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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
SPECIAL PERMIT AMENDMENT**

***Bakers' Best, Inc., applicant
150 Gould Street
Map 79, Parcel 10***

September 15, 2022

Baker's Best, Inc, applicant, applied to the Board of Appeals for a Special Permit Amendment under Sections 1.4.2, 3.2.1, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to extend or renew the Special Permit dated September 17, 2020 issued to Bakers' Best, Inc. to authorize take-out food service for an additional period of not less than two (2) years or such other time the Board may allow. The property is located at 150 Gould Street, Needham, MA in the Industrial-1(IND-1) District. A public hearing was held remotely on Zoom, on Thursday, September 15, 2022 at 7:30p.m.

Documents of Record:

- Application for Hearing, Clerk stamped August 22, 2022.
- Cover Letter from George Giunta, Jr., dated August 22, 2022.
- Email from Chief John Schlittler, Police Department, August 24, 2022.
- Email from Dave Roche, Building Commissioner, September 5, 2022.
- Email from Tara Gurge, Assistant Health Director, September 6, 2022.
- Letter from Lee Newman, Director, Planning and Community Development, September 8, 2022.
- 150 Gould Street – ZBA Special Permit Amendment – 9-17-2020.
- 150 Gould Street – ZBA Special Permit Amendment – 7-11-2019.
- 150 Gould Street – ZBA Special Permit – 3-23-2006.

September 15, 2022

The Board included Jon D. Schneider, Chair; Howard Goldman, Member; and Nik Ligris, Associate Member. Jonathan D. Tamkin, Vice Chair, was in attendance but recused himself on the matter. Mr. Schneider opened the hearing at 7:30p.m. by reading the public notice.

George Giunta, Jr., attorney representing the applicant, reported that Bakers' Best, Inc. ("Bakers"), has been in operation for 38 years. Established in Newton Highlands 19 years ago it expanded to Needham where it located its corporate kitchens at 150 Gould Street. In 2006 Bakers' was granted a Special Permit to operate a food catering and commissary in half

of the premises. In July 2019 the applicant was granted an amendment to occupy the entire building and a parking waiver. The pandemic derailed the expansion plans. In response to the pandemic, the applicant was granted a temporary curb side pick-up permit from the Select Board which expired in October 2020. To continue the pick-up service, Bakers' sought and was granted a Special Permit Amendment to allow take-out services until October 13, 2022.

Bakers' business has improved but at a reduced level. The applicant needs to continue to do take-out. Mr. Giunta noted that there are ongoing negotiations for Gordon Fine Wines of Needham, Inc. ("Gordon's"), to buy Bakers' and the property.

Mr. Schneider inquired about the location and volume of the take-out business. Mr. Giunta responded that the pick-up is located at the front of the building and there are no more than ten pick-up orders a day. They are generally small in size as pick-up allows single orders while the catering business does not.

Mr. Schneider said that Bakers' is a good business neighbor and is in favor of extending the take-out permit for a limited time but wants to review it if Gordon's seeks to occupy the other half of the building. Mr. Goldman reported that the area is a congested and Bakers' has done a good job in managing the take-out business. There is significant building construction in the area which will increase traffic. He would like to review the take-out business when the sale goes through.

Mr. Ligris was in favor of granting temporary relief to be reviewed once there is a new operator.

There was agreement to extend the take-out business for 18 months.

Comments were received from:

- The Building Commissioner had no comments.
- The Planning Board had no comment.
- The Police Department had no concerns if they continue to respect the neighborhood when it comes to early and late deliveries.
- The Health Department had no comments as long as the same agreed to take-out food policies are followed.

There were no comments from the public.

Ms. Goldman moved to grant a Special Permit Amendment to renew and extend a take-out food service for Bakers' for an additional 18 months at 150 Gould Street as established in the Special Amendment dated September 17, 2020 subject to review when the sale of business is transacted. Mr. Ligris seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:44p.m.

Findings:

On the basis of the evidence presented at the hearing, the Board makes the following findings:

1. The applicant operates a food catering business under a Special Permit dated July 11,

2019, and amended on September 17, 2020 to allow for temporary take-out services.

2. The applicant's food catering business has improved since September 17, 2020 but is still not operating at pre-pandemic levels and as such the applicant has requested an extension to the relief previously granted by the Board.
3. Orders are taken by phone or online and customers pick up food in the front of the building.
4. The premises is located in the Industrial-1 District where take-out eating establishment is a permitted use under Section 3.2.1. upon the issuance of a Special Permit.
5. There has been no public opposition to the requested relief; and the take-out business is critical to the survival of the applicant (a longtime community member and employer). Granting an extension of the Special Permit is consistent with the criteria of Section 7.5.2.
6. The Board is concerned that there may be a parking problem/overflow if the applicant were to return to the previous volume of sales and return of all its employees. As such, the Board shall revisit the Special Permit for a take-out eating establishment upon due application by the applicant before expiration thereof.

Decision:

On the basis of the evidence presented at the hearing, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, extend and renew the Special Permit Amendment dated September 17, 2020 to allow take-out food service for a period of eighteen months from the date this Decision is filed with the Town Clerk.

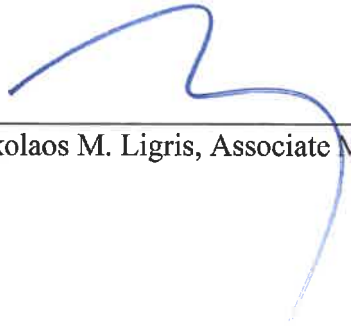
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Jon D. Schneider, Chair

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Howard S. Goldman, Member

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Nikolaos M. Ligris, Associate Member