



PLANNING DIVISION
Planning & Community Development

**MAJOR PROJECT SITE PLAN REVIEW SPECIAL PERMIT
AMENDMENT TO DECISION
March 7, 2023**

French Press LLC

74 Chapel Street, Needham, MA 02492

Application No. 2014-11

(Original dated December 15, 2014;
amended January 20, 2015, November 28, 2017, June 26, 2018 and June 29, 2021)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of French Press LLC, d/b/a French Press Bakery and Café, 74 Chapel Street, Needham, Massachusetts, (hereinafter referred to as the Petitioner) for property located at 74 Chapel Street, Needham, MA. Said property is shown on Needham Town Assessors Plan, No. 51 as Parcel 2 containing 14,264 square feet and is located in the Center Business District.

This decision is in response to an application submitted to the Board on February 7, 2023, by the Petitioner to amend the decision by the Board dated December 15, 2014, amended January 20, 2015, November 28, 2017, June 26, 2018 and June 29, 2021. The Petitioner seeks: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law), (2) a Special Permit Amendment to Major Project Site Plan Review Special Permit No. 2014-11, Section 4.2, and (3) a Special Permit Amendment under Section 5.1.1.6, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively).

The requested amendment would permit the addition of 22 year-round outdoor seats by French Press, LLC, with a pergola to cover the new seating area, in addition to electric heating and new lighting. The seating would be located on the private portion of the sidewalk immediately abutting the front façade of the building. The Petitioner further intends to request permission for 18 seats within a “parklet” within the right of way of Chapel Street. Although this request itself is not within the Planning Board’s jurisdiction, the Petitioner is requesting a parking waiver for those seats as part of the subject application, so that if approved by the Select Board, the waiver already will be issued.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Adam Block on Tuesday, February 28, 2023 at 7:05 p.m. in the Charles River Room, Needham Public Services Administration Building, 500 Dedham Avenue, Needham, MA, as well as by Zoom Web ID Number 880 4672 5264. Board members Adam Block, Paul S. Alpert, Jeanne S. McKnight, Natasha Espada and Artie Crocker were present throughout the February 28, 2023 proceedings. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

EVIDENCE

Submitted for the Board's review were the following exhibits:

- Exhibit 1- Application for the Amendment to 2014-11 and application under Section 6.9 of the Zoning By-Law, dated February 7, 2023.
- Exhibit 2 - Plan entitled "Project Expansion, French Press," prepared by Form + Place, PO Box 610016, Newton Highlands, MA 02461, dated January 19, 2023.
- Exhibit 3 - Plot Plan prepared by Christopher C. Charlton, Land Surveyor, dated November 23, 2022.
- Exhibit 4 Renderings consisting of 22 sheets, undated.
- Exhibit 5 - Previously approved outdoor seating prepared by Mark Gluesing Architect, dated August 15, 2018.
- Exhibit 6 - Plan entitled "Project Expansion, French Press," prepared by Form + Place, PO Box 610016, Newton Highlands, MA 02461, dated January 19, 2023, received February 13, 2023.
- Exhibit 7 - Inter-Departmental Communication (IDC) to the Board from Tara Gurge, Health Division, dated February 13, 2023; IDC to the Board from Tom Ryder, Town Engineer, dated February 22, 2023; IDC to the Board from Chief Dennis Condon, Fire Department, dated February 9, 2023 and February 13, 2023; IDC to the Board from Chief John Schlittler, dated February 8, 2023; IDC to the Board from David Roche, Building Commissioner, dated February 13, 2023.

Exhibits 1, 3, 4 and 6 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

The findings and conclusions made in Major Project Site Plan Special Permit No. 2014-11, dated December 15, 2014, amended January 20, 2015, November 28, 2017, June 26, 2018 and June 29, 2021, were ratified and confirmed except as follows:

- 1.1 The Petitioner is requesting that Major Project Site Plan Review Special Permit No. 2014-11, dated December 15, 2014, amended January 20, 2015, November 28, 2017, June 26, 2018 and June 29, 2021 be amended to permit addition of 22 year-round outdoor seats by French Press, LLC, with a pergola to cover the new seating area, in addition to electric heating and new lighting. The seating would be located on the private portion of the sidewalk immediately abutting the front façade of the building.
- 1.2 By Decision dated December 15, 2014, 28 seats were permitted to be inside the café. Although due to some reconfigurations due to Covid, the Petitioner does not currently utilize all 28 seats, the Petitioner requests that the seats continue to be permitted for future flexibility.
- 1.3 The Petitioner was previously permitted to add 10 outdoor dining seats pursuant to a plan approved by the Select Board (see Exhibit 5).
- 1.4 The Petitioner intends to request permission for 18 seats within a "parklet" within the right of way of Chapel Street. Although this request itself is not within the Planning Board's jurisdiction, the Petitioner is requesting a parking waiver for those seats as part of the subject application, so that if

approved by the Select Board, the waiver already will be issued.

- 1.5 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (number of parking spaces) Required Parking. Under the By-Law, the parking requirement for a 28-seat restaurant with one take-out station is 20 (1 parking space per 3 seats = $9.33 = 10$, plus 10 parking spaces for one take-out station). Section 6.9 of the Zoning By-Law permits up to 30% of the approved indoor seating to be utilized outdoors without authorization from the Special Permit Granting Authority and the provision of additional parking. 30% of 28 seats = 9.33 or 10 seats. As the Petitioner is requesting an end total of 50 outdoor seats (10 previously approved outdoor, 22 new outdoor under the pergola and by separate request 18 in a parklet) outdoor seats, the Petitioner is requesting more than 30% of the approved indoor seats and is therefore requesting approval for such, as allowed by Section 6.9, as well as an additional parking waiver under Section 5.1.1.6. Ten (10) seasonal outdoor seats are permitted through Section 6.9 without additional parking; therefore, the Petitioner is requesting a parking waiver with respect to the remaining 40 outdoor seats. Fifty (50) of the total seats are requested to be year-round (22 new outdoor under the pergola plus the original 28 indoor seats), for a total parking waiver of 27 spaces year-round (1 parking space per 3 seats = $16.67 = 17$, plus 10 parking spaces for one take-out station). Twenty-eight (28) of the seats are or will be outdoor seasonal of which ten (10) seats are permitted by Section 6.9 absent a parking requirement for a total seasonal parking waiver of 6 spaces on the 18 seats located in the parklet (1 parking space per 3 seats = 6). Accordingly two parking waivers have been requested as follows: (1) a waiver of an additional 7 parking spaces has been requested on a year-round basis to accommodate the 22 outdoor seats located under the pergola; and (2) a waiver of an additional 6 parking spaces has been requested seasonally, from April 1 through November to accommodate the 18 outdoor seats located at the parklet for a total waiver of thirteen (13) additional parking spaces. No parking is provided on-site.
- 1.6 Pursuant to Section 5.1.1.3 of the By-Law no change or conversion of a use in a mixed-use structure to a use which requires additional parking shall be permitted unless off-street parking is provided in accordance with Section 5.1.3 for the entire structure or a waiver is granted pursuant to the provisions of Section 5.1.1.6. As there is no parking associated with the property, a waiver under the provisions of Section 5.1.1.6, Section 5.1.3 is not required.
- 1.7 The Petitioner has requested to revise Section 3.2 of the Original decision, from the previous: “The French Press store shall contain no more than twenty-eight (28) seats for on-site food consumption and one take-out station. The seating may be configured at the owner’s discretion provided the overall seating capacity of 28 seats is not exceeded.” to now say “The French press Bakery and Café shall contain no more than 78 seats for on-site food consumption and one take-out station with said seating distributed as follows: 28 indoor seats, 22 year-round outdoor seats under the pergola, 10 previously approved seasonal outdoor seats, and, if approved by the necessary staff and Boards, 18 seasonal outdoor seats in a parklet. The 22 outdoor seats under the pergola are permitted year-round; the other outdoor seats are to be available for outdoor dining from April 1 through October 31.”
- 1.8 The Petitioner appeared before the Design Review Board on February 27, 2023 and obtained approval for the project.
- 1.9 No changes to the interior of the restaurant are proposed by this application.
- 1.10 Per the comments of the Town Engineer, the Petitioner has agreed to remove the seating that extends beyond the pergola structure during snow events, so as to maintain a 5-foot unobstructed sidewalk path to not impede snow removal efforts.
- 1.11 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted within the Center Business District provided the Board finds that the proposed development will be in

compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Center Business District, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.

- 1.12 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

DECISION

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the By-law; (2) the requested Special Permit Amendment to Major Project Site Plan Review Special Permit No. 2014-11, Section 4.2., and (3) the requested Special Permit Amendment under Section 5.1.1.6, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively) , subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not issue any building permit, nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the issuance of a Building Permit.

- 2.0 No Plan modifications are required.

CONDITIONS AND LIMITATIONS

The conditions and limitations contained in Major Project Site Plan Special Permit No. 2014-11, dated December 15, 2014, amended January 20, 2015, November 28, 2017, June 26, 2018 and June 29, 2021 , are ratified and confirmed except as modified herein.

- 3.1 A total of 22 outdoor dining seats as shown in the plans as detailed in Exhibit 6 of the Decision are hereby approved for use year-round. A parking waiver for the total number of seats as eventually envisioned by the Petitioner as shown on said plan is hereby approved.

- 3.2 Pursuant to the comments from the Engineering Division of the Department of Public Works, a 5-foot unobstructed sidewalk path shall be maintained during snow removal events. The Petitioner shall accomplish this by relocating the furniture that otherwise extends beyond the pergola structure during snow events that require snow removal operations.
- 3.3 The outdoor dining area shall be kept clear of trash and food scraps that might attract rodents.
- 3.4 Section 3.2 of the Original decision is revised to say: “The French press Bakery and Café shall contain no more than 78 seats for on-site food consumption and one take-out station with said seating distributed as follows: 28 indoor seats, 22 year-round outdoor seats under the pergola, 10 previously approved seasonal outdoor seats, and, if approved by the necessary staff and Boards, 18 seasonal outdoor seats in a parklet. The 22 outdoor seats under the pergola are permitted year-round; the other outdoor seats are to be available for outdoor dining from April 1 through October 31.”
- 3.5 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Select Board, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.6 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit, if and to the extent applicable.
- 3.7 All construction staging shall be on-site. No construction parking shall be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Inspector.
- 3.8 No portion of the outdoor dining area, subject to this Amendment, shall be occupied and utilized by the Petitioner until there shall be filed with the Board and Building Commissioner a plot plan showing the exact location and size of the pergola together with the distance of said structure to the property line and all streets and ways. Said plan shall demonstrate compliance with this Decision.
- 3.9 No portion of the outdoor dining area, subject to this Amendment, shall be occupied and utilized by the Petitioner until there shall be filed with the Board documentation of a satisfactory inspection by the Building Commissioner of the as-built condition and the Commissioner certification of the project’s compliance with the terms of this Decision.
- 3.10 No other changes were requested nor are permitted through this amendment.
- 3.11 This Site Plan Special Permit Amendment shall lapse on March 7, 2025, if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to March 7, 2025. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.

This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry of Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this Decision may appeal pursuant to General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this 7th day of March, 2023.

NEEDHAM PLANNING BOARD

Adam Block, Chairman

Jeanne S. McKnight

Natasha Espada

Paul S. Alpert

Artie Crocker

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____ 2023

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public name:

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by of French Press LLC, 74 Chapel Street, Needham, Massachusetts, for Property located at 74 Chapel Street, has passed,

____ and there have been no appeals filed in the Office of the Town Clerk or
____ there has been an appeal filed.

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Town Clerk
Building Inspector
Conservation Commission
Parties in Interest

Board of Selectmen
Engineering
Fire Department
Police Department
Jay Spencer, manager, French Press LLC

Board of Health
Director, PWD
Design Review Board