The By-Law requires one tree per 10 spaces. They are proposing one for every 5 spaces with 35 new trees planted.

Mr. Vargas stated they will continue to work with the town regarding the pedestrian way. It will be designed and approved prior to the occupancy permit. Ms. McKnight commented it was nice to see a pedestrian walkway and stairs from Garden Street. Ms. Newman asked if it was possible to shift the transformer from the sidewalk. Mr. Samuelson noted the utility company wants it there. He noted there would be more landscaping there. Ms. McKnight asked if they would continue the back to the public sidewalk. Mr. Samuelson stated it was their intention to continue it. Mr. Vargas noted they intend to improve it.

Mr. Warner stated they need to look at how they review parking lots in Needham. We have a lot of stuff around the edge. The expectation is parking lots are ugly and unpleasant. They have built stone walls and planted trees. How will they move in the larger lot? They should make the parkers' experience positive and pleasant. There should be less hiding and more use of the lot itself.

Ms. Newman asked if there was flexibility. Mr. Vargas noted they started with an 85 space agreement with the town. There is some flexibility with the bank spaces. They attempted to satisfy the landscape requirement and shield the parking lot. It will have to come from the town. Ms. McKnight stated the reality is if people have a walkway they will choose the straightest line to their destination. She is pleased and satisfied with the walkway to the railroad crossing. She thinks it is safe enough. The 7 trees in the center of the lot are good size trees. She feels it is a positive reaction.

Mr. Ruth stated inbound to the ATM there are 2 trees then a yellow patch. He asked if those 2 spaces become green space does that satisfy Mr. Warner and get back a nice entrance. Mr. Warner would be satisfied.

Ms. Newman commented on the 24 foot parking aisle and realigning the spaces for a triangle. Mr. Samuelson stated they might lose one or 2 spaces but the town allocated those spaces. Mr. Vargas stated they are looking at 3 spaces now. Ms. Newman noted there are no formal comments. She just received the drawings on Thursday.

Mike Rogers, of 215 Garden Street, stated he is pleased with the changes and the direction it has gone.

Susan Anderson, of Garden Street, stated access to the train is critical. She wants to see this as a welcome and pleasant experience. She thinks all will benefit.

Brian Horrigan, of 183 Garden Street, stated he agrees with Mr. Warner regarding the parking areas. He likes the pedestrian walkway idea. He suggests they all go and see what should stay and what is going. They should do a site visit. Mr. Vargas asked what the Board's schedule is. Ms. Newman stated the decision will be ready at the next meeting for a vote. She clarified the changes she needs for drainage calculations and easement documents.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to continue the hearing to 6/12/12 at 8:30 p.m.

Request to Release Surety and Authorization of Permanent Occupancy Permit: Major Project Site Plan Special Permit No. 2000-07: Muzi Motors, Inc., Petitioner (Property located at 557-561 Highland Avenue, Needham).

Ms. Newman noted she has no final estimate from engineering on the consolidation plan. She would like the Board to authorize her to issue a permanent occupancy permit and to release the $5,000 they are holding when she has a letter from Engineering.

Upon a motion made by Mr. Warner, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to authorize the Planning Director to issue a permanent occupancy permit and release the $5,000 they are holding when she receives a letter from Engineering and is satisfied.

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to approve the minutes of 2/7/12, 3/6/12 and 3/20/12.

Planning Board Appointment to Community Preservation Committee.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to re-appoint Sam Bass Warner to the Community Preservation Committee.

Reorganization of the Planning Board.

Upon a motion made by Mr. Warner, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to nominate Bruce Eisenhut as Chairman of the Planning Board.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. McKnight, it was by the four members present unanimously:
VOTED: to nominate Sam Bass Warner as Vice-Chairman of the Planning Board.

Discussion of Land Trusts.

Mr. Eisenhut noted Ms. McKnight gave some form language her firm had prepared for the Town of Millis. She noted it is the usual kind of language for Chapter 180 non-profit corporations and includes special language that the goal of this entity is the preservation of land. It also includes historic and natural character and allows this kind of entity to accept historic preservation restrictions, agricultural preservation restrictions and conservation restrictions.

Mr. Warner noted it behooves the town to have such a thing and they have 2 people willing to serve. Mr. Eisenhut stated they need at least 3 and they need to understand the obligations, which include filing annual reports with the Secretary of State, filing tax forms and annual meetings. Mr. Warner noted the goal is to receive and satisfy the towns need to have a supervisory body for CPA purchases.

Report of the Planning Director.

Ms. Newman wrote out a list of planning issues for Needham that are not in any order. It includes downtown as number 1, if wanted, for a course with students. Mr. Eisenhut added the mansionization issue. Mr. Ruth noted a long-term plan to activate the Charles River. Ms. Newman stated downtown, parking issues and density issues. Mr. Ruth noted there is a frustration of getting small businesses up and running. It is an expeditious process.

Ms. McKnight stated Central Avenue was never done. It needs some thought. Mr. Eisenhut stated that would be a good project for students and it has the Charles River also. Ms. McKnight noted the Wexford rezoning. Ms. Newman stated she will be pushing back. Ms. Newman agrees Central Avenue would be good for students. All agree.

Ms. Newman noted Volante's has asked for a waiver of the filing fee. They stated not showing the generator on the plan was an oversight. All agreed not to waive the fee.

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 10:25 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Sam Bass Warner

Sam Bass Warner, Vice-Chairman and Clerk