NEEDHAM PLANNING BOARD MINUTES

June 23, 2015

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, June 23, 2015 at 7:00 p.m. with Messr. Eisenhut and Alpert and Ms. Grimes as well as Assistant Planning Director, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Correspondence

Mr. Jacobs noted a letter to the Editor of the Jamaica Plain Gazette, dated 5/22/15, as an FYI.

Public Hearing:

7:00 p.m. – Special Permit No. 2015-02: Spiga, LLC, 18 Highland Circle, Needham, MA, Petitioner (Property located at 18 Highland Circle, Needham, MA).

Mr. Jacobs stated this is an application with one small issue. The applicant wants to reduce the side line from 10 feet to 7½ feet. This has been to the Zoning Board of Appeals. He noted the restaurant wants additional seating inside where the outside seating currently is and will move the kitchen.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:
VOTED: to waive the reading of the public hearing notice.

George Giunta Jr., representative for the applicant, stated there is one small issue and this is a 2 Board process. He noted all other relief came from the ZBA. The applicant wants a Special Permit waiver of the side yard setback from 10 feet to 7½ feet. He noted this is only one side of one proposed addition. He commented this is an interesting situation. Lot A is not owned by Mr. Iriti but is owned through Ready Realty Trust. The parking is owned by the owner of the other property in front. Mr. Iriti has a 99 year lease through 2081.

Mr. Eisenhut asked if the other owner is on board with this and knows what is being proposed. Mr. Giunta Jr. stated the other owner is aware and the lease gives Mr. Iriti the ability to build on the lot. The lot is all asphalt currently. The applicant will add a clump of landscape in front and one in the rear. The applicant will redesign and change the kitchen area. It will be reconfigured for better movement. He stated the front addition will give 36 new indoor seats where the outdoor seating currently is.

Mr. Giunta Jr. stated the ZBA voted last week and approved. Mr. Eisenhut stated he would feel more comfortable with a letter from the owner of Lot A. Mr. Giunta Jr. stated he provided a copy of the lease. This change is very limited. It is a 2½ foot reduction and not significant. Carmello Iriti, owner of Spiga, stated he has been in Highland Circle for 38 years. He put the road there because the town would not. It is a private way. He noted it was a warehouse and he wanted to do something nice. He thinks this will be beneficial. He stated it is too small right now.

Mr. Alpert asked if Mr. Iriti gave notice to the landlord. Mr. Giunta Jr. stated they have. Mr. Jacobs commented on the area between parking spaces 7 and 8. He was there and went out the wrong way. He wants to make sure the applicant is having people come in and out correctly rather than cutting through. Mr. Iriti stated it is not an issue. All business customers come and go however they can. Mr. Jacobs stated it will be good once the plantings are in. He suggested Mr. Iriti put a sign between parking spaces 8 and 9 regarding the exit being behind them. Mr. Iriti stated he planned to but is looking at valet parking to control everything. He will put a sign.

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

VOTED: to close the hearing.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:
VOTED: to grant a Special Permit under Section 4.9.3 to waive the side setback to reduce the side yard setback by 25% from 10 feet to 7.5 feet.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Alpert, it was by the four members present unanimously:
VOTED: to reopen the hearing for the purpose of reading the correspondence into the record.

Mr. Jacobs noted the following correspondence for the record: a letter dated 6/22/15 from Assistant Town Engineer Thomas Ryder noting no comments; an email, dated 6/9/15, from Tara Gurge of the Health Department commenting of the need to review the food plan; a letter, dated 6/18/15, from Debbie Anderson of the Conservation Commission, with comments; and an email from Sheila Page forwarding comments from the Fire Department and Police Department.

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

DeMinimus Change: Major Project Site Plan Review Special Permit No. 1998-11: 17 Kendrick DE, LLC c/o, the Bulfinch Companies, 250 First Avenue, Needham, MA 02494, Petitioner (Property located at 117 Kendrick Street, Needham, MA).

Mr. Jacobs noted the following correspondence for the record: an email from Tree Warden Edward Olsen, dated 6/16/15, to his Board; a letter from Assistant Town Engineer Thomas Ryder with no comments or objections and a 6/18/15 notice from the Planning Board to the abutters.

7:30 p.m. – 1001 and 1015 Central Avenue Definitive Subdivision: RRNIR LLC, 20 Beaufort Avenue, Needham, MA, Petitioner (Property located at 1001 and 1015 Central Avenue, Needham, MA). *Please note: This hearing will be continued to the August 11, 2015 meeting of the Planning Board.*

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:
VOTED: to continue the hearing to 8/11/15 at a time to be determined.

DeMinimus Change: Major Project Site Plan Review Special Permit No. 1998-11: 17 Kendrick DE, LLC c/o, the Bulfinch Companies, 250 First Avenue, Needham, MA 02494, Petitioner (Property located at 117 Kendrick Street, Needham, MA). – *Continued.*

Roy Cramer, representative for the owner of the property at 117 Kendrick Street, noted the prior owner let the landscape go. The new owner has done some pruning. He noted he could not find the original landscape plan from 2002-2003. Some vegetation has died and been replaced and some additional has been done. He stated he has prepared a new plan to reflect more plantings that the applicant wants to substitute for the original landscape plan. The Design Review Board has approved the plan.

He noted Giles Ham and Nelson Hammer made some suggestions and the suggestions were incorporated. Ms. Newman wanted input from Tree Warden Olsen. The plan has been finalized with all the suggestions. He is asking that the revised plan be substituted for prior plans. Mr. Eisenhut asked why this is a deminimus change and not an amendment. Mr. Cramer stated it is a minor issue. The applicant is just making some changes in landscaping. Paul Finger, landscape architect, stated the applicants are still planting the boundary. It will just be a different species. He noted they have pruned the white pines that are there.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:
VOTED: to deem the revised landscape plan as deminimus.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:
VOTED: to approve the deminimus changes as reflected in the plan.

Release of lots and establishment of off-street drainage bond: Definitive Subdivision Amendment: 250 Cedar Street Realty, LLC, Dennis Paul, Manager, Petitioner (Property located at 250 Cedar Street in Needham, MA).

Mr. Jacobs noted a letter from Robert Smart. Ms. Clee stated the Registry requested Mr. Smart get some information before he could record the plans. She noted there is nothing to sign tonight. Mr. Smart will get it next week. He would like the Board to vote to establish a bond at $3,500 each for a total of $7,000 and vote to release the lots once the bond is set and received. Ms. Clee will then add the received information to the agreement for the Board's signature.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. Grimes, it was by the four members present unanimously:
VOTED: to release the lots when the bond and recorded information is received and vote to establish the bond.

Request to Release Surety: Major Project Site Plan Special Permit No. 2012-04: Needham Bank, 1063 Great Plain Avenue, Needham, MA, Petitioner (Property located at 1055 & 1063 Great Plain Avenue, 10 Eaton Square, 232 & 244 Garden Street, 0 Garden Street, 0 Eaton Square, Needham, MA).

Mr. Jacobs noted this was off the agenda for tonight.

Minutes

The Board members gave their changes to Ms. Clee.

Report from Planning Director and Board Members.

Mr. Jacobs noted the Board received a request for a meeting with Selectman Maurice Handel, Selectman Matthew Borrelli and Town Manager Kate Fitzpatrick to discuss Rockwood Lane. It was noted Town Counsel David Tobin has raised 2 issues. Mr. Jacobs stated the Town does not have authority to collect fees for repairs like they are real estate taxes. This has been taken out of the documents. Mr. Tobin raised the policy matter with the Selectmen. He would like the Selectmen to see if the town wants to have the right to do the work if the owners do not do it. Mr. Jacobs stated he discussed it with Selectmen Handel and Borrelli and Town Manager Fitzpatrick. They are going to discuss it tonight at the Executive Session.

Ms. Newman noted she feels the Selectmen would want to have a public hearing regarding this. She wants to lay out their concerns before the 2 documents are signed. She stated the town has rights through the covenants and easement documents. Mr. Jacobs commented he feels the Selectmen feel they have been blindsided by this. He wants the neighbors to know anything they have the right to. The neighbors are under no obligation to do this. He stated the applicants are concerned they will be delayed if the Selectmen do not sign.

Ms. Grimes noted she is concerned this should be done while school is out. Mr. Jacobs informed her he agreed and the Selectmen are aware of that concern. He noted the Selectmen may go along and sign. Ms. Clee will give the members an update tomorrow. Ms. Grimes asked if there is a way to let the applicant start and work with the Selectmen on the drainage aspect which is probably a year away. This gives the Selectmen plenty of time to resolve that issue. Mr. Eisenhut suggested Ms. Grimes speak with the Planning Director in a couple of days.

Mr. Jacobs commented that at this meeting Selectmen Handel and Borrelli and Town Manager Fitzpatrick wanted to talk about the Oak Street decision and how the Board could make the decision they did. The tone of the meeting was not good. He was not pleased.

Upon a motion made by Ms. Grimes, and seconded by Mr. Alpert, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 8:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk