NEEDHAM PLANNING BOARD MINUTES

June 24, 2014

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building was called to order by Martin Jacobs, Chairman, on Tuesday, June 24, 2014 at 7:30 p.m. with Mr. Warner and Eisenhut and Ms. Grimes as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski.

ANR Plan – 314 Garden Street

Peter Zhaka, representative for the applicant, noted a new office building had been approved recently. One condition was to consolidate 2 lots. They went to engineering and have revised the plans to incorporate the comments. He noted they have a new letter from the DPW noting no objections. Ms. Newman stated it meets all the zoning parameters.

Mr. Jacobs noted the following correspondence for the record: a letter from Peter Zhaka, dated 6/24/14 and a letter from Town Engineer Anthony Del Gaizo, dated 6/24/14, with no comments or objections to the plan. Mr. Jacobs noted the notation regarding zoning.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to determine approval not required for the plan.

7:30 p.m. – Major Project Site Plan Special Permit No. 2014-06: New Garden, Inc. 250 Chestnut Street, Needham, MA, Petitioner (Property located at 40 Chestnut Street. Needham, MA 02492).

Lawrence Blacker, attorney for the applicant, introduced Raymond So, owner of New Garden Restaurant. Mr. Jacobs, stated for full disclosure, he knows Charles Wright and Finian Hill but he feels he can be unbiased. Mr. Blacker stated they are requesting a Special Permit for 40 Chestnut Place. He noted this is the Chestnut Street Business District and restaurant is allowed by Special Permit. He met with the Design Review Board on 6/2/14. They reviewed the lighting and landscape plans. The Design Review Board (DRB) made some requests. They made changes and met again on 6/16/14. The DRB approved the revised plans. The new landscape plan titled C1 and the exterior lighting plan EL1 have been stamped by the DRB.

Mr. Blacker stated this is a non-conforming lot -- there is no landscape area along the MBTA. It does not increase the non-conformity. It decreases the non-conformity. He noted it abuts no residences. The existing restaurant, Dunkin Donuts and Dominos are all in this area. They are requesting some waivers.

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

Mr. Blacker stated they have a lighting plan but most of the lighting already exists. They have added more mainly for convenience for the public using this. All lighting is directed down and there are bollard lights at the entrance. A second waiver is for parking – the number of spaces and distance at the end of 7 spaces from the property line. He noted there are 138 seats with the required 46 spaces plus 10 with take-out. This requires 56 spaces and they have 29 on-site spaces. He noted the existing restaurant has 110 seats and 4 or 5 spaces in front. There are 4 spaces on the street on Chestnut Place and 3 or 4 along the side of the hospital parking along Chestnut Place. He noted there are a cleaner and auto mechanic around the area. They feel 25 spaces should be adequate based on the existing.

Mr. Blacker stated, on Clyde Street, there are 7 spaces perpendicular to the area. They need 10 feet and have 7½ feet to the end of the lot. Clyde Street is a private way and the owner owns to the middle of the way. There are no easements on Clyde Street. He clarified these will be compact car spaces. They will be eliminating some curb cuts. They have met with engineering and they are dealing with a storm water compliance issue. Mr. Jacobs noted for the record the Education Materials flyer. Mr. Blacker stated it was to be given out to customers and is in compliance with the memo of understanding from the town. It complies with Town Engineer Anthony DelGaizo's request.

Doug Stefanov noted they met with the town engineers. They pointed out to them, and made it clear, they will need a civil plan with a variety of things: grease trap, which is not yet coordinated, utilities, sewer, water, electrical and gas as well as infiltration of one inch per square foot of rooftop to be brought down into permeable soil, grading and drainage. Mr. Jacobs asked Mr. Stefanov if he had seen the letter from Town Engineer DelGaizo. Mr. Stefanov noted he had seen the letter. Mr. Jacobs noted on page 2, in the comments and recommendations section, it notes the Engineering Department should review it once the application is revised.

Mr. Stefanov ran through the building. He noted they will add a new entry vestibule and an exterior freezer and refrigerator behind. It is a 90 by 45 foot building. It is cinder block currently with a metal roof. They will coat it with a stucco coat and put new windows and door. There will be a little sign on the corner facing Chestnut Street. There will be a reception area, small dining area and a large dining area. There will be a sushi bar. One quarter of the building is pure kitchen and a lot is take-out. There will be wall sconces on the building. They will introduce pervious surface where there is black top now. Two existing trees will remain and they will prune them. They will plant a variety of plantings. He thinks this is a handsome addition to town. He noted the Design Review Board has granted a permit for 2 signs.

Mr. Blacker stated this is adequate and an appropriate facility for this site. This is a 4,500 square foot building with significant parking that does not exist now. There are no near residences. They gave the flyers to 29 abutters and 3 people came to their meeting. They believe it is an appropriate site. He noted Section 7.4.6 will deal with the surface water drainage. The tracks are on one side with an auto body and cleaners on the other side. They have handicap parking and everything complies but the 2½ foot waiver request.

Mr. Jacobs noted for the record the flyer that was given to 29 abutters and the attendance sheet from the meeting. He noted there was a public meeting on 6/18/14. Mr. Blacker stated the VHB Engineering report stated that 25 spaces was adequate and would be a good business model. They would require a waiver of 27 parking spaces. Two dumpsters and to the extent that grease traps are part of that issue these will be addressed in the civil plan which is forthcoming. They are enhancing the landscaping significantly and there will be a privacy screening fence of 5 feet. The fence may be white plastic.

Ms. Newman stated they usually require a wood fence. Mr. Eisenhut asked if they are screening the refrigerator and freezer. Mr. Stefanov stated they come with metal panels but they could put a privacy screen up. Ms. Newman stated she would ask the Design Review Board what they want. Ms. Grimes noted a 6 foot cedar fence is on the plan. Mr. Jacobs asked about the access to the refrigerator/freezer. Mr. Stefanov stated access was only from the inside.

Mr. Jacobs noted the following correspondence for the record: a letter, dated 6/2/14, from Director of Conservation Matt Varrell with no comments; an email, dated 6/11/14, from Public Health Nurse Donna Carmichael commenting on a Food Permit Plan Packet; an email from Police Lt. John Kraemer, dated 6/16/14, noting no safety concerns; an email from Fire Chief Paul Buckley, dated 6/20/14, with no issues or comments and a letter from Town Engineer Anthony DelGaizo, dated 6/24/14, with comments.

Mr. Eisenhut stated he has no issue granting large waivers if it means a better parking design. He appreciates what they have done and noted there is excellent landscaping and good aesthetic in the front but nothing internal. They could create a nice pedestrian walkway to connect the walk in front. They could create access from Chestnut Place. There are a lot of pedestrians. He feels they can create a safe pedestrian access. They may lose 2 parking spaces. It could be brick or some other pervious surface and it could create a really nice aesthetic. He has no quarrel with a larger waiver for a nice safe pedestrian way. Mr. Stefanov noted it was a dead end street. Mr. Jacobs stated he agreed with Mr. Eisenhut.

Ms. Grimes asked if there would be delivery trucks going down the private way. Mr. Stefanov stated they will create a 14 foot access. Ms. Grimes noted they have 32 parking spaces. Mr. Stefanov confirmed that. Ms. Grimes asked if trucks will have to back in. Mr. Stefanov stated they can go in one street and out the other.

Mr. Jacobs asked if there were any agreements with abutters for parking. Raymond So, owner, stated all the abutters will let them use their lots after hours. Ms. Grimes asked if there would be 2 entry ways. Mr. Stefanov stated there is one entrance and a fire egress.

Charles Wright, graphic designer, noted the landscape plan has some non-invasive plants like bamboo and hopefully it will be like a little Asian garden with a water feature. Mr. Warner suggested a Chinese fringe tree. He noted the female has beautiful flowers but they need a male. Mr. Jacobs asked how close they would need to be. Mr. Warner stated his are about 12 feet apart.

Mr. Blacker asked when the next meeting will be. He was informed it would be 7/8. He stated they would like to be on the 8/6 agenda. Mr. Blacker asked what they should do about parking. Should they take some out and add landscaping? Mr. Jacobs asked the Board members how they felt about Mr. Eisenhut's suggestion. Ms. Grimes noted she would not want less parking. She feels they could get a walk down the side and over. Mr. Jacobs stated he is willing to give up one more parking space. Mr. Warner agrees.

Mr. Stefanov asked if applying for the building permit could occur before the DRB approval or do they have to have site plan approval first. Ms. Newman noted they could ask the Building Department to accept their application undated while they are in the appeals process. Then once the appeals process runs, they will be ready to go.

Upon a motion made by Mr. Eisenhut, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to continue the hearing to August 6 at 7:00 p.m.

Correspondence

Mr. Jacobs noted the following correspondence: an email, dated 6/11/14, from Mass Planners with additional finding from research on RMDs and zoning in MA; an email, dated 6/12/14, from Mass Planners regarding specific zoning districts where RMDs are allowed in 51 municipalities; a letter, dated 6/6/14, from CDM Smith, regarding St. Mary Pumping Station; an email, dated 6/11/14, from Joy Smith regarding the hospital; an email, dated 6/12/14, from Carol McCarthy regarding the hospital and an email, dated 6/18/14, from Jegoo Lee with comments regarding the hospital.

Ms. Newman noted she had been away. She is concerned with the way the oxygen tank installation is behind the building. The hospital has completed the landscaping. She has contacted the hospital representative to set up a meeting with the town engineer, herself and the abutters to discuss issues. She will have a report at the 7/8/14 meeting.

Mr. Blacker asked the Board to reconsider the date of the continuation of the New Garden hearing if they can submit revised plans in sufficient time for Engineering's review.

Upon a motion made by Mr. Warner, and seconded by Ms. Grimes, it was by the four members present unanimously:
VOTED: to change the date of the continued New Garden hearing from 8/6/14 to 7/8/14 at 8:00 p.m..

Ms. Newman noted there was correspondence from Roy Cramer on the hospital. He is requesting that the Board authorize the Planning Director to authorize permits for the Board. Dennis Monty, of Beth Israel Deaconess Hospital, stated they need to file with the Department of Public Health for certification. They cannot file until they have an Occupancy Permit. He noted it takes up to 8 weeks for the license approval. They need to be operational by 9/23/14.

Ms. Newman stated they could have them submit their application for the temporary along with the As-Built drawings, the As-Built Landscape Plans, the As-Built Site Plans and all the affidavits, the Engineering Department could do an inspection and it could be on the agenda for 7/8/14. Mr. Jacobs stated he walked along Lincoln Street. The bigger problem is at the corner where the driveway opens up. Trees would not help that issue. Mr. Monty stated they could put some trees in front of the bollard at the oxygen tanks. Mr. Jacobs asked how often are deliveries of oxygen? Mr. Monty stated they were about every 3 weeks. Mr. Jacobs asked how long does it take to deliver the oxygen? Mr. Monty noted about 20 to 30 minutes

Ms. Newman noted the Planning Board needs to resolve this with the abutters. Mr. Jacobs noted the following correspondence; a memo, dated 6/13/14, from Planning Director Lee Newman to Town Clerk Theodora Eaton regarding withdrawal of Ken Mackin's request for Major Project Site Plan Special Permit.

Minutes

Upon a motion made by Ms. Grimes, and seconded by Mr. Warner, it was by the four members present unanimously:
VOTED: to accept the minutes of 1/28/14.

Request from Planning Director

Ms. Newman noted the status of the Large House Committee. They had the first introductory meeting. The next meeting will review all the tear down data for 2014. They have different strategies for controlling the size of houses. The first thing they are going to look at is lot coverage and what happens if they adjust lot coverage. They are looking at that on a conforming lot and a non-conforming lot. Ms. Newman stated she has contacted Wellesley, Newton, Weston and has information to share with the committee. They will come in and say what works in their communities.

Mr. Jacobs asked about the timeline for RMDs. When do we need to have a proposal to have it on the fall Town Meeting? Ms. Newman stated they would need to advertise it before the date of expiration. She noted they would need a decision at the August 6 meeting for October Town Meeting. Ms. Grimes stated they need to make a decision. They need a formal conversation. Ms. Newman will put it on the 7/8/14 agenda.

Upon a motion made by Ms. Grimes, and seconded by Mr. Eisenhut, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 9:05 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne McKnight, Vice-Chairman and Clerk