

## NEEDHAM PLANNING BOARD MINUTES

January 18, 2011

The regular meeting of the Planning Board held in Performance Center of the Eliot School, was called to order by Ron Ruth, Chairman, on Tuesday, January 18, 2011 at 7:30 p.m. with Messrs. Warner, Eisenhut and Jacobs and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Donna Kalinowski.

### Correspondence

Mr. Ruth noted the following correspondence on the Theater Block Project for the record: a Needham Times article dated 1/6/11; a letter to Needham Times from John Fountain, dated 1/13/11; a letter from MMM Property, dated 11/29/10 regarding the studies; a letter from Brian Levey, dated 11/2/10, on behalf of Gilbert Cox; a letter, dated 11/19/10, from Robert Smart with information; a letter from Robert Smart, dated 11/30/10, transmitting information; a letter from Brian Levey, dated 1/5/11, regarding the meeting today; a letter from Frederick Hartman, dated 11/2/10, opposing the project; a letter from Robert Smart, dated 11/16/10, with information regarding the project; an article in the Needham Times dated 11/25/10; a cartoon in the Needham Times, dated 11/2/10; a letter from the Needham Business Association Board of Directors, dated 12/7/10; a letter in the Needham Times from Paul Iantosca, dated 12/16/10; an article in the Needham Times, dated 12/16/10; a letter, dated 12/16/10, from Louis Wolfson; a letter, dated 12/20/10, from Thomas Bartzokis of ATB Realty; a letter from Toby Sandler, dated 12/22/10; a letter in the Needham Times from Paul Iantosca, dated 12/23/10; an e-mail from Jeffrey Becker, dated 12/31/10; a letter in the Needham Times from Kathy Lewis, dated 12/30/10; a letter from Deanna Dunmyer, dated 1/6/11; a letter to the Editor, dated 1/6/11, from the Stark Family; a Needham Times article, dated 1/6/11; an e-mail from Deanna Dunmyer, dated 1/6/11; an e-mail from James Reulbach, dated 1/8/11; a letter to the Editor, dated 1/13/11, from Jim Reulbach; a letter to the Editor, dated 1/13/11, from Ruby Iantosca; 3 letters to the Editor, dated 1/13/11; an e-mail from Anthony DelGaizo, of the DPW, dated 1/18/11; a memo from Janice Berns, of the Board of Health, dated 1/18/11; a memo from Police Chief Thomas Leary, dated 1/18/11, regarding parking concerns; a letter from Sheila Pransky, dated 1/18/11 in support; an e-mail from Barbara Levine, dated 1/18/11; an e-mail from Laura Pippo, dated 1/17/11; an e-mail from Ruby Iantosca, dated 12/22/10; a letter from the Members of Saveparking.com, dated 12/23/10; a memo from Louis Wolfson, dated 12/23/10; a memo from Paul Iantosca, dated 12/27/10; a Needham Times article, dated 12/30/10; an e-mail from Tom Bartzokis to Louis Wolfson, dated 12/24/10; a letter from Robert Smart, dated 1/10/11; and a letter from Justin Iantosca, hand delivered 1/14/11.

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

VOTED: to send condolences to the Town Clerk on the passing of her husband.

### Request for Permanent Occupancy Permit: Major Project Site Plan Review No. 2008-09 Town of Needham Permanent Public Buildings Committee, Petitioner (Property located at 500 Dedham Avenue, Needham, MA).

Tiffany Shaw, representative for the applicant, noted they want a permanent occupancy permit. They have a temporary. The punch list items are complete and a final survey of the water building has been done. Ms. Newman noted they have a note from Tony DelGaizo recommending a permanent occupancy permit.

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

VOTED: to authorize the request for a permanent Occupancy Permit for 500 Dedham Avenue.

### Minutes

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

VOTED: to approve the minutes of 12/7/10 with changes discussed.

**8:00 p.m. – Major Project Site Plan Special Permit No. 2010-04: The Mackin Group, LLC, 7 Harvard Street, Brookline, MA 02445, Petitioner (Property located at 916-932 Great Plain Avenue and 36-58 Dedham Avenue, Needham, Massachusetts). Note: This hearing is continued from the September 28, 2010, October 19, 2010, November 1, 2010, December 7, 2010 and January 4, 2010 Planning Board Meetings.**

Mr. Ruth referenced the previously read correspondence for the record: a memo from Police Chief Thomas Leary; a memo from Janice Berns, of the Board of Health, dated 1/18/11 and a memo from Tony DelGaizo, of the DPW, dated 1/18/11.

Mr. Jacobs informed the public where they are procedurally. He noted this is a continuance of a hearing regarding land within the Needham Center overlay district under the Town By-Law. This is the first to come before the Board under the new Section 3.8 of the Zoning By-Law. He noted they are seeking site plan review under Chapter 7.4 and a Special Permit under Section 3.8.

Mr. Ruth gave a brief background of the hearings and noted the Planning Board wants everyone to have appropriate time to speak and asked for courtesy. He asked that the comments be relevant to the issues before them. The Planning Director has supplied copies of the relevant By-Laws for the public. He noted there will be no decision tonight related to this application. The hearing will not be closed tonight.

Robert Smart, on behalf of Ken Mackin, noted they have reduced the proposal from 28 units to 25 units. The Dedham Avenue building has been reduced in length. Utilities and access to parking on site have been designed to accommodate development of the corner parcel.

Ken Mackin noted Dedham Avenue has been reduced to 11 units. In total there will be 22 2-bedroom units and 3 1-bedroom units with 3 being affordable. They have eliminated the stair tower and replaced it with a ladder. They moved the 2 towers 2 feet from the corner of the property to allow the abutter 2 spaces for his lot. Currently there is 4,814 square feet of retail space and there will be 5,820 square feet of retail. Great Plain Avenue has a 750 square foot reduction and Dedham Avenue will have 1,800 square feet of retail. They plan to install energy efficient appliances. They will have simulated slate for the 4<sup>th</sup> floor façade. They will use non-toxic and recycled products.

Michael LeBlanc noted there will be entrances from both sides of the building. They have pulled Dedham Avenue back 5 feet with hedges along the side. There will be a bike rack and the storefront on Great Plain Avenue will be preserved. There will be 3 different retailers and trees along the front sidewalk. The upper level will be mansard simulated slate. There will be a couple of setback terraces and the living rooms will have a bay bump out.

Mr. LeBlanc noted on Dedham Avenue there will be one or possibly 2 storefronts, entrances to the apartments and parking. There will be a granite base along the bottom and 3½ foot wide by 7 foot high windows. There will be simulated slate along the roof top and setback terraces.

Ken Mackin noted the residential units require 1½ spaces per unit so they will need 37 spaces for the site. They need 1 space per 300 feet of retail or 57 spaces for retail. They have 28 spaces and will need a waiver. He noted they have submitted a revised traffic study.

Mr. Mackin stated there are 1,100 rental units in Needham and 77% have one car or less. The data from the Institute of Transportation Engineers estimated 1.17 spaces per unit so they are one space short. They are prepared to lease spaces from 6:00 p.m. to 8:00 a.m. 7 days per week from other retailers around. He reviewed the traffic trips. He noted with 28 units there would be 16 trips in the a.m. hours and 31 trips in the evening. With the retail, there would be 29 peak a.m. trips and 95 peak p.m. trips.

Moe Handel, Board of Selectmen, noted he was speaking as a former member of the Planning Board, not as a Selectman. He has no position on this proposal and was on the Downtown Study Committee. He provided context and background and noted the need to use incentive zoning. He submitted his letter for the record.

A letter written by Justin Iantosca was submitted for the record. Mr. Ruth read the letter as Mr. Iantosca was unable to attend. He has objections and would like the opinion of DiNisco Design Partnership before this goes forward. He would like the Board to invite a representative from DiNisco to attend the next meeting.

Eleanor Rosellini, of Greendale Avenue, stated she took part in the downtown study. They are trying to bring the center into the future in a planned way. This development goes in the right direction. She wants people to rely less on cars and more on public transportation and a low carbon lifestyle. She wants all to keep an open mind to the project. She noted Needham needs a streetscape plan so developers can contribute to it. She believes they can have greater density.

A longtime resident noted there was a quaintness when he moved here 25 years ago. He applauds the town for the downtown planning study. He stated there is a need for housing near public transportation and the design appeals to what they want in downtown. He noted Needham center is dead and this will bring some life to it.

The tenant at 902 Great Plain Avenue stated there is a premium of parking downtown and there are concrete zoning laws. He asked why they are trying to bypass the By-Laws and get a variance. He stated By-Laws should be adhered to. He stated this is totally illogical and he disagrees with it. They need adequate parking. Mr. Jacobs noted the term variance does not apply.

Tom Parker stated he is sad to hear a By-Law change allows this type of development. He feels over time they will see more and more of this type of building. He stated it reminds him of Waltham. Mary Herzog stated if you do not work in downtown Boston, public transportation will not work. They will need 2 cars.

Tom Bartzokis stated his family has owned the building on this block for 35 years. He has a major issue with parking not the project. The Planning Board has set a precedent with waivers already. He feels they need to scale this down to meet the codes of the town.

Susan McGarvey, of 66 Upland Road, noted they are looking at a low carbon future. She feels people will self select because they want to live in Needham. This is not conducive to children so the tax revenue will be good.

Susan Abbott noted she is disappointed with the number of housing units they came up with. She would be more comfortable with a lower number like 23. That would help with the parking issue. This is the first building in the new era for Needham. She worries this building may be stuck in time. She asked if there is any way of reducing the number of apartments and put some money into reserve for the future to keep up with the green initiative?

Kathy Lewis stated she is concerned where parking is going to go. She is also on the parking committee and they had workshops on overlays. She noted where they are going to put the cars is a real concern.

Richard Schneider asked where are the cars going to go? He noted sometimes there is a 20 minute wait to get out of the lot on Dedham Avenue. He emphasized someone is going to get hurt.

Laura Pippo stated she was born in Needham in 1929 and lives at 23 Maple Street. She knows Needham square well. She stated they should not give up the safety of pedestrians in the center. She would love a new building going up with their own parking. There is a lot of traffic on that street. She stated it looks great on paper but that building on that corner will be massive. She feels that Needham is changing for the better, that it was getting stagnant. She does like the apartments but all the people she knows that live in apartments have cars. The stores will need places for their employees to park. This would be great if it was scaled down to the proper size and had parking. She is adamantly opposed to the height of the building and no parking. People cannot cross safely from that corner to the Village Fish corner.

Toby Sandler, of 55 Colby Street, noted she works in town and commutes to her job. She feels the building is too high and parking is a major issue. She agrees with a mixed use but noted people drive everywhere these days. She added they lost a lot of spaces on Chapel Street and around that area. It is hard for her to find a parking space in downtown. She feels the By-Laws are there for a purpose and we should follow them. Irene Bolosochers, of 84 Dedham Avenue, stated she works in the center and walks by the cinema every day. She is all for building but sees there is no parking. Cars block her driveway all day.

Chris Iantosca noted he lives in Needham. He agrees the theater needs to be redeveloped and feels it is a good plan. This is the first project under the new zoning and it needs to be done right. He would like to hear more about their experience. There are windows on the sides of the buildings. If this is further developed are they going to ask tenants to block off the windows? He added there is a garage issue. They should put extra parking here. He noted his friends take the train and their cars sit in their driveways all day long. He noted the energy saving features mentioned are all standard. He added Mr. Smart was a former Planning Board member and oversaw the zoning change.

Fred Carpenter applauds the efforts for redevelopment. Parking is absolutely the major issue. There are serious concerns and this is irresponsible to the town residents. He does not believe the numbers coming from the proponent. He is also concerned with the representation of Mr. Mackin by a former Planning Board member.

Kate Lynch, of 40 Melrose Avenue, noted she teaches at Olin College. There is a parking problem and she feels this would especially impact older people who cannot walk.

Brian Levy, representative for Gilbert Cox, owner of 60 Dedham Avenue, noted the changes made are helpful but do not change the end result. In 3.8.5.1 they need to show an economical need. He has not seen a plan that shows more parking. They need to show proof that it is infeasible to put parking on the lot. The DHCD opening sentence says there has always been a parking problem in destination areas of Needham. Each criteria of the By-Law has not been met by the applicant and he should not be given a Special Permit. They just got the traffic study and it is a major issue. He will have a traffic expert here at the next meeting. He has not shown a plan that he cannot put all parking on the lot.

Charlie Hogan, of 130 Tower Avenue, noted shopping has started to decay and they are forced to go out of town for shopping. The figures do not reflect the daily living around town. 11:00 am. to 6:00 p.m. parking is a challenge around Lincoln Street and Dedham Avenue. He appreciates the work done but cannot see cars exiting on Dedham Avenue without an issue. There is already a major issue with emergency medical responses in this area.

Louise Condon, 15 Tamarac Lane, noted she has been on many committees. She is a business woman and spends a lot of time downtown on foot and in her car. Parking is an issue. The proposal is terrific but sizing down just 3 units is not enough for her. Parking is still the main issue.

Fred Hartman, of 919 Great Plain Avenue, noted he hires primarily seniors. The oldest is 99 and the next is 93. They have a work plan for elderly employees. They park in the Dedham Avenue lot and walk to work. This will be a problem exiting on Dedham Avenue. They guarantee lifetime employment for their employees. If they get hit or hurt and cannot work that is the end of the line. Parking issues are clear. Town Hall is under construction. Where will they be when the expanded Town Hall is completed? He noted the Dedham Avenue tunnel under the apartments and commented they will not be able to put out a fire if there was one. He feels this is an accident waiting to happen. He checked after Christmas. There were 31 parking spaces and 7 were gone with the snow. The town runs out of money in February to remove snow so the piles stay there until spring. He asked they explain, with the courtyard setup, where the snow goes.

Ken Mackin stated they did attempt to design underground parking but they have to share a driveway with the abutter. He noted the tunnel is 14 feet in height. There are no public safety issues he has heard. He will check with officials to verify this.

Robert Smart, attorney for the applicant, commented on the conflict of interest claim. He was a member of the Planning Board for 10 years and had been off for over 2 years before he came back before the Board. He noted it has been made clear there are engineering and site restraints that prevent them from putting all parking on site. They are paying in excess of \$100,000 into the town fund and showing they can meet parking on site and with leased spaces. He knows there is a concern this would be a stand alone project with 4 stories and one story on either end. It is possible and they have accommodated for expansion from the abutters.

Mr. Eisenhut asked about the off-site leased parking. He asked if they are looking for guidance from the Planning Board or are they going to present something? Mr. Smart noted they would like to know the number of spaces the Board thinks they need off-site. They would be self selecting the group. People with 2 cars would not rent. They will know there is only one space available for them. Mr. Warner asked how many stories are the Canton buildings. Mr. Mackin noted they are 2 story townhouses.

Ms. McKnight noted the parking study does not say what the required parking is. They need to put in how many spaces are required under the Zoning By-Law. Mr. Jacobs noted he wants specific details for the next hearing. How do they propose to minimize any designs for pedestrians walking Great Plain Avenue toward Dedham Avenue? With two way traffic at that spot he is concerned with traffic back ups. How do they propose to mitigate that issue? Mr. Eisenhut stated Lt. Kraemer, of the Police Department, noted the same concern in his memo of 1/18/11.

Ms. McKnight noted the streetscape and trees shown on the plan. The town has not developed a streetscape for downtown. She wants to know what kind of trees, tree wells and what are the sidewalks going to look like? Will they be making a contribution for changes along Great Plain Avenue?

Lois Sockol commented on Dedham Avenue going to Great Plain Avenue. She asked what the distance is between this lot and the Cox building. Mr. Ruth noted approximately 100 feet. She is also concerned with Lincoln Street coming in at that area. Mr. Ruth summarized the concerns that need to be addressed. The fire issue, snow management, what are the likely retail uses for the first floor and they should think about if that is the highest and best use of that space.

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

VOTED: to continue the hearing to 2/15/11 at 8:00 p.m.

**ANR Plan – Hershey Lot at Great Plain Avenue, Assessor’s Map No. 302, Parcels 20, 22 and 23 (Town of Needham, Owner).**

Ms. Newman noted the parcel does not have frontage on Great Plain Avenue but through an easement. Part is being conveyed off to the MBTA. The lot will be labeled as a non buildable lot. The easement will be eliminated in the street right-of-way. This is a Town Meeting transfer. They are getting the parcel in the heights and giving the MBTA this parcel. Mr. Jacobs asked if the existing configuration will remain the same for the time being and was informed it would.

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

VOTED: to endorse the plan as ANR.

**Board of Appeals – January 20, 2011**

Jennifer Rabinovitz and David Kuhns, 71 Brookside Road, Needham, MA 02492 – 71 Brookside Road.

This has been previously commented on.

North Shore Construction & Development, Inc., 215 Salem Street, Woburn, MA 01801 – 54-56 Jarvis Circle.

North Shore Construction & Development, Inc., 215 Salem Street, Woburn, MA 01801 – 60-62 Jarvis Circle.  
North Shore Construction & Development, Inc., 215 Salem Street, Woburn, MA 01801 – 66-68 Jarvis Circle.  
North Shore Construction & Development, Inc., 215 Salem Street, Woburn, MA 01801 – 72-74 Jarvis Circle.  
North Shore Construction & Development, Inc., 215 Salem Street, Woburn, MA 01801 – 78-80 Jarvis Circle.

Mr. Eisenhut noted these are voluntary demolition of pre-existing, non-conforming structures. Ms. Newman noted these are under the Special Permit provision the Board created. All lots conform with the 18% lot coverage requirement – all are between 17.6 and 17.9%. The footprint requires 2,500 square feet and all are below that. Mr. Warner asked if 2 car garages are being planned. Ms. Newman noted that is not permitted.

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

VOTED: to comment as to the extent they do not comply with Section 1.4.7.4 the Board is concerned with the voluntary demolition and reconstruction.

ATT Mobility c/o KJK Wireless (Brian Allen), 3 Brookside Drive, Sutton, MA 01590 – 858 Great Plain Avenue.

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

VOTED: “No comment.”

ATT Mobility c/o KJK Wireless (Brian Allen), 3 Brookside Drive, Sutton, MA 01590 – 140 Cabot Street.

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

VOTED: “No comment.”

ATT Mobility c/o KJK Wireless (Brian Allen), 3 Brookside Drive, Sutton, MA 01590 – 460 Hillside Avenue.

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

VOTED: “No comment.”

ATT Mobility c/o KJK Wireless (Brian Allen), 3 Brookside Drive, Sutton, MA 01590 – 1555 Central Avenue.

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

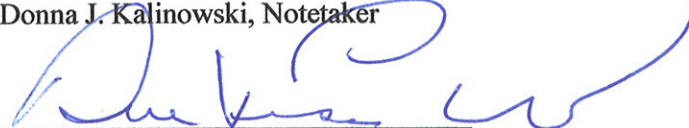
VOTED: “No comment.”

Ms. Newman reminded the members of the meeting next week on 1/27/11 at 7:00 p.m. Mr. Jacobs noted the letter from Mr. Reulbach. The last sentence asks a courtesy of a reply if the Board did not agree with his letter. He does not feel it is appropriate but he does not want to be discourteous. Mr. Eisenhut stated they should just let him know the letter was received and will be taken under consideration. Ms. Newman will do that.

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

VOTED: to adjourn the meeting at 10:50 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

  
Bruce Eisenhut, Vice-Chairman and Clerk