NEEDHAM PLANNING BOARD MINUTES

April 11, 2016

The regular meeting of the Planning Board held in the Selectmen's Chambers, Needham Town Hall, was called to order by Jeanne McKnight, Chairman, on Tuesday, April 11, 2016 at 7:07 p.m. with Messrs. Eisenhut and Jacobs, and Ms. Grimes as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

Correspondence

Ms. McKnight noted the following correspondence for the record: a Needham Times article, dated 4/7/16, regarding Large House Regulations and a revised Planning Board meeting schedule.

Transfer of Permit: Major Project Site Plan Review No. 2006-04: Asillem, LLC, d/b/a Stone Hearth Pizza Co., P.O. Box 725, Sherborn, MA 01770 to Sol Soul Family Foods, LLC d/a/a Hearth Pizzeria, 59 Mount Vernon Avenue, Needham, MA 02492, Petitioner (Property located at 974 Great Plain Avenue, Needham, MA).

Ms. Newman noted she needed to get the application. It has been signed by the manager of the LLC and is in the packet tonight. Ivan Millan-Pulecio, Executive Chef/General Manager, stated he has been doing business since March 2015. He did not know he needed a transfer. He was the Executive Chef for Stone Hearth Pizza and used to run the business. He stated everything is the same with 64 seats and local organic when possible. Nothing major has changed. He stated he would present a plan at a later time for bar type seating.

Ms. McKnight noted the Board has the proposed decision and all conditions are the same. Mr. Jacobs asked who is applicant Robert Craig. Mr. Millan-Pulecio noted that is his business partner. When they created the LLC, they were both going to be listed as manager. Mr. Craig is a silent investor and appears as manager for LLC on the Secretary of State website. Mr. Jacobs stated he thinks the applicant should be the LLC and not Robert Craig. The applicant could write Robert Craig, Manager, and then name the LLC. It could be changed on the application tonight and then refiled.

Ms. Grimes stated she feels it is unnecessary to have special permit holders come before the Board to change the owner of the business. Such a requirement should not be in the decision or any further decision. Mr. Eisenhut stated the Board needs something that certifies the applicants have read the terms and conditions.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to transfer the permit according to the terms and conditions of the draft decision.

Request to authorize Planning Director to authorize Occupancy Permit: Amendment to Major Project Site Plan Special Permit No. 1991-03: North Hill Needham, Inc. (formerly known as Living Care Villages of Massachusetts, Inc.), 865 Central Avenue, Needham, MA 02492, Petitioner (Property located at 865 Central Avenue, Needham, MA).

Roy Cramer, representative for the applicant, noted this is Phase 4. There will be 45 individual living units. The applicants expect to do As-Builts and request a Certificate of Occupancy. He would like the Board to delegate to Ms. Newman authority to review and approve everything and issue a Certificate of Occupancy. Ms. Newman noted she has no issues. If problems come up she will come back to the Board. The Board will sign a bond agreement.

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

VOTED: to approve the request as set forth in the second paragraph of Attorney Roy Cramer's 4/4/16 letter.

Request for modifications pursuant to the Design Guidelines Section of the Decision: Amendment to Major Project Site Plan Special Permit No. 2012-07: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 66B Street, 360 First Avenue, 410 First Avenue and 37 A Street, Needham, MA 02492).

Request to release bond at time of building permit issuance: Amendment to Major Project Site Plan Special Permit No. 2012-07: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property located at 66B Street, 360 First Avenue, 410 First Avenue and 37 A Street, Needham, MA 02492).

Ms. McKnight noted the following correspondence for the record: a memo from the Design Review Board, dated 3/21/16, with comments regarding the garage and lighting; a memo from the Board of Health with no comments; a letter regarding proposed changes and a plan. Roy Cramer, representative for the applicant, stated the main reason he was here was the garage and he will address the interior lighting at the same time.

Kevin Daly noted 2 bays have been done. The applicants will do another 2 bays and possibly another in the future. He noted there will be scrimshaw on the side to cover. He wants to move the higher intensity lighting in the middle in the travel lanes. He stated that cannot be done a little at a time. Ms. McKnight stated, in her own view, she felt the lights were excessively bright.

Carrie Hawley, of HBL Lighting, showed the existing conditions. She noted the project is within the light level guidelines for parking garages, however it is too bright from the outside. She is proposing going with a different fixture, which is less bright. It will be tremendously less bright. They will use the fixtures there but will dim them to modify the light levels. She noted LED's tend to diminish over time so are brighter to start with. The ramps need brighter lights so the project is putting various strategies in place to make it visually comfortable for everyone.

Brian Roessler, of Elkus Manfredi Architects, showed the garage. It will be concrete with metal screen and there will be a copper and glass stair tower. The project will use the same materials the Board approved in December. The applicant will install a series of banners with neutral art. There will be no advertising. There is currently stainless steel mesh and there will be the same materials. Mr. Eisenhut asked what modifications there were. Mr. Daly stated the Board has already approved the whole project. The applicant is just putting a temporary banner, which is a condition that was not shown before. This was a 5 bay garage but only 4 bays are being done now with banners.

Ms. McKnight noted the applicant is modifying lighting and the exterior of the garage. Mr. Cramer asked the Board to make a finding the plans filed are consistent with design guidelines.

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

VOTED: to approve the modifications as consistent with the previous decisions and with the design guidelines, and with respect to the exterior and the lighting, subject to Design Review Board approval on the north facility.

Mr. Cramer stated Trip Advisors opened on a temporary Certificate of Occupancy and a bond agreement with the Town to finish the landscaping. He noted all the landscaping is done except one area -- the loam and seed area on the northern side of the site which will now be constructed. The applicant would like release of the balance of the bond, at the time of building permit issuance, upon final sign off by Engineering and would request the Board authorize a permanent Certificate of Occupancy. Mr. Eisenhut asked if there were any issues. Ms. Newman noted there were none.

Mr. Cramer stated Engineering has signed off and the bond was reduced to the cost of the loam and seed of one area. The project is not going to do that area and it has already been signed off. The Board is holding $243,000 currently. Mr. Eisenhut noted the Board could authorize the issuance of a permanent Certificate of Occupancy assuming there are no recent complaints or issues brought to their attention and subject to verification there have not been any issues to Engineering.

Upon a motion made by Ms. Grimes, and seconded by Mr. Alpert, it was by four of the five members present (Mr. Eisenhut abstained):
VOTED: to approve the requested release of the balance of the bond money being held and it be returned to the said Normandy GAP-V Building III, LLC, the remaining portion will be loamed and seeded after completion of the fourth bay and authorize the Building Inspector to issue a permanent Certificate of Occupancy after the Building Permit for expansion of the garage.

Decision: 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. McKnight noted for the record: a draft decision; a letter from Assistant Town Engineer Thomas Ryder with no comments or objections; and updated plans, based on what the Design Review Board wanted, showing additional trees extended. The modified plans shall be submitted to the Board. Mr. Eisenhut requested there be no deliveries off of Brookside Road. Ms. Newman confirmed that has been added as a condition.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Jacobs, it was by four of the five members present (Mr. Alpert abstained):
VOTED: to grant a Major Project Site Plan Special Permit under Section 7.4 of the Needham By-Law and grant a Special Permit to waive strict adherence to the requirement for parking plan and design requirements and further site plan approval under the provisions of the Special Permit that has already been issued, all in accordance with the draft decision the Board has reviewed.

Minutes

The Board passed in corrections and changes.

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Michael Joyce – 212 Washington Street.

Mr. Jacobs stated he knows this property. The foundation has already been poured. He stated it is hard to believe it will fit 3 garages.

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

Mele Management Co., Inc. – 9 Ridgeway Avenue.

Mr. Eisenhut stated he still feels if someone voluntarily razes a nonconforming you lose your grandfathering. Ms. McKnight stated she disagrees with that. Mr. Eisenhut commented there are no grounds for a variance. Mr. Jacobs agreed. Ms. McKnight noted the applicant might have a case for a variance due to frontage and width of lot. She is not inclined to comment.

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

VOTED: to make no comment on the Special Permit application and note the Board sees no grounds for a variance.

Brian Millerick – 1361 South Street.

Ms. McKnight noted this is a new plan due to the Planning Boards previous comments that the plan was too dense. Mr. Eisenhut stated the Board should reiterate the original comments.

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

VOTED: to comment the plan should be downsized to the FAR for the district.

League of Women Voters Warrant Meeting room assignments.

The Board discussed room assignments. Ms. Newman will cover Precinct B for Ms. Grimes. Mr. Owens will cover Precincts I and J.

Article presentation assignments for Annual Town Meeting.

The Board discussed who will present which articles. Ms. Bailin will present Articles 18 and 19 with Ms. McKnight as a backup. Mr. Alpert requested Articles 18 and 19 be discussed together. Ms. Grimes noted the Large House public hearing. There was a great turnout. Mark Gluesing did a great job with the presentation. She commented it will need to be simplified for the public. She noted the article in the Needham Times was friendly but she is not sure of the feeling of the builders. Most did not speak although the general concept was well received. She does not think the article was accurate.

Ms. McKnight stated she feels Lou Wolfson was speaking generally and not specifically about the proposals. He did not address any part of the issue. The builders that did speak spoke of particular things such as how height is measured. Ms. Newman stated the idea of averaging the frontage had some concerns raised. Ms. Grimes noted going forward Committee members were allowed to speak. She does not know if they should do that if it goes to the public. There are too many differing opinions. The thoughts should be taken back to the group for discussion. A lot of information was given to people. She feels the Board needs to walk a fine line. They want people to ask questions. This is a very complicated proposal for the lay person.

Mr. Jacobs noted the Board needs to answer why they are coming out with less restrictive rules than surrounding towns. He feels that will be the question to answer. Ms. Grimes stated they are creating something specific to Needham. Ms. McKnight noted the next step is for the Large House Study Committee to meet again.

Ms. Newman gave a Rockwood Lane Subdivision update. Some trees are in the way of a wall being constructed. Town Engineer Anthony Del Gaizo told the applicant to talk with the abutters. This has been resolved with the abutters and she will let the applicants know they can move forward. She noted she has given an FYI to the Realtors on the Large House proposals.

Ms. Newman noted a concern as to medical marijuana distance-from-school requirement. She has a 500 foot map and a 1,000 foot map. The Riverside School Community Center needs to be measured off. With a 1,000 foot buffer it takes out almost every site as a possible medical marijuana dispensary. The Special Permit rules allow a reduction to 500 feet. All 3 applications with the Selectmen are outside 500 feet from the Riverside School.

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 9:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Elizabeth Grimes, Vice-Chairman and Clerk