NEEDHAM PLANNING BOARD MINUTES

July 10, 2012

The regular meeting of the Planning Board held in the Great Plain Room, Lower Level, Needham Town Hall was called to order by Bruce Eisenhut, Chairman, on Tuesday, July 10, 2012 at 7:30 p.m. with Messrs. Warner, Jacobs and Ruth as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski. Ms. McKnight arrived at 7:42 p.m.

Public Hearings

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 1996-7: TD Bank, 95 Highland Avenue, Needham, MA, Petitioner (Property located at 95 Highland Avenue, Needham, MA).

Upon a motion made by Mr. Warner, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to waive the reading of the public hearing notice.

Mr. Ruth disclosed Brian Levy, representative for the applicant, is a former partner of his. He feels he can proceed on this matter. He also noted his firm works for TD Bank but not on this matter.

Brian Levy, representative for the applicant, noted in October 1996 the Planning Board issued a Special Permit to Metro West Bank. TD Bank has replaced Metro West Bank. In June 2011 the Board issued an amended Special Permit to do several changes. They want to do more modest changes and want to modify the Special Permit.

Randy Miron, of TD Bank, noted the first tower element is no longer proposed. The rear door is in a slightly different location and they are relocating the ramp and access aisles. They will relocate the handicap space from the front to the back to make it more convenient for customers. Mr. Warner asked about the plantings. Mr. Miron noted the only changes are to refresh, trim and add mulch. Mr. Levy stated they are requesting relief from the landscaping requirement.

Ms. McKnight arrived.

Ms. Newman noted the landscape plan was approved earlier. They are not proposing to change the landscape plan. Mr. Levy stated there is a new note, C300, that the landscape is the same as the 1996 plan. Mr. Eisenhut clarified they did not change the plan for landscaping last year.

Mr. Warner asked if they could add some trees. Mr. Levy noted they could talk about some language. He will work it out with the Planning Director.

Ms. McKnight stated she drove by the site. There are some trees. She feels the only problem is the side strip. It seems there were trees that have not survived. She would like to see what the original planting plan had. She commented the side strip is right beside the road and does not look good.

A motion was made to delegate the authority to the Planning Director to work with the petitioner on the landscaping. Mr. Jacobs stated with the 3.2B reference to the 1996 landscape plan he believes the landscaping requirement is already in there.

Mr. Eisenhut noted the following correspondence for the record: a letter from the Board of Health with no comment; a memo from the police with no safety concerns; a memo from the Town Engineer with no comments or objections and the draft decision.

A motion was made to grant the requested relief in the form of the decision with the insertion in Section 2.0 of a modified landscape plan as agreed upon by the applicant and Planning Director. Ms. McKnight suggested an amendment to Section 3.5. She noted the usual language is for what is needed to be provided prior to occupancy and to see the landscaping is done under this permit.

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

VOTED: to grant the requested relief in the form of the decision with the insertion in Section 2.0 of a modified landscape plan as agreed upon by the applicant and Planning Director and add in Section 3.5 what is needed prior to occupancy.

DeMinimus Change: Major Project Site Plan Review Special Permit No. 2005-07: Barlo Signs c/o Jenn Robichaud, 158 Greeley Street, Hudson, NH, 02051, and Needham Gateway, LLC, Box 920757, Needham, MA, Petitioner (Property located at 100-120 and 126 Highland Avenue and 54 Second Avenue, Needham, MA).

Tim Sullivan, of Barlo Signs, stated this is a minor change to install 8 non-illuminated awnings over the exiting windows. There will be one at 30 feet, one at 12 feet, one at 21.6 feet, one at 17 feet, one at 18 feet and 3 at 8 feet. All are 36 inches high with a 2 foot projection and a 6 inch valance. Ms. Newman noted this has already been approved by the Design Review Board. It is a deminimus change to an existing Special Permit. Mr. Sullivan noted it will be canvas material.

Mr. Ruth asked if it would be 4 season and was informed it would be and they would be permanent awnings. Ms. Newman stated they did this same thing as a deminimus change at 225 Highland Avenue.

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

VOTED: to grant the relief requested as a diminumus change in the form of the decision presented at this meeting.

Decision: Major Project Site Plan Special Permit No. 2012-06: MMM Property, LLC, 7 Harvard Street, Brookline, MA 02445, Petitioner (Property located at 36-58 Dedham Avenue, Needham, MA).

Decision: Major Project Site Plan Special Permit No. 2012-05: MMM Property, LLC, 7 Harvard Street, Brookline, MA 02445, Petitioner (Property located at 916-932 Great Plain Avenue, Needham, MA).

Mr. Eisenhut noted they would do items 4 and 5 on the agenda together.

Robert Smart, representative for the applicant, stated he thinks they are in agreement with the language in both decisions except 2.0(c) of each decision. Where it says 4 feet, it should say 3.78 feet to reflect the actual distance; from the curb to the property line (which is a little bit into the sidewalk), it is actually 2.22 feet at its narrowest point , not 2 feet. Ms. Newman noted they did not originally have this information from the Petitioner. Absent that information, Town Engineer Tony DelGaizo did not feel comfortable going to the lower number; although what they have provided shows they do have the 3.8 feet on their property. The Town wants 6 feet of sidewalk and there is zero tolerance from the Town.

Mr. Jacobs stated he wants to see exactly where the curb and property line are. Mr. Mackin explained the 3.78 feet refers to the distance from the location of the planter to the edge of the street layout line and 2.22 feet from the street layout line to the face of the curb. The entire distance of the sidewalk is at least 6 feet, at some points it is closer to 7 feet and then it flares out.

Mr. Jacobs clarified that it appears from the curb line to the outer edge of the planter is 5 feet. Mr. Mackin confirmed this was correct. Mr. Jacobs asked where the 3 feet were. Ms. McKnight noted 3 feet from the edge of the building overhang to the property line.

Mr. Ruth cautioned it looks like where the 5 foot line is there is a column that supports the second floor. The column may be the true point and not so easily moved. Mr. Smart noted they have the 5 feet plus 2.22 feet from the property line to the curb. Mr. Jacobs stated his concern is the DPW wants a minimum of a 6 foot width. He wants it to be as clear as it can be. Mr. Mackin stated he would make sure the planters do not encroach on the sidewalk and keep a 6 foot width from the planters to the curb.

Mr. Smart stated he would like to change the request from 4 feet to a minimum of 3.78 feet. Ms. Newman will reference the drawing.

Mr. Ruth noted 4 compact parking spaces are becoming 3 regular spaces. Mr. Mackin stated they will still meet the standard of 1.5 per unit but want some flexibility.

Ms. McKnight clarified the only change is 2.0(c) and they are modifying it to show a minimum of 3.78 feet of sidewalk upon the premises. Mr. Jacobs noted they should also have "in addition to 2.22 feet of sidewalk within the public way adjacent to the petitioner's property for a total minimum of 6 feet." This is fine.

Mr. Eisenhut noted a letter, dated 7/10/12, from Kerry Ryan has already been discussed and incorporated into the record.

A motion was made to grant the requested relief in two forms of decisions for 916-932 Great Plain Avenue and 36-58 Dedham Avenue and grant the request in the form of the decisions presented at the meeting except with the change discussed with regard to the allowance for a 6 foot sidewalk. Mr. Warner stated this has been a long and difficult process. He then read a statement he prepared noting he feels they should be staying within the 3 story limit in height.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by four of the five members present (Mr. Warner voted in the negative):

VOTED: to grant the requested relief in two forms of decisions for 916-932 Great Plain Avenue and 36-58 Dedham Avenue and grant the request in the form of the decisions presented at the meeting except with the change discussed with regard to the allowance for a 6 foot sidewalk.

Mr. Eisenhut expressed his appreciation for the hard work. Mr. Jacobs clarified for the record Mr. Mackin bought the property before the zoning came in.

Ms. McKnight noted she had a question on 3.7. The spaces can be used by other than the tenants. She asked if they want this. Mr. Smart agreed. They should add a corresponding right. Ms. McKnight noted 17 or 16 spaces assigned may be utilized by Lot A.

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

VOTED: to reconsider the prior vote.

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

VOTED: to grant the relief requested for 916-932 Great Plain Avenue as set out in the decision with one change regarding the sidewalk distance.

Upon a motion made by Ms. McKnight, and seconded by Mr. Ruth, it was by four of the five members present (Mr. Warner voted in the negative):

VOTED: to approve the application for 36-58 Dedham Avenue in the form of the decision with 2 changes - one with regard to sidewalk distance and the other in the Section 3.7 language not withstanding the above changing to 17 spaces.

ANR Plan – 36-58 Dedham Avenue and 916-932 Great Plain Avenue, Needham, MA.

Ms. Newman noted she received the draft ANR. It has been reviewed by the DPW and they are fine with it. She noted there is no original mylar. They will sign it at the next meeting so there is no action to take tonight.

DeMinimus Change: Major Project Site Plan Special Permit No. 91-3: North Hill Needham, Inc., Petitioner (Property located at 865 Central Avenue, Needham, MA).

Mr. Eisenhut noted this is cutting of trees along the gas line. Ms. Newman noted the Conservation Commission has requested changes. The line is mostly underground and not visible. There is a 20 foot swath that was cut out which was the expectation of where the utility line would go. The Conservation Commission held a meeting and issued an order of conditions. Mr. Warner stated he feels the cut is excessive. Mr. Eisenhut stated if the neighbors were on the notice, and the issue was addressed through the Conservation Commission, then it is fine with him.

Roy Cramer, attorney for the applicant, stated it is mostly subsurface changes. Most have developed during construction. NStar wanted new gas service put in. Mr. Cramer reviewed the changes NStar wanted which include a canyon roof drain, a canyon water line removed, moving intercept drain, grease trap added, telephone and data line relocated, electric lines relocated, revised drainage, gas line connection relocated, new sewer line and a revised grease trap. He stated he is about to file Phase 2 of the project. These changes need to be done quickly. He met with the Town Engineer today and he is in agreement the changes make sense.

Ms. Newman stated the revised drawing is done and no additional tree cutting is being done. The DPW is satisfied. Ms. McKnight asked if the drainage changes were approved. Mr. Newman stated they were approved by engineering this afternoon.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Ruth, it was by the five members present unanimously:
VOTED: to approve the revised drawings and authorize the changes described.

Board of Appeals – July 19, 2012

Needham Pediatrics, PC, 111 Lincoln Street, Needham, MA 02492 – 145 Rosemary Street.

Ms. McKnight noted this is a significant change. They need a waiver on parking. Mr. Ruth stated he wants to request they use this as an opportunity to be clear whoever is successor to that location will be held to the letter of the law and not be allowed to park across the street. He will request the Planning Director send a letter to the Needham Police at a change of occupancy noting the full vigor of the law will apply. Mr. Eisenhut noted they need to find out who the owner of the building is.

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

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, it was by the five members present unanimously:
VOTED: to direct the Planning Director to investigate the ownership of 111 Lincoln Street and draft an appropriate letter regarding parking.

High Street Trust, c/o Paul Bevilacqua, PO Box 812704, Wellesley, MA 02482 – 22-24 High Street

This has already been commented on.

David O. Williams, 617 South Street, Needham, MA, 02492 – 617 South Street

Ms. McKnight noted the plans show a large lot.

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

Peter Grabler, 180 Standish Road, Needham, MA 02492 – 180 Standish Road

Mr. Warner stated this should be the Conservation Commission. Ms. Newman noted there is an order of conditions already.

Report from Planning Director

Ms. Newman stated she has been approached by Needham Gateway. Aronson Insurance is going out. Panera Bread is interested in taking it and part of the front of Super Cuts for straight office use. They will request an amendment under the regular permit to allow the use. She asked how they would like to deal with it. Mr. Ruth noted it is ancillary to Panera's use. Ms. McKnight stated it should be a formal amendment. Mr. Eisenhut agreed.

Upon a motion made by Mr. Ruth, and seconded by Ms. McKnight, 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