NEEDHAM PLANNING BOARD MINUTES

April 16, 2014

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building was called to order by Bruce Eisenhut, Chairman, on Wednesday, April 16, 2014 at 7:39 p.m. with Messrs. Warner and Jacobs and Mss. McKnight and Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

Correspondence

Mr. Eisenhut noted they have correspondence on matters relative to specific cases. They have By-Law approvals from the Attorney General. Ms. Newman noted there was an invitation to an event from the Council of Economic Advisors (CEA) to discuss 2 industrial districts. She encouraged those who are available to attend the meeting. Ms. Grimes emphasized she would like all to attend. There are 2 meeting times – one on 4/29 at Wingate at 8:00 a.m. and one on 4/30 at the Senior Center at 7:00 p.m.

7:30 p.m. – Major Project Site Plan Special Permit No. 2014-03: Spirit Journey Acupuncture c/o Evan Smith, 5 Chrysler Road, #911, Natick, MA 01760, Petitioner (Property located at 945 Great Plain Avenue, Needham, MA 02492).

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

Evan Smith, from Price Taylor and representative for the applicants, noted their space is currently a small 2 room office. They are looking to go to a larger space down the hall. They have submitted a floor plan. He stated what they are currently looking to do is go from two treatment rooms to 5 treatment rooms and include a classroom space. The space is really larger than they need but the rent is cheap enough they will take the space. The usage is based on the projected occupancy over the next couple of years.

Mr. Smith stated the proposed use is both a private school use for the teaching component and a medical use for the acupuncture component. They need a parking waiver and have done the calculations. The office is currently 2,700 square feet and there is one spot for 300 feet for a total of 9 spaces. They have 1,000 square feet for medical and there is one spot per 200 square feet for a total of 5 spaces. It is 5 spaces for a school use for a total of 10 spaces. He noted there are currently 7 spots.

Ms. Newman stated she is confused with the floor plan and asked how the conference room is calculated. Mr. Smith commented they are not currently planning to use that space. Ms. Newman stated they need to include it in the calculations. Mr. Smith noted they would need another 5 spaces. Mr. Eisenhut stated that was a total of 15. They have 7 and need a waiver of 8 spaces. Ms. Newman stated they need more detail on the floor plan. This could be done through a plan modification.

Ms. McKnight noted on the sketch it says there is a 2 story bank. She asked if that is still there. Mr. Smith stated it was on the second floor. The music store is directly below it. Ms. McKnight asked if they would not look for all parking demand for all uses and compare with the total parking supply on the lot. Ms. Newman stated the proposed more limited review is how the Board processed the music store. They just looked at the change in the building. They did not require that the applicant calculate the whole building.

Ms. McKnight clarified the premises is 2,690 square feet. The break down is 660 square feet is educational, 1,000 square feet is conference and 1,030 square feet is medical use. Ms. Newman noted they need 15.13 or 16 spaces. They will need a waiver of 9 spaces.

Mr. Eisenhut noted the following correspondence for the record: a letter from Town Engineer Anthony Del Gaizo, dated 4/9/14, with no comments or objections; an email from Fire Chief Paul Buckley, dated 4/10/14, with no issues; an email from Janice Berns of the Health Department, dated 3/24/14, with no comments at this time; and an email from Police Lt. John Kraemer, dated 3/31/14, with no concerns.

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

Upon a motion made by Ms. Grimes, and seconded by Mr. Warner, it was by the five members present unanimously:
VOTED: to grant a waiver of 9 parking spaces.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to grant a Special Permit for the private school use, grant a Special Permit for more than one non-residential building or use on a lot and approve a Major Project Site Plan under Major Project Site Plan Review subject to the conditions mentioned by the Planning Director that the site plan be submitted in a revised form meeting our customary standards.

8:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2012-04: Needham Farmer's Market, Inc., 28 Perrault Road, Apt. #1, Needham, MA 02494 and Needham Bank, 1063 Great Plain Avenue, Needham, MA and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1055 & 1063 Great Plain Avenue, Needham, Massachusetts 02492).

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

Ms. Newman noted she had prepared a draft decision.

Mr. Eisenhut noted the following correspondence for the record: a letter from the Needham Business Association and the Needham Merchants Association, dated 4/9/14, in support; an email from Fire Chief Paul Buckley, dated 4/10/14, with no issues; a letter from Town Engineer Anthony Del Gaizo, dated 4/9/14, with no comments or objections; an email from Police Chief Paul Droney, dated 3/31/14, noting no safety concerns; an email from Janice Berns of the Health Department, dated 3/24/14, with no comments; a letter from Karl Heinz, President of Needham Community Farm, dated 3/27/14, in support; and a letter from Wendy Todd, President of Parent Talk, dated 3/27/14, in support.

Jeff Freidman, President of the Needham Farmers Market, introduced himself as well as Tom Gehman, the market manager. Mr. Friedman explained the proposal to operate a farmer's market in the parking lot of the Needham Bank. He noted the land owners – the Bank and the Town of Needham – have signed license agreement with the Farmer's Market. Needham Bank required an amendment to the Special Permit to allow the market. Mr. Friedman noted that they will operate with 74 parking spaces, and the requirement is 68. He stated they will be open from Sunday, May 25 through November 23 from the hours of noon to 4 p.m. Alternatively, the license agreement allows that the selling time to be from 1:00 p.m. to 5:00 p.m. They have allowed 2 hours additional each for set up/break down. There will be 5 tables for the community farm and other non-profits. There will be 2 Needham artists and musicians. The music will be free. They were granted a permit two years ago to operate on the church lawn. There have been no issues in the last 2 years. Mr. Friedman requested the application fee be waived.

Mr. Gehman stated it is a very popular community event and there is plenty of parking on Sunday afternoons. They feel it is a good fit with the local merchants. He noted as it is a non-profit they would like the fees waived. He noted they were limited to 8 vendor slots at the church. They had 2 anchor farmers and rotated the slots. They will continue to have these 2 farmers. They hope to have 16 slots this year for a different variety of items. He noted they want to expand the range of products. They will also have children's activities. They will have several energy related Sundays where kids could learn. They feel this is a place for community.

Mr. Eisenhut stated Town Meeting has established the parameters. He asked if they fall within the parameters. Ms. Newman stated she had one question. She stated there was nothing in the document that half of the vendors will sell fresh produce and food. She asked if this was part of the permit. Jeff Friedman, Needham Farmers Market, noted almost all the vendors sell food.

Mr. Jacobs asked for the definition of a farmers market. Ms. Newman read the definition. Mr. Jacobs stated there is nothing in the definition and the By-Law does not say anything about artisans or artists. That is really not what the By-Law says. Mr. Friedman stated artists are not vendors at the market. They do not sell anything. Mr. Jacobs stated he had outlined in red the area of the market. That is not an existing parking area. He has the same objection that he had on the front lawn of the church. He stated he will vote against it because it is not on an existing parking lot. Mr. Friedman stated they have complied with the intent of the By-Law. The vendors will be in the parking lot. The only element in the plaza will be the musicians and the only reason is the electrical outlets are there.

Mr. Jacobs stated the application is including an area he feels does not fall within a farmer's market under the By-Law. He commented if they want to remove that area from the market he is ok with that. Ms. McKnight agreed. She stated they could have a condition that the market will be within the parking area. She stated she does not understand the parking waiver. Page 5 says they have 74 spaces. The license with the bank allows them to use all 74 spaces. She asked if that is where booths will be set up? Mr. Friedman stated they are outside of the 74 spaces.

Ms. Newman stated she has included what the bank needs on page 4. Ms. McKnight stated she would like language that clarifies those 74 spaces are allocated to the bank. Also, 8 booths was one thing and with 50% food vendors. She stated they are now talking 25 booths. If they stick with the 50% limit they are talking 12 or so booths of people selling jewelry and such. She would like to up the food-vendor percentage.

Mr. Friedman stated the last Special Permit provided for 2 artisans/artists. They want the same thing. Mr. Eisenhut stated they could increase to 60%. Ms. McKnight commented she was thinking 80%. Mr. Friedman stated he was happy to increase to 75% or 80%. Mr. Jacobs noted 25 and 5 more. Mr. Gehman clarified 25 vendors then 5 who are not selling.

Mr. Eisenhut stated 3 organizational non-sale, 2 artists and of the other 25, 80% must sell farm products. Mr. Jacobs reiterated the plan includes an area that cannot be part of the plan. They need to draw the line at the end of the parking lot. Mr. Friedman stated it is consistent with a matter of precedent. Ms. Newman noted they could ask him to modify the plan to not include the plaza area.

Ms. McKnight asked if vendors will be able to park in the conditions and was informed they would. There will also be trash and water removed from the site. Ms. Newman asked what is arranged regarding ice removal at the end of the day. Ms. Newman stated that last time around, DPW was concerned about it going down the storm drains. Mr. Friedman stated they have no arrangement. They could make the arrangement with a restaurant in the area.

Ms. Newman noted the Decision is written so it's a one year permit which is slightly different from the past. In paragraph 4.6 – the permit is issued on an annual basis. They need to submit a letter each year with the dates and times. This is a more fluid process. In paragraph 1.6 – the Special Permit is only for a one year period then is renewable at the end of the period. The license agreement allows for 2 hours for setup. Paragraph 1.9 allows for 2 hours for cleanup. She will make the document consistent. Musicians can be located on the north end of the plaza. Mr. Eisenhut stated musicians are a bank issue, not theirs. Ms. Newman stated they could be in areas the Planning Board is permitting.

Ms. Newman stated the noise condition stays in and musicians can be in the parking lot. Mr. Friedman stated his view/model is consistent with virtually all the other markets he has been to. Mr. Jacobs stated he wants to be very clear they cannot do it unless the By-Law says you can do it. They cannot have a farmer's market anywhere in the town unless the By-Law says they can. The By-Law says a farmer's market may go only on an existing parking area. It cannot go anywhere else because that is the way the By-Law works. That is the way he understands the law.

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

VOTED: to vote, subject to the changes that have been discussed, those being the amendment of the application locus, a clearer description of the parking demand and the parking situation, reference to the application for a one year period that is renewable as described in Section 4.6, the change in the hours of operation, 80% of all vendors selling fresh produce and food products, five tables of booths where selling can occur only on 2 of the tables or booths, subject to those changes, they approve a Major Project Site Plan Special Permit amendment for the bank, approve a Special Permit for a farmer's market, approve a Special Permit for more than one use on the lot and approve a Special Permit to waive strict adherence with the off-street parking requirement.

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

VOTED: to waive the filing fee for this application.

<u>De Minimus Change: Major Project Site Plan Review No. 2012-05: MMM Property LLC, 7 Harvard Street, Brookline, MA 02445, Petitioners (Property located at 916-918 Great Plain Avenue, Needham, MA).</u>

Ken Mackin, applicant, noted a golf store is going to use the space in the building. He noted the building is 2 months behind. He wants to be allowed to procure spaces from the town from 4/28/14 for 60 days to get the parking done. He anticipates going before the Building Inspector next week. Ms. Newman stated the project is already bonded. She noted they can issue an Occupancy Permit once the interior work is done.

Mr. Mackin stated he can get 3 parking permits from the town on 4/28/14. He noted the other issue is he anticipated connecting to the transformer on Dedham Avenue. N Star has said there is not enough capacity in the street and he was told to pay a fee. They are using an existing utility line. Town Engineer Anthony Del Gaizo wants to know how deep the utility lines are. N Star will not release that information to the public but he noted it is at least 36 inches.

Town Engineer DelGaizo noted the whole street is using this line. Ms. Newman stated the plan approved provides for the electrical connection off the back. Ms. Grimes stated the Board's bond has nothing to do with that. She stated the bond should be released. They do not have to dig. Ms. Newman stated she will talk with the Town Engineer who thought it was a new line. Ms. Grimes commented it should not make a difference. The whole street should be the same thing. Mr. Mackin stated he does not feel they should be held responsible since they used an existing line. He agrees with Ms. Grimes.

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

VOTED: to grant the relief requested to extend to June 30, 2014 the parking provision for the golf store.

<u>Board of Appeals – April 24, 2014.</u>

<u>David Nectow – 190 Edgewater Drive.</u>

Ms. Newman stated they cannot put it where they are proposing. They cannot put a pool in the flood plain. It was already done and it was re-noticed.

Ryan and Caryn Manning – 9 Mercer Road.

Ms. Newman noted this is an appeal to the Building Inspector's decision. They are appealing the enforcement order. The Building Inspector's decision appears to be correct and undisputed

Joseph McKown – 18 Rolling Lane.

Ms. Newman stated they can go up but they cannot go any closer to the non-conformity. They are asking for a Special Permit. She noted the old plot plan shows it is 10.39 feet off the property line. The new one shows it as 9.8 feet off the property line. Mr. Eisenhut noted they need to call out the discrepancy. Mr. Jacobs says they should call it a discrepancy. They should make no comment if they stay within the existing footprint. He noted the outline is not the same as the 1986 plan.

Lino Aiello – 68 Highland Avenue.

Ms. Grimes stated this was a rug store, then a furniture store. It is vacant now. Ms. Newman stated they should have asked for a parking waiver. She feels they need additional relief from the ZBA than what they asked for. They should call out his property needs parking waivers.

Hillcrest Development Inc. – 27 Curve Street.

Ms. Newman noted this was continued and they have already done it.

32-34 Pleasant Street, LLC – 32-34 Pleasant Street.

Ms. Newman stated this looks like a teardown but there is not enough information to make a determination. The plot plans do not have dimensions to make a finding.

925 Webster Street, LLC – 925 Webster Street.

Mr. Jacobs stated they should make no comment.

Warrant Article Assignments.

After discussion it was decided Ms. Clee will set the room assignments.

Position on Electronic Billboards.

Ms. Newman stated Mr. Cramer has withdrawn this. It is off the table.

Minutes

Ms. McKnight gave her changes for the 12/17/13 minutes to Ms. Clee.

Report from the Planning Director.

Ms. Newman informed the board members they are getting to a solution on the Lincoln Street lots. They issued a permit contingent on the landscaping plan. They did not come back with a drawing. She went to the Assistant Town Manager. They have revised plans now. The parking lot is pretty much constructed but the landscaping is not in. She noted the lot is not supposed to be utilized until the Board approves. The town was parking there. Mr. Jacobs asked when the landscape plans came in. Ms. Newman stated the final came in today. She has reviewed the plan.

Ms. Grimes stated the CEA subcommittee wants to look at more streamlining. She thinks it will be productive for another Board member to join the discussions. She would like a volunteer. Mr. Jacobs commented he thought Ms. Newman would be best. Ms. Newman stated she already goes to the meetings. Mr. Jacobs volunteered.

Upon a motion made by Mr. Warner, and seconded by Mr. Jacobs, it was by the five members present unanimously:
VOTED: to approve the landscape drawings and authorize the Planning Director to sign them.

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Sam Bass Warner

Sam Bass Warner, Vice-Chairman and Clerk