

TOWN OF NEEDHAM
MASSACHUSETTS



500 Dedham Avenue
Needham, MA 02492
781-455-7550

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property 915 Great Plain Ave., Needham
Name of Applicant Needham Nutrition LLC
Applicant's Address 915 Great Plain Ave., Needham
Phone Number 617-980-1837

Applicant is: Owner _____ Tenant X
Agent/Attorney _____ Purchaser _____

Property Owner's Name 905 Great Plain Avenue LLC
Property Owner's Address 7 Harvard Street, Brookline, MA
Telephone Number _____

Characteristics of Property: Lot Area 6602 s.f. Present Use Business
Map # 50 Parcel # 30 Zoning District center business

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

Tenant will be occupying approximately 864 s.f. of space to operate a business serving nutrition and fruit drinks, and similar items. Site Plan Review and a special permit is required because this property is located in the center business district, and there is more than one business on the property. In addition, parking waivers are required.

Signature of Applicant (or representative) *Adilson Proes*
Address if not applicant _____
Telephone # _____
Owner's permission if other than applicant *Manager Kenneth MacLean*

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board _____ Date _____
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

NOTE: Reports on Minor Projects must be issues within 35 days of filing date.

FRIEZE CRAMER ROSEN & HUBER LLP
C O U N S E L L O R S A T L A W

60 WALNUT STREET, WELLESLEY, MASSACHUSETTS 02481
781-943-4000 • FAX 781-943-4040

EVANS HUBER

781-943-4043
EH@128LAW.COM

August 20, 2021

Members of the
Needham Planning Board

And

Lee Newman
Director of Planning and Community Development
Public Services Administration Building
500 Dedham Ave
Needham, MA 02492

Re: 915 Great Plain Ave, Needham

Dear Planning Board Members and Ms. Newman:

Pursuant to Chapter 40A of the Massachusetts General Laws, the Needham Zoning By-Law, and the Needham Planning Board Rules, I am submitting the enclosed application for Major Project Site Plan Review and Special Permits, and accompanying documents, on behalf of Needham Nutrition LLC.

The entire property is a small parcel of approximately 6602 s.f. located at 915 Great Plain Avenue, at the corner of Great Plain Avenue and Pickering Street. The Property is located in the Center Business District, and is improved with a three-unit, one-story building of approximately 4,578 square feet. There are three parking spaces on site.

The applicant will be occupying the smallest of the three units, approximately 864 s.f. in size, to operate a business selling high nutrition, low calorie Smoothies, Protein Shakes, Energy Drinks, Immune Booster Drinks, Collagen Drinks, Fitness Drinks, and similar items for consumption on and off the premises. The business will also have a small retail component, selling items such as nutritional ingredients for some of its drinks. Needham Nutrition will be using and selling Herbalife Nutrition products; the owner, Adilson Pires, has been a Herbalife Nutrition Independent Distributor for many years, although to date virtually all of his sales activity has been on-line.

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The expected hours of operation are Monday through Friday, 10 a.m.-6pm; Saturday 10 a.m -2 pm; Sunday closed. Needham Nutrition expects to start out with 2 to 3 staff persons.

As shown in the architect's drawing of the floor layout filed herewith the space will primarily be occupied by the area where the drinks are prepared, delivered to customers at a bar-height stand-up counter. By the front entrance, there will be a bar-height counter and seven bar-height seats where customers can wait for their orders and/or consume their drinks.

No change to the façade of the building is proposed. The applicant understands that he must obtain approval of the Design Review Board prior to the installation of any signage.

Although this is a small space that will be occupied by the Applicant, it qualifies as a "major project" pursuant to Section 7.4.2 of the Bylaw because of the increase in calculated parking demand for this proposed use compared to the prior use. The calculated parking demand for this use is 10 spaces for the take-out stand; 3 spaces for the seven seats inside the premises, and 3 spaces for the (minor) retail aspect of the business, for a total of 16 spaces. The prior use was retail, which had a calculated parking requirement of 3 spaces. Thus, the increase in parking demand is 13 spaces, which exceeds the threshold for a project being considered a "major project" in the Center Business district.

The other two tenants in the building are a dental office and a martial arts studio. In July, 2015, this Board issued a Special Permit for the martial arts studio, which included waivers for the parking requirements contained in Sections 5.1.2 and 5.1.3 of the Zoning Bylaw. In December of 2015, the dental office obtained a special permit from the Zoning Board of Appeals. As reflected in the issuance by this Board of the special permit for the martial arts studio, there is adequate off-street parking nearby for customers. The Applicant intends to purchase parking stickers from the Town of Needham for himself and his staff for use in the Town's municipal lots.

The Applicant respectfully submits that this proposed use is not detrimental to the other uses in the building; will be an asset to the Center Business district, and will be in harmony with the general purposes and intent of the Bylaw.

The Applicant certifies pursuant to the Zoning By-Law, Section 7.4 that the project can be constructed and/or that the proposed uses thereof can be commenced without need for the issuance of any variance from any provisions of the Zoning By-Law by the Zoning Board of Appeals.

The zoning relief required for the Project is the following:

1. Special Permit for Further Site Plan Review of a Major Project, pursuant to Zoning By-Law Section 7.4, and Article 2 of the Planning Board Rules.

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2. Special Permit pursuant to Section 3.2.2 of the Zoning By-Law to allow a business in the Center Business District most closely described in the Zoning Bylaw as “retail sales of ice cream, frozen yogurt, or similar products for consumption on or off the premises.”

3. Special Permit pursuant to Section 3.2.2 of the Zoning By-Law to allow more than one use on a lot.

4. Special Permit pursuant to Sections 5.1.1.1 and 5.1.1.6 of the Zoning By-Law to waive strict adherence to the off-street parking requirements of Section 5.1.2 of the Zoning By-Law.

Please note that, as discussed above, waivers with respect to parking requirements (with respect to the martial arts studio), and Special Permits allowing more than one use on a lot, have previously been granted by prior decisions of this Board and the Zoning Board of Appeals for the other two current occupants of the property.

This Application for Special Permit include the following documents:

1. Application Form signed by the Applicant, Adilson Pires, and the Owner, Kenneth Mackin.
2. Certified Plot Plan Dated July 22, 2021, prepared by Boston Survey, Inc.
3. Stamped Drawing of the proposed layout of the premises prepared by SDP Architects.
4. Filing fee to the Town of Needham in the amount of \$1,000.

Pursuant to the Board’s Covid-19 procedures, these documents are being submitted electronically; additionally two (2) hard copies of the application (1 with original signatures) and all supporting materials, including wet-stamped plans, are being mailed to the Planning Department along with the application fee; and, lastly, one hard copy of (a) the Application for Further Site Plan Review and Special Permits, (b) this letter, and (c) all the plans (no smaller than 11 x 17), is being mailed to each Board member, and to Lee Newman.

The Applicant hereby requests, pursuant to Zoning By-Law Section 7.4.4, that the Planning Board waive the submission by Applicant of any of the required information not submitted herewith.

Needham Planning Board Members

Lee Newman

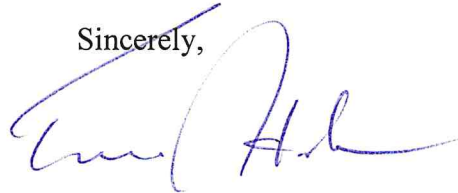
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I would appreciate your scheduling this matter for hearing at the Board's September 21, 2021 meeting.

Thank you for your cooperation.

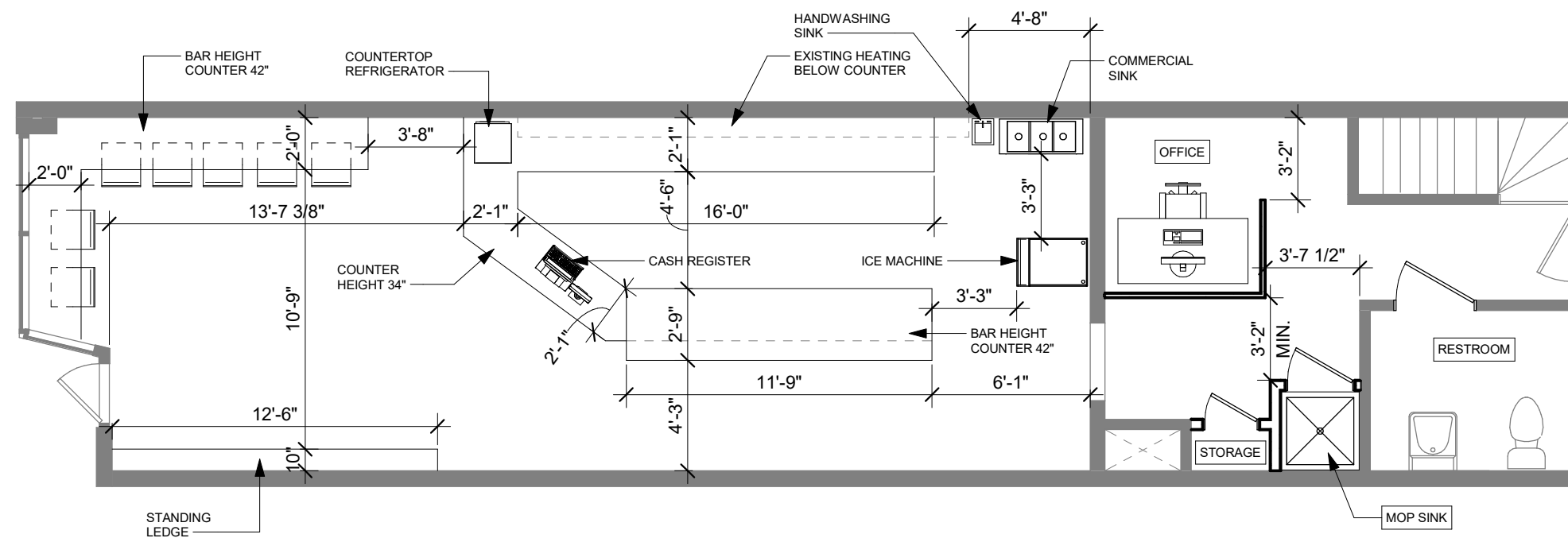
Sincerely,

A handwritten signature in blue ink, appearing to read "Evans Huber", with a large, stylized initial "E" and "H".

Evans Huber

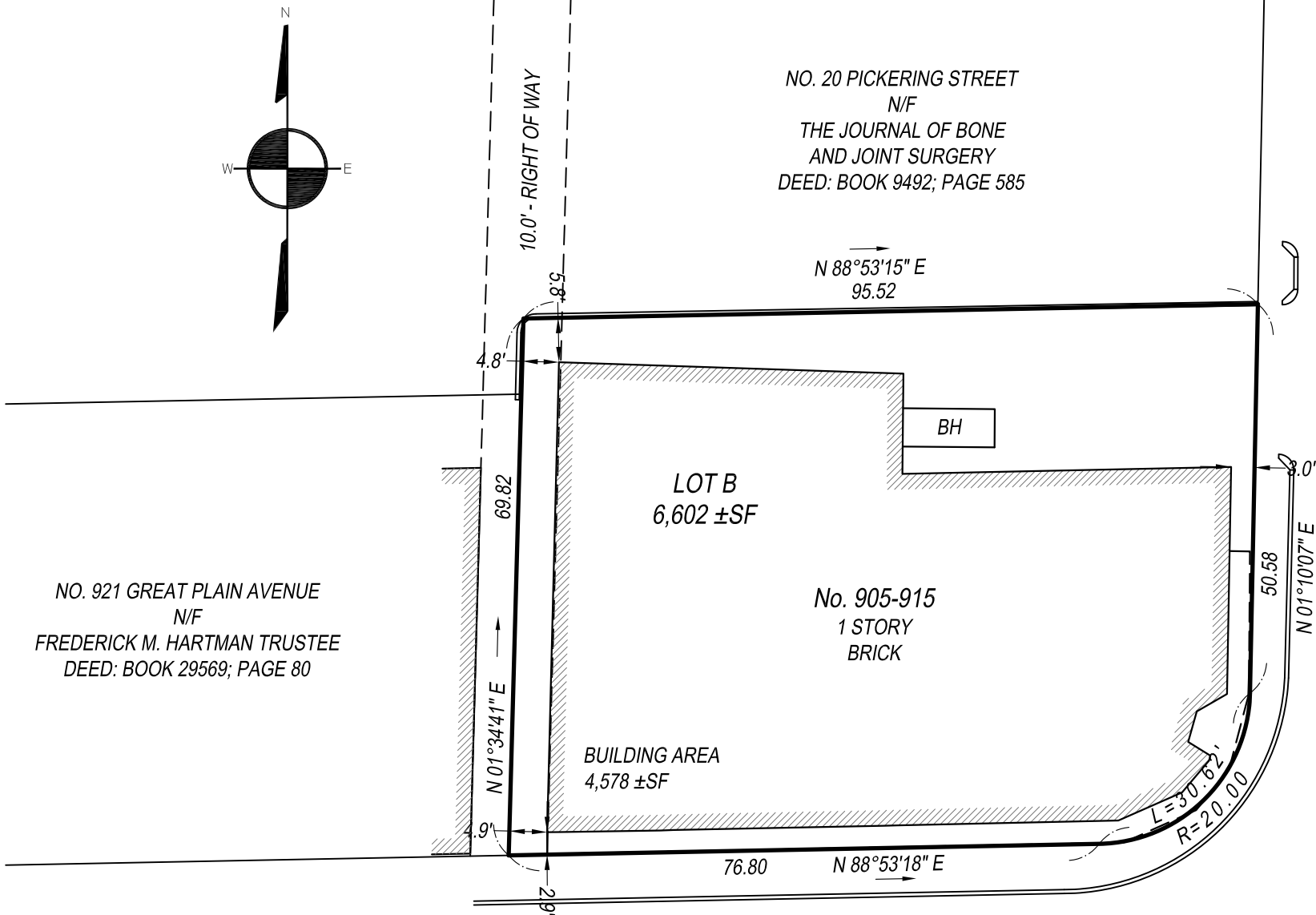
Cc: Adilson Pires
Ken Mackin

ARCHITECT

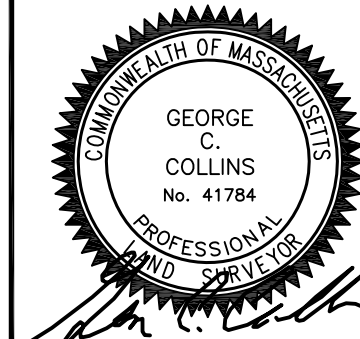

$$3/16'' = 1'-0''$$

SMOOTHIE BAR FLOOR PLAN

A-100



REFERENCES:
 DEED: BK 23113; PG 78
 ABANDONMENT:
 BK 9492; PG 581
 PLAN: NO. 310 OF 1993
 NO. 467 OF 1995
 BK 1842; PG 461
 PL BK 625; PL 98
 NO. 645 OF 1951



FIELD BOOK	PAGE	INSP. BY	DRAFT. BY	CHECKED BY
M21	2	MO	NPP	GCC

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND ON THE DATE OF APRIL 22, 2014 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS ZONE "X" (AREA DETERMINED TO BE OUTSIDE 0.2 % ANNUAL CHANCE FLOODPLAIN).
 COMMUNITY-PANEL # 25021C0038E
 EFFECTIVE DATE: JULY 17, 2012

PREPARED FOR:
 905 GREAT PLAIN AVE LLC
 7 HARVARD STREET
 BROOKLINE, MA 02445

NOTES:
 PARCEL ID: 50-30

CERTIFIED PLOT PLAN
 LOCATED AT
905-915 GREAT PLAIN AVENUE
NEEDHAM, MA
 SCALE: 1 INCH = 20 FEET DATE: JULY 22, 2021

