

NEEDHAM PLANNING BOARD MINUTES

June 3, 2008

The regular meeting of the Planning Board, held in the Selectmen's Meeting Room at Town Hall, was called to order by Martin Jacobs, Chairman, on Tuesday, June 3, 2008 at 7:30 p.m. with Messrs. Eisenhut, Handel and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

7:30 p.m. – Frank Street Definitive Subdivision Amendment: Robert Barton and Stephanie Barton, 57 Frank Street, Needham, MA, Petitioner (Property located at 57 Frank Street in Needham, MA).

Mr. Jacobs sat out this hearing and Ms. McKnight called the hearing to order. George Giunta, Vice-President of Field Resources, represented the applicant. He noted this is an existing house at 57 Frank Street. They relied on the As-built certified plot plan that showed all setbacks and pulled the lot line from that. It is too close to the existing house and has created a zoning violation for this house. Fortunately they have enough area and distance between the 2 houses and are able to modify the lines. One has 10,000 square feet and one has 16,200. Both work. There is no impact on anything. Ms. McKnight noted the following correspondence for the record: a memo from the Assistant Director of the DPW with no comment; a memo from the Fire Department with no comment; a memo from the Police Department with no safety concerns; and a memo from the Board of Health with no comment. Mr. and Mrs. Barton both spoke in favor of the plan.

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

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the four members present unanimously
VOTED: to grant the relief sought.

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the four members present unanimously
VOTED: to adopt the draft decision as the decision of the Board.

ANR Plan – Mary Busch, 700 Chestnut Street, Needham, MA.

George Giunta, representative for the applicant noted this used to be 2 lots and somehow somebody combined the 2 lots into one. Both are one acre and have frontage, area, etc. They want to sell the vacant lot. They are redividing to recreate the lot that they had before. Mr. Eisenhut asked if they were the same lines. Mr. Giunta noted they are a little different. One was under one acre and Lot 5 was well over one acre. He noted someone took it to land court around 1992 and registered it. The land court in Boston made a plan and sent it to Dedham but it is not on record yet. Mr. Jacobs asked if they had a copy of 16732 C, the land court plan. Mr. Giunta noted no but it was basically the same. They are creating a driveway easement. Mr. Eisenhut noted the current title shows only one lot and was informed that was correct.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by the five members present unanimously
VOTED: to endorse ANR.

The Board signed the plans.

ANR Plan – Elizabeth May, Needham Unitarian Universalist & Needham Historical Society, 1336 Great Plain Avenue, Needham, MA.

Mr. Handel noted he was not participating as he is an officer of the Needham Historical Society who is a beneficiary of the property. Mr. Giunta noted this is a redivision of the 2 lots he created last time. One parcel has been conveyed to the town. The front piece and garage are 2 lots. The perspective buyer did not like the division and asked him to subdivide. Both have frontage and area. They will have 2 new houses. If they get sold separately before the house and garage get taken down it becomes non-conforming. Mr. Jacobs asked how it was being divided. Mr. Giunta noted the 2 interior lot

lines are changing but the perimeter is the same. Mr. Ruth asked if all 3 own the land. Mr. Giunta stated all 3 parties signed the application. Mr. Ruth asked if the foot path already exists and was informed yes. It is not on the ground but on paper.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. McKnight, it was by the four members present unanimously VOTED: to endorse ANR.

The Board signed the plans.

7:45 p.m. – Riverview Estates Definitive Subdivision Amendment: Michael London, 80 Burr Drive, Needham, MA, Petitioner (Property located at 80 Burr Drive, Needham, MA).

The applicant did not appear. Ms. McKnight stated she had a question regarding the notice. In the 3rd paragraph in notes “allow for footprint to be increased by 310 square feet from 4,442 to 4,752.” She asked if should not state “to allow for lawful footprint but actual footprint increased by 1,310.” Ms. Newman noted it can be said either way but it satisfies the legal requirement.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Handel, it was by the five members present unanimously VOTED: to allow a continuance as long as no further continuance be allowed and if the applicant does not appear approval will be denied.

This will be continued to July 15 at 7:30 p.m.

Appointments

8:00 p.m. – George Giunta, Jr.: Informal discussion regarding proposed project at 235 Highland Avenue, Needham, MA.

Mr. Giunta Jr., representative for the applicant, noted the site has become run down since the gas station closed. They are redeveloping the entire site. There is a second piece in back that was a house. They have a comprehensive plan for both properties. This is an informal hearing to tell the Board the concept. This is a 2-story commercial building on a noticeable corner. This could be the first step in transforming that to Highland Avenue. Lucio Trabucco, architect, noted the building would be stucco. He is not sure of the color. There will be retail space on the lower level and office on the upper level. Highland Avenue will have the main entrance to the first floor and the second floor entrance will be off Wexford Street. Parking will be in back and there will be a new sidewalk. Mr. Giunta Jr. noted he wanted to discuss use. There are no designated tenants yet but they would like input from the Board. They would like retail on the first floor and there is interest for medical offices on the second floor. As designed, the building is just shy of required parking by about 2 spaces. This will increase to 4 spaces if there is a medical use. He clarified they are talking medical offices not a clinic. Mr. Jacobs asked what the district is and was informed Highland/Commercial/128. He asked what is allowed as a matter of right. Mr. Giunta Jr. noted retail, offices, medical offices and manufacturing. Mr. Eisenhut asked if housing was allowed and was informed it was not. Mr. Giunta Jr. noted they talked about an overlay but never did it. Mr. Handel asked if there was access to any other parking in the area. There is none at this time. Ms. Newman asked what kind of medical use there would be. Mr. Giunta Jr. stated a regular doctor's office or maybe a dentist. It is still in the early stages. Mr. Eisenhut asked if there were any other waivers. Mr. Giunta Jr. noted they would need a Special Permit to increase the floor area ratio, not a waiver. Mr. Jacobs noted there was a shortage of parking and asked how many spaces. Mr. Giunta Jr. stated 24 currently. Mr. Handel asked the square footage for a medical use. Mr. Giunta Jr. stated approximately 3,800 for medical use. Ms. McKnight clarified there is no parking along Wexford Street. Mr. Giunta Jr. noted there is no parking. It is not signed but it will be all one curb cut. Mr. Ruth stated it is an interesting project but Hess is a disaster regarding traffic. Mr. Eisenhut asked where the entrance/exit would be and was informed off Wexford Street. Mr. Ruth noted entering retail from Highland Avenue is not realistic. Ms. Newman informed him they require it. Mr. Giunta noted there will be a walkway around to the back. Ms. Newman wanted to clarify that each store front has its own entry off Highland Avenue and was informed it does. Mr. Handel commented it is a high traffic area. Mr. Giunta Jr. stated it is not a favorable pedestrian area. Mr. Eisenhut asked if there would be a landscape plan and there will be. Ms. McKnight asked if they would be able to move the building back to get more landscaping. Mr. Giunta noted there will be

landscaping. Mr. Jacobs asked if there were any issues with the sight line from Wexford Street. Mr. Handel stated there is an island so it is only one-way. Mr. Giunta stated they were working with Tony DelGaizo on the drainage.

8:15 p.m. – Roy Cramer and Nino Micozzi: Amendment/Deminimus Change to Major Projects No. 1996-05, No. 1997-07, No. 2006-01 and No. 2007-08: Aronson Insurance, 345 Boylston Street, Newton, MA and Highland Montrose, LLC, 159 Cambridge Street, Allston, MA, Petitioner (Property located at 922-958 Highland Avenue, Needham, MA).

Roy Cramer, representative for the applicant, noted they got an amendment last year for minor modifications to the building for a bump out in the back for a vestibule to the second floor. They got a variance and it was approved from the Planning Board. Mr. Aronson would like to move in. The problem is the lift is the same as in the Starbucks building which is 13 feet 11 inches. Under 12 feet is a matter of right but over 12 feet you need a variance. The Board of Elevator Appeals has denied them a waiver. They have appealed and the hearing was a 3 to 3 vote. The national standard is 14 feet and used to be 12 feet in 1996. Massachusetts still refers to the 1996 standards. They have 2 options -- no handicap access or make it accessible. They chose the wrong option. Another kind of lift does not have the 12 foot maximum. Mr. Handel asked he explain the 12 feet. Mr. Cramer noted it is the distance of travel. He expects a solution soon. To ramp it up they would need to put a ramp in front of Trader Joe's. He noted most people on the Board of Elevator Appeals are union. Mr. Jacobs asked if there was a way to raise the base by 1 foot but Mr. Cramer stated they would still need a ramp. Mr. Handel asked where the Board came in. Mr. Cramer stated they would like a deminimus change to the decision, a recommendation to the Building Inspector that he grant a temporary Certificate of Occupancy upon receipt of an affidavit and an As-built and Certificate of Completion from the architect. He added the original plants are not allowed to be in anymore and have been replaced with others. That is in their letter. He noted the public would not be allowed in until the handicap accessibility has been resolved. Mr. Eisenhut clarified they want to amend the Special Permit. Mr. Cramer noted they would like an amendment to the decision or that the Board accept Mr. Aronson's affidavit. Mr. Ruth asked if they took the affidavit would they lose interest in solving the problem. Mr. Cramer stated they want to solve the problem. Ms. Newman noted they should change the language in the decision. She noted the variance is linked to the elevator. Mr. Cramer stated they were told the bump out would be 4 feet by 9 feet and that is what their plan shows. When it was built it was 4.7 feet by 9 feet. They may need to go 10 or 11 feet within the 50 foot zone. He thinks all changes will be interior. The back corner may need to go back one foot for the elevator but it does not affect the variance. They would like the Board to approve a deminimus change – no public access until the lift is done and a deminimus change to 4.7 feet rather than 4 feet. They would like to request a temporary Occupancy Permit from the Building Inspector with the architect affidavit a condition of the plan. Ms. Newman asked how long they would like the temporary for. Nino Micozzi, owner, stated the hope is to be done in 90 days but they may need to custom make the cab so they may ask for 6 months. Mr. Cramer noted they would also ask the Board to delegate to Ms. Newman the authority to do this between meetings. They may have the As-built and certificate from the architect in a few days. Mr. Ruth asked if they make the change by an additional 2 feet do they have to go back to the ZBA for a change in the variance. He was informed they do not. Ms. McKnight asked if the landscaping was already in and was informed it was, with a stone walk. Mr. Cramer stated all external work is done and a custom made cab is being designed. Ms. McKnight suggested they modify the decision to add a prohibition to the second floor until the lift can be obtained. Mr. Eisenhut noted it is an amendment not a modification. It is a deminimus change.

Upon a motion made by Ms. McKnight, and seconded by Mr. Handel, it was by the five members present unanimously VOTED: to add to the decision a prohibition to the second floor is a deminimus change.

Upon a motion made by Ms. McKnight, and seconded by Mr. Handel, it was by the five members present unanimously VOTED: to approve the increase of the size of the enclosure originally planned to be 4 feet by 9 feet to be 4.7 feet and up to 11 feet wide to be a deminimus change.

Upon a motion made by Ms. McKnight, and seconded by Mr. Handel, it was by the five members present unanimously VOTED: to delegate to the Planning Director the authority to approve a Certificate of Compliance and an As-Built plan to enable the issuance of a Certificate of Occupancy for up to 6 months.

8:30 p.m. – Roy Cramer: Informal discussion regarding proposed redevelopment of Café Mocha Blu, (Property located at 1498 Highland Avenue, Needham, MA).

Roy Cramer, representative for the applicant, introduced Curtis Grace, the new tenant of Café Mocha Blu. He noted this is the same use. The only new thing is coffee and pastry in the morning. Devra Bailin had suggested a parking supply study for the morning. Joyce Moss did that for 2 days from 7:15 a.m. to 10:00 a.m. Mr. Cramer reviewed the study. There are 27 spaces on the streets in the area. At 7:15 a.m. there were 22 vacancies, etc. Mr. Handel noted he does not believe there is a parking problem and feels it is a low impact use. Mr. Cramer noted Sweet Rues is comparable. He noted if the Board is willing to waive the requirement it is fine but they are willing to do a comparable. He added that Vanesse Associates wants \$3,000 for the study. Mr. Handel stated he is willing to waive it as Ms. Moss is a town employee. Mr. Ruth agreed and Mr. Eisenhut stated he is willing to accept her information as credible.

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the five members present unanimously VOTED: to include this parking supply data as sufficient supply necessary to complete the application.

Mr. Cramer noted they are waiting for the final architectural plans before they file. Mr. Grace has a facility elsewhere to make the food so he has the room to make a handicap bathroom. They have approval for up to 18 seats but would only put 13 or 14. Mr. Eisenhut stated the issue he has with ice cream places is the trash. They may want to think about that issue.

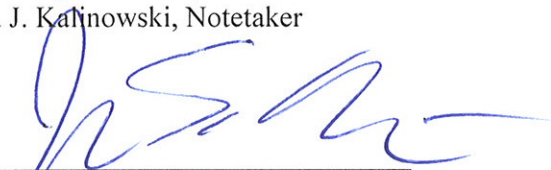
Report of the Planning Director and/or Board Members.

Ms. Newman noted the Downtown workshop is on the 25th with a presentation and all should be there. It is 7:00 p.m. to 9:45 p.m. at the Broadmeadow Performance Center. This will be a presentation of the whole plan: urban design, streetscape improvements, traffic plan and the fiscal impact. Mr. Smart will present. They will structure it to get a sense of whether the community is with them in their vision.

After discussion, it was decided to change the June 17 meeting to June 16 at 7:30 p.m.

Upon a motion made by Mr. Ruth, and seconded by Mr. Handel, it was by the five members present unanimously VOTED: to adjourn the meeting at 9:15 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Jeanne McKnight, Vice-Chairman and Clerk