

NEEDHAM PLANNING BOARD MINUTES

July 28, 2009

The regular meeting of the Planning Board held in the Multipurpose Room of the Needham High School, was called to order by Martin Jacobs, Chairman, on Tuesday, July 28, 2009 at 7:30 p.m. with Messrs. Warner, Ruth and Eisenhut and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Public Hearings

7:30 p.m. – Major Project Site Plan Review No. 2009-03: Fit Future LLC d/b/a Koko Fit Club, 844-850 Highland Avenue, Needham, MA, Petitioner (Property located at 850 Highland Avenue, Needham, MA).

Upon a motion made by Ms. McKnight, and seconded by Mr. Eisenhut, 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 this is in the building with the Post Office and was formerly Tae Kwon Do. He introduced Paul Romeo and Adam Landry, the principals. He noted they propose to renovate for a computerized personal training establishment. This is a new concept. There will be a maximum of 12 machines on site – 7 weight training and 5 cardio. Sign up will be by phone or e-mail. It will be 30 minutes of training and cardio in 15 minute segments. There will be one employee. They will make minor façade changes. There is no change to the footprint and they will make it handicap accessible. There are 19 parking spaces on the lot. With a new configuration they will have 21. There will be new window treatments and doors on the right side of the building. They want to distinguish it from the old style post office type. They have gone to the Design Review Board and they have approved the project. He reviewed the relief requested. He noted there is 2,490 square feet and the storage space was not counted. They seem to have more than one non-residential use on the site and he noted the Tai Kwon Do already existed there. They are asking for parking relief from the off-site parking requirement. There has been parking there since 1958. There is a retaining wall on the Hunnewell Street side. They will keep the parking area as is except the steps to go down to the parking and some striping. Mr. Cramer noted there is 10 minutes between usage of the machines so there is no doubling up.

The Post Office predates everything and there were no parking requirements at that time. The requirements for this building should be 8.79 per office space and 13 for fitness club for a total of 22 spaces. They propose 21 spaces in the lot. The Avery Square District allows you to count the spaces on the street. There are 4 in front and 9 on Hunnewell Street which gives them a total of 34 spaces. He does not think they need a waiver. The Board of Health comment was no comment. The DPW sent a letter today at 1:00 p.m.. They thought 4 spaces may be a problem with the turning radius of the Post Office trucks. A new plan was done consistent with the DPW request. The second letter is ok with this. They think the first one is better than the second and disagree with the DPW but they do not want to fight. They will go with what the Planning Board decides. Mr. Romeo noted they looked at the turning template for trucks. This is not a retail site, they are just picking up and dropping off mail. Usually it is a 30 foot single body truck. The turning movements on the plans are the exact present conditions. The concern regarding the truck turning is it is a pre-existing condition. The parking does not impede the movement. With the new solution the truck will start to turn at an angle but will take a 3 point turn no matter what the condition is. Currently some trucks maneuver on the way and back in. Mr. Jacobs asked if he had this conversation with Tony DelGaizo. He would be interested in his reaction. Mr. Romeo noted he had no time this afternoon to have a discussion with anyone. Mr. Jacobs asked if he has had any discussions with anyone at the Post Office. Mr. Romeo noted they prefer to turn coming in.

Mr. Eisenhut noted the club will be busiest around 4:30 p.m. – 5:00 p.m. Mr. Ruth noted they have a completely open apron. He asked if they stripe will they reduce the open apron. He was informed they will. Ms. McKnight noted she did not see a driveway and asked if it was off Mark Lee. Mr. Cramer informed her it is the whole street and not defined by a drive. Ms. McKnight asked where would the driveway be. Mr. Cramer noted where it is. It is one big curb cut. Mr. Jacobs asked if Mr. Cramer had any comments about the memo from the police. Mr. Cramer noted his response is there is no change in grade. They want the front on Highland Avenue and will walk around to the back. Mr. Ruth asked about the lighting. Mr. Romeo noted there are wall mounted already there. Mr. Cramer stated in

response to the police memo, by removing 2 spaces by the back and restriping you have available room so nothing is blocked. Mr. Warner asked if the water would go to a catch basin and was informed yes. He asked if it was the town system and if they were grandfathered. They are. Ms. McKnight noted the plan shows steps at the rear of the building. Mr. Cramer stated they will do new steps with ADA compliant hand rails. Mr. Romeo noted they will keep it locked at all times for security. It will be members only. They will give key card access to members. Mr. Jacobs stated they should encourage people to use the back with the pipes and uneven stairs on the side. Mr. Cramer noted they need to have the primary entrance on Highland Avenue. The Police are concerned with all the activity on Highland Avenue and would prefer a strong entrance in the back. Adam Landry noted he is not opposed to an entrance in the back.

Giles Ham, of Vanasse and Associates, noted at the peak time on Friday and Saturday there were 78 spaces so there is plenty of parking. The busiest is at noon but there were still 13 – 14 spaces available. This use peaks early morning and late afternoon. Friday and Saturday the most vehicles were 10. He feels this is a very compatible use.

Mr. Jacobs noted the following correspondence for the record: a memo from Janice Berns of the Board of Health, dated 7/14/09, with no comments; a memo from Paul Buckley of the Fire Department, dated 7/28/09, noting no concerns; 2 memos from the DPW; and a memo from the Police Department, dated 7/28. Mr. Cramer stated the Design Review Board suggested a row of plantings between buildings. There is already a row of yews there so they are declining the suggestion. Ms. McKnight noted they are proposing 21 spaces and asked what the legal requirement is for the Post Office. Mr. Cramer thinks it is 8.79 based on a 60/40 split – 60% retail and 40% storage. Ms. McKnight asked what the legal demand was otherwise. Mr. Cramer noted 13.

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

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to determine no parking waiver as to numbers is required.

A motion was made by Mr. Eisenhut to make an affirmative approval of Plan B and Plan A if Engineering and DPW get back to Ms. Newman by Friday, 8/8/09, before she drafts the decision. Ms. McKnight noted she prefers Plan B. She does not like the existing with no defined drive. Plan B has a defined entrance if the DPW finds that is suitable for trucks. Mr. Ruth agreed with Ms. McKnight's thinking. Ms. McKnight feels they should approve the parking site plan option that is preferable which is Plan B shown on 7/28/09 revision 2. Mr. Warner noted he prefers the original motion as it gives people more time to go over it more thoroughly.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by three of the five members present (Ms. McKnight and Mr. Ruth voted in the negative):
VOTED: to make an affirmative approval of Plan B and Plan A if Engineering and DPW get back to Ms. Newman by Friday, 8/8/09, before she drafts the decision.

Mr. Eisenhut made a motion to grant a Special Permit for a personal fitness establishment. Mr. Ruth noted he would like a condition inserted the rear door be maintained as a member access door and the line from the sump pump to the catch basin is to be buried. This is a plan modification. Ms. McKnight would like a condition regarding lighting. The property is across from residences. She is concerned the lighting arrangement is not on the plan. Mr. Romeo stated the lighting is existing. There is a wall pack at the canopy and the truck dock and a series of flood lights. Mr. Cramer stated they are not proposing any additional lighting. There are wall mounted lights along the side with the path. Ms. McKnight commented she is concerned with excessive lighting that casts over to the residences. Mr. Romeo noted the illumination comes from the street lighting. Mr. Eisenhut accepted the amendments for his motion. Ms. Newman noted she would incorporate the standard conditions.

Upon a motion made by Mr. Eisenhut, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to grant a Special Permit under Section 3.2.2 of the Zoning By-Law for a personal fitness service establishment in the Avery Square Business District with amendments discussed.

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

VOTED: to grant a Special Permit under Section 3.2.2 of the Zoning By-Law for more than one non-residential use on a lot.

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

VOTED: to grant a Special Permit under Section 1.4.6 of the Zoning By-Law for the alteration of a non-conforming structure.

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

VOTED: to grant a Special Permit under Section 5.1.1.5 of the Zoning By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3.

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

VOTED: to grant a Major Project Site Plan Review under Section 7.4 of the Zoning By-Law.

Appointments

8:00 p.m. – Joyce Moss & Michael Greis – Green Communities Act.

Michael Greis noted they made a request to the Board of Selectmen they adopt a goal for a green community and make it more environmentally friendly. Communities can apply to become a green community. There is funding available for becoming a green community. Ten million dollars a year funds it. They would work with the schools, town, etc. They need to do an energy inventory but they have already done this. They would need to commit to providing energy efficient vehicles and provide as of right siting for renewable energy generation. They are discussing the Recycling and Disposal facility. There would be expedited permitting. There are things to talk about as a community. The final would be to adopt an energy efficient building code. It is just a matter of when this will be done. The point is to make it energy efficient over the life cycle of the building. The Green Communities Division is applying for money for training for Building Inspectors in all communities. There is a lot here for us. Mr. Ruth noted in concept it is a great thing but logistically there are some issues. The application is due next week. Mr. Greis noted that is for consulting assistants. No community is ready to go yet. Mr. Eisenhut stated he has a problem with state programs that have you giving up control of zoning controls for money. That would have to be part of the Special Permit criteria and would need Town Meeting approval. He does not agree philosophically. Mr. Ruth noted historically there is one state code. Now there are 2 state building codes and towns can choose A or B. Mr. Warner noted he has a concern with the as of right siting. It seems to wander around town. They need to stick it somewhere. Ms. McKnight commented she heard there is going to be a large amount of money for this and they need to take it seriously and look at it. A lot is site processed, not vague. People know what they are voting on. She asked if there is any idea he has. Mr. Greis noted they should consider Cabot, Cabot and Forbes for solar. There is a lot of roof area. He also cannot see why it cannot be done at the RTS. It is wide open space and should be looked at. Ms. McKnight noted the stretch code. She would like the initiative to come from the Selectmen on that. They oversee the Building Inspector. She is not sure they should put another burden on the Building Department. It should be the Board of Selectmen deciding if they want to adopt the stretch code. Mr. Ruth noted this is the beginning of a dialogue among many entities – Selectmen, DPW, Police, Planning Board and green people. All will have to be heard from but it is a dialogue worth having. They should continue to think about this and educate others and see where it goes.

8:30 p.m. – George Giunta Jr. – 17 Central Avenue, Proposed Zoning Change.

George Giunta Jr., representative for owner Ronald Tocci, noted they spoke about this in the spring and decided to wait to the fall Town Meeting. There was a clump of areas changed from Single Residence A to General Residence – Reservoir to Central, the aqueduct, Hamilton Place – at the edge of the commercial/business area. It makes sense to look at the whole area. This would rezone 3 lots on Vara Lane, 3 on Hamilton Place and 3 on Central. They were undecided about the appliance building which is commercial but in the residential section. Mr. Eisenhut noted he does not remember. Ms. McKnight stated she has a vague memory they were going to go look at it but she did not go. She is somewhat familiar with it. Mr. Ruth noted there are historical houses in the area. There is a lot of potential in this area. They need to be thoughtful about how they are doing this. He does not have a complete vision of this and would like to capture the energy for this area. He would like to take a page out of Newton's book. Mr. Eisenhut asked him if he thought this area was underinclusive. Mr. Ruth thought it possibly was. Mr. Jacobs noted they would

not take a step without hearing from the neighborhood and having a public hearing. That is the only way to have that. Mr. Giunta Jr. stated they are collecting signatures to put it on the warrant for the fall Town Meeting. They want to see if the Planning Board had any thoughts. Mr. Warner noted they should work on this as a clump with both sides of Central Avenue included. Ms. McKnight asked if they should be looking at the standards for General Residence at the same time.

Deminimus Change: Major Project Site Plan Review No. 2007-10: Beth Israel Deaconness Hospital, Needham, 148 Chestnut Street, Needham, Ma, Petitioner (Property located at 148 Chestnut Street, Needham, MA).

Roy Cramer, representative for the applicant, noted they are close to a Certificate of Occupancy. They are finding issues on the original floor plan for Chapel and the Gift Shop. The hospital does not want to do either now but keep it as shell space with an option to do it later. The Building Inspector wants the Planning Board to approve it as a new plan modification. Ms. Newman noted the decision says it needs to be done exactly so Mr. Walsh is correct. Mr. Ruth asked for an update on the parking situation. Mr. Cramer noted things are generally fine. There is a constant battle sometimes where subcontractors park and where they are not supposed to. There was a complaint they were parking on Maple Street so the hospital went there and they were appalled. They have been telling the contractors and subs they would start fining them under the contract. They have someone monitoring it now. The project is almost done luckily. Ms. McKnight noted in 3.2.8 the condition in the decision requires all employees must park on site and not park on the side street.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to direct the Planning Director to notify the Building Inspector the change proposed by Beth Israel Deaconness is deminimus.

Mr. Cramer requested the \$250 fee be waived.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to waive the fee.

Deminimus Change and Temporary Certificate of Occupancy: Major Project Site Plan Review Special Permit No. 1992-02: Walgreen's Corporation, Petitioner (Property located at 1478 Highland Avenue, Needham, MA).

Roy Cramer, representative for the applicant, noted the problem was they walled off a portion of Walgreens to complete that. The building and fire inspections have been going on since the beginning. They wanted a temporary Certificate of Occupancy for the part that was done but the Building Inspector said no. They filed the request with the phasing plan. Mr. Walsh wants the decision modified to allow a partial Certificate of Occupancy. He would not go out and look at it until he gets word from the Planning Board. Ms. Newman noted there may have been confusion when the permit was issued. It was not set up for temporaries and bonding of the parking lot. Mr. Cramer noted the best way is to modify the decision, given Mr. Walsh's decision, so that the outside is to be done after the inside is done. They have come up with a dollar amount for the outside work. They are asking they not require it as it was a misunderstanding. They never intended to close. Mr. Ruth noted they need to get them back on the job as soon as possible. He does not feel a bond is necessary.

Upon a motion made by Ms. McKnight, and seconded by Mr. Eisenhut, it was by two of the five members present (Mr. Jacobs, Mr. Ruth and Mr. Warner voted in the negative):
VOTED: to agree with the concept of phased development but request funds be held in escrow in the amount of \$13,080. *The vote did not carry.*

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by four of the five members present (Mr. Eisenhut voted in the negative):
VOTED: to address the phasing so they can get back to work without a bond.

Occupancy Permit – Major Project Site Plan Special Permit No. 2009-01: Restaurant Pomodoro Inc., 1019 Great Plain Avenue, Needham, MA, Petitioner (Property located at 1019 Great Plain Avenue, Needham, MA).

Ms. Newman noted she would like permission to authorize a Certificate of Occupancy outside of the meeting when she gets the appropriate certifications.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to authorize the Planning Director to issue a Certificate of Occupancy when she has all certifications.

Endorsement of Plans: Deminimus Change: Major Project Site Plan Special Permit No. 2007-09: High Rock School, Town of Needham, Petitioner (Property located at 77 Ferndale Avenue, Needham, MA).

Ms. Newman noted they had no drawings so this is off the agenda.

Discussion: Board of Health Draft Resolution Relative to the Built Environment and Community Design.

The Board reviewed Mr. Warner's thoughts on the subject that he had submitted. Mr. Ruth agreed with Mr. Warner. Ms. Newman noted she will send their comments along to the Board of Health.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to send this response from Mr. Warner to the Board of Health.

Discussion of Wireless Communications Towers on Water Tanks.

Ms. Newman noted the town is interested in the water tower off Bird's Hill and Tower due to the revenue stream. The original language included it but they dropped it after push back from Bird's Hill. She asked if they want to revisit it. It is significant money to capture here for the town. Mr. Ruth asked if there were any engineering or electrical issues and was informed no. Ms. McKnight asked if the town administrators were aware they have to go to Town Meeting for a lease and was informed they do. Mr. Eisenhut agreed with Ms. Newman. They should put it in as a Special Permit or as of right. Mr. Ruth noted if they are going through Town Meeting they should put it in as an as of right use. Ms. Newman will look at language other towns use and report back to the Town Manager. Mr. Eisenhut asked if they are proceeding on the assumption it will be a lease that would go to Town Meeting. A license/as of right go together and a Special Permit/lease go together. Ms. Newman noted it should be a Special Permit.

Discussion of Proposed Town Goals by Board of Selectmen.

Ms. McKnight thinks the goals are wonderful. Ms. Newman noted she did not feel it was a very inclusionary process. Mr. Ruth noted he would not recommend they make any comments. Just make it an FYI. Ms. McKnight noted there could have been better outreach after consideration. Mr. Jacobs stated they should encourage them to prioritize. Mr. Eisenhut reiterated it should be no comment.

Correspondence.

Mr. Jacobs commented on the correspondence from the Grimm's. Ms. Newman noted it was just an FYI. They should be aware of it. It will be in front of the Board at some point.

Minutes.

Ms. McKnight noted on the minutes of 4/29/09, page 2, strike "in the counties resolution" from the 7:45 hearing and on page 3 there should be a page break.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to approve the minutes of 4/29/09 with changes discussed.

Ms. McKnight noted on the minutes of 5/4/09, remove the word "professional" from the 4th line down.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to accept the minutes of 5/4/09 with change discussed.

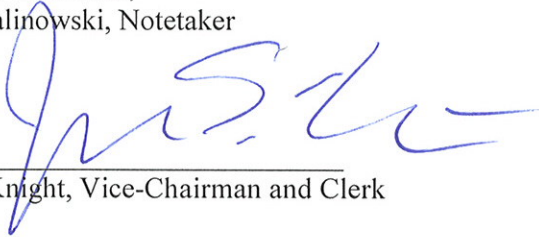
Report of the Planning Director and Members.

Ms. McKnight gave an update of the status of the Train Quiet Zone issue. The Transportation Committee met and decided they no longer want to study the Train Quiet Zone even though they recommended it. It was suggested it could be done by students from possibly Northeastern at no cost to the town. They probably just need a team of civil engineering students. The Selectmen expressed support for the study. They did not decide how the students would interact with the town itself. The Selectmen do not want to interact with students a number of times. A task force of the Chair of the Transportation Committee and the Planning Board Chair to meet with students and maybe a town member for a task force of 3 or would the Planning Board be interested in performing the task. They are looking at installing median barriers. If you put medians at 3 crossings it will lower the threshold and it would enable a quiet zone. Mr. Eisenhut noted he felt it was a bad idea politically when Ms. McKnight is affiliated with the Planning Board. He feels someone from Engineering would be good. Mr. Jacobs noted there was a lot of activity from the Council of Economic Advisors regarding Needham Center and signage, etc. Ms. Newman stated they brought a lot of different people to see how they saw they center.

Ms. Newman introduced Matthew Hammer, the new student intern. He is here through the fall.

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 10:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Jeanne McKnight, Vice-Chairman and Clerk