NEEDHAM PLANNING BOARD MINUTES

June 4, 2013

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, June 4, 2013 at 7:30 p.m. with Messrs. Warner and Jacobs and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 2005-06: Eric Gahan and Artemis Scantalides, Iron Body Studios, 46 South Fairview Street, Apartment 2, Roslindale, MA 02131, Petitioner (Property located at 58-83 Fourth 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 waive the reading of the public hearing notice.

Andy Donovan, of The Davis Companies, noted they own the property at 67 Fourth Avenue. Dennis Rieske, of Development Resources, Inc., stated he was here about 3 years ago about the preschool. He stated this is the space next to it. Iron Body would like to rent this space so they would like to amend the Special Permit. They have submitted a location plan. He noted this is a simple renovation. They will take down one wall to expand the area for training programs. This will be a highly structured program for personal training. He noted it will be by appointment only. It will be one on one or small groups with no more than 10 people ever. He noted it is semi-private.

Eric Gahan, co-owner of Iron Body Studios, stated he has 13 years of rehabilitation training with a specialty of post rehabilitation one on one. This will be post injury and post rehabilitation. There will be no rehabilitation. They have a functional movement screen to look at individuals strong and weak links. They always have safe movement patterns.

Artemis Scantalides, co-owner of Iron Body Studios, stated this is for all ages with a focus on strength training and movement. They use kettle bells, bar bells and medicine balls. Classes are usually 6:00 p.m. to 10:00 p.m. There is usually an early a.m. start at 5:30 a.m. to 6:00 a.m. He noted peak hours are early a.m. and at night. There will be a maximum of 2 instructors. Mr. Jacobs asked if he has done this before. Mr. Scantalides stated he has been running this since September 2011. They are growing and want their own facility. Mr. Jacobs asked if they are a corporation. Mr. Scantalides stated they are an LLC – Iron Body Studios LLC.

Mr. Jacobs asked how the neighboring tenant, Pine Village, is doing. Mr. Donovan stated it is working out pretty well. Mr. Jacobs asked if the parking has worked out. Mr. Donovan stated it has worked out well and there have been no traffic issues. Mr. Jacobs asked if they require any state licensing. Mr. Gahan stated there are no licenses required but he is licensed.

Mr. Eisenhut noted the following correspondence for the record: a memo from the DPW, dated 5/13/13, with no comments or objections; an email from Fire Chief Paul Buckley, dated 5/30/13, noting no issues; an email from Janice Berns, of the Board of Health, dated 5/17/13, with no comments and an email from Lt. John Kraemer, dated 5/13/13, with no safety concerns.

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

A motion was made to grant the relief requested and draft a decision containing a condition regarding hours of operation, training sessions as discussed and make sure Iron Body Studios LLC is recognized as such. Ms. Newman stated she will follow the operation of other personal training facilities in writing the decision.

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

VOTED: to grant the relief requested and draft a decision containing a condition regarding hours of operation, training sessions as discussed and clarify Iron Body Studios LLC is recognized as such.

Deminimus Change: Major Project Site Plan Special Permit No. 1999-5: McDonald's Corporation, 690 Canton Street, Westwood, MA, Petitioner (Property located at 340 Chestnut Street, Needham, MA).

Ms. Newman noted there are a couple of corrections incorporated in the draft decision. Roy Cramer, representative for the applicant, stated he is fine with the draft decision.

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

VOTED: to find the façade change and other proposed changes to the landscaping and trash facility are demiminus in nature and do not require a public hearing as set forth in the decision.

Mr. Cramer noted one of his clients would like to put a juice bar where Joel's used to be. They will sell juices and muffins and have an oven. He would like the Board to waive the requirement for site plan and a parking supply study. Ms. McKnight noted the parking requirement is quite higher than what it is replacing. Mr. Cramer stated he would have to speak with the Building Inspector about that. They will have no more than 10 or 12 seats. He feels it should not be dramatically more than it was.

Ms. Newman asked where the use would fit in the By-Law. Mr. Cramer noted it would be food with accessory use. Mr. Jacobs stated he does not feel they need a site plan or a parking study. Ms. Grimes agreed.

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

VOTED: to give the Planning Director authority to determine if site plan and a parking study is required and one factor should be to what extent a waiver is needed.

Request to authorize Permanent 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).

Request to release bond: 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 the Commission on Disabilities went out and they are satisfied. Ms. Newman stated it is appropriate to allow operation and release the remaining funds they hold.

Mr. Eisenhut noted the following correspondence for the record: a letter from Dave Volante, dated 2/15/13 and a memo from Karen Pierce, of the Park and Recreation Commission, dated 5/30/13.

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

VOTED: to authorize a permanent occupancy permit and release any remaining funds they hold.

Minutes

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

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to approve the minutes of 4/8/13.

Discussion of Deminimus Change and Amendment Criteria.

Mr. Jacobs stated they could agree to keep it on a case by case basis. He noted in the McDonald's case it had to get to engineering in a hurry up mode. He feels no one is going to object unless engineering has an issue. Ms. McKnight stated she feels it is up to the applicant, the attorney and the Building Inspector to get an interpretation if it requires action from the Board.

Ms. Newman stated if the board wants to allow certain types of things they should think about that so the permit on its face does not change that. She asked what the flexibility is they want to grant. She noted a conscious decision was made to not give the Design Review Board the power to make decisions but as advisory only. They should consider giving authority to let the Design Review Board make decisions. Ms. McKnight stated they could say "no change without the decision of the Design Review Board." Ms. McKnight noted this could be put in the permit.

Report from Planning Director

Mr. Jacobs asked what the schedule was for dealing with medical marijuana. Ms. Newman stated the Town Manager is setting up a meeting this month. She noted she was going to wait and see what the Town Manager is going to do. They need to define the use and where it should be allowed. Ms. McKnight asked how "grow your own marijuana" was going to be handled. Mr. Eisenhut commented they should look at state regulations. They will have a lot to say.

Ms. McKnight asked if they were going to set up a Committee for Residential Reconstruction after Town Meeting. Ms. Newman stated yes but they are short-handed right now. She noted they have lost a ZBA person. She will create the committee and get it going. Ms. McKnight noted the committee should look at what Brookline has done with historical. They have created, by By-Law, a site plan approval process.

Mr. Jacobs commented on parking at Pollard along Harris Avenue. He stated a lot of cars are parking in the front area. There is always more available parking in the lots than there are cars in the informal area. He wants to use the summer to resolve this problem. Ms. Newman stated the problem is it was not a condition of the permit that they not park there. Mr. Jacobs stated he believes the schools parking estimates were wrong. He asked if the Planning Director could contact the Superintendent and let him know not to park there. Ms. Newman will call the Superintendent and speak with him.

Ms. McKnight has a question about the Mews 40B project. She stated she attended the hearing and she gives a lot of credit to the organizers of the people who opposed the project. She feels they were very effective in the way they brought people out and articulated their opposition in a very responsible way. She stated the plan shows a sewer easement with a building going right on top of it. One of the jurisdictional issues of 40B is to have site control. The Zoning Board has no power to grant a comprehensive permit if the developer does not have site control. Under this new arrangement first you get a site approval letter from the DHCD. They look at site control and they make the decision. As part of their letter they say the applicant has site control. She feels what may have happened was this was not brought to the attention of the DHCD and they did not see it. She would like whoever can carry this forward to know it is not too late to make an issue of this and get the decision reversed. Ms. Newman clarified this is the site eligibility letter. Ms. McKnight stated that is correct. Ms. Newman will contact Town Counsel David Tobin to discuss this issue.

Ms. Newman gave an update on Needham Bank. The bank is moving forward with plans for the plaza. They will work with the Design Review Board. It will go to the Streetscape Review Committee then it will go to the Planning Board. Ms. Newman noted the Lincoln Street lots are proceeding. There is landscaping along the edge and sidewalk system to connect the lots internally. The Selectmen had a meeting last week. She noted the plan will probably come to the Planning Board in July or August.

Upon a motion made by Mr. Jacobs, and seconded by Ms. Grimes, 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

Sam Bass Warner, Vice-Chairman and Clerk