

NEEDHAM PLANNING BOARD MINUTES

May 20, 2014

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building was called to order by Martin Jacobs, Acting Chairman, on Tuesday, May 20, 2014 at 7:00 p.m. with Mr. Warner and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearing:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 96-5: Ultimate Beauty Laser Spa, Inc. c/o Jeff Reddish, 620 Park Avenue, Suite 185, Rochester NY 14607, Petitioner (Property located at 922-958 Highland Avenue, Needham, MA).

Robert Smart, representative for the applicant, introduced Jeff Reddish, who grew up in Needham and currently lives in Rochester NY and Architect Mark Gluesing. This is 1,407 square feet of medical use. They are seeking a special permit to amend the permit. He reviewed the waiver requests which include a waiver for more than one non-residential use on a lot, a waiver of 3 parking spaces and a waiver of request for an individual entrance. He noted the entrance would only be from Highland Avenue, through a hallway from the entrance to vinodivino. He submitted a letter to amend the number of staff from 4 to 3 and the number for patients at 5.

Mr. Jacobs asked Mr. Smart to summarize the parking. Mr. Smart noted the total demand for all uses is 126 spaces. They have 123 spaces provided so they need a waiver of 3 spaces. There are 113 spaces behind the building and 10 in the Avery Square Business on the north side of Highland Avenue adjacent to the building. Ms. McKnight asked what the supply of off-street parking was. Mr. Smart noted the supply of off-street spaces is 10 spaces. He did parking counts in the back and in the front on the north side of Highland Avenue across the street and between Morton Street and Mellon Street. He has provided charts. On Thursday at 9:00 a.m. there were 75 spaces available, at 1:15 p.m. there were 45 spaces and at 5:00 p.m. there were 61 spaces. On Saturday at 11:25 a.m. there were 79 spaces available.

Jeff Reddish, proponent, stated this is by appointment only and there will be no walk-ins. The average time for service is about 10 minutes and appointments are scheduled at half hour intervals. There will be certified aestheticians and Dr. Russo will oversee them. All are FDA approved. There will be 6 to 8 treatments for laser hair removal. Mr. Jacobs asked if Dr. Russo would be on site all the time. Mr. Reddish stated he would not be. He would be doing training and checking occasionally.

Marc Gluesing noted they had a revised floor plan. The Building Inspector and State Plumbing Board requested a separate bathroom for employees and customers, male and female. They have created a reception space. They will take clients to the treatment rooms. There will be 3 spa spaces and 2 technicians. They propose an entry door to the space off the hallway rather than another recessed entry area. It is unnecessary to have 2 entrances in the small space. Ms. Grimes asked if there is another entrance to vinodivino and was informed there was at the end of the hall.

Mr. Smart stated the hours would be Monday through Friday, 9:00 a.m. to 7:00 p.m., Saturday 9:00 a.m. to 2:00 p.m. and closed on Sunday. Ms. McKnight asked if the name of the shop will be on an awning. Mr. Gluesing stated they will work with vinodivino for signage on an awning. Ms. McKnight stated she wants to make sure there is still an identity for vinodivino in the front. Mr. Gluesing stated there may be a combination of names on the awning. Mr. Jacobs noted Ms. McKnight would like something in the decision that vinodivino is identified in the front. Mr. Gluesing stated they have no problem with that.

Mr. Warner asked if there were 2 exits in case of fire. Mr. Gluesing stated this size space does not require 2 exits. The 2nd exit is out of the office to the hallway. Mr. Warner stated he assumes the state regulates doctors such as

supervising aestheticians. Mr. Jacobs asked if they were licensed by the state. Mr. Reddish stated they are. Mr. Warner stated he wants supervision and asked what the supervision consists of. Mr. Gluesing stated the Board of Health oversees.

Ms. McKnight asked where the use falls in the table. Mr. Smart stated medical clinic, office use or consumer craft services. Ms. Newman noted it was treated differently due to the licenses required and overseen. They need to amend because only retail is allowed on the 1st floor. Mr. Jacobs noted they need to call out the professional service use rather than medical.

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

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

Mr. Jacobs noted the following correspondence for the record: a memo from Fire Chief Paul Buckley, dated 4/28/14, noting no concerns or objections; a memo from Janice Berns of the Board of Health, dated 5/1/14, noting they would like the name of the doctor overseeing the clinic; a memo from Police Lt. John Kraemer, dated 5/13/14, noting no safety concerns but with comments, which will be put in the decision and a memo from Town Engineer Anthony DelGaizo with no comments.

Mr. Smart stated he looked at the draft decision. He asked for a few changes to the proposed decision. Mr. Jacobs stated in Section 1.6, it states not more than 4 employees and 2 patients. Is that still correct? Mr. Smart stated that is still correct and everything looks fine. Ms. McKnight noted there will be no liquor storage and signage will indicate both businesses. To be clear, they have characterized this as professional services/medical related.

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

VOTED: to close the hearing.

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

VOTED: to grant a Special Permit for more than one non-residential use on a lot and to allow for a use other than retail on the first floor of the subject building; to waive strict adherence with the off-street parking requirements to allow a waiver of 3 spaces; to grant a Special Permit for relief from the requirement of providing an individual entrance from the exterior of the building into the Petitioners facility; to grant a Major Project Site Plan Review under Section 7.4 and to incorporate into the decision before us tonight the changes discussed.

7:30 p.m. – Major Project Site Plan Special Permit No. 2014-04: ONE Nation Fitness, LLC, 15 Kenilworth Road, Wellesley MA 02482, Petitioner (Property located at 10-16 Charles Street, Needham, MA).

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

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

Kathleen Power, owner and manager of the building, noted the building is in the Mixed Use 128 District. There are other athletic facilities in the area. She noted this is warehouse space. There is a rug store in front and it is mostly warehouse space in back. JC del Real, partner in ONE Nation Fitness Partners, LLC, stated there will be individual coaches to work one on one or group sessions that are 45 minutes long. They will start at 6:00 a.m. with classes on the hour at 6:00, 7:00 and 8:00. At 9:00 a.m. it starts to wind down. The hours are different from others in the building. The other businesses open at 9:30 a.m.

Ms. Power stated there is a private lot in the back of the building that has about 32 or 33 spaces. There is an equal number in the front. They need 125 spaces. There are 2 showrooms in the building that need about 22 or 25

spaces. They did a survey and they are not that busy. She noted this is an old building built in the 1960s. Most of the work that will be done is on the inside. They need to put an ADA ramp for exterior access. The Building Inspector has been out twice and helped formulate the plans.

Ms. Powers stated there are a main entrance and a side entrance for a 2nd egress. A corridor goes straight from the warehouse to the parking lot. This is 8,400 square feet of the 39,000 square feet. They wanted 2 passages and a direct shot to the parking lot. The architect has formalized plans. They will measure a second time to get definitive figures. It will be 8,400 to 8,900 square feet. Mr. Jacobs stated they cannot pin down a parking waiver without a definite number. Ms. Grimes commented they should go with the higher number of 65 spaces and he will not have to come back. Mr. Jacobs noted they require a floor plan with dimensions.

Ms. McKnight stated she was ok with a waiver but she understood there was only one class in the morning and one class in the afternoon. There could be 3 or 4 classes with 10 people or maybe 20 people at one time. Mr. del Real stated classes are 45 minutes. There could be a little overlap. Classes are at 6:00 a.m. or 7:00 a.m. In practicality hours do not overlap with other tenants.

Ms. McKnight noted parking space counts are in excess of the requirements. Mr. Del Real stated the maximum was at 10:30 a.m. with 7 spaces. There were a couple of 6's in the afternoon. Mr. Jacobs noted there will be no more than 20 – 5 staff and 10 athletes. Mr. Del Real stated 5 staff is budgeted but there will not be that many at the start. There will be one coach for 10 people and an unknown number for one on one. Mr. Jacobs stated he would go to 21 to alleviate any issues. Ms. Grimes agree. Ms. McKnight agreed that 21 is the number.

Mr. Jacobs noted the following correspondence for the record: a memo from Town Engineer Anthony DelGaizo, dated 5/15/14, with no comments or objections; a memo from Fire Chief Paul Buckley, dated 5/14/14, with no issues or concerns; a memo from Lt John Kraemer, dated 5/13/14, with no safety concerns and a memo from Janice Berns of the Health Department, dated 5/1/14, with no comments at this time but noting they will require a permit if food is sold.

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

VOTED: to close the hearing.

Mr. del Real reviewed the draft decision. Ms. McKnight noted a similar change in conditions. Classes will be 45 minute sessions with one per hour with a maximum number of 21 at present.

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

VOTED: with the above change in the decision and conditions, to grant a Major Project Site Plan Review under Section 7.4, to grant a Special Permit under Section 1.4.6, if applicable; to grant a Special Permit under Section 3.2.6.2, if applicable; and to grant a waiver of 65 spaces under Section 5.1.1.5.

8:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2013-02: Needham Solar, I, LLC, 40 Walnut Street, Suite 301, Wellesley, MA 02481, Petitioner (Property located at 1407 Central Avenue, Needham, MA).

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

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

Mr. Jacobs asked Michael Singer, of Brightfield Development LLC, the relationship between Brightfield and Solar LLC. Mr. Singer stated they are based in Wellesley and each project is its own LLC. This is a single purpose entity which is Needham Solar LLC. The actual people building it would be Advanced Solar Products.

Mr. Jacobs asked if Advanced Solar was a corporation. Mr. Singer stated it is a C Corporation. Alex Sarly, stated he was with Solar City Corporation. He will be the owner of the system and financier.

Lyle Rawlings, noted he was President and CEO of Advanced Solar Products. He stated Solar City will be the third party owner due to tax issues with public projects. Mr. Warner noted the Town of Needham would lease space to Solar City. Mr. Sarly stated Needham Solar I will lease from the town. Needham Solar I will be sold to Solar City. Hank Haff stated anticipated financing will be necessary for this project. The town wanted one primary financier.

Mr. Singer stated Stephen Wiehe, of Weston & Sampson Engineers, Inc., sent a letter with all the criteria. They worked on the salt shed project and the closing of the landfill in the 1990s. They have worked with the town and reviewed all aspects of the project. The work needs to be coordinated with several departments. They need a review and comments by the DEP. There is special coordination to deal with the capped landfill. He gave a description of the area and the layout of the system. It will be 3.7 megawatts. He noted 98% in Massachusetts are built this way with a third party financier. They have filed a determination of applicability for wetlands and submitted Sheet E1 for N Star with a grid connection.

Mr. Singer noted all modules are wired together with the transformers up to the grid. The Certification of Liability names will be clarified prior to the start and there will be a bond in place. It will cost \$93,123 to decommission the equipment. He then reviewed his letter point by point. The O and M plan has been written. The site control documents are done. They have called out the dimensions, density and parking requirements. No landscape plantings are proposed for this application. He noted no plantings are allowed on capped landfills.

Mr. Haff stated there are extensive existing trees that separate this site from the abutters. Mr. Wiehe stated there is no parking proposed. It will be 4 months for construction. He explained the design standard and noted there will be 4 courtesy maintenance lights. A project identification sign will be erected at the site. He explained the utility connections, conditions and fencing.

Mr. Singer reviewed the site plan. He noted they will come up the existing access road to the top of the landfill. They will augment the road. At the top of the landfill will be a new roadway. It brings access to the back of the site. The Fire Chief is comfortable with the layout. He wanted a turnaround in the middle and they have provided that. All wiring is above grade, sitting on a gravel pad. Ms. McKnight noted, regarding plantings, if there are sufficient setbacks the only transition area you need is the area beyond that owned by the town so they are all on site. She asked what the leased area is.

Mr. Singer stated it will be defined once all the agencies are approved. They will get it surveyed and defined. Mr. Wiehe continued with a review of his letter with safety and environmental standards, emergency shut off and procedures. Mr. Warner asked if they will have 2 fabrics there, the existing and a new one they will put down. Mr. Wiehe stated yes. He reviewed maintenance modifications, if any, abandonment and decommissioning. He stated they will have a bond in place for financial surety. He then reviewed the requirements of 7.44. They are requesting a waiver of the locus plan and existing structures. Mr. Haff noted the C1 plan is compliant.

Mr. Jacobs stated they need to be concerned the existing access road is sufficient for construction. Mr. Haff referenced the salt shed site and how trucks move through the site. He noted tractor trailers also move through the site then out during the day removing trash. They are advocating staying on the paved road that existing trucks utilize. This is consistent with existing conditions.

Ms. McKnight stated visuals should show the width and construction of the existing access road. Mr. Singer explained the flow of traffic. They will dispose of some material currently on site and are working with the town on this. Ms. Newman stated the Town Engineer is satisfied with the project. Mr. Wiehe noted drainage, utilities and landscaping are not applicable. There may be some minor trimming of trees. There is no permanent loading and unloading so that is not applicable and no refuse removal.

The estimate to remove the system is \$16,490 per mega watt, times 3.7 megawatts is \$61,000. They then extrapolated 2.5% inflation per year for a total of \$95,123. That includes dismantling, disposal, salvage, landfill cap restoration and all other costs. Mr. Jacobs stated that seems reasonable. He asked if they can get an independent view if the number is fair. Is there expertise within the town to review the numbers and see if they are fair? DPW Director Richard Merson believes they do have the expertise. Mr. Rawlings stated the useful life of these panels is 35 years. Ms. Newman stated they need the information and plans on the fence. Ms. McKnight stated they need a letter that Weston and Sampson's estimate is accurate.

Mr. Jacobs noted the following correspondence for the record: an email from Fire Chief Paul Buckley with no objections; an email from Janice Berns of the Board of Health with no comments; an email from Police Lt. John Kraemer with comments regarding the fence and no safety concerns; and an email from Town Engineer Anthony DelGaizo with no comments or objections. John Kennedy, of WEEI Radio, stated he fully supports the project.

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

VOTED: to continue the hearing to 6/10/14 at 7:00 p.m.

Minutes

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

VOTED: to accept the minutes of 3/18/14.

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

VOTED: to accept the minutes of 5/5/14.

Ms. McKnight noted on the minutes of 5/7 it should say "By-Law" not "By like."

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

VOTED: to accept the minutes of 5/7/14 with the one change discussed.

Review of Town Meeting.

It was decided to postpone this until Mr. Eisenhower is back.

Report from Planning Director.

Ms. Newman noted the Senior Center requires onsite parking and other parking. They have 12 spaces in the Mark Lee lot. They would like to change the parking on the Avery side of Highland Avenue to permit parking. She asked if the Planning Board would do this as a de minimus change. She does not think there is a problem. She would like to do as a de minimus change. Ms. McKnight stated she is inclined to agree but asked under what statute can you have permit parking on a public way? Ms. Newman will verify it is lawful.

Mr. Jacobs stated he does not want it to be a carte blanche to park anywhere in town they want. Ms. Newman will get specific information from Town Manager Kate Fitzpatrick. Ms. Grimes stated she would like to know how many Senior Center employees have parking permits. Ms. Newman will check.

Ms. Newman noted Ken Mackin wants \$6,000 released. The electric line has gone in and the drainage is done. They have the As-Built plan.

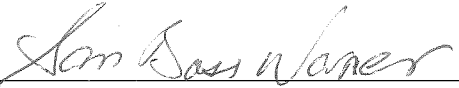
Upon a motion made by Ms. McKnight, and seconded by Ms. Grimes, it was by the four members present unanimously:

VOTED: to release \$6,000 as requested.

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

VOTED: to adjourn the meeting at 10:05 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Sam Bass Warner, Vice-Chairman and Clerk