

NEEDHAM PLANNING BOARD MINUTES

June 12, 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, June 12, 2012 at 7:00 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: a letter from Morrissey & Wilson regarding the Dedham Avenue project and a letter, dated 6/4/12, from Eugene Bolinger, resigning from the Design Review Board. Ms. Newman stated she has advertised the position. The Board will have to review the resumes and decide who to interview. They need to replace the landscape architect. Ms. Newman noted she received a letter from Sam Bass Warner regarding the mcmansion issue. Ms. McKnight stated she would like to express appreciation for Mr. Bolingers' time on the Board. She commented he was a big asset.

Public Hearings

7:00 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). Note: This hearing is continued from the May 22, 2012 Planning Board meeting.

Mr. Eisenhut noted this is a continuation. There have been some revisions. Roy Cramer, representative for the applicant, noted he has filed 3 letters – 2 responding to requests from the Board. He noted a number of suggestions came up.

Chris Maguire, Regional Manager of Trader Joe's, stated they have been in Needham for 15 years. It has been a privilege and honor for them. The business has changed in 15 years. It has grown dramatically. They need to adjust the delivery schedules for the best experience for the customers. He stated they are dropping their request for 6:00 a.m. deliveries and will keep the 7:30 a.m. time. They need to receive deliveries until 9:00 p.m., 7 days per week. There will be no big trucks in the morning. He stated they could get them in between 6:00 p.m. and 9:00 p.m. back to back. He has been in touch with the Vice President of Operations to inform truck drivers they need to stick to the hours.

Mr. Maguire noted there have been several issues in the last few weeks while they have been trying different things but the appropriate people have been held accountable. They are trying to keep the noise to a minimum. He stated they are willing to purchase costly equipment to minimize the noise. They will use a forklift that will eliminate the steel on steel clanking. He added they will commit to all they can.

Mr. Eisenhut noted the issue of trucks idling. Mr. Maguire stated they have zero tolerance for that and there will be a strict level of accountability. It is not acceptable for trucks to idle on side streets. Mr. Eisenhut asked if signage would help. Mr. Maguire stated there is no technical reason for idling. He noted it could help to put signs on Mellon Street but he is not sure it is enforceable.

Mr. Ruth stated they could require signage and send a letter to the Selectmen requesting it. He asked if the neighbors know who they should call if they have issues. Mr. Maguire stated last week was the first he heard regarding the level of issues. He stated the chain of command would be the manager of the store and he would be second.

Ms. McKnight noted the applicant is encouraging deliveries between 6:00 p.m. and 9:00 p.m. It is a busy time in the store and quieter in the middle of the day. She asked why deliveries in the evening? Mr. Maguire stated they cannot receive and handle the way they should when the store is open. They need to get deliveries in during the morning or evening. He noted they could require a contact person be provided to the police at all times.

Mr. Jacobs noted Mr. Cramer's letter and asked if the neighbors had seen it. He was informed they had not. Mr. Jacobs noted one letter says the extension of hours from early morning to early evening would eliminate all early morning deliveries. He asked if they are eliminating all morning deliveries. Mr. Maguire noted just the early morning deliveries. Mr. Jacobs stated Mr. Maguire is describing no morning deliveries. Mr. Maguire clarified they want to eliminate big trucks in the morning. Steve Hebda, of Trader Joe's, stated it helps to keep it consistent.

Jan Flynn, of 47 Mellen Street, stated she has had about 50 interventions since Trader Joe's came in. There have been multiple requests for solutions that are being proposed tonight. She noted all these have been asked for and nothing has been honored. The morning has been so difficult they had not thought about evening hours. She noted the hours have never been abided by. It is a tight knit residential zone. She commented she does not believe anything Trader Joe's says. She added 6:00 p.m. is the busiest time there. They are not getting the facts.

Mr. Warner stated the problem was she asked to speak to the landlord rather than the manager. Ms. Flynn stated Micozzi Management are good hearted guys and she would like to work with them but she does not trust them.

Noreen Finnegan, of 41 Mellen Street, noted this is not a recent issue. Trader Joe's deliveries makes a lot of noise. They are showing up earlier and later than told. She stated she should have complained more. She added if 7:30 a.m. to 6:00 p.m. had been respected it would have been good, but it was not.

Ardi Rrapi, abutter, submitted a letter with signatures. He stated it was not fair to change the hours. He would like to thank Trader Joe's for their efforts. They are great team members and very professional. They need to obey the rules. The neighbors pay the price for this change. He stated the light issue has been fixed and he appreciates it. He added he would like the Board to work with the abutters.

Artie Crocker, a Needham resident, stated he is a huge fan of Trader Joe's. He did not know there were all these issues with idling trucks and the noise of deliveries. He asked what can really be done with idling trucks.

Mr. Cramer noted the site issues. He has contacted the landlord regarding the lighting issue. Trader Joe's has put shields on and one light was replaced. They have completed the repair of the berms around the parking area. In terms of work to be done the plantings are done and the fence is almost done. He noted there have been several changes in the hours of operation over the years. In 1997 they first had Sunday hours from 9:00 a.m. to 1:00 p.m. In 2007 the hours were changed to earlier in the context of doing the elevator for Monday through Saturday but Sunday hours were left out inadvertently. Trader Joe's is taking steps to address the issues and they feel this is a reasonable compromise.

Ms. Newman reviewed the permit history. She noted the original site plan was for the entire property. Ms. McKnight asked if the trucks are owned by Trader Joe's and was informed they were not. They are contracted and dispatched from Pennsylvania. Mr. Maguire stated they can make it clear what the hours are and will take full responsibility.

Mr. Jacobs stated it sounds reasonable and right but that is what the abutters say and it has not worked. He asked if the hours could be shortened to 8:00 p.m. He asked if that would work and if they had any thoughts on how the neighbors could be assured it would be enforced. Mr. Cramer stated he had not heard any complaints prior to this. Trader Joe's will be accountable. They will give the name and number of someone at Trader Joe's. He stated this is the first time it is a direct tenant list of proposals.

Mr. Maguire stated they need a 3 hour window for deliveries but need some flexibility. They may be done by 8:00 p.m. but would like some flexibility. Mr. Jacobs commented he is hearing from the neighbors if deliveries

were really 7:30 p.m. or 8:00 p.m. and enforced they could live with that. Mr. Hebda stated later in the evening is better. They are very consistent about what they do and how they do it.

Ms. McKnight noted if shifting the hours to evening why keep the morning hours. She asked if 8:00 a.m. to 8:00 p.m. would work. Mr. Cramer stated if one of the trucks gets there late, and they send them away, they would need to get there in the morning. Ms. Flynn stated the bread van comes in then 3 18-wheel trucks between 6:00 a.m. and 9:00 a.m.

Mr. Crocker stated they could put something in the decision that trucks cannot idle more than 5 minutes per hour. Mr. Ruth noted some trucks need to idle to keep the refrigeration going. He noted there are some other issues.

Mr. Eisenhut noted the following correspondence for the record: a letter from Brian and Ariel Shoemaker, dated 6/11/12, noting they cannot make the meeting; a request signed by 5 residents, dated 6/11/12, requesting no change in hours and a letter from Roy Cramer, dated 6/8/12, with attachments.

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.

Mr. Eisenhut suggested they continue the discussion at the next meeting. Mr. Ruth suggested a short discussion. He noted he heard Trader Joe's say they could cut off at 8:00 p.m. He feels this is a reasonable compromise. Mr. Eisenhut suggested 8:30 p.m. Ms. McKnight commented she was concerned with the morning hours. She would like 8:00 a.m. or 9:00 a.m. with strict controls. She feels 8:00 a.m. to 8:00 p.m. would be ideal. Mr. Eisenhut noted the permit has always been 7:30 a.m. He feels 7:30 a.m. to 8:30 p.m. is fine. Mr. Ruth suggested 7:45 a.m. to 8:45 p.m.

Mr. Jacobs stated the Special Permit is multi-page documents and lays out the process for violations. He noted it only allows for revocation. There should be some other recourse. Mr. Eisenhut agrees. They should be able to revise that. He noted he would like signage on the premises. The hours should be strictly enforced. Mr. Ruth noted 7:45 a.m. to 8:45 p.m., 7 days per week.

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 requested with the various conditions set out in the draft decision with the additional conditions talked about tonight and call out the right to revise the hours.

7:30 p.m. – Amendment to Major Project Site Plan Review No. 2008-08: V.S.A., LLC, 1105 Massachusetts Ave., Suite 11G, Cambridge, MA 02138 and Next Summit Education, Inc., of 319 Littleton Road, Suite 300, Westford, MA 01886, Petitioner (Property located at 225 Highland Avenue, 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.

George Giunta, Jr., representative for the applicant, noted they are requesting a permit for Huntington Learning Center for 1,100 square feet. He noted that in 2008, the Planning Board issued a permit allowing the new building to be built on this property, and subsequently Gymboree was approved for the second floor. There is a unique balance between Gymboree and Huntington Learning Center. There is 3,875 square feet on the first floor. Sprint has 1,134 square feet and there is 1,109 square proposed for Huntington. There will be 773 square feet of vacant space and 859 square feet of common space for hallways and bathroom. This will affect the parking demand by 4. There will be a demand of 8 for Huntington for a total demand of 37 spaces for the building. The use will require a waiver.

Mr. Eisenhut noted the following correspondence for the record: a memo from Lt. John Kraemer of the Police Department, dated 6/7/12, with concerns regarding parking during peak hours where it is posted no parking and a letter from Town Engineer Anthony Del Gaizo, dated 6/1/12, with no comments or objections.

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.

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

VOTED: to grant the relief in the form of the draft decision presented tonight.

8:00 p.m. – Major Project Site Plan Special Permit No. 2012-06: MMM Property, LLC, 7 Harvard Street, Brookline, MA 02445, Petitioner (Property located at 36-58 Dedham Avenue, 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.

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

VOTED: to hear the 8:00 p.m. and the 8:05 p.m. public hearings together.

8:05 p.m. – Major Project Site Plan Special Permit No. 2012-05: MMM Property, LLC, 7 Harvard Street, Brookline, MA 02445, Petitioner (Property located at 916-932 Great Plain Avenue, Needham, MA).

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

VOTED: to waive the reading of the public hearing notice for the 8:05 p.m. hearing.

Robert Smart, representative for the applicant, noted they are proposing a development on 2 separate lots, one on Great Plain Avenue and one on Dedham Avenue, each with a little over 10,000 square feet. They feel this will be a benefit to the town. All parking for a 3 story plus one is on site with some excess.

Mr. Smart noted Great Plain Avenue will continue to be one story for continuity. They will reuse 4,988 square feet and re-tenant for retail. They will proceed within the existing zoning. They are providing 9 spaces behind the building with access across the Dedham Avenue lot. They have revised the waivers.

Mr. Smart noted Dedham Avenue will be a 3 story plus one mixed use with 10 residential units. One unit will be affordable. There will be 2 first floor retail spaces and a new curb cut on Dedham Avenue. There will be a 1.8 FAR and 17 spaces provided. They have revised the waivers for this lot.

Christopher Mulhern, architect, noted the Dedham Avenue building will have 2 retail stores and a residential entrance in the middle. There will be 4 parking spaces under. Each unit has access to outdoor space. There will be a sign band, awning, light fixtures and a planting bed with irrigated green features. There will be 4 units on each level and a penthouse with 2 units. They will have cast stone base, an aluminum storefront system, masonry brick products, wood plank siding and an aluminum window system.

Ken Mackin noted the existing right of way will be maintained. Mr. Ruth asked if the second and third floor would be brick and was informed they would be.

Ms. McKnight noted the ANR plan shows a 12 foot easement and asked if that was existing. She was informed it was. She asked if the project can be done without any change to the easement. Mr. Mackin stated it could be. He stated there will be an illuminated alarm signal on the building to warn of oncoming traffic.

Ms. McKnight asked if they have chosen which unit will be affordable yet. Mr. Mackin noted the second floor rear on the right that is east facing. Ms. McKnight asked if there will be an amenity toward the parking fund. Mr. Smart stated that is not required. They are providing 9 spaces.

Mr. Eisenhut noted the following correspondence for the record: a letter from Janice Berns of the Health Department, dated 6/6/12, with no comment; an email from Fire Chief Paul Buckley, dated 6/12/12, noting no issues; an email from Lt. John Kraemer of the Police Department, dated 6/7/12, with no safety concerns; a memo from Town Engineer Tony Del Gaizo, dated 6/8/12, regarding technical issues and a letter from Morrissey, Wilson Zafiropoulos, LLP, dated 6/12/12, on behalf of their client regarding the draft easement agreement.

Mr. Smart noted they do not need any easements from the corner parcel. Kerry Ryan, representative for 934-948 Nominee Trust, noted his client is generally in support. They have a concern regarding the easement agreement. They have an agreement in principle. He feels they do need an easement for the turn around and access in back. It will be use of their property under this proposal. Tony Caruso noted 6 feet is their property and 6 feet is the abutters. They do not need an easement. It would make turning easier but is not necessary. Mr. Ryan stated he wants the cross easement agreements in place before the final vote.

Gil Cox, owner of the abutting property, stated this is a vast improvement and noted the 5 foot setback is very important. He is disappointed with the fourth floor. He is concerned whatever was granted for Great Plain Avenue is negated so they need to come back.

Artie Crocker, a Needham resident, noted the back entrances go to private parking. He asked what the reason is for the back entrances. Mr. Smart noted there are 9 spaces on the Great Plain Avenue side behind the building.

Louis Wolfson stated this is a vast improvement but is not in keeping with the intent of the downtown study. This is 4½ stories with an elevator shaft. There are questions regarding parking and dumpsters. Mr. Mackin stated there is a mutual dumpster at the end of the right-of-way.

Stuart Rothman, owner of the corner parcel, stated he met with Tony Caruso and Ken Mackin regarding access on Great Plain Avenue. The loading area behind will get deliveries off Great Plain Avenue and resume deliveries in back. He stated the easement agreement will benefit all. Mr. Wolfson stated the Board should allow some sort of restaurant access without having to come back.

Ms. Newman noted they did not wrap the brick around the building. She asked if it was the cost or another reason. Mr. Mulhern noted with the design and cantilever condition around the rear it was too hard.

Mr. Ruth asked if they had any comparison with the Unitarian Church and the steeple. Mr. Mackin noted the steeple is 85 feet and this building is 48 feet. Mr. Ruth asked if the 9 retail spaces would be available at night to the residents. Mr. Mackin stated, if necessary, they would lease spaces.

Ms. McKnight asked if there are waivers being sought with regard to parking. She noted the landscape requirements are in the previous decision. She noted she is not happy with no contribution being made to the parking fund. She would like to see some thought given to a reasonable contribution for waivers. She stated this is much better than anything they have showed before. She really likes it.

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

VOTED: to close the hearing.

Ms. Newman noted she has the standard decision along with the items discussed and a parking contribution. Mr. Ruth noted the interior spaces on Great Plain Avenue will have to change. They need to give some flexibility.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by four of the five members present (Mr. Warner voted in the negative):

VOTED: to reconsider the closure of the hearing subject to a substitute motion to keep the hearing open solely for the submission of a written easement related to the property.

8:30 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 and May 22, 2012 Planning Board meetings.

Mr. Eisenhut noted this has been continued with respect to the parking lot layout. Vic Taylor, architect, noted they have relocated the handicap parking space. They took out a landscape aisle and relocated the transformer pad 7 feet away from the sidewalk. They have removed one planter and the stairs in the rear are being improved.

Ms. McKnight noted on page 14 of the decision, in 3.3, parcel 22 should have been included. This is under single ownership. Ms. Newman clarified this is not part of the merger but, yes, it is single ownership. She noted the Town Engineer's letter of 6/12/12 stating they should prepare a consolidation plan.

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

VOTED: to grant the relief requested in the form of the decision presented at the meeting.

Request to authorize Planning Director to review plans or documentation and authorize Limited Temporary Occupancy Permit: Major Project Site Plan Review No. 2010-02: Town of Needham, 470 Dedham Avenue, Needham, MA, and the Needham Historical Society, 1155 Central Avenue, Needham, MA, Petitioners (Property located at 1155 Central Avenue, Needham, MA).

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

VOTED: to authorize the Planning Director to review and issue a limited temporary Occupancy Permit when she is satisfied.

Request to authorize Planning Director to review plans and authorize Building Permit: 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 authorize the Planning Director to review and issue a building permit when she is satisfied.

Request to authorize Planning Director to review plans and authorize Building Permit: 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 authorize the Planning Director to review and issue a building permit when she is satisfied.

Review and Approval Proposed Outdoor Seating Application and Regulations.

Ms. Newman has draft regulations. Mr. Jacobs asked why some information is on the application like the number of bathrooms. Ms. Newman explained and noted these are the standards they were going to impose. Ms. McKnight suggested they say "no food may be cooked outside." All agreed. Mr. Ruth noted no more than X number of seats. Ms. Newman will speak with the new Building Inspector. She will make a couple of adjustments. Mr. Ruth suggested they delegate authority to the Planning Director.

Board of Appeals – June 21, 2012

Daihus Kuper, Hillcrest Development, 70 Hillcrest Road, Needham, MA 02492 – 9 Thurston Lane.

Mr. Jacobs stated it bothers him it went through as though the Planning Board had approved it. He suggested they call out the language on the ANR plan. Mr. Eisenhut agrees. Ms. Newman stated they could have notice on the ANR plan. Mr. Ruth stated he feels it should be no comment.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: "No comment."

Jerry Dever, 30 Glover Road, Needham, MA 02494 – 30 Glover Road.

Ms. McKnight noted they are going to put a garage right in front. It is horrible looking. They made a comment on the third garage on Great Plain Avenue and it did not come out too badly.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: "No comment."

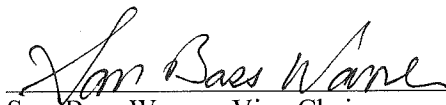
Report from Planning Director.

Mr. Warner noted the Needham Land Trust is in process.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to endorse the sponsor's proposal that Roy Cramer, Sam Bass Warner, Richard Mann, Alicia Downey, Jeanne McKnight, Lisa Standley and Dan Dain be trustees.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 10:20 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Sam Bass Warner, Vice-Chairman and Clerk