

NEEDHAM PLANNING BOARD MINUTES

June 12, 2018

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, June 12, 2018, at 7:00 p.m. with Messrs. Owens and Jacobs and Ms. Grimes, as well as Planning Director, Ms. Newman.

Request for Permanent Occupancy Permit: Major Project Site Plan Special Permit No. 2016-02: Claremont Needham Suites, LLC, One Lakeshore Center, Bridgewater, MA 02324, Petitioner (Property located at 200 First Avenue, Needham, MA).

Robert Smart, representative for the applicant, noted all site work is done, all certifications are in compliance and all is certified except for one. The applicant needs land court approval for the lot on the consolidation plan. He feels it would be appropriate to release most of the \$110,000 and hold back a small surety until the land court approval is received. He feels holding \$10,000 is sufficient. He added the interest rate on the remainder of the loan will go down once a permanent Certificate of Occupancy is received.

Mr. Jacobs asked what the land court said when told it has been 6 years. Mr. Smart stated he has not personally talked with them and has not been involved with the title aspect of this project. The project has changed hands several times. Mr. Jacobs noted the title is currently under the name of Claremont Suites LLC. Mr. Alpert stated he went to the registry website. He found in 2014 the Planning Board issued a Special Permit requiring a consolidation of lots. The applicant did the plan, and filed the plan, which was then the Fitness Center. The plan was filed but it cannot be accessed on the database. In 2016, Claremont got a Certificate of Title based on the consolidation plan, which you cannot get on the website. He feels the plan can be used as surety but should not hold up the permanent Certificate of Occupancy. Ms. Grimes advised the applicant he needs to go to the Land Court every week and stand there.

A motion was made to approve a Certificate of Occupancy and adjust the bond amount from \$110,000 to \$50,000. Ms. Grimes suggested \$25,000. This was agreed.

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

VOTED: to approve a permanent Certificate of Occupancy at this time and adjust the bond amount from \$110,000 to \$25,000.

DeMinimus Change: Major Project Site Plan Special Permit No. 2015-05: NBCBoston Real Estate, LLC, 160 Wells Avenue, Newton, MA and Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioners (Property is located at 89 A Street, 156 B Street, 189 B Street & 0 A Street, Needham, MA, 02494).

Stephen Newbold, of Gensler Architects, stated he went to the Design Review Board (DRB) with the latest designs. The DRB approved the revised designs. All plans have been forwarded to all departments. The Town Engineer had one comment, the change was made and there were no further comments. Mr. Newbold described the project, which is the same as the plan the Board saw. There is the same floor plan and scale of elements. There is a new entry element for a high level of transparency at night. There is a new brick fence that comes around and covers the courtyard. The plants are the same with similar spacing. This is a technical building but it works. The satellite dishes have come down from the roof. Metal screening and signage are to be determined.

Mr. Jacobs stated it is very well lit. He asked if that would cause problems for abutters. Mr. Newbold stated the lights are stainless steel mesh and lit from the inside. Mr. Jacobs asked if the lights could be lowered and was informed the lights could be lowered. Kevin Daly, of KFD Advisors, stated the project needs to go through some further development. There is a condo association that looks over the designs so it goes through a group approval.

Mr. Alpert noted the following correspondence for the record: a letter from the Design Review Board with comments; an email from Police Lt. John Kraemer noting no safety concerns; an email from Tara Gurge, of the Board of Health, with comments; a letter from Assistant Town Engineer Thomas Ryder with no comments or objections and an email from Fire Chief Dennis Condon noting no issues.

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

VOTED: to treat as a de minimus change.

Ms. Newman will have a decision at the next meeting for the Board to take action on.

Public Hearing:

7:30 P.M. – Major Project Site Plan Special Permit No. 2018-06: Foodsmart, LLC d/b/a Eat Well, 949 Great Plain Avenue, Needham, MA, Petitioner (Property located at 946 Great Plain Avenue, Needham, MA).

Upon a motion made by Mr. Jacobs, 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, noted this is the former UPS store. It is an odd shape inside. This is 1,628 square feet and part of the existing building. This is a different kind of food concept with an emphasis on salads, soup, sandwiches, noodle and rice bowls. It is full service, eat in with 42 seats. There is take-out and a long-term plan for catering. There will be 2 cash registers with one designated as dine-in only. The hours will be 10:00 a.m. to 10:00 p.m., 7 days per week. There will be 8 employees at maximum but more likely it will be 4 to 6 particularly at lunch.

Mr. Giunta Jr. noted the requirement for parking is 14 spaces and 10 spaces for take out for a total of 24 spaces. There is no parking on site. The applicant is requesting a waiver of 24 spaces. A parking study has been done by Vanasse and Associates. In Giles Ham's opinion there is plenty of parking. Mr. Giunta Jr. feels this will be an excellent addition to the downtown. Mr. Owens stated he understands there is some conflict about the dumpster. He asked what the status is. Mr. Giunta Jr. stated it is a shared dumpster with L&K Kitchen, UPS, Sweet Basil, Abbotts Custard, New Leaf and the Golf Store. It is designated as shared and the intent is to continue with that. The Board of Health will look at that and he will work it out with them.

Mr. Alpert stated he is aware of an agreement amongst the tenants to share the dumpster. Stuart Rothman, owner of the building, stated in 2012 there was an access agreement. Part of that agreement was a shared dumpster. Dave Becker, of Sweet Basil, manages the dumpster and pro rates the cost among the tenants. The dumpster is picked up 4 days per week. Ms. Grimes stated there was a dispute about a year ago regarding screening of the dumpster. She is not sure it ever came through.

Sudipbrata Deb, of Foodsmart, LLC, stated he received an email today that says all tenants will share the dumpster. Mr. Alpert stated he understands it is an easement agreement. He wants to make sure there is access to the dumpster for all tenants. He asked how deliveries are going to be made. Mr. Giunta Jr. stated there are 2 service drives that go to the back. All deliveries will be through the back door. Mr. Alpert asked for the specific hours for deliveries and commented there are traffic issues downtown. Mr. Deb stated early morning. Ms. Newman asked how early and was informed 6:00 or 7:00 a.m. Ms. Grimes stated there are abutting residences. The hours of deliveries should match the others around. Ms. Newman noted the hours for surrounding deliveries is 8:00 a.m. to 6:00 p.m. Mr. Deb stated those hours are fine for deliveries.

Ms. Grimes asked if he was applying for a liquor license. Mr. Deb stated he did intend to apply for a liquor license. John Bazin, of 50 Dedham Avenue #25, stated his apartment overlooks the dumpster. He noted 10:00 p.m. to midnight is when the restaurants do their clean up. The dumpster lids are put up, trash is thrown in then

the lids are banged down. It is particularly disturbing in the summer when the windows are open. He would like to request, as an abutter, the lids not be slammed shut. Mr. Deb feels his operations will be out by 10:00 p.m. but will be mindful of the noise.

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

VOTED: to close the hearing.

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

VOTED: to reopen the hearing for the purpose of correspondence.

Mr. Alpert noted the following correspondence for the record: a letter from Assistant Town Engineer Thomas Ryder with no comments or objections; an email from Police Lt. John Kraemer with a concern regarding parking and the area in front of the location and an email from Tara Gurge, of the Board of Health, regarding the food code and the possibility of an additional dumpster.

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

VOTED: to close the hearing.

Board of Appeals – June 21, 2018

21 Norfolk Street

Mr. Owens stated the information does not tell the exact height of the retaining wall. The information provided says “if 4 feet or higher.” It does not say exactly how high it is. He noted the Planning Board only passed the retaining wall regulation last year.

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

VOTED: “No comment.”

Minutes

There were no minutes.

Correspondence

There was no correspondence.

Report from Planning Director and Board members.

Ms. Newman included a tentative agenda for the 7/10/18 planning meeting. She wants to make sure all members are satisfied. She noted Karen Sunnarborg, Community Housing Specialist, will be there to discuss accessory apartments. The Chestnut Street Corridor planning project is on the agenda and the Board should look at the Muzi property. She will also give an update on the Carter property. Mr. Jacobs stated the Council of Economic Advisors (CEA) wants the Planning Board to open up food uses in Needham Crossing. Mr. Alpert commented he feels it is more to open up, to the public, the cafeterias at Shark Ninja and Trip Advisors. Ms. Newman stated all this will be discussed at the July 10 meeting.

Mr. Alpert stated he feels the Board could discuss accessory apartment for one hour. He would like to discuss Chestnut Street and accessory apartments on the 10th and carry the rest forward. Mr. Jacobs feels the agenda should be put in priority order with accessory apartments first. Ms. Newman asked how to proceed on French

Press with the schedule for the next meeting. Should it be de minimus or an amendment? Mr. Owens noted it should be made as simple as possible. He feels changing menu and later hours is a minor thing. Ms. Grimes noted she felt the neighboring restaurants may have some objections. She went to Mr. Petrini who had no issue. Then she went to Cook's who had no issues. Capella has not responded yet. She feels since French Press will be doing the bakery items for Capella there will be no issues there. She feels this is a de minimus change. Mr. Alpert stated he is comfortable with notice to the abutters then a de minimus change.

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

VOTED: to adjourn the meeting at 8:07 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Martin Jacobs, Vice-Chairman and Clerk