

NEEDHAM PLANNING BOARD MINUTES

February 5, 2019

The regular meeting of the Planning Board held in Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, February 5, 2019, at 7:00 p.m. with Messrs. Jacobs and Owens and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Request for Renewal: Major Project Site Plan Special Permit No. 2009-06: Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1471 Highland Avenue, Needham, MA).

Jeff Friedman, President of the Needham Farmer's Market, is requesting a license agreement. He would like to continue the use on Garrity Way. The Town Manager's Office is in accord. It will be the same hours and day. He had hoped to come for a 2 year renewal of the Special Permit but the DPW has tentative plans to renovate the town common in 2020.

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

VOTED: to approve the renewal.

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

Ms. Newman stated she met with the Fire Chief and the owners. Chief Condon wants the dumpster moved away from the building. The site plan tonight shows the location. The owner will file for a de minimus change at the next meeting. The dumpster will be moved to the parking space adjacent to the right of way. The dumpster is currently in a parking space. She noted the dumpster has been there a very long time. The Chief was not aware of it and now wants it moved.

Public Hearing:

7:10 p.m. – Major Project Site Plan Special Permit No. 2019-01: Pancho's Taqueria Needham, LLC c/o Carlos Chavira, 97 Clark Street, Dedham, MA 02026, Petitioner (Property located at 1450 Highland Avenue, Needham, MA 02492)

7:10 p.m. – Amendment Major Project Site Plan Special Permit No. 97-2 and 97-5: Topliff Street Associates Limited Partnership, c/o Boylston Properties, 800 Boylston Street, Suite 1390, Boston, MA 02199, Petitioner (Property is located at 1450 Highland Avenue, Needham, MA 02492). (Building Façade and Site Plan Modification).

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

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

Roy Cramer, representative for the applicant, noted he wanted to talk about the building façade first. This is the Center Business District. Treat Cupcake, the medical clinic and GNC are in this building. Pancho's will move into the Swizzles space. The owner would like to modernize the building, front façade and both side facades. The front is recessed. This project will decrease the recess. It will add 219 square feet – 47 square feet to Pancho's, 128 square feet to Treat Cupcakes and 44 square feet to GNC. The applicant is also requesting approval for minor site changes after the fact. Three parking spaces were added at the rear of the property. One space was relocated as it interfered with the parcel in back. The dumpster enclosure was wood and kept

deteriorating. It was replaced with a white vinyl enclosure instead of wood. He reviewed the zoning relief. He noted parking waivers have been asked for every time there is a change of use that required a special permit since 1997 and have been always received. .

Shaughn MacGilvary, Project Architect, reviewed the current site. The recess is about 4 to 4½ feet with a canopy. There is an accessibility issue at Tenant C right now. The owner wants to clean up the building façade. There will be simple signage at both ends of the building. They want to move the canopy up higher with signs below it. There is a recess at each entry. Tenant D stays the same. This will create accessible entrances and a rhythm of the façade. The façade will be stone tile with 8½ foot storefronts and the transoms will align with the doors. The brick will be painted and signage will be added on the sides. There will be a 2 foot projection with lights inside to shine down on the sidewalk. The materials will be painted brick and concrete masonry, blanch anodized storefronts. It will be gray in front with darker to contrast and off white in back. There may be some graphics on the side or a pictogram.

Mr. Cramer noted he went to the Design Review Board (DRB) on 1/7/19 for approval. This has been filed as approved but if the Planning Board wants new graphics the applicant will need to go back. The DRB also approved Pancho's and 13-15 Highland Place. Mr. MacGilvary noted there will be 18-24 inch LED lights with reflectors. These are the same aluminum as the storefront. There will be bar lights on the side with a one inch profile. There will be raised letters and no color. There will be 12 inch projection and a one inch black bar that runs 12 inches. He showed samples. There will be black anodized for the storefront. Ms. Newman asked how the façade on the Walgreen's side is being treated. Alejandro Miranda, Director of Project Development for the property, stated he will remove the fake windows and possibly put a mural. He wants to clean it up.

Mr. Cramer reviewed the site changes. On the north side there are several spaces parallel to the building. There were 4 originally and now there is a 5th at the back of the building. The space was turned 90 degrees from the 1997 site plan. It was a hazard to the people next door. Three spaces are at a 30 degree angle at the rear that are not on the 1997 plan. Those spaces have been there since at least 2007 and are working. He would like the applicant to have approval of those spaces. He will formalize an easement agreement and lease between 13-15 Highland Place and 1450 Highland to use each other's property. He noted the Fire Department, Police Department and DPW have no comments or objections. The Board of Health had comments about the dumpster access and wants the sign that says "No parking 6:00 a.m. to 8:00 a.m." to stay.

Ms. McKnight stated she would not vote for what is before the Board today. This needs to be comprehensive and include all three parking areas. This proposed restaurant increases the parking demand. Maneuverability and safety are not there. The Board needs a plan before us with parking space redesign and maneuvering aisles. She is not seeing that. Mr. Cramer stated both parcels are shown on the existing conditions plan. Ms. McKnight noted she went out to the site. She would not approve the application before her. She wants a plan that shows aisles with spaces. Mr. Cramer noted he has a plan for 13-15 Highland Place with all spaces and dimensions and for 1450 Highland Avenue. Ms. McKnight stated he does not have an adequate parking plan for 1450 Highland Avenue.

Ms. Grimes stated, as a user, she has had 10 parties with 20 to 30 kids at the Children's Place at 13-15 Highland Place. She never had an issue maneuvering in this lot. Ms. McKnight stated the aisle is 6 feet wide. Mr. Cramer clarified it is 6.4 feet from the spaces to the lot line. Next to that from the property line to the existing building is 8.9 feet. Ms. McKnight stated there is no lease for the proposed restaurant to use 1450 Highland Avenue. The owner could decide to let the medical office use all the spaces. She wants to see what the parking area would look like and who would be able to use the spaces. Mr. Cramer stated he has the information on the parking area in the packet and the owner of 1450 Highland Avenue will determine who will park where.

Mr. Alpert asked when Mr. Cramer would have the lease and easement. Mr. Cramer stated he would have them within the next couple of weeks assuming the applications are approved. Mr. Alpert asked why the lease cannot be contingent upon approval. Mr. Cramer stated he could have a conditional lease and parking plan. Ms. Grimes asked why he is not asking for a parking waiver for 13-15 Highland Place. Mr. Cramer stated there is no need for a waiver for the back parcel. Ms. McKnight reiterated she wants a plan that shows a unified parking area. Mr.

Cramer stated the spaces on 1450 belong to the owner of 1450 Highland Avenue and the spaces on 13-15 belong to 13-15 Highland Place.

Ms. McKnight stated she has no objection to this restaurant. She thinks it is wonderful. She is all for the façade changes but would like to grant fewer waivers and have a couple of parking spaces in the 13-15 Highland Place lot devoted to the restaurant use. She wants to see a parking plan that serves this property. Mr. Cramer stated there will be a lease and a plan attached to it. He feels the landlord should have discretion to allocate the spaces. The proposed project at 13-15 Highland Place is taking a parcel that is now developed with a business (The Children's Place), taking that away and adding parking. There will be one less business and 7 additional spaces. Mr. Alpert stated the Special Permit is not effective until there is a parking plan, right of way lease and easement approved by the Planning Board. That could be a contingency. He is concerned the landlord could take away all parking and give it to the medical center.

Ms. Grimes stated the Board waives parking spaces for all businesses in downtown. She is confused by this conversation. The yogurt store before this had people in and out. Mr. Cramer noted the parking is being improved in the area by removing the building at 13-15 Highland Place. Ms. Grimes asked why this lot is different. Ms. McKnight stated parking can be provided for this new restaurant use and it should be. Mr. Alpert agrees with Ms. Grimes on the parking spaces, but he wants to make sure the Board has the appropriate lease for access for those three spaces behind the building. He disagrees the Planning Board needs to designate spaces. Mr. Cramer noted he will draft the document and get it to the Board but does not want to hold up the restaurant.

Mr. Jacobs stated he agrees with Ms. Grimes and Mr. Alpert but there needs to be an easement in place before the Board signs off. He agrees it has nothing to do with the Taqueria. Ms. McKnight asked for clarification that the approved parking on site consists of four spaces and she described the spaces on site. Mr. Cramer noted the 1997 decision says the clinic has the right to use those spaces. He just described what was there but the restaurant has no right to the spaces there.

Mr. Jacobs asked for details on the catering. Mr. Cramer noted this proposal is to lease the old Swizzles space. There were 2 floor plans filed – one for 34 seats and one for 38 seats with the additional 44 square feet. The hours will be 11:00 a.m. to 11:00 p.m. Monday through Thursday, 11:00 a.m. to midnight Friday, 8:00 a.m. to midnight Saturday and 8:00 a.m. to 11:00 p.m. Sunday. There will be a maximum of 4 employees at lunch and five employees at dinner. There will be two catering vans parked at their Dedham location. The vans will be on site in the morning to pick up food for catering and will be out by 9:30 a.m. The intention was for the vans to park on the street in the morning but Ms. Newman would prefer they park in the spaces next to the building. The applicant would rather park on the street as the spaces next to the building are already spoken for. The owners would like the Board to grant permission with the condition the applicant be able to get spaces at a later date.

Mr. Alpert stated he does not see an issue with two spaces on the street before 9:30 a.m. Ms. Newman noted she thought the loading should be on their property. Mr. Cramer stated there will be a maximum of two trucks. Carlos Chavira, owner, stated catering is Monday through Friday at lunch only. Mr. Alpert asked how long it takes to load the trucks and was informed a half hour maximum.

Mr. Cramer stated customers will order and a waiter/waitress brings the order to the table. Mr. Chavira stated the Pancho's in Dedham has been open since 2016 and is going well. He wants to grow. The recipes are all based on his mother's recipes. This is casual, quick, easy and fun. There will be televisions. He has alcohol in Dedham and will apply for a license in Needham. Nohely Chavira Williams stated this is family oriented. High School students love it and they get a lot of little kids. Mr. Chavira stated everything is prepped on site, then moved in the catering truck. Mr. Cramer noted the Police Department, Fire Department and DPW all had no comments or objections. The Board of Health commented on access to the dumpster noting they would like it picked up three times per week for now and had questions about a grease barrel.

Mr. Alpert commented the Board could approve all spaces conditioned upon receipt of the lease. Ms. Newman asked if the Occupancy Permit for the restaurant would be linked to the easement and was informed no. Mr. Alpert stated the Board will meet on 2/21 to deal with this. Mr. Cramer stated he could get a letter from the

manager of 13-15 granting access to 1450 for 120 days for access to the three spaces. Ms. McKnight stated she wants to see five additional spaces provided to serve the restaurant – the three on site and two at 13-15 Highland Place. Mr. Cramer stated that cannot happen.

Mr. Alpert stated he likes the suggestion of a letter. He noted the following correspondence for the record: an email from Fire Chief Dennis Condon, dated 1/18/19, commenting he is ok with the plans; two emails from Police Lt. John Kraemer, dated 1/23/19, with no safety concerns; a Special Permit request for the Mexican Restaurant; two letters from Assistant Town Engineer Thomas Ryder, dated 1/30/19, with no comments or objections; three emails from Tara Gurge, of the Board of Health, dated 1/30 and 1/31, with comments and further comments.

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

VOTED: to close the hearing but keep open for the sole purpose of receiving a letter and receipt and approval of a lease and agreement.

7:10 p.m. – Major Project Site Plan Special Permit No. 2019-02: Fifteen Highland, LLC, c/o Boylston Properties, 800 Boylston Street, Suite 1390, Boston, MA 02199, Petitioner (Property is located at 13-15 Highland Place, Needham, MA 02492). (Demolish of Commercial Building & Establishment of 12 Parking Spaces).

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

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

Mr. Cramer noted there is currently a two story commercial building and five parking spaces. The building will be demolished and the parking will be enlarged from five to twelve spaces. He filed a parking plan that shows twelve spaces. There is an increase in pervious surface. He filed a landscape plan. There is some landscaping on the south side that will stay as is. He has gone to the DRB for approval for parking and landscape plans. He reviewed the zoning relief being requested under 7.4, 3.2.2 and 5.1.1.6. He noted there were no comments from the Police Department and Fire Department. There were some comments from the DPW and the Board of Health. He will be doing an agreement and wants the landlord of 1450 Highland Avenue to have the discretion to determine who gets the spaces.

Mr. Alpert asked if all the spaces are for the benefit of 1450 and was informed the spaces were but at the discretion of the landlord. The landscaping is being kept as is along the Walgreen's side. There is a strong landscape plan along Highland Place. Mr. Jacobs asked whose fence it is along the Walgreen's lot. Mr. Miranda noted it is only 8 feet of fence for the clinic entrance and is not along the boundary. Ms. McKnight asked what a saw cut line is (as marked on the plan). Ms. Newman stated it is grading. Mr. Miranda clarified it is where the saw cut will be for paving. Ms. McKnight noted she does not see the entrance aisle width or maneuvering aisle widths. Mr. Cramer noted TYP specifies typical and C specifies compact.

Ms. McKnight asked who has rights in Highland Place and was informed the abutters. Mr. Jacobs stated it should be mentioned Highland Place is a private way with no recorded documents describing who has rights. Ms. Newman asked if this should included for 1450 Highland also and was informed yes. Mr. Jacobs asked if there would be something on the plan defining the easement.

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

VOTED: to close the hearing for 13-15 Highland Place.

Discussion of Proposed Permit Streamlining Initiatives

This will not be discussed tonight.

Minutes

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

VOTED: to approve the minutes of 10/16/18.

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

VOTED: to approve the minutes of 10/22/18.

Correspondence

Mr. Alpert noted an email from Cliff Hayden, dated 1/30/19, regarding the latest proposed zoning changes and an email from Town Moderator Michael Fee, dated 1/30/19, sent to Paul Alpert telling him he did a nice job and complimenting the Board members. He suggested the Board schedule further meetings to educate Town Meeting members. Mr. Alpert noted a Citizen's Petition from Joshua Levy requesting the annual Town Meeting be bifurcated in spring and fall sessions and zoning only be brought in the fall sessions. This requires a Charter Amendment. Mr. Alpert does not want either to be part of the Charter. He also noted a couple of Needham Times articles. Ms. Newman stated she received a petition article for Self-Storage in the Mixed Use 128 District.

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

VOTED: to adjourn the meeting at 9:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Martin Jacobs, Vice-Chairman and Clerk