NEEDHAM PLANNING BOARD MINUTES

November 15, 2011

The regular meeting of the Planning Board held in the Needham High School Media Center was called to order by Bruce Eisenhut, Chairman, on Tuesday, November 15, 2011 at 7:30 p.m. with Messrs. Warner, Jacobs and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Appointments

7:30 p.m. – Rick Hardy: Discussion of Historic Commission's Historic Properties Inventory Volume 2.

Rick Hardy, Chairman of the Historical Commission, noted the first historic property inventory was done in 1978. This included structures, houses and bridges and was done by volunteers. This one was done by consultants hired by the EDC. All the properties have some historic significance. He clarified if it is on the inventory it is subject to the Demolition Delay By-Law. He added owners are asked permission to be put on the list. He wants to present this to the Board and let them know the inventory is complete.

Ms. McKnight stated she understood the demolition delay was a 2-step process and any building over a certain number of years was flagged by the Building Inspector if it should be preferentially preserved. She asked if the role of the inventory was to decide if it is preferentially preserved. She also asked if it is true that even a building not on the list could be preferentially preserved. Mr. Hardy stated the inventory is what flags it.

Mr. Jacobs asked what the advantage is to the homeowner. Mr. Hardy noted some state grants are available and other resources they can take advantage of. Ms. McKnight stated Community Preservation funds can be made available to property owners. She does not know if this has been pursued or not.

Public Hearing

7:45 p.m. – Amendment: Major Project Site Plan Special Permit No. 2005-07: Needham Gateway, LLC, 66 Cranberry Lane, Needham, MA, Petitioner (Property located at 100-120 and 126 Highland Avenue and 54 Second Avenue, Needham, MA).

Rick Mann, attorney for the applicant, noted they received Major Project Site Plan approval in 2006 and it was amended most recently in 2008. They have 10,628 square feet on Highland Avenue and will have one tenant. F.W. Webb Co. has 6 full time employees. The hours are 9:00 a.m. to 6:00 p.m. They expect 20 to 25 customers and one delivery per day in a 20 foot box truck. He noted the Special Permit is in the event the premises are used for a single retail use. The building housed Mattress Giant which vacated and the high end furniture store is gone due to the economy. He stated all criteria are met. They would like the Board to act favorably on the request. He noted in the alternative they have asked for a floor area gross interpretation.

Mr. Eisenhut noted the following correspondence for the record: a letter from the Town Engineer, dated 11/14/11, with no comments or objections; an e-mail from the Police Department, dated 11/11/11, noting no safety concerns and an e-mail from the Fire Department, dated 11/10/11, noting no issues.

Mr. Eisenhut commented he wanted to emphasize the original decision allowed deliveries between 8:30 a.m. and 6:00 p.m. He noted it will be the same and the new tenant should know that. Mr. Mann stated it is in the lease of the tenant and he has pointed it out to the attorney.

Mr. Ruth asked if the interpretation they are seeking is granted, is he correct in assuming that it moots the need for a Special Permit. Mr. Mann stated that is correct.

Ms. McKnight asked if the existing decision addresses trash pick up. Mr. Eisenhut stated it does – from 8:30 a.m. to 6:00 p.m.

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

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to grant the relief in the form of the draft decision presented.

8:00 p.m. -- Transfer of Permit: Major Project Site Plan Review No. 2008-06: Petite Robert Needham, LLC d/b/a Petite Robert Bistro, 468 Commonwealth Avenue, Boston, MA, Petitioner to Petit Needham, LLC d/b/a Petite Robert Bistro, 298 Harvard Road, Bolton, MA 01740 (Property located at 45 Chapel Street, Needham, MA).

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to decide absent a public hearing.

Raji Spencer, representative for the applicant, stated the restaurant is being sold by the original owners. His company is entering into that space. It will remain as is in regards to hours, number of employees and menu. He would like a transfer of the existing permit from Petit Robert Needham, LLC d/b/a Petit Robert Bistro, to Petit Needham, LLC d/b/a Petit Robert Bistro. Petit Robert Bistro has expanded too fast and they are not able to spend much time there. They are looking at someone to come in as an active manager and physically own the assets. This is a license agreement and he will be the active owner/manager. He stated they will customize up to 5 menu items. They are currently scheduled to go to the Selectmen on 11/29/11 for the transfer.

Ms. McKnight asked Mr. Spencer about the staircase at the back of the property that goes down to the railroad tracks. She stated she had hoped something would be done but nothing has been. Bob Hentchell, representative for Petrini Corporation, stated part of it is on MBTA property. He stated it is hard to deal with. The situation does not bode well for them to encourage traffic down to the tracks.

Ms. McKnight stated it was much safer than people climbing over the railings. She commented she would like to work with him to try to resolve the issue. Mr. Hentchell stated if they fix it they are inviting people to park on their property. This creates a host of problems for them. He stated the issue of repairing the MBTA staircase on his property is not really an issue for them. Ms. McKnight commented she understands part of the staircase is on MBTA property and part is on the Petrini Corporation's property but they need cooperation. She stated it sounds like they are not interested in cooperating. Mr. Hentchell stated he is not sure it serves the Petrini's interests.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to transfer the Special Permit as requested.

Board of Appeals – November 17, 2011

Norfolk Lodge A.F. & A.M. Annual Christmas Tree Sale.

Upon a motion made by Mr. Ruth, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: "No comment."

Needham Presbyterian Church, 1458 Great Plain Avenue, Needham, MA – 1458 Great Plain Avenue.

This has already been commented on.

VTH,LLC, 15 Highland Place, Needham, MA – 33-35 March Road.

Mr. Eisenhut noted there were 2 uses on one lot. Ms. Newman noted she thought it was a handicap accessibility issue. Mr. Eisenhut clarified there is an office upstairs, which is a different use, and asked if there is a parking issue. Ms. Newman noted the whole building is going to a spa use with one office in the corner. Mr. Ruth noted multiple uses on one lot is not stated.

Ms. McKnight asked why it was before the Zoning Board of Appeals and not the Planning Board. Ms. Newman clarified it did not trigger a site plan. Ms. McKnight asked if anyone had done a parking demand. Ms. Newman stated salon use is the same as office so there is no actual increase.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: "No comment."

MJK Enterprise of NY, INC – 855 Highland Avenue.

Mr. Eisenhut stated it was a sketchy plan. He is not sure what they are doing. Alex Clee stated she is expecting an updated plan.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to invite the Zoning Board of Appeals to use their authority to the extent possible to influence beautification of the parking lot as well as address storm water runoff issues, otherwise, they cannot adequately comment.

Upon a motion made by Ms. McKnight, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to reopen Case 3 (VTH LLC) and reconsider.

Upon a motion made by Mr. Ruth, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to reconsider their "No comment" and instead comment the Zoning Board of Appeals should take this opportunity to review the parking facility and to the extent possible influence beautification of the parking lot.

Discussion: Selectmen's request to have Downtown studied.

Mr. Ruth stated he wants to have the theater block permitting completely done before they discuss this. Ms. Newman will let Town Manager Kate Fitzpatrick know they are waiting until the theater block is done.

Ms. McKnight commented on the Green Communities Study Committee she served on and stated it may continue. She feels someone else should be thinking about serving on the Downtown Study Committee if the Green Communities Committee continues.

Report from the Planning Director

Ms. Newman stated the Wingate letter went out. She noted the departments need to work together. She commented it is unusual having 2 registered pieces of land connected by one unregistered piece.

Mr. Jacobs stated the Council of Economic Advisors may be turning their attention to the other side of Highland Avenue. He asked if they had any suggestions. Ms. Newman stated the Residential Overlay is along the river. She feels there is less resistance to rezoning it appears.

Ms. McKnight noted the League of Women Voters Forum is Thursday at 7:00 p.m. at the Historical Society and all are invited.

Mr. Ruth noted the neighbors on Elmwood Road are angry with the subdivision they have begun construction on. He asked if they should undertake to give some notice to abutters with ANRs. He clarified not a legal notice but just something letting them know it would be on an agenda. Ms. McKnight stated she is concerned with this. It is as of right and they cannot deny it. She stated there is nothing they can do. Mr. Ruth stated this would allow conversation among the parties outside of here.

Upon a motion made by Ms. McKnight, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to adjourn the meeting at 8:55 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Sam Bass Warner

Sam Bass Warner, Vice-Chairman and Clerk