

**Town of Needham
Board of Appeals**

MINUTES

THURSDAY, April 30, 2015 at 7:30 PM
Charles River Room, Public Services Administration Building
500 Dedham Avenue, Needham, Massachusetts

8:30 p.m. Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held in the Charles River Room, Public Services Administration Building 500 Dedham Avenue, Needham, Massachusetts. Chairman, Jon D. Schneider presided and the following members were present: Jonathan D. Tamkin, Howard S. Goldman and Peter Friedenber. Mr. Tamkin left after the Case #5.

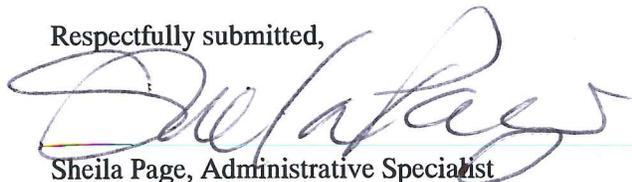
The Agenda of the meeting is attached.

Case #1 110 Gould Street	Granted
Case #2 1 Elizabeth Circle	Granted
Case #3 18 Rolling Lane	Granted
Case #4 40 Freeman Place	Granted with conditions through October 15, 2015.
Case #5 914 Charles River Street	Granted
Case #6 670 Highland Avenue	Granted with conditions to be discussed at May 21, 2015 ZBA meeting
Case #7 670 Highland Avenue	Granted with conditions

A summary of the discussions on each subject, a list of the documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including a record of all votes, are set forth in a detailed decision signed by the members voting on the subject and filed with the Town Clerk. The hearings can be viewed on the needhamchannel.org website or a DVD of the hearing is also available in the office of the Zoning Board of Appeals.

The meeting adjourned at 11:18 p.m.

Respectfully submitted,



Sheila Page, Administrative Specialist

**TOWN OF NEEDHAM
BOARD OF APPEALS**

AGENDA

THURSDAY, April 30, 2015 at 7:30 PM

Charles River Room, Public Services Administration Building
500 Dedham Avenue, Needham, Massachusetts

MINUTES 7:30 PM Discussion and approval of meeting minutes from March 26, 2015.

- Case #1 7:30 PM** Public notice is hereby given that Fitness Elite Training Center, LLC, prospective tenant, has made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 3.2.1, 7.5.2 and any other applicable Sections of the Zoning By-law to allow approximately 7,000 square feet in an existing building to be used as a private school for rhythmic gymnastics, wrestling and personal training; to allow more than one non-residential use on a lot; and to waive strict adherence to parking requirements pursuant to Sections 5.1.1.5, 5.1.2 and 5.1.3 of the Zoning By-law. The property is located at 110 Gould Street, Needham, MA in the Industrial-1 Zoning District. Upon said notice, a public hearing will be held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, April 30, 2015 at 7:30 p.m. at which time and place all persons interested may appear and be heard.
- Case #2 7:30 PM** Public notice is hereby given that Jeff and Kristen Birnbaum, owners, have made application to the Board of Appeals for a Special Permit under Sections 7.5.2, 6.1.2 and any other applicable Sections of the By-Law to add a third overhead garage door to an existing newly constructed home. The property is located at 1 Elizabeth Circle, Needham, MA in the Single Residential B District. Upon said notice, a public hearing will be held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, April 30, 2015 at 7:30 p.m. at which time and place all persons interested may appear and be heard.
- Case #3 7:40 PM** Public notice is hereby given that Joseph McKown and Diane Carr, 18 Rolling Lane, Needham, MA, owners, have applied to the Board of Appeals to amend the Special Permit issued by the Board of Appeals dated April 24, 2014 to allow a new foundation and the re-construction of the existing non-conforming attached garage in order to construct a second story above the same garage with less than the required side yard setback as originally approved in the April 24, 2014 Decision under Sections 1.4.6, 7.5.2 and any other applicable Sections of the Zoning By-law. The property is located at 18 Rolling Lane, Needham, MA in the Single Residence A Zoning District. Upon said notice, a public hearing will be held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, April 30, 2015 at 7:40 p.m. at which time and place all persons interested may appear and be heard.
- Case #4 7:50 PM** CONTINUED from December 18, 2015 and January 29, 2015 - Public notice is hereby given that Plugged In Band Program, owner, has made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 3.2.2, 7.5.2 and any other applicable Sections of the Zoning By-law to operate a

private school for youth rock band music and songwriting on a non-conforming lot and structure, and to waive strict adherence to parking requirements pursuant to Sections 5.1.1.5, 5.1.2 and 5.1.3 of the Zoning By-law. The property is located at 40 Freeman Place in the Chestnut Street Business Zoning District.

- Case #5 8:30 PM Public notice is hereby given that the Town of Needham Department of Public Works, c/o Vincent Roy, Water Superintendent, 500 Dedham Avenue, Needham, MA, owner, has made application to the Board of Appeals for a special permit under Section 3.3.3(f) and any other applicable Sections of the By-law to construct a replacement production well approximately 20 feet from the existing Well #3 and the associated waterworks connection to the existing pump house. The property is located at 914 Charles River Street, Needham, MA, in the Rural Residence Conservation, Flood Plain and Aquifer Protection Districts. Upon said notice, a public hearing will be held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, April 30, 2015 at 8:30 PM, at which time and place all persons interested may appear and be heard.
- Case #6 9:00 PM Public notice is hereby given that Temple Beth Shalom, 670 Highland Avenue, owner, has applied to the Board of Appeals for Special Permits to construct a two and a half story 22,379 square foot addition to an existing 28,648 square foot building. The Applicant is seeking special permits under Section 7.5.2 of the Zoning By-Law as follows: (a) under Section 1.4.6 to alter and enlarge a pre-existing non-conforming structure, as to lot coverage under Section 4.2.1 of the By-Law, from 15.2% to 22.4%; and (b) under Section 5.1.1.5 to waive strict adherence to the number of required parking spaces and parking lot design requirements pursuant to Sections 5.1.2 and 5.1.3 of the Zoning By-Law. The Applicant further seeks a determination that the building is lawfully pre-existing and non-conforming, and accordingly, that the front yard setback of 19.5 feet (25 feet is required under Section 4.2.1(b)), and the minimum driveway width of 19.8 feet (20 feet is required under Section 5.1.3(i)), may be continued under Zoning By-law Section 1.4.2. The property is located at 670 Highland Avenue, Needham, MA in the Single Residence B Zoning District. The hearings for both the Special Permits detailed in this notice and the Appeal of the Building Inspector's Decision as noted in a complimentary legal notice will be heard concurrently. Upon said notice, a public hearing will be held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, April 30, 2015 at 9:00 p.m. at which time and place all persons interested may appear and be heard.
- Case #7 9:00 PM Public notice is hereby given that Temple Beth Shalom, 670 Highland Avenue, owner, has applied to the Board of Appeals to Appeal the Building Inspector's Decision pursuant to Section 7.5.1 of the Zoning By-law seeking relief under Section 1.2 of the Zoning By-Law, also known as the Dover Amendment under Massachusetts General Laws Chapter 40A, Section 3, from the prohibition of more than one non-residential use on a lot under Section 3.2.1; from the maximum height of 35 feet as it applies to roof mechanicals, to a height of 41.5 feet, under Section 4.2.1; from the maximum floor area ratio of .30, to an FAR of .449, under Section 4.2.1(f); from the denial of any special permit also sought for this project and any other applicable sections of the Zoning By-law to allow the Applicant to build a two and a half story 22,379 square foot addition to an existing 28,648 square foot building. The property is located at 670 Highland Avenue, Needham, MA in the Single Residence B Zoning District. The hearings for both the Building Inspector's Decision as noted in this notice and the Special Permits as noted in a complementary notice will be heard concurrently. Upon said notice, a public hearing will be held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, April 30, 2015 at 9:00 p.m. at which time and place all persons interested may appear and be heard.