NEEDHAM PLANNING BOARD MINUTES

November 20, 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, November 20, 2018, at 7:00 p.m. with Messrs. Jacobs and Owens and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee and Recording Secretary, Ms. Kalinowski.

ANR Plan – Salt Holdings LLC and 1479 Great Plain Avenue, LLC, Petitioners (Property located at 1473 and 1479 Great Plain Avenue, Needham, MA).

George Giunta Jr., representative for the applicant, stated this is straightforward. There are 2 properties on Great Plain Avenue that are being combined and divided into 3 lots. All lots meet all the requirements and are conforming. Mr. Jacobs asked if Lot 2 goes all the way to the back and was informed it does. Mr. Giunta Jr. stated he may come in with a subdivision at a later date to reconfigure Lots 1 and 2. Ms. McKnight noted Parcel B and Parcel A are not building lots. She clarified the 2 lots are being combined to make 2. Mr. Jacobs asked what the easement is. Mr. Giunta Jr. noted he believes it is a landscape easement for Nehoiden Glen on the Glen property. Ms. Newman commented the 1479 house is historic. Mr. Giunta Jr. stated the applicant is considering the possibility of moving the house.

Upon a motion made by Mr. Jacobs and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to endorse the plan Approval Not Required.

Public Hearing:

7:10 p.m. – Major Project Site Plan Review No. 2018-10: 1056 Gyro and Kebab House Corp d/b/a Gym and Kebab House Greek Cuisine, 3 Capen Hill Road, Sharon, MA 02067, Petitioner (Property located at 1056 Great Plain Avenue, Needham, MA).

Valentina Akyol, applicant, noted the existing bakery vacated about a year ago. They are renovating and putting in Greek cuisine. There is a 10 seat restaurant. Orders will be taken at the counter and staff will take the food to the tables.

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

Ms. McKnight needed to leave the room for a brief period. Ms. Akyol stated she has a store in Norwood that is doing very well. Mr. Jacobs asked if the Corporation already exists. Ms. Akyol stated it does and she is an officer of the Corporation. Mr. Alpert noted the following correspondence for the record: a letter from Attorney Robert Smart, dated 10/19/18; a memo from Police Lt. John Kraemer, dated 11/6/18, with no concerns; an email from Fire Chief Dennis Condon, dated 11/14/18, with no issues; a letter from Assistant Town Engineer Thomas Ryder, dated 11/14/18, with no comments or objections and an email from Tara Gurge of the Health Department.

Mr. Alpert noted there were panini sandwiches on the menu but they have said there are not going to be panini sandwiches and pizza. Ms. Akyol has asked the printer to redo the menus. The applicant will not have paninis or pizzas. Mr. Alpert commented he was not sure why the Board of Health is not allowing paninis or pizzas. Ms. Akyol was not sure but is ok with it. Ms. McKnight noted the site plan shows 12 parking spaces yet the Board does not acknowledge the parking spaces. Ms. Newman stated the spaces are not available to the public. There is only one space allocated to this. Ms. McKnight stated there is usually an explanation in the decision. She feels there should be something in the decision. Ms. Newman did not get information from the applicant on other uses in the building. She will add something.

Ms. McKnight asked if all were in agreement on enclosing the dumpster. All agreed. Ms. McKnight noted there are no changes to the premises. The decision should say something that there would be no changes to the exterior with no façade changes or site changes proposed. We need to make it clear there are no changes to the site.

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

VOTED: to close the hearing.

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

VOTED: to grant the requested Major Project Site Plan Special Permit under Section 7.4 of the Zoning By-Law; the requested Special Permit under Section 3.2.2 of the By-Law for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter, with accessory take-out and catering, in the Center Business District; the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot where such uses are not detrimental to each other and are in compliance with all other requirements of this By-Law; and the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements).

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

VOTED: to approve the draft decision with the red lined changes and further changes discussed tonight.

Decision: Amendment to Major Project Site Plan Review No. 2013-02: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1407 Central Avenue, Needham, MA).

Ms. Newman noted the red lined decision in the packet. She reviewed the changes. Christopher Heep, representative for the Board of Selectmen, noted one requirement is that all new utilities should be underground. He noted all utilities are underground except the one above ground pole mounted transformer. Eversource is the designer of the pole mounted transformer. He is requesting Section 3.9 be revised to allow one above ground utility. Ms. Grimes asked why it is not underground. Mr. Heep stated this is the way Eversource designed it. Mr. Jacobs asked the height of the pole. Steven Popper noted it was 18 to 20 feet.

Mr. Heep stated he would be happy to provide new landscaping in the median as requested with trees to mitigate the pole. Section 3.24(a) has construction hours as 7:00 a.m. to 5:00 p.m. He would like 7:00 a.m. to 8:00 p.m. as he feels these hours are appropriate here. The abutter is 190 feet away and the General By-Law allows these hours. Ms. Grimes stated she would not change the hours. Mr. Alpert stated he lives in that area and there is a lot of traffic after 5:00 p.m. Ms. McKnight stated, given the location, she would go along with a 7:00 a.m. to 8:00 p.m. change. Mr. Jacobs stated he would go along with the change too. Mr. Popper noted construction is generally 7:00 a.m. to 3:30 p.m. but certain activities require a longer time.

Mr. Jacobs asked how long it would take to build. Mr. Popper stated 8½ months. Mr. Owens asked if there would be any drilling or blasting. Mr. Popper noted there may be possible blasting due to ledge. Blasting would be excluded from the extra hours. Ms. Grimes commented she thinks it is bad to make an exception for the Town and she noted she knows the abutter who lives there. Mr. Owens would not be inclined to grant the change. Mr. Alpert agreed with Mr. Owens and Ms. Grimes.

Mr. Heep stated he had no issue with Section 3.27. He feels it might be useful for the Landscape Engineer from Weston and Sampson to meet with Engineering. In Section 3.26(e), renumbered 3.25, the plan needs to merge 2 portions of the property. There are 71.66 acres of recorded land and 4.24 acres of registered land. He asked if the 2 pieces could remain in the current unconsolidated condition. Ms. Newman noted the merger should have been done at the time of the solar installation. It was agreed to fix it with this project. Mr. Heep noted they have been separate parcels for years. He is not sure this is necessary. Mr. Jacobs commented it has already been agreed to.

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

VOTED: to grant the requested Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of the Major Project Site Plan Review Special Permit No. 2013-02, dated April 2, 2013, amended June 10, 2014, July 8, 2014, January 20, 2015, May 6, 2015, January 26, 2016 and July 19, 2016; and to grant the requested Special Permit under Section 5.1.1.5 of the By-Law, to waive strict adherence to the requirements of Section 5.1.3, Parking Plan and Design Requirements, specifically Sections 5.1.3(a) and 5.1.3(n) as set forth in the draft decision.

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

VOTED: to accept and sign the draft decision in the form of the redlined decision tonight with the one change requested and approved in Section 3.9 for a transformer on a pole.

Decision: Major Project Site Plan Review No. 2018-07: Self Storage Group II, LLC, 129 South Street, Boston, MA 02111, Petitioner (Property located at 540 Hillside Avenue, Needham, MA).

Mr. Alpert noted the hearing was closed at the last meeting with the exception of insurance. Ms. Grimes noted she listened to the tape and can participate. Roy Cramer, representative for the applicant, stated there are some commercial insurance companies that specialize in self storage policy work. Things are covered unless exclusions. It does not list what is covered. He noted the language in the draft is acceptable. David Williams, applicant, noted insurance commercially is available and specifically in self storage. He can get it. He noted there are 550 self storage facilities in Massachusetts.

Mr. Jacobs stated he hates reading insurance policies like that. He feels it would have been better if someone would give them a letter. He would have preferred clear information as to what is covered. He will go along with the language but it is not as clear as he would like. He commented he finds this frustrating.

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

VOTED: to close the hearing.

Mr. Cramer noted on page 4, Exhibit 18, the applicant went back to the Design Review Board (DRB) on 11/5/18, to address Ms. McKnight's request for 3 trees. The revised were stamped, approved and filed. 11/5/18 should be added in Exhibit 18. Ms. Newman stated she did not include it because it came in after. She will put it in as a plan modification in 2.0. All agreed. Mr. Cramer noted on page 9, Section 3.3, he wants to add "substantially" and in Section 3.4 add "approximate." This is a judgment call but gets you away from having to be exact. This would streamline things and there would be one less modification on the docket. On page 11, Section 3.20, he requests the paragraph be eliminated as it is outdated. Mr. Owens suggested referencing the Storm Water By-Law. Ms. Newman agreed.

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

VOTED: to grant the requested Major Project Site Plan Review Special Permit under Section 7.5 of the By-Law; the requested Special Permit under Section 3.2.1 of the By-Law to operate a self-storage facility as "any lawful purpose or special use not enumerated elsewhere in this By-Law"; and the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Parking Requirements) and Section 5.1.3 (Parking Plan and Design Requirements), Section 5.1.3(j) of the By-Law in the draft decision before us tonight.

Upon a motion made by Mr. Jacobs and seconded by Ms. McKnight, it was by four of the five members present (Ms. Grimes voted in the negative):
VOTED: to adopt and sign the draft decision before us tonight with the change in Section 3.20 as discussed.

Request to Reduce Surety: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Petitioner (current owners: Hillcrest Development, Inc., and Elite Homebuilders, LLC). (Property located at 36 Rockwood Lane and 5 adjacent parcels, Needham, MA, Assessors Plan No. 17 as Parcels 22, 23, and 24 and Plan No. 20 as Parcels 57, 60 and 61).

Ms. Newman noted she has not received any information outlined. The Tripartite agreement gave the applicant until the end of November to complete. Mr. Alpert noted a copy of a letter from Planning Director Lee Newman to Steven Venincasa, dated 10/25/18, with information requested and the documentation for a Tripartite for Belle Lane that was extended to show the Board how it was done.

Mr. Jacobs stated paragraph 3 says if not done any funds shall immediately be paid to the Board. He suggests authorizing Ms. Newman to make a written demand to get the funds. Mr. Alpert stated the Board could have that vote on 12/4/18 at the next meeting. Mr. Jacobs suggested the Planning Director let the applicant know this will be taken up at the next meeting. Ms. Newman will let him know there will be a vote on 12/4 for an extension or a request of the funds. All agreed.

Correspondence

Mr. Alpert noted there was an article in Lawyers Weekly that Lynnfield had a By-Law to prohibit AirBnBs; a 10/17/18 Town Meeting copy of the Warrant; and a letter from Beth Israel Deaconess, dated 11/4/18, with the annual parking inventory report. Ms. Newman stated she sent the report along to Engineering for comments. Mr. Alpert also noted a letter from Lee Newman to the Zoning Board of Appeals Chair with comments; a press release from Devra Bailin regarding Small Business Saturday and a notice form the Town of Dedham Planning Board regarding a public hearing with a Zoning By-Law change.

Minutes

Ms. McKnight noted on the 7/17/18 minutes, page 4, the last paragraph should say "the problem is the Town agreed to monitor this."

Upon a motion made by Ms. McKnight and seconded by Ms. Grimes, it was by the five members present unanimously:
VOTED: to accept the minutes of 7/17/18 with the one change.

Upon a motion made by Ms. McKnight and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to accept the minutes of 9/12/18.

Discussion of Highway Commercial 1 Zoning Initiative.

Mr. Alpert stated he has not had an opportunity to look at the uses for the Highway Commercial 1 Zoning Initiative. He would like to postpone that discussion to the 12/4/18 meeting. Ms. Grimes agreed. Mr. Jacobs noted he would like to get agreement on the use table.

Report from Planning Director and Board members.

Ms. Newman noted, with the weather, the High School will not be able to install all the landscaping. The temporary occupancy permit expires at the end of the month. She would like to accept an As-Built for drainage and grant an extension of the temporary occupancy permit. Mr. Owens stated he would like a date. Mr. Jacobs noted it should be no later than June 1. All agreed.

Upon a motion made by Ms. Grimes and seconded by Mr. Owens, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 8:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Martin Jacobs, Vice-Chairman and Clerk