

## NEEDHAM PLANNING BOARD MINUTES

October 4, 2011

The regular meeting of the Planning Board held in the Charles River Room of the Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Tuesday, October 4, 2011 at 7:00 p.m. with Messrs. Warner and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

### Correspondence

Mr. Eisenhut noted a Needham Times article dated 9/27/11 for the record.

### Public Hearing

**7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2011-01: Wingate Senior Living, 63 Kendrick Street, Needham, MA, Petitioner (Property located on the westerly side of Gould Street between the Wingate at Needham Nursing Home at 589 Highland Avenue and the MBTA Right of Way). Note: This hearing is continued from the September 20, 2011 Planning Board meeting.**

Roy Cramer, representative for the applicant, noted the drainage issue. They have heard the concerns and have dropped the request to drop the new ANR parcel from the plan. He noted assisted living has increased due to the economy and increasing the number of assisted living units will better serve the needs of the community. It is important to begin so they do not lose a year. Independent living will be 25% of the units, as in the original proposal. They will increase the number of independent living units to build now from 9 to 12. He noted they have taken the Board's concerns seriously.

Mr. Eisenhut asked they confirm there are 2 affordable units with the changes. Mr. Cramer noted there were. Ms. McKnight commented it was a good compromise. The noted the October 4 amendment to the decision does not say 2 affordable units. Ms. Newman noted on page 102, paragraph A, Section 3.12.10 pertains to affordable housing. Ms. McKnight noted independent living apartment units is in the By-Law so they should use capitals particularly in paragraph 3.47. It would tie it into the By-Law.

Ms. McKnight requested they use some clarifying language in Section 1.21. In the draft they should add paragraph 3.47. She also feels they should add "when said parcel is developed it shall be developed under the provisions of Section 3.12.4 of the Zoning By-Law or equivalent provisions for elder services zoning however named or numbered" and at the end say "; however, a failure to comply with this condition if and when said parcel is developed is acknowledged by the petitioner to be a violation of this Special Permit meriting enforcement action." Mr. Cramer suggested "the petitioner agrees that the parcel should remain undeveloped until developed by a project comprising of a combination of individual living units, assisted living units and associated services consistent with the terms of the permit."

Ms. McKnight asked what if it is not developed under the elder housing rules. Mr. Cramer stated this is what we say we are doing. They could add a sentence that "this parcel shall not be developed for any use but a combination of individual and assisted living units as described above" rather than Ms. McKnight's suggested wording. He does not feel this is needed but is willing to put it in. Mr. Ruth commented Mr. Cramer's sentence is fine in lieu of Ms. McKnight's suggestion.

Mr. Ruth stated he spoke with the Planning Director regarding drainage. The Town Engineer is ok with it.

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

VOTED: to close the hearing.

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

VOTED: to adopt the amendment in the form discussed at the meeting on 10/4/11 with the changes discussed to Section 1.21.

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

VOTED: to delegate to the Planning Director the authority to review and communicate with the Building Inspector the building permit is eligible to be issued upon her satisfaction.

**7:30 p.m. – Major Project Site Plan Special Permit No. 2011-04: Permanent Public Building Committee for the Town of Needham proposed Senior Center, Petitioner (Property located at 300 Hillside Avenue, Needham, MA) Note: This hearing is continued from the September 20, 2011 Planning Board meeting.**

Ms. Newman noted there were several issues. There have been revisions made to the site plan. She has asked engineering for a parking requirement for events and there are issues with the spaces along Hillside Avenue.

Mr. Eisenhut noted the following correspondence for the record: a Needham Times article; a letter from the Town Engineer, dated 10/4/11, regarding the review; an e-mail from the Town Engineer, dated 10/4/11, regarding the parking issue; a letter, dated 9/26/11, from Bargmann Hendrie + Archetype, Inc. regarding public education; an e-mail from the police regarding parking; and a transportation report update.

Steven Popper, representative for the applicant, stated they are providing 65 spaces on site. They have access to 12 spaces on Mark Lee Road, plus one space at Avery Square for staff parking plus 10 on Hillside Avenue that are marked as 2 hour parking. They have a special arrangement of 20 spaces for Avery with the shuttle of occupants on event days. They have covered the day to day adequately and have the ability of expanded parking for events. He noted parking and signage on a public way is not the responsibility of the applicant.

Mr. Popper stated he is not clear what signage is needed. Mr. Eisenhut stated they should have a signage plan. Ms. Newman noted there is a standard set for parking requirements for the site. They voted to set the standard at 65 for daily but for special events the recommendation is 108 spaces.

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

VOTED: to amend the determination of parking need to supplement with a determination for special events demand will be 108 spaces.

Ms. Newman noted she received revised plans. They could be handled through a plan modification.

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

VOTED: to close the hearing.

**7:45 p.m. – Major Project Site Plan Special Permit No. 2011-05: Fusion Cuisine, Inc, 187 Harvard Street, Brookline, MA, Petitioner (Property located at 1019 Great Plain Avenue, Needham, MA).**

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

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

Roy Cramer, representative for the applicant, noted this is a 100-seat Japanese restaurant. Gary and Diane Wang are the principals. It is located where Pomodoro's is. They will have the same number of seats and there are no exterior changes. They want to continue take-out and catering. They want to be open for lunch. They have applied for the transfer of the liquor license. He noted the Wang's have a similar restaurant on Harvard Street in Brookline. The hours will be Monday through Thursday 11:00 a.m. to 11:00 p.m.; Friday 11:00 a.m. to midnight; Saturday 8:00 a.m. to midnight and Sunday 8:00 a.m. to 11:00 p.m. The maximum employees will be 12 during the dinner service and 7 during lunch. They will transport the bulk of the employees to and from the site by a van. There will be 13 to 15 spaces utilized by the restaurant. The Special Permits will be the same as requested and granted for Pomodoro. He reviewed the Special Permits they are requesting.

Mr. Cramer stated they have looked at reducing the number of dumpsters out back. Bagel's Best and the Rice Barn could not help. There is no way to move or screen the dumpsters. The telephone pole is in the way. There is not enough room to add dumpsters.

Ms. McKnight noted there is no site plan. The plan shows the inside of the building. Mr. Cramer clarified sometimes with older buildings downtown the Board will waive the requirement when there are only internal changes. Ms. McKnight stated it is difficult to discuss the location of dumpsters without a plan to look at. Mr. Cramer noted he reviewed what he had. The site plan is from 1990.

Mr. Ruth noted the interior renovations and aesthetics. He commented he was curious how this would be dealt with, especially the front windows. Ms. Wang stated there will be open space similar to Rice Barn. Ms. McKnight noted this parking study is an example of what they have been getting lately. They do not tell what the requirement is under the zoning. Parking studies should address that issue. It also does not take into account vacant storefronts that could go right back in without coming to the Board.

Mr. Ruth noted Pomodoro's is going out after 2 years. He would rather have it a little crowded than people going elsewhere and having a vacant storefront. He would like them to open for lunch. Ms. McKnight stated she feels they should allow 39 for lunch and not the full 100 seats. Mr. Ruth agrees. He thinks they should allow this. Ms. McKnight stated she would like a limit for lunch. Mr. Warner agreed with Ms. McKnight and Mr. Ruth.

Mr. Ruth stated they could retain jurisdiction to modify if there are issues. The Town Engineer and police are on board with this application. Ms. McKnight noted 70 spaces equals one space per 3 seats. Mr. Cramer commented he thinks that is arbitrary. Mr. Ruth noted the 2 spaces behind makes 78 if the 2 spaces can be used and they retain jurisdiction. Ms. McKnight clarified the actual number is 72.

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

VOTED: to close the hearing.

Ms. McKnight noted under Conditions in 3.13 and 3.16 -- solid waste in the last sentence belongs in 3.13 pertaining to loading and deliveries and 3.18 references either street -- this should be clarified as Chapel Street or Great Plain Avenue.

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

VOTED: to adopt the decision in the form presented at the meeting subject to a cap at lunch of 78 seats.

**Request to approve and endorse plans: Amendment to Major Project Site Plan Review No. 2008-08: V.S.A., LLC, 1105 Massachusetts Avenue, Suite 11G, Cambridge, MA 02138, Petitioner (Property located at 225 Highland Avenue, Needham, MA).**

Ms. Newman noted she would like authority to sign the drawings when she is satisfied she has received the drawings in an appropriate form. She has received them and the only change is the floor plan where Gymboree is to be located. The appeal period has run. She would like to transmit the plans to the Building Inspector for a building permit.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the three members present (Mr. Warner was out of the room):

VOTED: to authorize the Planning Director to sign the drawings when she is satisfied.

**8:00 p.m. – Amendment to Major Project Site Plan Review No. 2000-02: Digital Realty Trust c/o Walter Greaney, 451 D Street, Suite 912, Boston, MA 02210, Petitioner (Property located at 128 First Avenue and 72 A Street, Needham, MA).**

**8:05 p.m. – Amendment to Major Project Site Plan Review No. 2000-02: Digital Realty Trust c/o Walter Greaney, 451 D Street, Suite 912, Boston, MA 02210, Petitioner (Property located at 128 First Avenue and 72 A Street, Needham, MA).**

Ms. Newman clarified the 8:00 p.m. hearing is Lot A and the 8:05 p.m. hearing is Lot B.

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

VOTED: to consolidate the 2 hearings for the purpose of presentation and to waive the reading of the public hearing notice.

Walter Greaney noted this is the same property. They have resolved the concerns previously brought up. They have submitted 2 separate applications. There is one amendment to the existing application to carve off the land for a new building. The only change is to create 2 lots and 2 separate applications. Mr. Warner noted for Lot A the open space requirement is met. The FAR needs a Special Permit. Mr. Eisenhut noted all dimensional requirements are satisfied. Mr. Ruth stated they have adopted sound mitigation procedures.

Mr. Eisenhut noted the following correspondence for the record: a memo from Lt. John Kraemer, dated 9/30/11, noting no comments; 2 memos from Janice Berns of the Board of Health, dated 9/21/11 and 9/22/11, with no comments; a letter from Merrill Associates, Inc., dated 9/13/11, with changes and modifications; a letter from Paul Laudano of Brown Rudnick, dated 9/9/11; a memo from Vanasse Associates with a traffic impact assessment and a memo from the Town Engineer, dated 9/30/11, with no comments or objections.

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

VOTED: to close the hearing.

**ANR Plan – 128 First Avenue and 72 A Street.**

Ms. Newman noted Engineering did a review and they are fine with it. It is consistent with the site plan.

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

VOTED: to approve Approval Not Required as presented.

**Discussion: Needham Farmer's Market, procedural issues.**

Ms. Newman noted there is nothing to present. The hospital is off the table.

Mr. Warner left the meeting at 9:20 p.m.

**8:45 p.m. – Article 1:PB – Amend Zoning By-Law – Apartment-2 Zoning District.**

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

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

Ms. Newman noted the Planning Board is the sponsor of the article. They are asking for 4 stories for the limited purpose of a nursing facility.

Roy Cramer, representative for the applicant, stated they are requesting 2 changes. They would like the maximum to go from 3 habitable and 40 feet to 4 stories and 50 a foot maximum under the limited nursing home use. They want to construct a 72-bed skilled nursing facility and 45 assisted living units. They will have a walk out basement that would become habitable. The height will be 48.7 feet so they are requesting 50 feet.

Mr. Cramer noted the closest resident is 670+ feet away. Mr. Eisenhut asked if they have contacted the abutters. Michael Benjamin, Wingate In-house Counsel, noted they have had 2 abutter meetings. Only 6 showed up at the first meeting and none showed at the second meeting. He noted they are rebuilding the nursing home.

Ms. McKnight asked if they have spoken with the Fire Chief regarding the equipment reaching this height. Mr. Benjamin noted Fire Chief Paul Buckley has seen the plans. They have not talked directly.

Mr. Ruth asked if, in the future, a fourth story could be put on for the nursing use. He was informed nursing home construction would not be allowed. It was noted there is no other land to build on. Also, 72 beds is the maximum per the state.

Ms. McKnight asked if they have talked with Charles River. She was informed they have talked to the Board regarding the land and they have been supportive.

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

VOTED: to close the hearing.

Ms. Newman stated the language needs to be finalized by 10/19/11.

**Release of Subdivision Off-Street Drainage Bond: Wellesley Avenue Subdivision, August Way, Lots 5, 7 and 8.**

Ms. Newman noted the Board of Health is recommending release of \$6,000.

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

VOTED: to grant the release requested.


**Report from the Planning Director.**

Ms. Newman reminded the Board the community meeting is tomorrow night on the zoning for the NE Business Center at Broadmeadow School from 7:00 p.m. to 10:00 p.m. Ms. McKnight stated she feels it would be helpful to take a tour of that area.

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

VOTED: to adjourn the meeting at 9:45 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

A handwritten signature in cursive script, appearing to read "Sam Bass Warner", written over a horizontal line.

Sam Bass Warner, Vice-Chairman and Clerk