

**NEEDHAM
ZONING BOARD OF APPEALS
AGENDA**

Thursday, June 20, 2024 - 7:30PM

Charles River Room Public Services Administration Bldg. 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 869-6475-7241 To join the meeting click this link: https://us02web.zoom.us/j/86964757241
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1. **Minutes** Review and approve Minutes from the May 16, 2024 meeting.
2. **7:30 PM – 37 Moseley Avenue** **(Request to Withdraw Without Prejudice)**
Saybrook Construction, LLC, applied for a Variance pursuant to Sections 7.5.3, and MGL40A, Section 10, from the following provisions of Section 4.2.3 and any other applicable sections of the By-Law to permit the demolition of a deteriorated single family residential dwelling with detached garage and shed and to allow the construction of a new single-family residential dwelling with a side setback of 13.8 feet where 25 feet are required and a front yard setback of 20 feet where 30 feet are required. The lot contains 35,726 square feet, less than the required 43,560 square feet. The property is located at 37 Moseley Avenue, Needham, MA in the Single Residence A (SRA) Zoning District.
(Continued from May 16, 2024)
3. **7:45 PM - 45 Fourth Avenue**
Boston Swim School, LLC, (d/b/a Goldfish Swim School) applied for a Special Permit Amendment under Sections 3.2.4.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit a private school to adjust hours of operation, increase limit on number of students to 50, increase limit on number of staff to 28, and allow “family swims” and birthday parties as a form of open swim without direct instruction or class, accessory to the main use; and amend the existing Special Permit pursuant to waiving strict adherence to the number of required parking and the parking plan and design requirements. The property is located at 45 Fourth Avenue, Needham, MA in the New England Business Center (NEBC) Zoning District.
4. **8:00 PM – 315 Chestnut Street**
Adam Dangelo, applied for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit use of the second floor space for a private school tutoring children in the third to eight grades, to permit for more than one non-residential use on a lot and waiving strict adherence to the number of required parking

Next ZBA Meeting – Thursday, July 18, 2024
Charles River Room, PSAB, 500 Dedham Ave, Needham

and the parking plan and design requirements. The property is located at 315 Chestnut Street, Needham, MA in the Chestnut Street Business (CSB) Zoning District.

5. 8:15 PM – 1257 Highland Avenue

Needbobcon, Inc, applied for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit for a restaurant serving meals for consumption on the premises and at tables with service provided by wait staff; to permit a take-out operation accessory to a restaurant; to permit for more than one non-residential use on a lot; and waiving strict adherence to the number of required parking and the parking plan and design requirements. The relief sought is associated with redevelopment of the premises for the location of Conrad's a full-service "casual dining" restaurant. The property is located at 1257 Highland Avenue, Needham, MA in the Business (B) Zoning District.

Revised 6-12-2024

Original Posting by the Town Clerk's Office on 6/10/24 at 11:09 AM

Next ZBA Meeting – Thursday, July 18, 2024
Charles River Room, PSAB, 500 Dedham Ave, Needham

**NEEDHAM
ZONING BOARD OF APPEALS
MINUTES
THURSDAY, MAY 16, 2024 - 7:30PM**

Charles River Room Public Services Administration Bldg. 500 Highland Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 869-6475-7241
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Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held in the Select Board Chambers, Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492 on Thursday, May 16, 2024 at 7:30 p.m.

BOARD MEMBERS PRESENT: Jonathan D. Tamkin, Chair; Howard S. Goldman, Vice-Chair; Nik Ligris, Member; and Valentina Elzon, Associate Member.

BOARD MEMBER(S) ABSENT: Peter Friedenberg

STAFF PRESENT: Daphne M. Collins, Zoning Specialist

Mr. Tamkin, Chair presided and opened the meeting at 7:30 p.m.

1. MINUTES OF APRIL 24, 2024

Mr. Goldman moved to approve the minutes of April 24, 2024. Ms. Elzon seconded the motion. The motion was unanimously approved.

2. 1330 HIGHLAND AVENUE

PLAN SUBSTITUTION

APPROVED

Mr. Ligris moved to approve a plan substitution with de minimis changes to the plans approved as part of the *1330 Highland Avenue ZBA Special Permit dated May 19, 2022*; General Plan SP.C4 prepared by Bargman Hendrie + Archetype, Inc., stamped by James A. Jackson, Jr., Professional Engineer, dated April 25, 2022 be substituted with General Plan SP.C4 prepared by Bargman Hendrie + Archetype, Inc., stamped by James A. Jackson, Jr., Professional Engineer, revised and dated May 7, 2024. Mr. Goldman seconded the motion. The motion was unanimously approved.

3. 37 MOSELEY AVENUE

REQUEST FOR CONTINUANCE

APPROVED

Mr. Goldman moved to grant the applicant's request for a Continuance to the June 20, 2024 meeting at 7:30pm in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA. Mr. Ligris seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:45 p.m.

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. Copies of the Decisions are filed at the Board website linked here:

<https://needhamma.gov/Archive.aspx?AMID=141&Type=&ADID=>

or by contacting Daphne Collins, Zoning Specialist, dcollins@needhamma.gov or 781-455-7550, ext. 261.

The hearings can be viewed at <http://www.needhamchannel.org/watch-programs/> and <https://www.youtube.com/@TownofNeedhamMA/videos>

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

June 11, 2024

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Saybrook Construction, LLC
37 Moseley Avenue, Needham, MA

Dear Ms. Collins,

In connection with the pending application of Saybrook Construction, LLC for a variance relative to the property known and numbered 37 Moseley Avenue, Needham, MA, please accept this letter as a request to withdraw said application, without prejudice.

If you have any comments, questions or concerns, or if you require any further information in the meantime, please contact me so that I may be of assistance.

Sincerely,



George Giunta, Jr.

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

May 24, 2024

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Boston Swim School, LLC
d/b/a Goldfish Swim School
45 Fourth Avenue, Needham, MA

Dear Mrs. Collins,

Please be advised this office represents Boston Swim School, LLC (hereinafter, interchangeably, the "Applicant" and "Boston Swim") with respect to its swim school at the property known and numbered 45 Fourth Avenue, Needham, MA (hereinafter the "Premises"). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of site plan;
3. Seven copies of Memorandum in Support of Application for Amendment;
4. Seven copies of authorization letter from property owner; and
4. Check in the amount of \$200 for the applicable filing fee.

The Premises is situated in the New England Business Center Zoning District and has been used and occupied by the Applicant since approximately 2014 for swim school purposes, as a Goldfish Swim School. The Applicant was previously issued special permits for such use pursuant to Decision of the Board of Appeals dated September 18, 2014, filed with the Town Clerk on October 7, 2014, as affected by Amendment dated October 16, 2014, filed with the Town Clerk on November 3, 2014 (said Decision and Amendment hereinafter referred to together as the "Decision"). The Decision imposed a number of different conditions and restrictions on the use, including, inter alia, the hours of operation, the number of students in the pool at any given time, the number of staff on site at any given time, and the form of swim allowed.

During a regular inspection by the Board of Health in February 2024, it appeared that several aspects of the current operation were inconsistent with the conditions and limitations contained in the Decision. After investigation and analysis, several aspects of the use were identified that would require clarification or modification of the Decision, including the hours of operation, the number of students in the pool, the number of staff, and the inclusion of forms of open swim on weekends.

Because the issues requiring review included the number of students and the number of staff on site at any given time, it was determined that a parking study would be a necessary step prior to seeking any further review. That study was performed by MDM Transportation Consultants, Inc. and is provided herewith. As set forth in detail in the Memorandum provided herewith, that study determined that there is adequate parking on site and in the vicinity of the Premises to support the use, as it is actually conducted at present.

As a result, Boston Swim is hereby requesting to clarify, modify and amend the Decision to reflect the use as currently operating, by (1) adjusting the allowed hours of operation to run 7:00 AM to 8:30 PM, seven days a week¹, (2) increasing the allowed number of students in the pool at any given time from 30 to 50, (3) increasing the allowed number of staff on site at any one time from 12 to 28, and (4) allowing “family swims” and birthday parties as allowed forms of “open swim”, accessory to the main use of swim instruction. In connection therewith, amendment of both the existing use related special permit and the existing parking waiver special permit are required.

Kindly schedule this matter for the next hearing of the Board of Appeals. If you have any comments, questions or concerns, or if you require any further information in the meantime, please contact me so that I may be of assistance.

Sincerely,



George Giunta, Jr.

¹ The hours of operation vary from day to day, and are subject to change, with only Thursday currently starting as early as 7:15 AM and ending as late as 8:15 PM. Current hours of operation are: Monday 12:00 – 7:30 PM, Tuesday 9:00 AM – 7:30 PM, Wednesday, 12:00 PM – 7:30 PM, Thursday, 7:15 AM – 8:15 PM, Friday, 10 AM – 6:00 PM, Saturday, 8:30 AM – 5:30 PM, and Sunday, 8:30 AM – 4:00 PM.



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Boston Swim School, LLC			Date:	5/24/24
Applicant Address	747 Puritan Avenue, Birmingham, MI 48009				
Phone	248-226-1842	email	Peter.J.Kepic@colliers.com		
Applicant is ☐ Owner; ☒ Tenant; ☐ Purchaser; ☐ Other_____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name	George Giunta, Jr., Esq.				
Address	281 Chestnut Street, Needham, MA 02492				
Phone	617-840-3570	email	george.giuntajr@needhamlaw.net		
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other_____					
Contact ☐ Me ☒ Representative in connection with this application.					

Subject Property Information

Property Address	45 4th Avenue		
Map/Parcel Number	Map 300 / Parcel 20	Zone of Property	New England Business Center (NBC)
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☐ Residential or ☒ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☒ No			
Do the spaces meet design requirements? ☐ Yes ☒ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☒ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

One story commerical building currently used and occupied by applicant for purposes of a swim school pursuant to special permits previously issued by the Zoning Board of Appeals.

Statement of Relief Sought:

1. Amend existing special permit pursuant to Section 3.2.4.2 for a private school, to adjust hours of operation, increase limit on number of students to 50, increase limit on number of staff to 28, and allow "family swims" and birthday parties as a form of "open swim" without direct instruction or class, accessory to the main use;
2. Amend existing special permit pursuant to Section 5.1.1.5 to include a waiver of strict compliance with the requirements of Section 5.1.2 (Required Parking); and
3. Any and all other relief as may be necessary and appropriate for the continued operation of the Goldfish Swim School

Applicable Section(s) of the Zoning By-Law:

3.2.4.2, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Section or By-Law.

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		
Numbers must match those on the certified plot plan and supporting materials		



ZBA Application For Hearing

Date Structure Constructed including additions:

Date Lot was created:

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <i>(Required)</i>	
Elevations of Proposed Conditions <i>(when necessary)</i>	
Floor Plans of Proposed Conditions <i>(when necessary)</i>	

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I consulted generally with the Building Commissioner and
subsequently provided detailed information on May 20, 2024.

Date: 5/24/24 Applicant Signature George Giunta Jr
George Giunta, Jr.
Attorney for Boston Swim School, LLC

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*

IC 45 Fourth Ave, LLC
180 Wells Avenue, Suite 100
Newton, MA 02459

May 16, 2024

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: 45 Fourth Avenue
Boston Swim School LLC d/b/a Goldfish Swim School
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that IC 45 Fourth Ave, LLC, owner of the property known and numbered 45 Fourth Avenue, Needham, MA (the "Premises"), has authorized Boston Swim School, LLC, tenant, through its attorney George Giunta, Jr., Esquire, to make application for a special permit amendment and any and all other zoning, planning, general by-law and other relief that may be required to accommodate tenant's desire to modify the hours, activities and enrollment from those set forth in the original Special Permit, as previously amended. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Hearing.

IC 45 Fourth Ave, LLC
By its Manager,
Intrum Corp



Randy Goldberg, President

TO: THE MEMBERS OF THE BOARD OF APPEALS
TOWN OF NEEDHAM, MA

May 24, 2024

MEMORANDUM IN SUPPORT OF
APPLICATION FOR AMENDMENT
Boston Swim School, LLC
45 Fourth Avenue, Needham, MA

The applicant, Boston Swim School, LLC (hereinafter, interchangeably, the “Applicant” and “Boston Swim”), seeks amendment and modification of Special Permits issued pursuant to Section 3.2.4.2, for a private school specializing in individual and group swim instruction and, pursuant to Section 5.1.1.5, waiving strict adherence with off-street parking requirements, as well as any and all other relief as may be necessary and appropriate for the continued use of the property known and numbered 45 Fourth Avenue, Needham, MA (the “Premises”) as a Goldfish Swim School, as described herein.

I. EXISTING CONDITIONS / BACKGROUND

The Premises is located in the New England Business Center Zoning District and consists of a 13,138 square foot, one-story commercial building on a 45,041 square foot lot with 150 feet of frontage on Fourth Avenue. Since approximately 2014, the building has been used and occupied by Boston Swim School, LLC d/b/a Goldfish Swim School for purposes of a private school specializing in individual and group swim instruction. Such use was authorized pursuant to Decision of the Board of Appeals dated September 18, 2014, filed with the Town Clerk on October 7, 2014, as affected by Amendment dated October 16, 2014, filed with the Town Clerk on November 3, 2014 (said Decision and Amendment provided herewith and hereinafter referred to together as the “Decision”). The Decision imposed a number of different conditions and restrictions on the use, including, inter alia, the hours of operation, the number of students in the pool at any given time, the number of staff on site at any given time, and the form of swim allowed. The Decision also included a waiver from the off-street parking requirements, relating to the lack of compliance with applicable design guidelines.

During a regular inspection by the Board of Health in February 2024, it was discovered that several aspects of the current operation appeared to be inconsistent with the conditions and limitations contained in the Decision. After investigation and analysis, several aspects of the use were identified that did require clarification or modification of the Decision, including the hours

of operation, the number of students in the pool, the number of staff, and the inclusion of forms of open swim on weekends.

Because the issues requiring review included the number of students and the number of staff on site at any given time, it was determined that a parking study would be a necessary step prior to seeking any further review. That study was performed by MDM Transportation Consultants, Inc. (hereinafter “MDM”) and is provided herewith. As set forth in detail below, that study determined that there is adequate parking on site and in the vicinity of the Premises to support the use, as it is conducted at present.

II. PROPOSED AMENDMENT / MODIFICATION

A. Use

The Applicant is proposing to modify and amend several aspects of the Decision relative to the use of the Premises, but is not proposing any changes or alterations to the interior, exterior or site. First, while the current hours of operation are largely within the hours authorized in the Decision, the facility opens thirty minutes earlier on Sundays. As a result, and to take into account possible future adjustment to times of operation, Boston Swim is requesting to be allowed to operate 7:00 AM to 8:30 PM, seven days a week¹. Second, Boston Swim is requesting to increase the maximum number of students in the pool at any one time, from 30 to 50, and to increase the maximum number of staff allowed on site at any one time from 12 to 28.

Third, Boston Swim is requesting clarification that it is permitted to operate two forms of “open swim” as accessory to the principal instructional use: “family swim” and birthday parties. These are considered “open swim” sessions as they lack direct or structured instruction and are open to non-members. However, staff are present and involved. Therefore, instruction is often provided, albeit more on an “ad-hoc” basis, without formal structure. The “family swim” sessions primarily provide an opportunity for enrolled students to practice their swimming with family involvement. However, they also act as a way for the swim school to obtain new members

¹ The hours of operation vary from day to day, and are subject to change, with only Thursday currently starting as early as 7:15 AM and ending as late as 8:15 PM. Current hours of operation are: Monday 12:00 – 7:30 PM, Tuesday 9:00 AM – 7:30 PM, Wednesday, 12:00 PM – 7:30 PM, Thursday, 7:15 AM – 8:15 PM, Friday, 10 AM – 6:00 PM, Saturday, 8:30 AM – 5:30 PM, and Sunday, 8:30 AM – 4:00 PM.

and to evaluate the swimming level and ability of prospective students.² Family swim is currently only offered three days each week: Tuesday, Thursday and Sunday, for a period of one hour each day. Birthday parties, which can only be booked by members, are only offered Saturday afternoons, from 3:30 PM to 5:30 PM, with a maximum of 24 children. The parties serve both as an incentive to membership and as a way to obtain new members. Neither the family swim nor the birthday parties are a part of the main use, but rather, support and function as accessories to the main instructional use.

B. Parking

There are currently 53 parking spaces on site and Boston Swim is not proposing to make any alterations or changes to the existing parking. Pursuant to the Decision, the Board determined that the parking demand applicable to the use as then proposed was 51 spaces, based on a determination of the Building Inspector. That determination was established by requiring one space for each student and each staff at peak operation, and then doubling the student count to take into account possible overlap in student. At the time, it was estimated that there would be a maximum of 20 students and 6 instructors, plus an additional 5 lifeguards and administrative staff. As a result, it was estimated there would be a maximum of 31 people on site at any given time, and doubling the 20 students resulted in a total count of 51. If this method were applied to the current request, the total parking demand would be 128, calculated as follows: 50 students x 2 = 100 spaces, plus 28 staff = 128.

While this approach attempts to account for overlap of students, it fails to account for carpooling by staff and students, use of alternative transportation by staff, or multi-child households.³ As a result, it is not objectively accurate. Pursuant to the By-Law, there are two possible alternative established parking demand categories that might apply:

² While open to the public, primarily as a means to gain new members, the overwhelming majority of children participating in “family swim” are members. In addition, members of the public are only admitted on a session by session basis and must pre-register.

³ Boston Swim has a robust program for staff to utilize alternative methods of transportation that do not require use of parking spaces.

1. "Colleges, vocational and high schools excluding boarding and office facilities which shall be computed separately in accordance with this section", requiring parking for one-half of the design or executed enrollment.⁴ Under such standard, assuming maximum enrollment (i.e., 50 students), the calculated parking demand would be 25 parking spaces, which objectively seems to be a bit low.

2. "Indoor Athletic or Exercise Facility or Personal Fitness Service Establishment", requiring One space for each 150 square feet or fraction thereof of gross floor area and one space for each three employees to be employed or anticipated to be employed on the largest shift. Notwithstanding the above, in circumstances where facility size is known and occupancy and parking demand will be controlled by the method of operation, the Planning Board may reduce the number of parking spaces required for a personal fitness service establishment to one parking space per employee and visitor present on the site at any one time during the peak usage period. Under this standard, the parking demand would be either 98 or 78, depending on methodology.⁵

Whichever standard is applied, it does appear that there is insufficient parking on site to address applicable parking demand. However, there is on-street parking in vicinity of the Premises was provide a substantial amount of additional parking, and, as was determined by MDM this results in a total of 76 parking spaces available to support the use.

More importantly, as outlined in the report provided by MDM, based on multiple observations, the peak parking demand was 67 spaces. This was still less than the 76 available parking spaces and was only observed during the weekend morning period. As a result, whichever method is used to establish calculated parking demand, it appears that there is adequate parking available to support the revised number of students and staff.

III. CONCLUSION

The Premises has been used since approximately 2014 as a swim school without incident or issue. While the enrollment and corresponding number of staff have grown, and while limited open swims have been offered as an accessory and adjunct to the principal instructional use, none have resulted in any problems, either from an operational perspective or with respect to parking. As result, Boston Swim asserts that revising the Decision to accurately reflect current

⁴ This standard has been used in connection with other similar activities, most recently including the Charles River Ballet Academy at 1154 Great Plain Avenue.

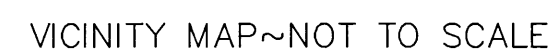
hours of operation, enrollment, staff and operations is proper and appropriate. Moreover, based on the MDM parking study, there is ample parking available to support the current level of enrollment and staff, and therefore good and sufficient reasons for amending and extending the parking waiver. As a result, Boston Swim asserts that the requested amendments and modifications to the Decision are both proper and appropriate and should be granted

Respectfully submitted,
Boston Swim School, LLC
by its attorney,

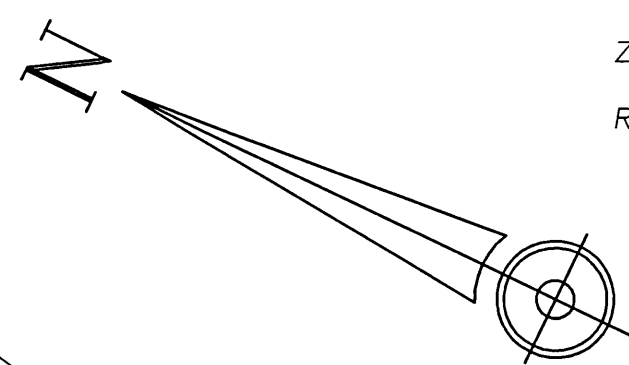


George Giunta, Jr., Esquire
281 Chestnut Street
Needham, Massachusetts 02492
781-449-4520
617-840-3570

⁵ If based on square footage: $13,138 \text{ square feet of space} \div 150 = 87.58 = 88 \text{ spaces}$, and $28 \text{ staff} \div 3 = 9.33 = 10 \text{ spaces}$; $88 + 10 = 98 \text{ total spaces required}$. If based on employees + visitors: $50 \text{ students} + 28 \text{ staff} = 78 \text{ total spaces required}$.



SECOND AVENUE
(PUBLIC ~ 36' WIDE)



ZONE CLASSIFICATION ~ NEBC ~ NEW ENGLAND BUSINESS CENTER

REQUIRED

EXISTING

COMPLIANCE

MINIMUM LOT AREA = 40,000 S.F.
MINIMUM LOT FRONTAGE = 100'
MINIMUM FRONT YARD SETBACK = 15'
MINIMUM SIDE YARD SETBACK = 20'
MINIMUM REAR YARD SETBACK = 20'
MAXIMUM LOT COVERAGE = 65%
MAXIMUM FLOOR AREA RATIO = 1.00
MAXIMUM HEIGHT = 72'
MINIMUM PARKING = 1/300 for Office/R&D

LOT AREA = 45,041 S.F.
LOT FRONTAGE = 150.00'
FRONT YARD SETBACK = 27.8'
SIDE YARD SETBACK = 15'
REAR YARD SETBACK = 115.3'
LOT COVERAGE = 29%
FLOOR AREA RATIO = 0.29
HEIGHT = 1 STORY
PARKING = 53 SPACES

LOT AREA = COMPLIANT
LOT FRONTAGE = COMPLIANT
FRONT YARD SETBACK = COMPLIANT
SIDE YARD SETBACK = PREEXISTING NON-CONFORMING
REAR YARD SETBACK = COMPLIANT
LOT COVERAGE = COMPLIANT
FLOOR AREA RATIO = COMPLIANT
HEIGHT = COMPLIANT
PARKING = COMPLIANT

EXHIBIT A

A certain parcel of land with the buildings and other improvements thereon situated in Needham, in the County of Norfolk, Massachusetts, shown as Lot 7 on a plan drawn by Cheney Engineering Co., dated March 16, 1959, October 27, 1959 and July 19, 1962, as approved by the Lnad Court, filed in the Land Registration Office as Plan No. 29185A, a copy of a portion of which is filed in Norfolk Registry District with Certificate No. 72051, Sheet 2, Book 361.

Together with the benefit of easements contained in a Deed dated October 3, 1969 from Vappi Development Company, Inc. to the Trustee of the Camille V. Sanders Real Estate Trust filed as Document No. 303308.

LEGEND

- Bollard
- Sign
- ☒ Catch Basin
 - Stone Bound/Concrete Bound
 - Drill Hole (dh)
- ⚡ Electric Hand Hold
- ☂ Metal Light Pole
- ⚙ Post Indicator Valve
- ⚡ Hydrant
- ⚙ Water Control Valve
- ⚙ Water Gate
- ⚡ Wood Utility Pole
- ⚡ Wood Utility Pole w/ Light
- Ⓢ Sewer Manhole
- ① Telephone Manhole
- Ⓢ Water Manhole
- Ⓢ Electric Manhole
- ① Drain Manhole
- ① Concrete Manhole
- Stockade or Rail Fence (Typ)
- Chain Link Fence (CLF)-Typ.

The property shown
lies within ZONE X UNSHADED (area outside 0.2% annual chance floodplain)
as shown on FLOOD INSURANCE RATE MAP
for the TOWN OF NEEDHAM
COMMUNITY 255215
PANEL NUMBER 37E
WITH EFFECTIVE DATE OF JULY 17, 2012

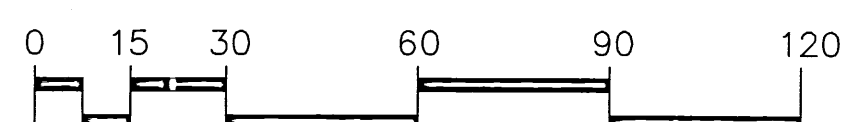
PARKING SUMMARY:

PARKING SUMMARY:
53 PARKING SPACES
3 BEING HANDICAPPED

UNDERGROUND UTILITIES

— S — — D — — E —
(Sewer, Drain, Electric, Gas, Water, Telephone, Cable Etc.)

& Handicap Parking



1 INCH = 30 FT.

N/F
LOT 6
33 FOURTH AVE
PARCEL 199/300.0-0022
IRWIN & SHELIA SHULKIN TRS.
CRT. 143197

#45
1 STORY BRICK
BLDG. FOOTPRINT
13,073 S.F.

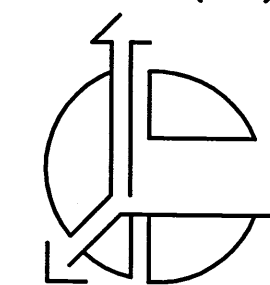
PROPOSED 65 SF ENTRY STRUCTURE.
PROPOSED GLASS STOREFRONT
AND CANOPY

N/F
FOURTH AVE
PARCEL 199/300.0-0070
BLAKELEY, LINNELL ET AL, TS
BOOK 283 PAGE 43

N/F
189 B ST
PARCEL 199/300.0-0018
GENERAL DYNAMICS C4 SYSTEMS INC
CRT. 164388

N/F
53 FOURTH AVE
PARCEL 199/300.0-0009
DIV NEEDHAM 53, LLC
CRT. 152581

R.E. Cameron & Associates, Inc.
LAND SURVEYORS - CIVIL ENGINEERS
681 WASHINGTON STREET
NORWOOD, MA 02062
(781) 769-1777 Fax (781) 769-8644



SCALE: 1"=30' DATE: 8/13/14

DRAWN BY: SLS MATH: SLS26/2

JOB NUMBER: 4001 CHECKED BY: *me*

COUNTY: NORFOLK

TITLE:

27.2

**PROPOSED
SITE PLAN
NEW ENTRY STRUCTURE
45 FOURTH AVENUE
NEEDHAM, MASSACHUSETTS**

4001SP5B

[illegible]

SHEET NUMBER:	
---------------	--

4001

Daphne Collins

From: Tom Conroy
Sent: Friday, May 31, 2024 9:04 AM
To: Daphne Collins
Subject: RE: 45 Fourth Avenue - ZBA Administrative Review - Due June 11, 2024

Hi Daphne,
No concerns with Fire.
Thanks,
Tom



Thomas M. Conroy

Fire Chief - Needham Fire Department
tconroy@needhamma.gov
Ph (781) 455-7580

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, May 29, 2024 3:41 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 45 Fourth Avenue - ZBA Administrative Review - Due June 11, 2024

Good Afternoon-

45 Fourth Avenue – Boston Swim School, LLC (d/b/a Goldfish Swim School) is seeking a Special Permit Amendment to allow the adjustment of hours of operation, increase the number of students to 50, increase limit on number of staff to 28 and to allow family swims and birthday parties and to amend the strict compliance with the parking number.

Attached please find the application with its associated back-up documents for your information and review.

I appreciate your comments no later than **June 11, 2024** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492

Daphne Collins

From: Joseph Prondak
Sent: Tuesday, June 11, 2024 11:28 AM
To: Daphne Collins
Subject: RE: 45 Fourth Avenue - ZBA Administrative Review - Due June 11, 2024

Hi Daphne,

I have reviewed this proposal and have no concerns.

Joe Prondak
Needham Building Commissioner
781-455-7550 x308

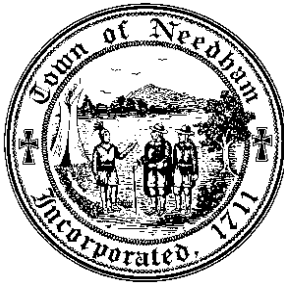
From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, June 11, 2024 9:19 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>
Subject: FW: 45 Fourth Avenue - ZBA Administrative Review - Due June 11, 2024

Hi Folks,
Friendly reminder. ZBA Administrative Review Comments due today.
Thank you,
Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 261
dcollins@needhamma.gov
www.needhamma.gov

In- Person Staff Hours are Monday – Wednesday 8:30 am – 5:00pm
Remote Hours – Thursday 8:30 am – 5:00pm

From: Daphne Collins
Sent: Wednesday, May 29, 2024 3:41 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>;



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

June 4, 2024

Mr. Jonathan Tamkin, Chair, and Members
Zoning Board of Appeals
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Dear Mr. Tamkin and Members of the Zoning Board of Appeals:

At its meeting of June 4, 2024, the Planning Board reviewed the applications to be heard by the Board of Appeals on June 20, 2024, and made the following recommendations:

1. 37 Moseley Avenue (Continued from May 16, 2024)

Saybrook Construction, LLC, applied for a Variance pursuant to Sections 7.5.3, and MGL40A, Section 10, from the following provisions of Section 4.2.3 and any other applicable sections of the By-Law to permit the demolition of a deteriorated single family residential dwelling with detached garage and shed and to allow the construction of a new single-family residential dwelling with a side setback of 13.8 feet where 25 feet are required and a front yard setback of 20 feet where 30 feet are required. The lot contains 35,726 square feet, less than the required 43,560 square feet. The property is located at 37 Moseley Avenue, Needham, MA in the Single Residence A (SRA) Zoning District.

The Planning Board previously commented on this proposal by letter dated April 2, 2024. The comments were as follows: The Planning Board makes NO COMMENT.

2. 45 Fourth Avenue - Boston Swim School, LLC, (d/b/a Goldfish Swim School) applied for a Special Permit Amendment under Sections 3.2.4.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit a private school to adjust hours of operation, increase limit on number of students to 50, increase limit on number of staff to 28, and allow “family swims” and birthday parties as a form of open swim without direct instruction or class, accessory to the main use; and amend the existing Special Permit pursuant to waiving strict adherence to the number of required parking and the parking plan and design requirements. The property is located at 45 Fourth Avenue, Needham, MA in the New England Business Center (NEBC) Zoning District.

The Planning Board makes NO COMMENT.

3. **315 Chestnut Street** - Adam Dangelo, applied for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit use of the second floor space for a private school tutoring children in the third to eight grades, to permit for more than one non-residential use on a lot and waiving strict adherence to the number of required parking and the parking plan and design requirements. The property is located at 315 Chestnut Street, Needham, MA in the Chestnut Street Business (CSB) Zoning District.

The Planning Board makes NO COMMENT.

4. **1257 Highland Avenue** - Needbobcon, Inc, applied for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit for a restaurant serving meals for consumption on the premises and at tables with service provided by wait staff; to permit a take-out operation accessory to a restaurant; to permit for more than one non-residential use on a lot; and waiving strict adherence to the number of required parking and the parking plan and design requirements. The relief sought is associated with redevelopment of the premises for the location of Conrad's a full-service "casual dining" restaurant. The property is located at 1257 Highland Avenue, Needham, MA in the Business (B) Zoning District.

The Planning Board makes NO COMMENT.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman

Director of Planning and Community Development

Daphne Collins

From: John Schlittler
Sent: Thursday, May 30, 2024 10:38 AM
To: Daphne Collins
Subject: RE: 45 Fourth Avenue - ZBA Administrative Review - Due June 11, 2024

The police department has no issues with this.

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, May 29, 2024 3:41 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 45 Fourth Avenue - ZBA Administrative Review - Due June 11, 2024

Good Afternoon-

45 Fourth Avenue – Boston Swim School, LLC (d/b/a Goldfish Swim School) is seeking a Special Permit Amendment to allow the adjustment of hours of operation, increase the number of students to 50, increase limit on number of staff to 28 and to allow family swims and birthday parties and to amend the strict compliance with the parking number.

Attached please find the application with its associated back-up documents for your information and review.

I appreciate your comments no later than **June 11, 2024** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 261
dcollins@needhamma.gov
www.needhamma.gov

*In- Person Staff Hours are Monday – Wednesday 8:30 am – 5:00pm
Remote Hours – Thursday 8:30 am – 5:00pm*

Daphne Collins

From: Justin Savignano
Sent: Tuesday, June 11, 2024 9:18 AM
To: Daphne Collins
Cc: Thomas Ryder
Subject: RE: 45 Fourth Avenue - ZBA Administrative Review - Due June 11, 2024

Good Morning Daphne,

Engineering has no comment or objection to the proposal.

Thanks,
Justin

Justin Savignano
Assistant Town Engineer

Department of Public Works
Town of Needham
500 Dedham Ave Needham, MA
Tel: 781-455-7538 x362
Cell: 781-801-5937
Email: jsavignano@needhamma.gov
Website: www.needhamma.gov

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, May 29, 2024 3:41 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 45 Fourth Avenue - ZBA Administrative Review - Due June 11, 2024

Good Afternoon-

45 Fourth Avenue – Boston Swim School, LLC (d/b/a Goldfish Swim School) is seeking a Special Permit Amendment to allow the adjustment of hours of operation, increase the number of students to 50, increase limit on number of staff to 28 and to allow family swims and birthday parties and to amend the strict compliance with the parking number.

Attached please find the application with its associated back-up documents for your information and review.

I appreciate your comments no later than **June 11, 2024** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Daphne

Daphne Collins

From: Tara Gurge
Sent: Monday, June 10, 2024 5:53 PM
To: Daphne Collins
Subject: RE: 45 Fourth Avenue - ZBA Administrative Review - Due June 11, 2024

Daphne –

In reference to the ZBA Plan review for the Special Permit Adjustment for **#45 Fourth Ave.**, Goldfish Swim School, we have the following comments. See below:

- Per MA Pool Code regulation requirements, we need to ensure that there is 1 certified lifeguard per 25 patrons swimming in the pool. If they are proposing to increase the number of students to 50, and also be able to have these birthday parties, etc., as part of this approval, Public Health will need to ensure that we have sufficient documentation submitted for our records that show that they will be able to accommodate these regulation requirements with having sufficient lifeguards on site.
- Also, please keep in mind as part of this approval, their pool permit states that they can only accommodate a maximum bather load of 100 swimmers in their pool.

Please let us know if you have any follow-up questions or if you need any additional information from us on those requirements.

Thanks,

TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



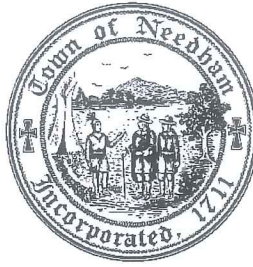
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2014 OCT -7 PM 2:32

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Boston Swim School LLC d/b/a Goldfish Swim School
Record owner: IC 45 Fourth Ave LLC
45 Fourth Avenue, Map 300, Parcel 20

September 18, 2014

Boston Swim School, LLC d/b/a Goldfish Swim School, tenant, has made application to the Board of Appeals for a Special Permit to operate a private school specializing in individual and group swim instruction and to add a small vestibule on a non-conforming structure under Sections 3.2.4.2, 7.5.2 and 1.4.6 and any other applicable Sections of the By-law and to waive strict adherence to parking and design requirements pursuant to Sections 5.1.1.5 and 5.1.3 of the Zoning By-Law. The property is located at 45 Fourth Avenue, Needham, MA in the New England Business District. A public hearing was held on Thursday, September 18, 2014 pursuant to notice thereof, published in a local newspaper and mailed to all parties of interest.

Documents of Record:

- Application Packet, received August 25, 2014, containing:
 1. Application, dated August 25, 2014.
 2. Cover Letter from Roy A. Cramer, dated August 25, 2014.
 3. Statement of Relief – Exhibit A.
 4. Site Plan prepared R.E. Cameron & Associates, Norwood, MA stamped by Scott D. Cameron PLS No. 35393 dated August 13, 2014.
 5. Proposed Site Plan prepared R.E. Cameron & Associates, Norwood, MA stamped by Scott D. Cameron PLS No. 35393 dated August 13, 2014.
 6. Letter from Building Commissioner, dated August 22, 2014.
 7. Use and Parking Analysis, with cover letter from Randy Goldberg, Intrum Corp., dated August 20, 2014.

- Documents received before the hearing:
 8. Letter from Roy A. Cramer, dated September 17, 2014, with exhibits:
 - a) Building Permit application, dated September 28, 1961.
 - b) Excerpts from Zoning By-laws and Subdivision Regulations and Procedural Rules of the Planning Board, dated July 1962.
 - c) Excerpts from the By-laws, dated July 1, 2002.
 - d) Excerpts from the Zoning By-laws, amended to May 3, 1993 and amended to May 1, 2000.

September 18, 2014

The Board included Jon D. Schneider, Chairman; Jonathan D. Tamkin, Member; and Howard S. Goldman, Member. Also participating was Kathy Lind Berardi, Associate Member. Mr. Schneider opened the hearing at 8:13 p.m. by reading the public notice. Mr. Schneider thanked Mr. Cramer for filing material explaining the existing non-conformity.

Mr. Roy Cramer, attorney, representing the Boston Swim School LLC d/b/a the Goldfish Swim School, introduced Rob Wineman, principal, Boston Swim School, Tom Trykowski, architect and Randy Goldberg, the property owner.

The property is located at 45 Fourth Avenue in the New England Business District. The one-story 13,008 square foot building sits on a 45,041 square foot lot. The building is used currently as a research and development facility and has 53 parking spaces. The Swim School proposes to take over the entire building at the end of the year.

The Applicant is requesting a Special Permit to operate a school to teach swimming exclusively to children ages eight months to five years old. The Applicant met with the Building Commissioner and he sent a letter to the Board setting the parking requirement at 51 spaces, which is less than the current 53 spaces on-site. Although there is enough parking, the existing parking lot does not conform to the current design requirements under the By-law. There is an increase in the parking requirement from the prior use so a waiver is needed under Section 5.1.3. The deficiencies in the design requirements relate to the following subsections of Sections 5.1.3: (a) illumination, (i) width of maneuvering aisle, (j) parking setbacks, and (k) landscaped areas, (l) trees, and (n) bike racks.

On the exterior of the building, the Applicant is proposing to add a new entry and some new windows as shown in the plans filed with the application. They are proposing to enclose a 65 square foot entry. Mr. Schneider asked if the new enclosed entry complies with the setback requirements. Mr. Cramer confirmed that does; it will be built on the existing foundation. The building is non-conforming because one side yard setback is 15 feet which is less than the required side yard setback. They are applying for a Special Permit under Section 1.4.6 to alter a non-conforming structure. The proposed site plan shows the building's size to be 13,073 square feet which takes into account the new enclosed entry.

They are also applying for a Special Permit under Section 3.2.4.2 to operate a private school specializing in individual and group swim instruction. The applicant contends it is

a school because no one will be allowed to enter the pool or use the facility without an instructor and the pool will only be used for swimming lessons. There will be no open swims.

Mr. Cramer described the operation. There will be a maximum of six classes offered at one time; four classes will be group instruction with up to four students each and two classes will be private or semi-private with a maximum of two students. There will be a maximum of twenty students in the pool at any one time plus their instructors. There will be two lifeguards and two to three administration staff on site.

Mr. Wineman explained learning to swim is a life skill. The pool is 70 feet long by 30 feet wide but only four feet deep, decorated in a Caribbean theme. It is not a recreational pool. The temperature on the pool deck is 92 degrees and the water temperature is 89 degrees, a comfortable experience allowing the children to focus. There are two distinct areas separated by a glass wall in the building: the pool area and the customer area. The customer area has seating for parents, changing huts and bathrooms. The company started seven years ago outside Detroit and is a franchise operation. Mr. Wineman currently operates four franchised schools in Southeast Michigan and one is under construction in Indiana. Other owners operate franchises in Chicago and Pittsburgh.

Mr. Cramer said that Saturdays and Sundays are the busiest times which avoid conflict with the surrounding office use. The Applicant presented proposed hours of operation. Mr. Schneider suggested that, since the area is industrial, the area is not sensitive to the hours of operation. He suggested that they should ask for hours that they might want in the future even if they do not plan to operate all of those hours now. They requested that the permitted hours of operation be: Monday - Friday 7:00 a.m. to 9:00 p.m. and Saturday 7:00 a.m. to 7:30 p.m., and Sundays 9:00 a.m. to 7:30 p.m.

Mr. Tamkin asked if the Applicant considered making the pool bigger and deeper. Mr. Wineman replied that it would take more money to do the construction and to add the needed infrastructure required by the state. He also said that a larger recreational pool does not fit their business model.

The Board discussed whether the permit should limit the number of students allowed in the pool at one time to ensure the parking demand doesn't exceed capacity. They wanted to give the business some flexibility to expand or to adapt to new pool safety regulations. They decided to allow 30 students in the pool at one time.

Mr. Schneider said the Planning Board had "No Comment" and the Police Department had no safety concerns. The application was sent to the Fire Department for review and they have not responded which, he interprets to mean that they have no comment.

Mr. Schneider asked for public comment. There was none.

Mr. Tamkin said that he thought this was a great use of the site and will be well received by the community. He supports the application.

Mr. Goldman asked about competitors. Mr. Wineman said that they serve a niche market and they don't really have any direct competitors in the area.

Mr. Schneider said that the business will provide an important service to the community.

Mr. Goldman made a motion to approve the Boston Swim School, LLC d/b/a Goldfish Swim School's application for a Special Permit to operate a private school specializing in individual and group swim instruction and to add a small vestibule on a non-conforming structure under Sections 3.2.4.2, 7.5.2 and 1.4.6 of the By-Law and to waive the design requirements for parking pursuant to Sections 5.1.1.5 and 5.1.3 of the Zoning By-law with the caveat that: the hours of operation are Monday to Friday 7:00 a.m. to 9:00 p.m., Saturday 7:00 a.m. to 7:30 p.m., and Sunday 9:00 a.m. to 7:30 p.m.; a limit of 30 students in the pool and 12 staff on-site at one time; and swimming is allowed only with an instructor.

Mr. Tamkin seconded the motion. The Board voted unanimously in favor.

The hearings closed at 8:41 p.m.

Findings

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

1. The premises which is the subject of these applications is located at 45 Fourth Avenue, Needham, MA in the New England Business District.
2. The premises is presently comprised of a one-story 13,008 square foot building locate on a 45,041 square foot lot as shown on the Site Plans filed with the application. The building is used currently as a research and development facility and has 53 parking spaces.
3. The applicant proposes to lease the premises and occupy the entire building at the end of the year for the operation of a school to teach swimming exclusively to children ages eight months to five years old and is applying for a Special Permit under Section 3.2.4.2 to operate a private school.
4. The applicant's business is to be classified as a school because no one will be allowed to enter the pool or use the facility without an instructor and the pool will only be used for swimming lessons. There will be no open swims.
5. There will be a maximum of six classes offered at one time; four classes will be group instruction with up to four students each and two classes will be private or semi-private with a maximum of two students. There will be a maximum of twenty students in the pool at any one time plus their instructors. There will be two lifeguards and two to three administration staff on site.
6. On the exterior of the building, the Applicant is proposing to add a new entry and some new windows as shown on the Site Plans. The applicant is proposing to enclose a 65 square foot entry. The enclosed entry will be built on the existing foundation. The Site Plans filed with the application show the building's size to be 13,073 square feet which

includes the new proposed enclosed entry.

7. The building was constructed in 1961 and complied with the side setback requirements at the time of construction. The site was rezoned to the New England Business Center District in 2002 which imposed a 20 foot side setback. The building has one side yard setback of 15 feet, but is a legal Non-Conforming Building. The applicant is applying for a Special Permit under Section 1.4.6 to alter a non-conforming structure.

8. The Building Commissioner has sent a letter to the Board setting the parking requirement at 51 spaces, which is less than the current 53 spaces on-site.

9. Although there is enough parking on site, the existing parking lot does not conform to the current design requirements under the By-law. There will be an increase in the parking requirement from the current or prior use so a waiver is needed under Section 5.1.3. Likewise there are deficiencies in the By-law's parking design requirements under the following subsections of Section 5.1.3 relating to the (a) illumination, (i) width of maneuvering aisle, (j) parking setbacks, (k) landscaped areas, (l) trees, and (n) bike racks.

10. The issuance of a Special Permit for the use of the premises as a swim school for young children as proposed by the applicant, and to replace windows, add new windows and add a small vestibule, will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses, and is consistent with the criteria in Section 7.5.2 and the intent of the By-Law.

11. The existing building and parking area on the lot have existed for a number of years. They are not adding useable space to the building. As a practical matter, there is no available area to expand the parking area so as to comply with the design requirements under the By-law. These constitute special circumstances to support waiver of the design requirements.

Decision

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, grants the applicant

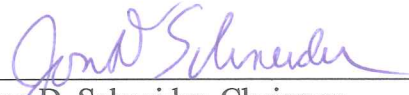
a) a Special Permit to operate a private school specializing in individual and group swim instruction under Section 3.2.4.2, b) a Special Permit to replace windows, add new windows and add a small vestibule on a non-conforming structure under Section 1.4.6, and c) a Special Permit to waive the design requirements for parking pursuant to Sections 5.1.1.5, subject to the following conditions:

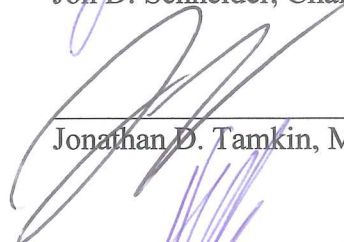
(a) Hours of operation shall be limited to Monday to Friday 7:00 a.m. to 9:00 p.m., Saturday 7:00 a.m. to 7:30 p.m., and Sunday 9:00 a.m. to 7:30 p.m.;

(b) There shall be a limit of 30 students on site either in the pool or waiting for class at any time and a limit of 12 staff on-site at one time;

(c) Swimming shall only be allowed with an instructor and as part of a class and there shall be no open swim periods;

(d) Failure to comply with each and any of the foregoing conditions at any time may constitute cause for the revocation of the Special Permit by the Board, after hearing, with notice to the Applicant, and with such other notice as the Board, in its sole and exclusive discretion shall deem due and sufficient.


Jon D. Schneider, Chairman


Jonathan D. Tamkin, Member


Howard S. Goldman, Member

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NEEDHAM, MA 02492

2014 NOV -3 AM 11:12



**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

***Boston Swim School LLC d/b/a Goldfish Swim School
Record owner: IC 45 Fourth Ave LLC
45 Fourth Avenue, Map 300, Parcel 20***

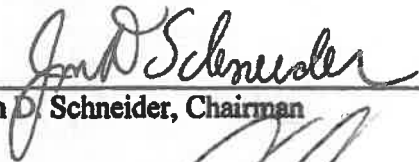
AMENDMENT

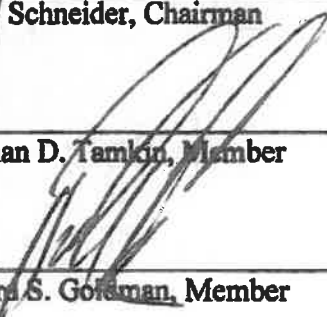
October 16, 2014

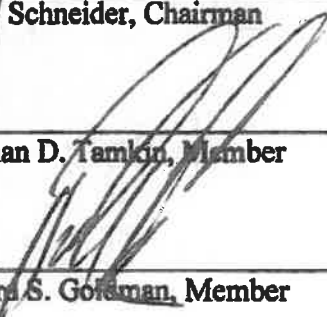
The Board of Appeals hereby amends its Decision issued to Boston Swim School LLC d/b/a Goldfish Swim School, c/o Peter J. Kopic, 747 Puritan Avenue, Birmingham, MI 48009, on September 18, 2014, regarding 45 Fourth Avenue, as follows:

1. In the fourth full paragraph on page 2 of the Decision, the first sentence, which currently reads "The Applicant is requesting a Special Permit to operate a school to teach swimming exclusively to children ages eight months to five years old." is amended to read "The Applicant is requesting a Special Permit to operate a school to teach swimming primarily to children ages eight months to five years old."
2. In Finding 5 on page 4 of the Decision, the second sentence, which currently reads "There would be a maximum of twenty students in the pool at any one time plus their instructors." is amended to read "There will be a maximum of thirty students in the pool at any one time, plus their instructors."
3. Condition (b) on page 5 of the Decision, which currently reads "There shall be a limit of 30 students on-site either in the pool or waiting for class at any time and a limit of 12 staff on-site at one time." is amended to read "There shall be a limit of 30 students in the pool at any one time, and a limit of 12 staff on-site at any one time."

The Board, acting within its authority, finds that the Decision should be amended and that the amendment is not material and may be made without public notice.


Jon D. Schneider, Chairman


Jonathan D. Tamkin, Member


Howard S. Goldstein, Member

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

May 24, 2024

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Adam Dangelo
315 Chestnut Street, Needham, MA

Dear Ms. Collins,

Please be advised this office represents Adam Dangelo (hereinafter the Applicant and “Dangelo”) with respect to the second floor commercial space at the property known and numbered 315 Chestnut Street, Needham, MA (hereinafter the “Premises”). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of plot plan;
3. Seven copies of Memorandum in Support of Application for Special Permits;
4. Seven copies of authorization letter from property owner; and
4. Check in the amount of \$500 for the applicable filing fee.

The Premises is situated in the Chestnut Street Business (CSB) Zoning District and is occupied by an existing two-story commercial that appears to have been built in 1950. The first floor of the building contains two tenant spaces, with the second floor containing just one tenant space. Since construction of the building, some or all appear to have been used for various commercial purposes, including, without limitation, a veterinary office, an engineering company, a shade and linoleum store, a hairdresser, a dry cleaner, and an architect’s office. At present, one of the first-floor spaces is used and occupied by Kostas Pizza and Seafood, pursuant to special permits

issued by the Zoning Board of Appeals¹, and the other first floor space is used and occupied by a coin and jewelry store. The second floor space is current vacant, but was most recently used and occupied for office purposes.

The Applicant desires to use and occupy the entire second floor space as a private school offering tutoring and other educational services; primarily to students in grades 3 through 8, inclusive. Instruction will be provided both individually and in small classes, with a maximum of 5 students in a class. There will be a total maximum of 10 students and 3 staff at any one time, although most of the time there will only be 2 staff. Hours of operation will generally be 2 PM until 7 PM, except on early dismissal days, and possibly holidays and weekends when hours will vary.

The use is allowable by special permit, and same is requested. In addition, even though total parking demand will decrease from current requirements (as set forth in the memo provided herewith), the number of spaces on site will remain less than such demand. In addition, the existing spaces do not comply with the design requirements. As a result, a special permit parking waiver is also required.

Kindly schedule this matter for the next hearing of the Board of Appeals. If you have any comments, questions or concerns, or if you require any further information in the meantime, please contact me so that I may be of assistance.

Sincerely,



George Giunta, Jr.

¹ See Decision d. August 30, 1988, filed with the Town Clerk October 3, 1988, issued to L. Petrini & Son, Inc, Decision d. September 1, 1992, filed with the Town Clerk May 17, 1993, issued to Diomedes Logothetis d/b/a Mom & Pop's Pizza, and Decision d. November 21, 1996, filed with the Town Clerk December 2, 1996, issued to Diomedes Logothetis d/b/a Mom & Pop's Pizza.



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Adam Dangelo	Date:	5/24/24
Applicant Address	24 Nichols Street, Norwood, MA 02062		
Phone	339-364-9890	email	whoisadamdangelo@gmail.com
Applicant is ☐ Owner; ☒ Tenant; ☐ Purchaser; ☐ Other_____			
If not the owner, a letter from the owner certifying authorization to apply must be included			
Representative Name	George Giunta, Jr., Esq.		
Address	281 Chestnut Street, Needham, MA 02492		
Phone	617-840-3570	email	george.giuntajr@needhamlaw.net
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other_____			
Contact ☐ Me ☒ Representative in connection with this application.			

Subject Property Information

Property Address	315 Chestnut Street		
Map/Parcel Number	Map 46 / Parcel 51	Zone of Property	Chestnut Street Business (CSB)
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☐ Residential or ☒ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☒ No			
Do the spaces meet design requirements? ☐ Yes ☒ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Two story commercial building with two tenant spaces on the first floor and one tenant space on the second floor. One first floor space occupied by pizza / sandwich shop pursuant to existing special permits. Remaining first floor space occupied by coin and jewelry store. Second floor space currently vacant, most recently used and occupied for office purposes.

Statement of Relief Sought:

1. Special permit pursuant to Section 3.2.2 to permit the use of the second floor space for a private school, to wit, a tutoring business focussing primarily on children in the 3rd through 8th grades, inclusive;
2. ~~Special permit pursuant to Section 3.2.2 for more than one non-residential use on a lot;~~
3. Special permit pursuant to Section 5.1.1.5 waiving strict adherence to the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements);
4. All other relief that is or may be necessary for the use of the second floor for purposes of a private school.

Applicable Section(s) of the Zoning By-Law:

3.2.2, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Section or By-Law.

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		
Numbers must match those on the certified plot plan and supporting materials		



ZBA Application For Hearing

Date Structure Constructed including additions:

Date Lot was created:

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <i>(Required)</i>	
Elevations of Proposed Conditions <i>(when necessary)</i>	
Floor Plans of Proposed Conditions <i>(when necessary)</i>	

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that the Applicant consulted with Erik J. Tardif, Assistant Building Commissioner,
on May 14, 2024, and detailed information was provided to the Building Commissioner on
May 20, 2024.

Date: 5/24/24 Applicant Signature George Giunta Jr
George Giunta, Jr.
Attorney for Adam Dangelo

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*

315 Chestnut Street Needham, LLC
16 Main Street
Dennis Port, MA 02639

May 21, 2024

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: 315 Chestnut Street, Needham, MA
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that 315 Chestnut Street Needham, LLC, owner of the property known and numbered 315 Chestnut Street, Needham, MA (the "Premises"), has authorized Adam Dangelo, 24 Nichols Street, Norwood, MA 02062, tenant, through his attorney, George Giunta, Jr., Esquire, to make application for special permits and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the use of the second floor at the Premises for private educational purposes. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Hearing.

Sincerely,

315 Chestnut Street Needham LLC

A handwritten signature in black ink, appearing to read 'Daniel Pogorelc', with a long horizontal stroke extending to the right.

By Daniel Pogorelc, Manager

TO: THE MEMBERS OF THE BOARD OF APPEALS
TOWN OF NEEDHAM, MA

May 24, 2024

MEMORANDUM IN SUPPORT OF
APPLICATION FOR SPECIAL PERMITS

Adam Dangelo
315 Chestnut Street, Needham, MA

The applicant, Adam Dangelo (hereinafter, interchangeably, the “Applicant” and “Dangelo”), seeks a Special Permit pursuant to Section 3.2.2 for a private school, a Special Permit pursuant to Section 5.1.1.5, waiving strict adherence with the off-street parking requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements), and any and all other relief as may be necessary for the use and occupancy of the second floor commercial space at 315 Chestnut Street (the “Premises”) for private school purposes, offering tutoring and other forms of instruction primarily to students in the 3rd through 8th grades, inclusive.

BACKGROUND

The Premises is situated in the Chestnut Street Business Zoning District. It is identified as Parcel 51 on Town of Needham Assessor’s Map No. 46 and is situated on the corner of Chestnut Street and Marsh Road with approximately 75 feet of frontage on Chestnut Street and 85 feet of frontage on Marsh Road. The Premises consists of approximately 7,500 square feet of land and is occupied by an existing two-story commercial building and associated off-street parking. There is no existing landscaping on site. The building consists of approximately 2,400 square feet of space on the first floor with 1,552 square feet on the second floor.

The first floor is divided into two tenant spaces, one of which is currently used and occupied by Kostas Pizza and Seafood, pursuant to multiple special permits issued by the Zoning Board of Appeals¹. The other first floor space, which was vacant for a time after having been used for dry cleaning purposes, is currently occupied by a coin and jewelry store. The second

¹ See Decision d. August 30, 1988, filed with the Town Clerk October 3, 1988, issued to L. Petrini & Son, Inc, Decision d. September 1, 1992, filed with the Town Clerk May 17, 1993, issued to Diomedes Logothetis d/b/a Mom & Pop’s Pizza, and Decision d. November 21, 1996, filed with the Town Clerk December 2, 1996, issued to Diomedes Logothetis d/b/a Mom & Pop’s Pizza.

floor space, which has been used for a variety of purposes over the years, including a hairdresser, was most recently used for office purposes.²

PROPOSED USE

The Applicant is proposing to use and occupy the entire second floor space as a private school, offering a variety of instruction, primarily focused on children in grades 3 through 8, inclusive. While the educational services offered will include traditional tutoring and homework help, the focus will be more on enhancements for high achievers. Individualized curricula will be developed for each student, based on a multi-disciplinary approach, and students will be taught individually and in small groups, with a maximum of 5 students in a group. The maximum number of groups at any given time will be 2 groups of 5 and the maximum number of students on site at any given time will be 10. The maximum number of staff on site at any given time will be 3, although most of the time no more than 2 staff are expected. Hours of operation are currently anticipated to be approximately 2 PM through 7 PM, with earlier start times on early dismissal days, and possibly holidays and weekends.

No changes are proposed or anticipated to either the interior of the space or the exterior of the building, other than signage.³ The space is currently served by an existing set of stairs, accessed from a door in the front of the building, located between the doors to the first-floor commercial tenants. This will remain the primarily entry to the space. In addition, there is also an emergency egress / fire escape at the rear of the space.

PARKING

There are a total of 8 existing parking spaces at the Premises, including two parallel spaces along the fence at the rear of the property and six head-in spaces along the left, southerly side of the building. None of these spaces comply with the parking design requirements set forth at Section 5.1.3. The parallel spaces are shorter than the 22 feet required by Section 5.1.3(f) and are not setback a minimum of 4 feet from the rear lot line as required by Section 5.1.3(j). The six spaces along the side of the building are not setback the required minimum 20 feet from Chestnut

² The Board recently issued special permits authorizing the conversion, use and occupancy of the second-floor space for residential purposes as a single 3 bedroom apartment. However, no action has been taken to effectuate those permits and same would be superseded by the relief requested herein.

³ See Exhibit A for existing floorplan.

Street, nor the minimum of 5 feet from the building, both as required by Section 5.1.3(j). No landscaped areas are provided, as required by Section 5.1.3(k), nor trees as required by Section 5.1.3(l).

In addition to the existing design nonconformities, the total number of spaces is currently less than required pursuant to the By-Law. At present, based on the most recent use of the second-floor space for office purposes, the overall parking demand for the building was 25 spaces, calculated as follows:

Kostas Pizza and Seafood: 15 seats @ 1 space / 3 seats = 5 spaces + 10 spaces for take-out = 15 total spaces
First Floor Retail (coin and jewelry store): 1,200 square feet @ 1 space / 300 SF = 4 spaces
Second Floor Office – 1,552 square feet @ 1 space / 300 SF = 5.17 spaces = 6 spaces (rounded up)
15 + 4 + 6 = 25 total spaces required.

Therefore, the Premises currently has a shortfall of 17 parking spaces.⁴

There is no category in Section 5.1.3 (Required Parking) of the By-Law that is clearly applicable to the proposed use. The closest category would appear to be "Colleges, vocational and high schools excluding boarding and office facilities which shall be computed separately in accordance with this section", which requires parking calculated based on one-half of the design or expected enrollment. Based on a maximum enrollment of 10 students, the calculated parking demand would therefore be 5 parking spaces: being one-half of maximum enrollment.

In the alternative, given the nature of the use and the age of the students, it would be logical to apply the same parking demand standard as was applied to Code Wiz, an educational business that teaches robotics and programming to children ages 7-17.⁵ The parking standard applied in that case was 1 space for each member of staff and 1 space for every 5 students. Using this standard, the total parking demand for the proposed use would still be 5 spaces, calculated as follows: 10 students @ 1 space / 5 students = 2 spaces + maximum 3 staff @ 1 space / 1 staff = 5 total spaces.

Therefore, the parking shortfall would be slightly improved with the proposed use, as the total parking demand will decrease to 24 spaces, calculated as follows:

⁴ Note that this shortfall is currently addressed, in part, through the parking waivers granted in connection with Kostas Pizza and Seafood use and in part, through the pre-existing, non-confirming nature of the building relative to parking requirements.

⁵ Code Wiz is located in the building next door, at 329 Chestnut Street, and was granted special permits, including parking waivers, by Decision of the Board dated April 28, 2022, recorded Norfolk Deeds in Book 41204, Page 60.

Kostas Pizza and Seafood: 15 seats @ 1/3 seats = 5 spaces + 10 spaces for take-out = 15 total spaces
First Floor Retail: 1,200 square feet @ 1 space / 300 SF = 4 spaces
Second Floor Private School @ 5 spaces
15 + 4 + 5 = 24 total spaces.

Thus, while a parking waiver from the number of required spaces is still required, the size of the waiver is now 16, a net reduction of one space from the current waivers.

Furthermore, because of the age of the students, none will be driving. As a result, the parking demand associated with the students will likely be transitory, of a highly limited nature in connection with drop-offs and pick-ups, as opposed to long term. To this end, the owner of the property has agreed to designate the two parallel parking spaces at the back of the building as short-term, drop-off / pick-up spaces. No drop-off or pick-up will be allowed or permitted on Chestnut Street and such restriction will be duly communicated to all parents.

LAW

Massachusetts General Laws, Chapter 40A, Section 9 states as follows: “Special Permits may be issued only for uses that are in harmony with the general purpose and intent of the ordinances of the by-law, and shall be subject to general or specific provisions set forth therein; and that such permits may also impose conditions, safeguards, and limitations on time and use.”

Pursuant to Section 3.2.2 of the By-Law, the request for a special permit for a private school is to be evaluated pursuant to the standards of Section 7.5.2 of the By-law. That Section requires that all use related aspects:

- (a) comply with such criteria or standards as may be set forth in the section of the By-Law which refers to the granting of the requested special permit;
- (b) are consistent with: 1) the general purposes of the By-Law as set forth in subparagraph 1.1, and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth elsewhere in the By-Law, such as, but not limited to, those at the beginning of the various sections; and
- (c) are designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area

Section 5.1.1.5 authorizes and empowers the Board to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 where a particular use, structure, or lot, owing to special circumstances, does not warrant the application of the parking requirements of Section 5.1.2 or the design requirements contained in Section 5.1.3. In addition, pursuant to Section 5.1.1.5 the Board is directed to consider whether the issuance of the special permit would be detrimental to

the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses and is further consistent with the intent of the Zoning By-Law.

ARGUMENT / ANALYSIS

I. USE

The proposed use of the second-floor space at the Premises for a private school is consistent with both the general and specific purposes of the By-Law. Provision of tutoring and other educational services to students will promote the welfare and interests of the residents of the Town of Needham by providing and equipping young students with tools to grow and exceed expectations.

The Premises is in a highly developed area, within a well-developed, existing commercial zoning district that contemplates a mixture of uses, specifically including private schools. It is bordered to the south by a commercial building, and to the west and north by small residential dwellings. The proposed use of the second floor is compatible with the spirit and intent of the Zoning District as well as the characteristics of the surrounding area. Therefore, the Applicant asserts that the proposed use and occupancy of the second-floor space as a small private school use as described complies with the applicable provisions of both Chapter 40A and the By-Law and should be allowed.

II. PARKING

The current / most recent use of the Premises requires a total of 25 parking spaces, with only 8 spaces available on site. As a result, there is currently a shortfall of 17 spaces. However, the use of the second-floor space for a small private school will reduce this shortfall to 16 spaces; a measurable improvement. Moreover, it is contemplated that due to the age of the students, parking demand will be of a short-term nature only, and the owner of the property has agreed to designate two parking spaces as short pick-up / drop-off spaces.

Therefore, Dangelo asserts that, owing to the special circumstances applicable to the proposed use of the second-floor space, the application of the parking requirements of Section 5.1.2 are not warranted and the requested waiver is appropriate. Furthermore, issuance of such waiver will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses and will be consistent with the intent of the Zoning By-Law.

The parking area on site is fully developed and has been in existence since prior to the adoption of parking design guidelines in the 1980s. Whereas no changes are proposed to the parking area other than designation of two short-term parking spaces, Dangelo asserts that a parking waiver from the applicable design requirements contained in Section 5.1.3 is appropriate. If the parking area were forced to comply with current design requirements, due to the small size of the lot and the location and layout of the existing building, nearly all, if not all the existing parking would need to be removed.

CONCLUSION

Educational services that function outside of regular classroom instruction provide numerous benefits to students, and therefore the community. The more traditional aspects of these services help students prepare students for tests and exams which typically leads to better grades. They also provide tools and instill habits that make future academic success more likely and easier for the student. More modern aspects instill confidence and self-assurance while developing critical thinking and problem-solving skills that are crucial for success in both advanced academic settings as well as life. As a result, both the individual students and the community at large are served. Therefore, there are good and sufficient reasons for granting the requested use special permit.

Furthermore, in as much as the proposed use will result in a net decrease in parking demand, and whereas actual demand in practice is likely to be reduced further due to its anticipated short term nature, there are good and sufficient reasons for granting the requested parking waivers. As a result, Dangelo asserts that the requested zoning relief is both proper and appropriate and should be granted.

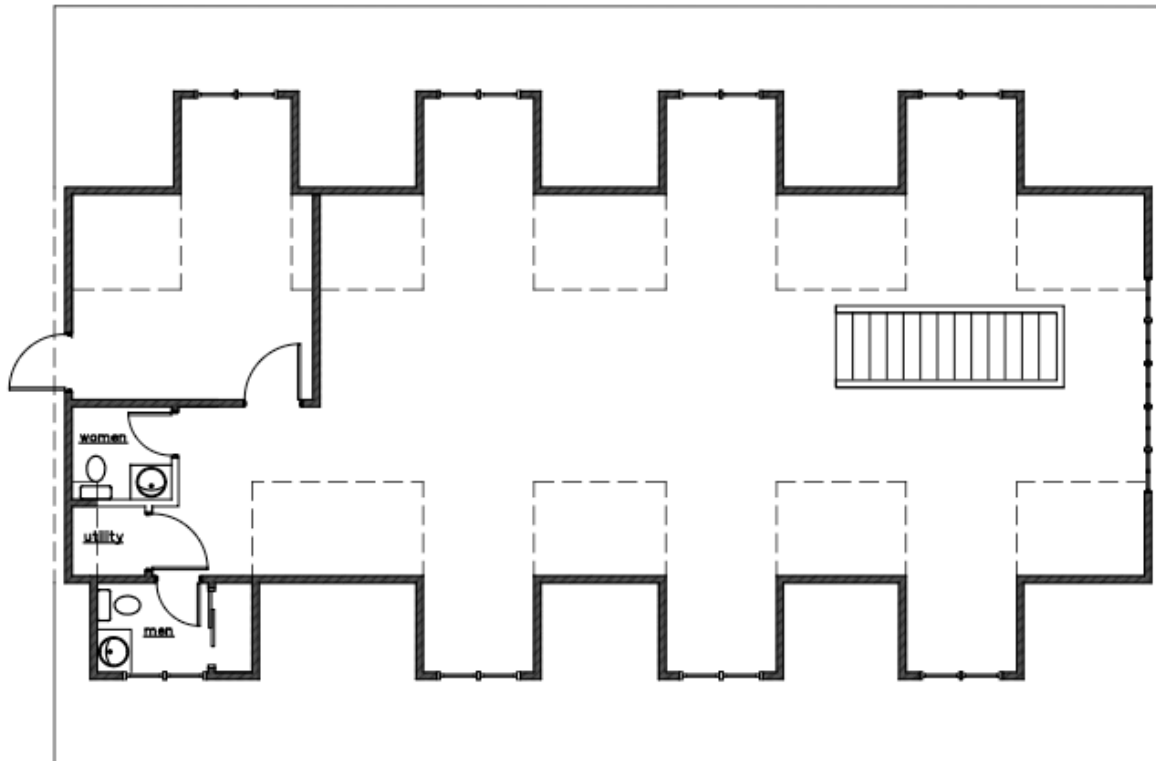
Respectfully submitted,
Adam Dangelo
by his attorney,



George Giunta, Jr., Esquire
281 Chestnut Street
Needham, Massachusetts 02492
617-840-3570

EXHIBIT A

Existing Floor Plan



GENERAL NOTES:

1. THE EXISTING CONDITIONS INFORMATION SHOWN HEREON ARE THE RESULTS OF AN ON THE GROUND SURVEY ON APRIL 15, 2022.

2. ALL DEED REFERENCES ARE TO NORFOLK COUNTY REGISTRY OF DEEDS UNLESS OTHERWISE NOTED.

3. LOCUS OWNER OF RECORD:

315 CHESTNUT STREET NEEDHAM LLC
DEED BOOK 40551 PAGE 214
PARCEL ID NO.1990460005100000

4. TOPOGRAPHY, CONTOURS AND BENCHMARKS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). TEMPORARY BENCHMARKS, REFERENCED TO THE DATUM ARE INDICATED ON THE SURVEY.

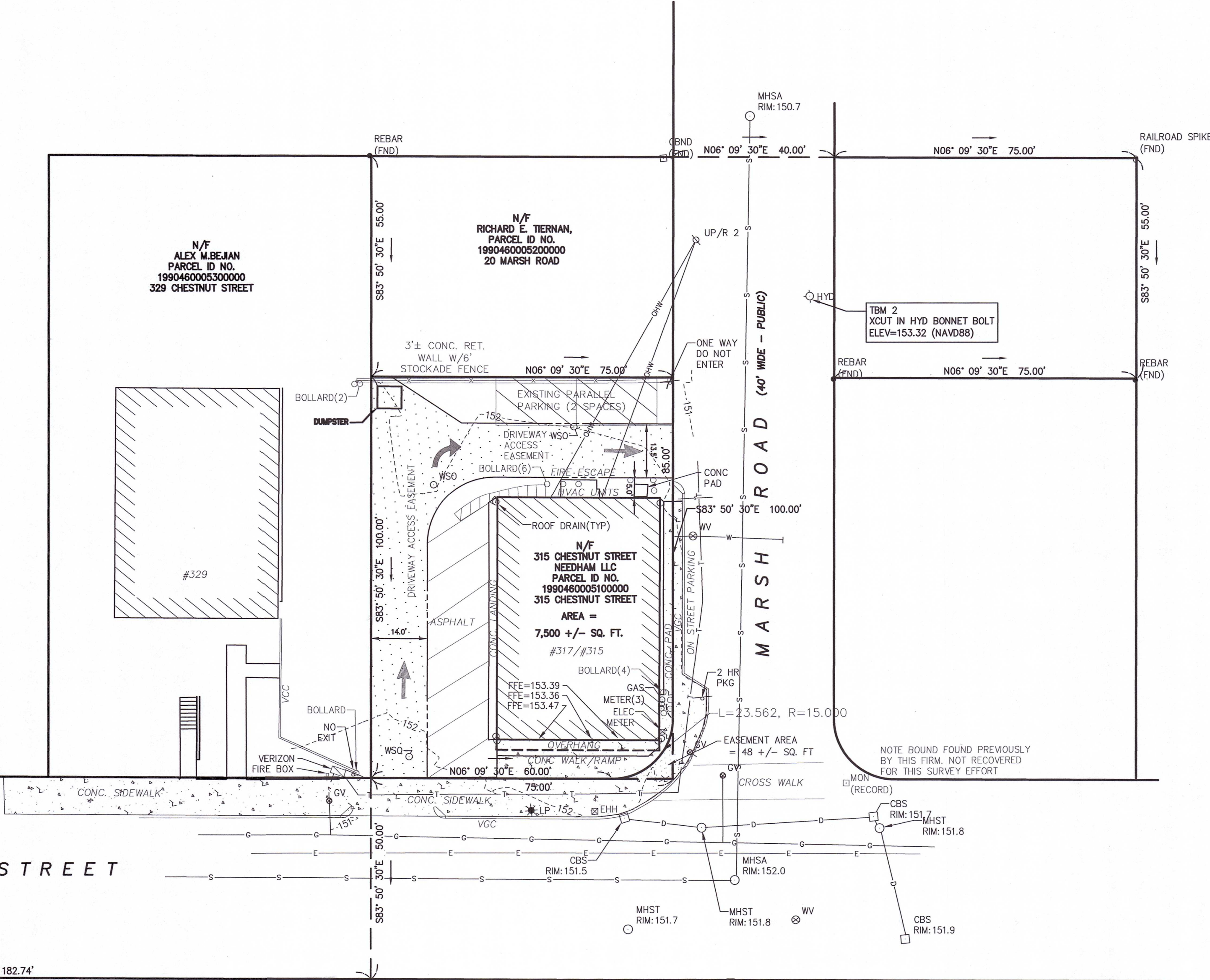
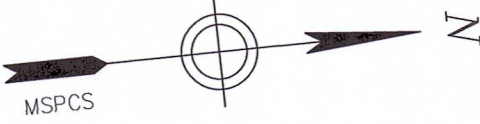
5. THE PROJECT AREA IS LOCATED IN FLOOD ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP FOR NORFOLK COUNTY, COMMUNITY PANEL NUMBER 25021C0038E, EFFECTIVE DATE 7/17/2012.

6. THE LOCUS PARCEL IS LOCATED IN THE TOWN OF NEEDHAM CHESTNUT STREET BUSINESS DISTRICT (LOWER CHESTNUT STREET OVERLAY DISTRICT) AS DEFINED BY THE TOWN OF NEEDHAM ZONING MAP REVISED MARCH 1, 2020.

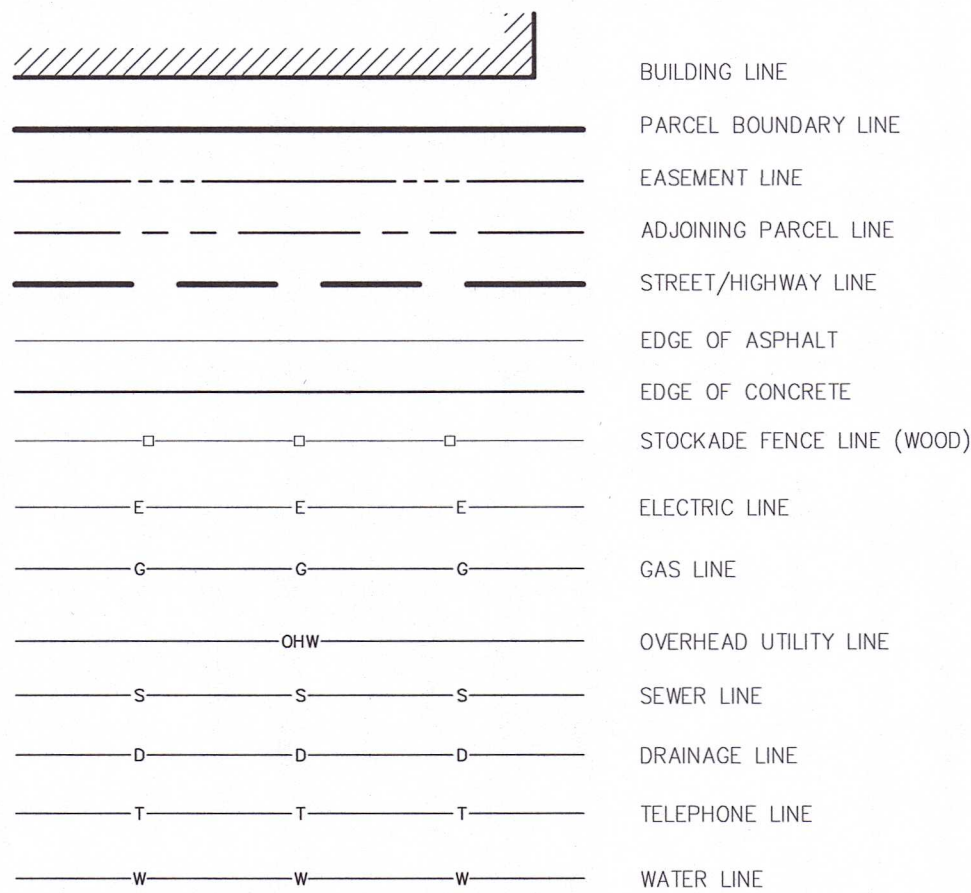
7. LOCATION OF SUBSURFACE UTILITIES SHOWN HEREON ARE APPROXIMATE AND ADDITIONAL UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS PLAN. LOCATIONS ARE COMPILED FROM UTILITY PLANS OF RECORD AND DIG-SAFE FIELD MARKINGS. RIM AND INVERT INFORMATION HAS BEEN COMPILED AND FIELD VERIFIED WHERE POSSIBLE. THIS INFORMATION IS NOT TO BE USED FOR CONSTRUCTION. PRIOR TO ANY CONSTRUCTION, CONTACT DIG-SAFE (811) TO FIELD VERIFY LOCATION OF ALL UTILITIES.

8. PLAN REFERENCES:

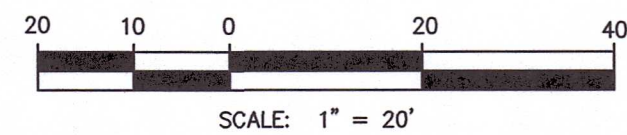
PLAN BOOK 404 PAGE 92
PLAN BOOK 359 PAGE 1153
PLAN BOOK 203 PAGE 370



LEGEND:



TBM 1
XCUT IN SIGN POLE BASE SW BOLT
ELEV=152.91 (NAVD88)



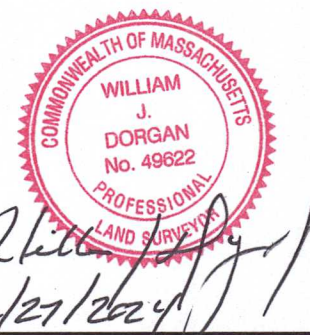
Drawing Copyright © 2022

CHA
141 Longwater Drive - Suite 104
Norwell, MA 02061
781.982.5400 • www.chacompanies.com

PREPARED FOR:

315
CHESTNUT
STREET NEEDHAM
LLC

315 CHESTNUT
STREET NEEDHAM
MA 02492



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT OR LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION: 'ALTERED BY [NAME] [DATE]'. THE DATE OF SUCH ALTERATION AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

TITLE

PLAN OF LAND
315 CHESTNUT STREET
NEEDHAM, MA
NORFOLK COUNTY

No.	Submittal / Revision	App'd	By	Date
0	DRAFT	WJD	WJD	04/07/2022
1	PROGRESS PRINT	WJD	SBH	04/19/2022
2	CLIENT COMMENTS	WJD	SBH	04/29/2022
3	CLIENT COMMENTS	WJD	WJD	10/11/2023
4	CLIENT COMMENTS	WJD	WJD	1/19/2024

315-317 CHESTNUT STREET
NEEDHAM, MA

Designed By: ---	Drawn By: SBH	Checked By: WJD
Issue Date: X	Project No: 78330	Scale: 1" = 20'

Drawing No.:

SHEET 1 OF 1

Daphne Collins

From: Tom Conroy
Sent: Friday, May 31, 2024 9:00 AM
To: Daphne Collins
Subject: RE: 315 Chestnut Street - ZBA Administrative Review - Due June 11, 2024

Hi Daphne,
No concerns with fire dept.
Thank you.
Tom



Thomas M. Conroy

Fire Chief - Needham Fire Department
tconroy@needhamma.gov
Ph (781) 455-7580

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, May 29, 2024 3:30 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 315 Chestnut Street - ZBA Administrative Review - Due June 11, 2024

Good Afternoon-

315 Chestnut Street – Adam Deangelo is seeking a Special Permit to allow a private school tutoring 3rd to 8th graders in the second story of the commercial building.

The applicant is also seeking a parking waivers for the parking number and parking plan and design requirements.

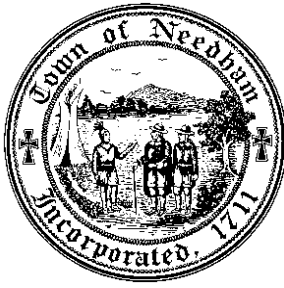
Attached please find the application with its associated back-up documents for your information and review.

I appreciate your comments no later than **June 11, 2024** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

June 4, 2024

Mr. Jonathan Tamkin, Chair, and Members
Zoning Board of Appeals
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Dear Mr. Tamkin and Members of the Zoning Board of Appeals:

At its meeting of June 4, 2024, the Planning Board reviewed the applications to be heard by the Board of Appeals on June 20, 2024, and made the following recommendations:

1. 37 Moseley Avenue (Continued from May 16, 2024)

Saybrook Construction, LLC, applied for a Variance pursuant to Sections 7.5.3, and MGL40A, Section 10, from the following provisions of Section 4.2.3 and any other applicable sections of the By-Law to permit the demolition of a deteriorated single family residential dwelling with detached garage and shed and to allow the construction of a new single-family residential dwelling with a side setback of 13.8 feet where 25 feet are required and a front yard setback of 20 feet where 30 feet are required. The lot contains 35,726 square feet, less than the required 43,560 square feet. The property is located at 37 Moseley Avenue, Needham, MA in the Single Residence A (SRA) Zoning District.

The Planning Board previously commented on this proposal by letter dated April 2, 2024. The comments were as follows: The Planning Board makes NO COMMENT.

2. 45 Fourth Avenue - Boston Swim School, LLC, (d/b/a Goldfish Swim School) applied for a Special Permit Amendment under Sections 3.2.4.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit a private school to adjust hours of operation, increase limit on number of students to 50, increase limit on number of staff to 28, and allow “family swims” and birthday parties as a form of open swim without direct instruction or class, accessory to the main use; and amend the existing Special Permit pursuant to waiving strict adherence to the number of required parking and the parking plan and design requirements. The property is located at 45 Fourth Avenue, Needham, MA in the New England Business Center (NEBC) Zoning District.

The Planning Board makes NO COMMENT.

3. **315 Chestnut Street** - Adam Dangelo, applied for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit use of the second floor space for a private school tutoring children in the third to eight grades, to permit for more than one non-residential use on a lot and waiving strict adherence to the number of required parking and the parking plan and design requirements. The property is located at 315 Chestnut Street, Needham, MA in the Chestnut Street Business (CSB) Zoning District.

The Planning Board makes NO COMMENT.

4. **1257 Highland Avenue** - Needbobcon, Inc, applied for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit for a restaurant serving meals for consumption on the premises and at tables with service provided by wait staff; to permit a take-out operation accessory to a restaurant; to permit for more than one non-residential use on a lot; and waiving strict adherence to the number of required parking and the parking plan and design requirements. The relief sought is associated with redevelopment of the premises for the location of Conrad's a full-service "casual dining" restaurant. The property is located at 1257 Highland Avenue, Needham, MA in the Business (B) Zoning District.

The Planning Board makes NO COMMENT.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman

Director of Planning and Community Development

Daphne Collins

From: Joseph Prondak
Sent: Tuesday, June 11, 2024 11:30 AM
To: Daphne Collins
Subject: RE: 315 Chestnut Street - ZBA Administrative Review - Due June 11, 2024

Hi Daphne,

I have reviewed **this** proposal and have no concerns.

Joe Prondak
Needham Building Commissioner
781-455-7550 x308

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, June 11, 2024 9:02 AM
To: Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>
Subject: FW: 315 Chestnut Street - ZBA Administrative Review - Due June 11, 2024

Good Morning-

Friendly Reminder ZBA Administrative Review Comments are due today.

Please note – In April, there was a request for a ZBA review comment for this address for a Special Permit for an apartment. You may think you already submitted comment; this, however, is a request for a Special Permit for a different use and applicant for a Private School.

Any questions, feel free to ask.

Thank you,
Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 261
dcollins@needhamma.gov
www.needhamma.gov

In- Person Staff Hours are Monday – Wednesday 8:30 am – 5:00pm

Daphne Collins

From: Justin Savignano
Sent: Tuesday, June 11, 2024 9:16 AM
To: Daphne Collins
Cc: Thomas Ryder
Subject: RE: 315 Chestnut Street - ZBA Administrative Review - Due June 11, 2024

Good Morning Daphne,

Engineering has no comments or objection to the proposal.

Thanks,
Justin

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, June 11, 2024 9:02 AM
To: Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>
Subject: FW: 315 Chestnut Street - ZBA Administrative Review - Due June 11, 2024

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Zoning Board of Appeals
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*In- Person Staff Hours are Monday – Wednesday 8:30 am – 5:00pm
Remote Hours – Thursday 8:30 am – 5:00pm*

Daphne Collins

From: Tara Gurge
Sent: Monday, June 10, 2024 4:43 PM
To: Daphne Collins
Subject: FW: 315 Chestnut Street - ZBA Administrative Review - Due June 11, 2024
Attachments: 315 Chestnut St - Application.pdf

Daphne –

The Public Health Division conducted the Zoning Board review for the proposal for second story of the existing commercial property located at **#315 Chestnut Street**. The Public Health Division has no comments to share at this time.

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



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[Follow Needham Public Health on Twitter!](#)

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, May 29, 2024 3:30 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>;

Daphne Collins

From: John Schlittler
Sent: Tuesday, June 11, 2024 9:17 AM
To: Daphne Collins
Subject: RE: 315 Chestnut Street - ZBA Administrative Review - Due June 11, 2024

Police has no issues

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, June 11, 2024 9:02 AM
To: Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>
Subject: FW: 315 Chestnut Street - ZBA Administrative Review - Due June 11, 2024

Good Morning-

Friendly Reminder ZBA Administrative Review Comments are due today.

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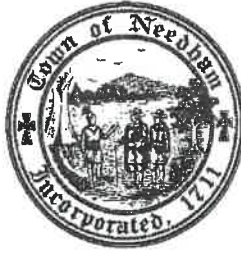
Any questions, feel free to ask.

Thank you,
Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 261
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From: Daphne Collins
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NEEDHAM, MA 02492

2024 MAY 20 AM 11:44

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit

***315 Chestnut Street Needham, LLC, owner
315 Chestnut Street
Map 46, Parcel 51***

April 24, 2024

315 Chestnut Street Needham, LLC, applicant, applied to the Board of Appeals for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the Zoning By-Law (By-Law) to permit the conversion and use of the second floor space, most recently used as office space, for residential purposes as one residential dwelling unit and waiving strict adherence to the number of required parking and the parking plan and design requirements. The property is located at 315 Chestnut Street, Needham, MA in the Chestnut Street Business (CSB) Zoning District. A public hearing was held in the Select Board Chamber, Needham Town Hall, 1471 Highland Avenue, on Wednesday, April 24, 2024 at 7:30 p.m. and livestreamed on Zoom.

Documents of Record:

- Application for Hearing, Clerk stamped March 18, 2024.
- Cover Letter prepared by George Giunta, Jr., attorney, dated March 18, 2024.
- Memorandum in Support prepared by George Giunta, Jr., attorney, dated March 18, 2024
- Plan of Land, prepared by William J. Dorgan, Land Surveyor, stamped and dated February 27, 2024.
- Letter from Lee Newman, Director of Planning and Community Development, dated April 2, 2024.
- Email from Joseph Prondak, Building Commissioner, dated March 28, 2024.
- Email from Thomas A. Ryder, Assistant Town Engineer, dated April 2, 2024.
- Email from Chief Tom Conroy, Fire Department, dated April 2, 2024.
- Email from Chief John Schlittler, Police Department, dated March 21, 2024.
- Email from Tara Gurge, Assistant Public Health Director, April 1, 2024.
- *315-317 Chestnut Street – Special Permit – 8-30-1988*
- *315-317 Chestnut Street – Special Permit – 9-1-1992*
- *315-317 Chestnut Street – Special Permit Amendment – 11-21-1996*

October 19, 2023

The Board included Jonathan D. Tamkin, Chair, Howard S. Goldman, Vice Chair, and Valentina Elzon, Associate Member. Mr. Tamkin opened the hearing at 7:30 p.m. by reading the public notice.

George Giunta, Jr., attorney representing the applicant, reported that the applicant seeks to convert the existing vacant second floor commercial space to a residential apartment. The three-unit commercial rental property is located on a corner lot on Chestnut and Marsh Streets. The first floor is occupied by Kostas Pizza and Seafood, and a new Coin and Jewelry store in the space formerly occupied by a dry cleaner. The vacant second story has been occupied by a variety of businesses including an architectural firm, a hairdresser and Cini Engineering.

Mr. Giunta reported that the upstairs 1,552 square feet unit is being redesigned to contain a three bedroom, 2 bath residential unit. The main entrance will be located on Chestnut Street with an exterior emergency/fire escape exit in the back. An apartment on the second floor is allowed in the CSB Zoning District with the granting of a Special Permit by the Board under Section 3.2.2 of the By-Law.

The applicant also seeks to waive strict adherence to By-Law's parking and parking design requirements. Mr. Giunta reported that the property's current parking has had the same plan since the 1950. There are eight spaces – two parallel spaces along the rear fence and six along the southern side of the building. Prior to 1995, 315 and 329 Chestnut Street, the adjacent building, were owned by one owner, L. Petrini and Sons, having a shared parking lot with 17 spaces. In 1995 Petrini sold the buildings separately thereby terminating the shared parking with 315 Chestnut Street having eight spaces; and 329 Chestnut Street having nine spaces with a shared driveway on Chestnut Street for both properties.

Mr. Giunta reported that there were three Special Permits associated with Kostas Pizza and Seafood. *315-317 Chestnut Street – Special Permit – August 30, 1988* dealing with a take-out and home delivery with no sit-in services; *315 Chestnut Street – Special Permit Amendment – September 1, 1992*, to modify the Decision of 1988 to allow seating for 15-persons in addition to take out and delivery and having access to five parking spaces to the rear of Village Square Mall across the street; and *315 Chestnut Street – Special Permit Amendment – November 21, 1996* where the Board recognized that the properties had been sold and that the seller had granted the purchaser of the subject property the use of five parking space to the rear of the seller's property at Village Square across the street for use as Kostas' employee parking.

Mr. Tamkin inquired if there was dedicated parking for the business tenants. Mr. Giunta responded that the parking is available on a first come first served basis and is currently used primarily by Kostas as the new Coin and Jewelry store has not yet opened and the top floor is vacant. There is no intent by the owner to dedicate the spaces to a tenant.

Mr. Goldman asked if the five spaces across the street at the Village Square were still in use. Mr. Giunta confirmed that the five spaces were still able to be used for Kosta's per the Decision in 1996. Based on Mr. Giunta's observation the two parallel spaces in the back appear to be used

by Kosta employees and that at most three of the parking spaces on the side of the building are used. He does not expect the Coin and Jewelry business will have much demand on the parking spaces.

Mr. Tamkin was concerned that the residential unit with three bedrooms could have a demand of three parking spaces. Mr. Giunta responded that there are no reserved dedicated parking spaces for any of the tenants. Mr. Giunta noted that the residential use would have a less intensive demand for parking than the office use. The office space has a calculated demand of four spaces higher than the residential use of two. Furthermore, Mr. Giunta reasoned that because the property's proximity to the hospital and public transportation, the residential tenant may not have a car. Based on Section 5.1.4 of the By-Law the parking calculation for the unit is one and a half spaces (two spaces rounded up) per dwelling unit. Mr. Giunta believed it indicated a possible need of zero to three parking spaces.

Mr. Tamkin asked if two parking spaces could be dedicated for the unit. Mr. Giunta thought the back two spaces could be dedicated leaving the six side spaces for customers of the downstairs units and having the Kosta employees park at the Village Square.

Mr. Goldman did not think it made sense to dedicate the spaces or micro manage the parking based on the current success of the parking use. Mr. Tamkin thought that residential use was different requiring parking a car when the resident is home. In addition, he noted that the current parking requirements were not being adhered by the Kosta employees who are parking on-site instead of at the Village Mall. Mr. Goldman thought the market would determine the use and based on the By-Law the residential use had a lower parking demand than office use. .

Mr. Giunta reported that the parking design does not meet the design requirements of the By-Law. The back spaces do not meet the setback requirement as they are on the property line instead of four feet away from the property line; and are shorter than the 22 feet required. The spaces along the side of the building are not setback 20 feet from Chestnut Street. In addition, the parking does not comply with the landscaping or tree requirements. The parking and building have been in existence for many years and there are no plans to change the parking or the exterior of the building. All changes to the second floor will be interior namely retrofitting the space to add separation to the rooms.

Mr. Giunta reported the number of parking spaces is currently less than required under the By-Law. Based on the current parking demand for use is 25 spaces calculated as follows:

- Kostas Pizza and Seafood: 15 seats (five spaces) and one take-out station (ten spaces) requires 15 total parking spaces.
- Coin and Jewelry: One space per 300 square feet (1,200 square feet) requires four spaces.
- Second Floor Office: One space per 300 square feet (1,552 square feet) requires six spaces.

The proposed parking demand for use is **21 spaces** calculated as follows:

- Kostas Pizza and Seafood: 15 seats (five spaces) and one take-out station (ten spaces) requires **15 total parking spaces**.
- Coins and Jewelry: One space per 300 square feet (1,200 square feet) requires **four**

spaces.

- Second Floor Residential: One and a half space per unit requires **two spaces**.

In addition, there are between four to five one-hour on-street parking spaces available on March Road.

A parking waiver from the number of required spaces is still required but the waiver now is for 13 spaces a reduction of four spaces. Mr. Giunta believed this reduction in parking demand from an office use to a residential one is a realistic one as the prior second floor tenant, an architectural firm, had six employees.

Mr. Tamkin asked if there were any proposed changes to deal with the restaurant fumes from the restaurant on the residential use. Mr. Giunta responded that there were no plans. Kostas has a griddle, deep fryer and a pizza oven which produces not a substantial odor or fumes. The restaurant complies with the Health Department requirements. The residential unit will be outfitted with a sprinkler system.

Comments received:

- The Police Department had no issue.
- The Planning Board had no comment.
- The Engineering Department had no comment or objection.
- The Building Department had no issues or concerns. It was noted that no specific parking requirement exists for a single apartment in the CSB Zoning District and the Building Commissioner identified that the applicable parking requirement was for Multi-Family Structures under Section 5.1.4 of the By-Law.
- The Fire Department had no issues.
- The Health Department noted that the applicant must apply for a Demolition Review online with supplemental report documentation along with asbestos sampling prior to the issuance of a Building Permit, and ongoing pest control must be conducted during extensive renovation and throughout construction.

Art Campbell, representative of the landlord, said that there are no dedicated parking spaces at the site but were open to dedicate up to two parking spaces for the residential use.

Mr. Tamkin asked if he knew if Kostas was still leasing spaces from the Village Mall across the street. Mr. Campbell did not know.

Mr. Goldman was in support of the application and parking noting there was no opposition to the proposal. Mr. Goldman asked what the rationale for the change from office to residential use was. Mr. Giunta responded that the change is market driven. Currently there is a tremendous demand for rental housing in Needham, especially with the change from rental to ownership.

Mr. Goldman asked if there was concern that Beth Israel Deaconess-Needham (BID) might become the tenant to use for short term stays. Mr. Giunta said that BID was a local hospital and most patients are from the area not requiring short term accommodations for their family

Ms. Elzon inquired if there was any concern about a tenant parking their car long term without moving it. Mr. Giunta said the back spaces could accommodate that kind of parking.

Mr. Tamkin asked if it made sense to have the landlord have a lease that delineates the parking use. Mr. Giunta was not interested in setting parking limitations in the tenancy agreement as it would limit the flexibility of the parking spaces for other users.

Mr. Tamkin inquired if there was an interest in limiting the duration of the rental to restrict it from transient housing. Mr. Giunta hesitated in imposing a restriction that has not been identified or imposed by the Town.

Mr. Goldman felt that any issue that would arise at the small size of the property (three units) could be managed from a tenant/landlord perspective. He was uncomfortable regulating something that could be moderated by the landlord. Ms. Elzon concurred.

Mr. Tamkin asked if there should be a restriction that requires five spaces off-site for Kostas' employees as it appears they are not complying to the agreement of a prior Decision. Mr. Giunta noted that a condition of a prior Decision states "failure to comply the Board shall have the right to revoke" the Decision. Mr. Giunta argued that the reality is that there is sufficient parking as indicated by the absence of parking complaints at the site.

Mr. Goldman has no concern with the change of use or the parking waivers as there appears there is sufficient parking and no complaints.

Mr. Tamkin asked if there was an interest in dedicating parking for the residential use as amenable by the landlord's representative. Ms. Elzon concurred with Mr. Goldman and did not want to restrict and dedicate tenant parking. She felt it was up to the tenants to negotiate the terms. Mr. Giunta agreed and could foresee a situation where there is a residential tenant without a car making the parking restriction unnecessary, or if they needed a space beyond what is available, they can bring it to the landlord for resolution.

Mr. Tamkin asked if the Board wished to have all the parking in common but to allow the landlord to dedicate up to two spaces at their discretion for residential use if needed.

Mr. Campbell added that there is a likelihood that the residential tenants work off-site and to restrict the parking during the day may be a burden for the commercial tenants. However, he was comfortable with the residential restriction option discussed.

Ms. Elzon moved to grant a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2, 5.1.3, and 5.1.4 of the By-Law to permit the conversion of the second floor space from office use to residential use and waive the strict adherence of the parking number and parking plan and design requirements per the plans submitted; and that all parking spaces are in common for all uses and all tenants and that the landlord shall have the right to dedicate and lease two parking spaces located in the rear of the building to residential tenants. Mr. Goldman seconded the motion. The motion was unanimously approved.

The meeting adjourned at 8:13 p.m.

Findings:

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

1. The premises is a 7,500 square feet lot improved by a two-story commercial building with off-street parking in the Chestnut Street Business Zoning District. The building consists of three tenant spaces. The first floor of approximately 2,400 square feet is divided into two tenant spaces. The second floor of 1,552 square feet contains one tenant space.
2. The first floor is currently used and occupied by Kostas Pizza and Seafood, pursuant to multiple Decisions going back to 1988. The other first floor unit has been recently leased to a Coin and Jewelry store. The second-floor unit is currently vacant and has been occupied for office use, most recently by an architectural firm and prior to that by an engineering firm.
3. The applicant proposes to renovate and repurpose the entire second floor space to serve as a single residential unit. The new unit will consist of three bedrooms, two bathrooms, a kitchen with living, dining, and work areas. The unit will be accessible from the door and stairs on the first floor on Chestnut Street and there is an emergency egress/fire escape in the rear of the building. All renovations will be limited to the interior only.
4. The conversion of the office space to an apartment will provide badly needed rental housing which is accessible to public transportation, employment, shopping and community amenities. This proximity may attract a tenant with the option to be car free.
5. The property contains eight existing parking spaces on the premises – two parallel spaces along the fence at the rear of the property and six perpendicular angled spaces along the south side of the building. There is a common driveway easement along the perpendicular parking shared with 329 Chestnut Street.
6. The parking area has been in existence prior to the adoption of the parking design guidelines of 1980 and none of the parking spaces comply with the existing parking plan and design requirements of Section 5.1.3 of the By-Law. The design non-conformities include parking space size, parking setbacks, landscape areas and trees.
7. Based on the current By-Law the parking demand for the most recent commercial use at the building is 25 spaces (15 spaces for Kostas Pizza and Seafood; 4 spaces for the Coin and Jewelry Store; and 6 spaces for the second-floor office space). Based on the change from office to residential use of the second floor the total parking demand will decrease to 21 spaces calculated as follows:
 - Kostas Pizza and Seafood: 15 seats (five spaces) and one take-out station (ten spaces) requires **15 parking spaces** per Section 5.1.2 (9 of the By-Law);
 - Coins and Jewelry: One space per 300 square feet (1,200 square feet) requires **four**

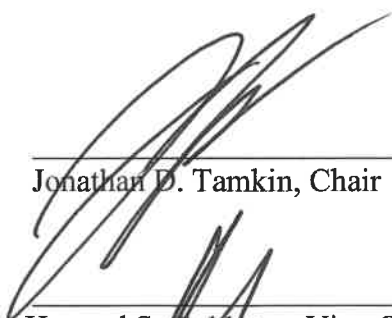
- spaces per Section 5.1.2 (6 of the By-Law;
 - Second Floor Residential: One and a half space per unit requires **two spaces** per Sections 5.1.2(21 and consistent with 5.1.4 of the By-Law.
8. There are three Board Decisions associated with the property: *315-317 Chestnut Street – Special Permit – August 30, 1988* to allow a pizza establishment for take-out service only; *315-317 Chestnut Street – Special Permit-September 1, 1992* to allow seating for 15 persons in addition to take out and to waive strict adherence to parking number. Five additional parking spaces made available at the strip shopping center across Chestnut Street; and *315-317 Chestnut Street – Special Permit Amendment-November 21, 1996* where the Board recognized that the properties had been sold and that the seller had granted the use of five parking space to the rear of the Village Square across the street for employee parking. Terms and conditions not modified remain in full force and effect.
 9. 21 spaces are required for the current commercial uses and the proposed residential use. There are eight spaces on-site resulting in a shortfall of 13 parking spaces. There are also five spaces behind the Village Square for the employees of Kotsas; and four to five limited time, on-street parking spaces along the property on Marsh Road available for short term parking.
 10. There was no opposition or objections to the proposal from the public, or from the Building, Engineering, Fire, Police and Planning Board.
 11. Based on the evidence submitted to the Board during the hearing, the Board finds the conversion of the second-floor commercial space into a residential apartment located in the Chestnut Street Business (CSB) to comply with Section 3.2.2 of the By-Law and is compatible with the characteristics of the surrounding area. The issuance of a special permit is consistent with the criteria of Section 7.5.2 of the By-Law.
 12. The Board finds parking is adequate and that special circumstances exist to waive the required number of parking spaces.
 13. The applicant proposed no exterior changes to the existing structure or changes to the parking lot. It would not be possible to comply with design requirements without reductions in the number of spaces. The Board finds there are special circumstances that justify waiver of the By-Law's design requirements.

Decision:

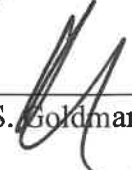
On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, grants the applicant a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2, 5.1.3, and 5.1.4 of the By-Law to permit the conversion of the second floor space from office use to residential use and waive the strict adherence of the parking number and parking plan and design requirements per the plans submitted; provided

- that all parking spaces are in common for all uses and all tenants and that the landlord shall have the right to dedicate and lease two parking spaces located in the rear of the

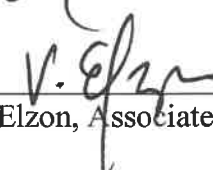
- building to residential tenants; and
- in all other respects, the other terms and conditions of prior decisions not modified shall remain in full force and effect.



Jonathan D. Tamkin, Chair



Howard S. Goldman, Vice-Chair



Valentina Elzon, Associate Member

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TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
NOVEMBER 21, 1996

'96 DEC -2 AM 25

DIOMEDES LOGOTHETIS d/b/a MOM & POP'S PIZZA

Upon the application of Diomedes Logothetis d/b/a Mom & Pop's Pizza c/o Roy A. Cramer, Esq., Kassler & Feuer, 101 Arch Street, Boston, MA, tenant, to the Board of Appeals under Section 5.1.1.5 of the Zoning By-law to modify a special permit issued on 9/1/92 for property located at 315-317 Chestnut Street by deleting or modifying condition No. 1, a public hearing was held at the Stephen Palmer Senior Center, 83 Pickering Street, Needham, Mass. on Thursday, November 21, 1996 in the evening pursuant to notice thereof published in a local newspaper and mailed to all persons in interest.

Appearing on behalf of the applicant was Roy A. Cramer, Esq., Kassler & Feuer, and Marc Rosenthal, owner of the premises. Mr. Cramer submitted to the Board a "Memorandum in Support of Application to Modify Special Permit" which he reviewed. Mr. Cramer stated that two special permits granted by the Board on September 1, 1992 allowed seating for 15 persons and a waiver from strict adherence to the off-street parking requirements. Condition #1 of the special permit for a waiver stated that "The adjacent parcel on which the shared spaces are located, and the strip center across Chestnut Street must remain in common ownership with the premises." Mr. Cramer stated that the owner of the locus as well as that of 329 Chestnut Street sold these parcels in 1995 to third parties. Mr. Rosenthal became the owner of the subject premises. It is now impossible to continue with condition No. 1 and there is need for modification of this condition of the special permit.

Mr. Cramer stated that the business at 317 Chestnut Street is a dry cleaners and open during the day. Most of the businesses in the area are not busy during the dinner hour when the pizza business at 315 Chestnut is busy. He continued that there has not been a problem with traffic. At the time of the sale of the locus, the seller granted the use of 5 parking spaces to the rear of the Village Square mall across the street and next to the strip mall for employee parking.

Appearing in interest was Dr. Alex M. Bejian, 329 Chestnut Street. No one appeared in opposition or in favor of the application. A letter from the Planning Board dated November 21, 1996 stated: "It is unclear from the application as to whether or not the petitioner is proposing to

**LEGAL NOTICE
BOARD OF APPEALS
NOTICE OF HEARING**

Public notice is hereby given that Diomedes Logothetis d/b/a Mom & Pop's Pizza, c/o Roy A. Cramer, Esq., Kassler & Feuer, 101 Arch Street, Boston, MA, tenant, has made application to the Board of Appeals for a special permit under Section 5.1.1.5 of the Zoning By-law to modify a special permit issued on 9/1/92 for property located at 315-317 Chestnut Street by deleting or modifying condition No. 1.

Upon said application a public hearing will be held at the Stephen Palmer Senior Center, 83 Pickering Street, Needham, Mass. on Thursday, November 21, 1996 in the evening at 7:40 p.m. at which place and time all persons interested may appear and be heard.

Needham Times
10/31/96, 11/7/96

utilize parking spaces which have been committed through a previously issued permit. The Board should assure itself that such is not the case or in the event that such is being proposed that the Board of Appeals, not the Planning Board, has jurisdiction to amend the previously issued permit." The hearing closed at 8:05 p.m. and the Board proceeded to deliberate.

Decision

On the basis of the evidence presented at a hearing on the application of Diomedes Logothetis doing business as Mom & Pop's Pizza (the "applicant") for a special permit under Section 5.1.1.5 of the Zoning By-law to modify a special permit issued on September 1, 1992 for property located at 315-317 Chestnut Street by deleting or modifying condition No. 1, the Board makes the following findings:

1. On August 30, 1988 the Board granted L. Petrini & Son, Inc. a special permit to allow a pizza establishment for take-out service only.
2. On September 1, 1992 the Board of Appeals granted two special permits to Diomedes Logothetis, d/b/a Mom & Pop's Pizza. The first special permit modified the August 30, 1988 permit to allow seating for fifteen (15) persons.
The second special permit granted a waiver from strict adherence of the off-street parking requirement. The Zoning By-law requires five (5) additional parking spaces for the addition of fifteen (15) seats.
3. At the time of the granting of the special permit, L. Petrini & Son, Inc. was the owner of the property of the abutting parcel at 329 Chestnut Street and the strip shopping center across the street. Condition No. 1 of the special permit provided that "The adjacent parcel on which the shared spaces are located and the strip shopping center across Chestnut Street must remain in common ownership with the premises."
4. In 1995, L. Petrini & Son, Inc. sold both 315-317 Chestnut Street and 329 Chestnut Street to third parties. With respect to the sale on October 27, 1995 of 315-317 Chestnut Street to Marc L. Rosenthal, Trustee of Marilyn Realty Trust, the seller granted the use of up to five (5) parking spaces located at the rear of the Village Square that is next to the strip mall.
5. The applicant has contracted to sell Mom & Pop's Pizza to a third party. That sale is contingent upon their continued use of fifteen (15) seats. Due to the sale of both 315-317 Chestnut Street and 329 Chestnut Street, it is impossible to comply with condition No. 1, which requires that the three parcels remain in common ownership.
6. The applicant proposes to have its employees use the five parking spaces behind the Village Square to free up the available space at the premises.
7. No evidence has been presented to the Board that would indicate a traffic or parking problem at the site.
8. Special circumstances exist to warrant the requested modifications.

9. Granting of the modifications as requested would not be detrimental to the Town and is consistent with the intent of the Zoning By-law.

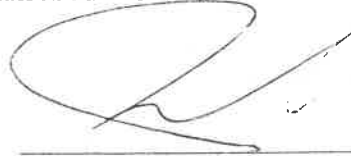
On the basis of the foregoing findings, the Board finds that the modification of the special permit may be granted, consistent with the intent and purpose of the Zoning By-law, and by unanimous vote after motion duly made and seconded, grants the applicant a special permit modifying the September 1, 1992 special permit subject to the following terms and conditions:

1. Condition No. 1 of the September 1, 1992 special permit is deleted and in its place a new condition No. 1 shall be as follows:

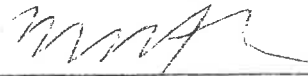
"The applicant shall retain the right for parking of five (5) automobiles at the Village Square for use of its patrons and or employees. If said grant of the right to use the five (5) parking spaces at the Village Square shall ever be revoked, the Board shall have the right to revoke this special permit pursuant to condition No. 3 of the September 1, 1992 special permit.

2. The applicant will use due diligence to insure that he and his employees use the parking available at the Village Square at all times.

3. In all other respects, the other terms and conditions of the September 1, 1992 special permit not modified above shall remain in full force and effect.



William J. Tedoldi, Chairman



Michael A. Crowe, Member



Jon D. Schneider, Member

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
AUGUST 30, 1988

'88 OCT -3 P5:37

L. PETRINI & SON, INC.

Upon the application of L. Petrini & Son, Inc., 187 Rosemary Street, Needham, MA, owner, to the Board of Appeals for a special permit under Section 3.2 of the Zoning By-law to allow a pizza establishment for take-out service only for part of the first floor and the basement of the premises located at 315-317 Chestnut Street, a public hearing was held at the Town Hall, Needham, MA on Tuesday, August 30, 1988 in the evening pursuant to notice thereof published in a local newspaper and mailed to all persons interested.

Richard D. Dionne, Esq., Mintz Levin, One Financial Place, Boston MA was present with the applicant; the prospective tenant was also present.

Mr. Dionne stated that the applicant intends to enter into a lease agreement with a tenant to operate a take-out pizza business which will include home-delivery. On the locus, there are 13 parking spaces; traffic will be in a one-way direction around the building exiting on Marsh Road. Mr. Dionne stated that there will be no eat-in services available and that the hours of operation will be from 11:00 a.m. to Midnight, 7 days a week.

In answer to a query, Mr. Dionne stated that there will be 4-5 full-time employees and several part-time employees who will use the parking spaces on the locus.

No one appeared in favor or in opposition to the application. A letter from the Planning Board dated August 29, 1988 listed two conditions which it recommended be imposed should the application be granted. The hearing closed at 8:25 p.m.

Decision

On the basis of the evidence presented at the hearing on the application of L. Petrini & Son, Inc. for a special permit under Section 3.2 of the Zoning By-law to allow a pizza establishment for take-out service only for part of the first floor and the basement of the premises located at 315-317 Chestnut Street, the Board makes the following findings, after open and due deliberation:

TOWN OF NEEDHAM
BOARD OF APPEALS
NOTICE OF HEARING

Public notice is hereby given that L. Petrini & Son, Inc., 187 Rosemary Street, Needham, MA, owner, has made application to the Board of Appeals for a special permit under Section 3.2 of the Zoning By-law to allow a pizza establishment for take-out service only for part of the first floor and the basement of the premises located at 315-317 Chestnut Street.

Upon said application, a public hearing will be held at the Town Hall, Needham, MA on Tuesday, August 30, 1988 in the evening at 7:40 p.m. at which time and place all persons interested may appear and be heard.

(DT)Au16,23

1. The subject premises is in a Business District which authorizes a retail establishment serving the general public following the

issuance of a special permit.

2. The public hours of operation shall be from 11:00 a.m. to Midnight, seven days a week.

3. The proposed use of part of the first floor and the basement of the premises is as a pizza establishment providing delivery and take-out service only. There will be no eat-in seating of any kind provided.

4. Adequate off-street parking will be provided for both employees and take-out customer use. No parking will be permitted in front of the building.

5. The preparation of food will not emit noxious or offensive odors and appropriate containers will be employed for waste products.

6. The proposed use of the premises will be reviewed for approval by the Board of Health.

On the basis of the foregoing findings, the Board concludes that the special permit may be granted consistent with the intent and purpose of the Zoning By-law, and by unanimous vote after motion duly made and seconded, grants the applicant a special permit under Section 3.2 of the Zoning By-law to operate a pizza establishment for take-out service only for part of the first floor and the basement of the premises located at 315-317 Chestnut Street subject to the following conditions:

1. The public hours of operation shall be from 11:00 a.m. to Midnight, seven days a week.

2. The pizza establishment will provide delivery and take-out service only. There will be no eat-in seating of any kind provided.

3. Customers and employees will use off-street parking spaces. There will be no parking in front of the building.

4. There will be no noxious or offensive odors caused by the preparation of food and the premises will be kept clean of litter and waste materials.

L. Petrini & Son

8/30/88

Page 3

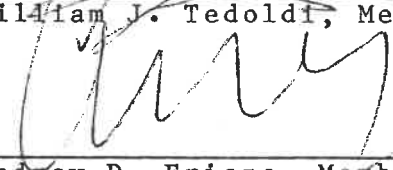
5. Failure to comply with any and all of the foregoing conditions may constitute grounds for the revocation of this special permit after hearing with notice to the applicant and such other notice as the Board in its exclusive discretion shall deem to be sufficient under all of the circumstances.



Hertz N. Henkoff, Chairman



William J. Tedoldi, Member



Andrew D. Frieze, Member



GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

May 24, 2024

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Needbobcon, Inc.
1257 Highland Avenue, Needham, MA

Dear Ms. Collins,

Please be advised this office represents Needbobcon, Inc. (hereinafter, interchangeably, the “Applicant” and “Conrad”) with respect to the commercial space at the property known and numbered 1257 Highland Avenue, Needham, MA formerly used and occupied by the Bertucci’s Restaurant (hereinafter the “Premises”). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of site plan, elevation plan and floor plan;
3. Seven copies of Memorandum in Support of Application for Special Permits;
4. Seven copies of authorization letter from property owner; and
4. Check in the amount of \$500 for the applicable filing fee.

The Premises is situated in a Business (B) Zoning District and is part of a larger plaza containing several commercial tenants. From approximately 2002 until March, 2023, the Premises was used and occupied as a Bertucci’s Restaurant as a full-service restaurant with dine-in and take-out. The Bertucci’s Restaurant included 130 seats and one take-out station and was open seven days a week.

The Applicant desires to use and occupy the Premises as a Conrad’s restaurant as a full service restaurant with dine-in and take out. The proposed restaurant will include 157 seats and one take-out station and will be open seven days a week. Conrad’s has been in business for approximately 15 years and currently operates locations in Norwood, Walpole and Foxborough.

The use is allowable by special permit, and same is requested, together with a special permit for more than one non-residential use on the lot. In addition, because the plaza is already deficient in the number of parking spaces required pursuant to the Zoning By-Law, and because the existing spaces do not comply with all design requirement, a special permit waiving strict adherence with the off-street parking requirements is also required and same is requested.

In part due to the shortfall in parking spaces, a parking study was commissioned, performed by Vanasse & Associates, Inc. ("VAI") who have a history working with the plaza. The study, which is provided herewith, indicated that there is more than sufficient parking available between the spaces in the plaza and the on-street parking within reasonable walking distance. Moreover, they evaluated the Norwood Conrad's location, which is similar, although larger, with more seats, and determined the parking to be adequate for the proposed use.

Kindly schedule this matter for the next hearing of the Board of Appeals. If you have any comments, questions or concerns, or if you require any further information in the meantime, please contact me so that I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "George Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Needbobcon, Inc.	Date:	5/24/24
Applicant Address	91 Millbrook Avenue, Walpole, MA 02081		
Phone	617-257-5001	email	bob-conrad@comast.net
Applicant is ☐ Owner; ☒ Tenant; ☐ Purchaser; ☐ Other_____			
If not the owner, a letter from the owner certifying authorization to apply must be included			
Representative Name	George Giunta, Jr., Esq.		
Address	281 Chestnut Street, Needham, MA 02492		
Phone	617-840-3570	email	george.giuntajr@needhamlaw.net
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other_____			
Contact ☐ Me ☒ Representative in connection with this application.			

Subject Property Information

Property Address	1257 Highland Avenue		
Map/Parcel Number	Map 52 / Parcel 3	Zone of Property	Business (B)
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☐ Residential or ☒ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☒ No			
Do the spaces meet design requirements? ☐ Yes ☒ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Commercial space in one story commercial building, previously occupied by Bertucci's as a dine-in / take-out eating establishment pursuant to special permits issued by the Planning Board.

Statement of Relief Sought:

1. Special permit pursuant to Section 3.2.2 for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter;
2. Special permit pursuant to Section 3.2.2 for a take-out operation accessory to a restaurant use;
3. Special permit pursuant to Section 3.2.2 for more than one non-residential use on a lot;
4. Special permit pursuant to Section 5.1.1.5 waiving strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off Street Parking Requirements); and
5. All other relief necessary and appropriate to permit the use of the Premises as a restaurant with both dine in and take-out service.

Applicable Section(s) of the Zoning By-Law:

3.2.2, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Section or By-Law.

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		
Numbers must match those on the certified plot plan and supporting materials		



ZBA Application For Hearing

Date Structure Constructed including additions:

Date Lot was created:

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <i>(Required)</i>	
Elevations of Proposed Conditions <i>(when necessary)</i>	
Floor Plans of Proposed Conditions <i>(when necessary)</i>	

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I consulted generally with the Building Commissioner and
subsequently provided detailed information on May 20, 2024.

Date: 5/24/24 Applicant Signature George Giunta Jr
George Giunta, Jr.
Attorney for Needbobcon, Inc.

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*

South Street 4414 Holdings, LLC
c/o The Grossman Companies, Inc.
One Adams Place
859 Willard Street, Suite 501
Quincy, MA 02169

May 16, 2024

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: 1257 Highland Avenue
Needbobcon, Inc.
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that South Street 4414 Holdings, LLC, owner of the property known and numbered 1257 Highland Avenue, Needham, MA (the "Premises"), has authorized Needbobcon, Inc., tenant, through its attorney George Giunta, Jr., Esquire, to make application for special permits and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the use of the Premises for a restaurant, including, without limitation, eat-in and take-out service. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'DBG', followed by a horizontal line extending to the right.

South Street 4414 Holdings, LLC
By David B. Grossman
Authorized Signatory

TO: THE MEMBERS OF THE BOARD OF APPEALS
TOWN OF NEEDHAM, MA

May 24, 2024

MEMORANDUM IN SUPPORT OF
APPLICATION FOR SPECIAL PERMITS
Needbobcon, Inc.
1257 Highland Avenue, Needham, MA

The applicant, Needbobcon, Inc. (hereinafter, interchangeably, the “Applicant” and “Conrad”), seeks a Special Permit pursuant to Section 3.2.2 for a restaurant serving meals for consumption on the premises and at table with service provided by waiter or waitress, a Special Permit pursuant to Section 3.2.2 for a take-out operation accessory to a restaurant use, a Special Permit pursuant to Section 3.2.2 for more than one non-residential use on a lot, a Special Permit pursuant to Section 5.1.1.5, waiving strict adherence with the off-street parking requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements), and any and all other relief as may be necessary and appropriate for the use of the former Bertucci’s Restaurant location at the property known and numbered 1257 Highland Avenue (the “Premises”) as a Conrad’s restaurant with dine-in and take-out service.

I. EXISTING CONDITIONS / BACKGROUND

The Premises consists of approximately 6,165 square feet of interior floor area, and is one of three tenants spaces within an existing commercial building. It is located on property identified as Parcel 3 on Town of Needham Assessor’s Map No. 52 and is part of a larger, multi-tenant plaza (the “Property”). The plaza is split into two sides; the north side containing the Premises, numbered 1257 Highland Avenue, which also contains Cookie Monstah and Needham Wine and Spirits, and the opposite, south side, numbered 1299 Highland Avenue, containing Mathnasium, Supercuts, Needham Nail and Skin Care, and Pure Hockey. In between the two sides is a large parking lot containing approximately 88 parking spaces.¹

From approximately 2002 until March of 2023, the Premises was used and occupied by Bertucci’s Restaurant as a full-service restaurant with take-out service pursuant to Decision issued by the Planning Board, Application No. 2002-1, filed with the Town Clerk on March 20,

¹ While there are 88 spaces located within the plaza, one space is currently occupied by a recycling bin, and therefore, there are 87 spaces available for use for parking.

2002. Prior to that, it was used and occupied for several years as a Brooks Pharmacy. The Bertucci's Restaurant included a total of 130 seats and one take-out station and operated seven days a week from 10 AM until 11 PM.

II. PROPOSED USE / CHANGE

The Applicant is proposing to continue the long-standing use of the Premises for food service purposes by redeveloping same as a "Conrad's" location. Conrad's is a full-service, "casual dining" restaurant that has been in operation for over 15 years. It is family owned and family friendly and currently operates in three locations: Norwood, Walpole and Foxboro. The menu and operation of the Needham location will be substantially similar to Norwood, featuring a range of different food with something for just about everyone.²

The proposed restaurant will consist of 157 interior seats, divided between booths, tables and bar seats and there will be one take-out station. The interior will be changed and altered to provide a different layout than Bertucci's. However, the Applicant does not anticipate any exterior or site changes with the exception of signage.³ The restaurant is anticipated to be open Sunday through Wednesday, 11:30 AM to 9:30 PM and Thursday through Saturday, 11:30 AM to 10:00 PM. If a limitation is to be imposed on hours of operation, Conrad requests that it be within the hours of 10 AM and 11 PM, to provide adequate flexibility and time for opening and closing activities.

III. PARKING

As mentioned above, the plaza contains several different businesses, all of which share a common parking lot in the middle. In 2021, as set forth in the Decision relative to Cookie Monstah, the Board found and determined that the overall parking demand for the plaza, including the Cookie Monstah use and the former Bertucci's Restaurant, was 134 parking spaces. Since that time, the overall mix of uses has remained functionally the same, and as a result, the base parking demand has also remained the same.

The Bertucci's Restaurant included 130 seats and one take-out station. The proposed Conrad's Restaurant will include 157 seats and one take out station, for an increase of 27 seats. This represents a net increase in parking demand of 9 spaces, based on the applicable standard of

² However, Norwood includes approximately 1,635 square feet more space, with 79 more seats.

1 space for every 3 seats set forth at Section 5.1.3 of the By-Law. As a result, the parking demand applicable to the Premises will increase from 54 parking spaces to 63 spaces, and the parking demand applicable to the plaza will increase from 134 parking spaces to 143 spaces.

As indicated above and shown on the site plan submitted herewith, there are currently 88 parking spaces on site, with all but one available for parking.⁴ In addition, there are also 94 on-street parking spaces within an approximate 3 to 5 minute walking distance from the Premises. As a result, there are approximately 181 parking spaces available to businesses in the plaza, far exceeding the number of spaces required. However, given the nature of the on-street spaces and the fact that the calculated parking demand is increasing due to the proposed additional seating, Vanasse & Associates, Inc. (“VAI”) were hired to perform a parking analysis, the results of which are submitted herewith.

As set forth in detail in their report, VAI concluded that “more than sufficient parking is available within the Project site to accommodate the predicted parking demands of the proposed restaurant with additional on-street public parking available to accommodate potential parking demand fluctuations”. It is significant that VAI did not just take parking counts at the Property and nearby on-street parking and match them with the parking demand required by the By-Law. They also made observations at the Norwood Conrad’s location, which is larger and includes more seats than the proposed Needham location. Thus, notwithstanding the increase in parking demand resulting from the standards in the By-Law, Conrad is of the opinion that adequate parking exists to support the proposed restaurant, including the additional seats.⁵

IV. LAW

Massachusetts General Laws, Chapter 40A, Section 9 states as follows: “Special Permits may be issued only for uses that are in harmony with the general purpose and intent of the ordinances of the by-law, and shall be subject to general or specific provisions set forth therein; and that such permits may also impose conditions, safeguards, and limitations on time and use.”

³ The Owner of the Property is currently finalizing aesthetic changes to the façade of the Building, as shown on the plans submitted herewith, which will need to be reviewed and approved by the Design Review Board.

⁴ See Footnote 1 above.

⁵ There also remains an issue with the By-Law’s arbitrary assignment of 10 parking spaces to a take-out station. Notwithstanding the By-Law, in practice a 150+ seat full service restaurant will seldom require 10 actual spaces to support accessory take-out.

Pursuant to Section 3.2.2 of the By-Law, the request for special permits for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter, for a take-out operation accessory thereto, and for more than one non-residential use on a lot are to be evaluated pursuant to the standards of Section 7.5.2 of the By-law. That Section requires that the use related aspects:

- (a) comply with such criteria or standards as may be set forth in the section of the By-Law which refers to the granting of the requested special permit;
- (b) are consistent with: 1) the general purposes of the By-Law as set forth in subparagraph 1.1, and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth elsewhere in the By-Law, such as, but not limited to, those at the beginning of the various sections; and
- (c) are designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area

Section 5.1.1.5 authorizes and empowers the Board to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 where a particular use, structure, or lot, owing to special circumstances, does not warrant the application of the parking requirements of Section 5.1.2 or the design requirements contained in Section 5.1.3. In addition, pursuant to Section 5.1.1.5 the Board is directed to consider whether the issuance of the special permit would be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses and is further consistent with the intent of the Zoning By-Law.

V. ARGUMENT / ANALYSIS

A. Use

Section 3.2.2 of the By-Law allows for the proposed restaurant use to be allowed by special permit, but does not impose any specific criteria or other standards. Moreover, the issuance of such special permits is consistent with the general purposes of the By-Law in that it promotes the convenience and welfare of the inhabitants of Needham while simultaneously being a highly appropriate use of the Premises. The issuance of such special permits serves to preserve and increase amenities within the Town by facilitating the availability of additional food choices and promoting commerce. Therefore, provided the requested special permits are approved and issued, the use of the Premises for a full-service restaurant with accessory take-out service will comply with the By-Law.

B. Parking

As discussed above, there is currently a shortfall in the number of spaces available on site to serve the previous uses (which includes the former Bertucci's Restaurant). However, there is a substantial amount of on-street parking spaces within convenient walking distance. Moreover, based upon the current tenants and uses, the actual, practical demand within the parking lot, combined with the on-street parking, is more than adequate to meet both the calculated parking demand, based on the Zoning By-Law, and the anticipated actual demand, based on observations at the existing Conrad's Restaurant in Norwood. Finally, the parking demand calculation required pursuant to the By-Law assigns ten parking spaces for a take-out station. This is an arbitrary number and rarely required in practice for a full-service restaurant of the type proposed here. Therefore, sufficient special circumstances existing in this case to justify the granting of the requested parking waiver.

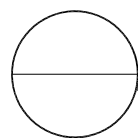
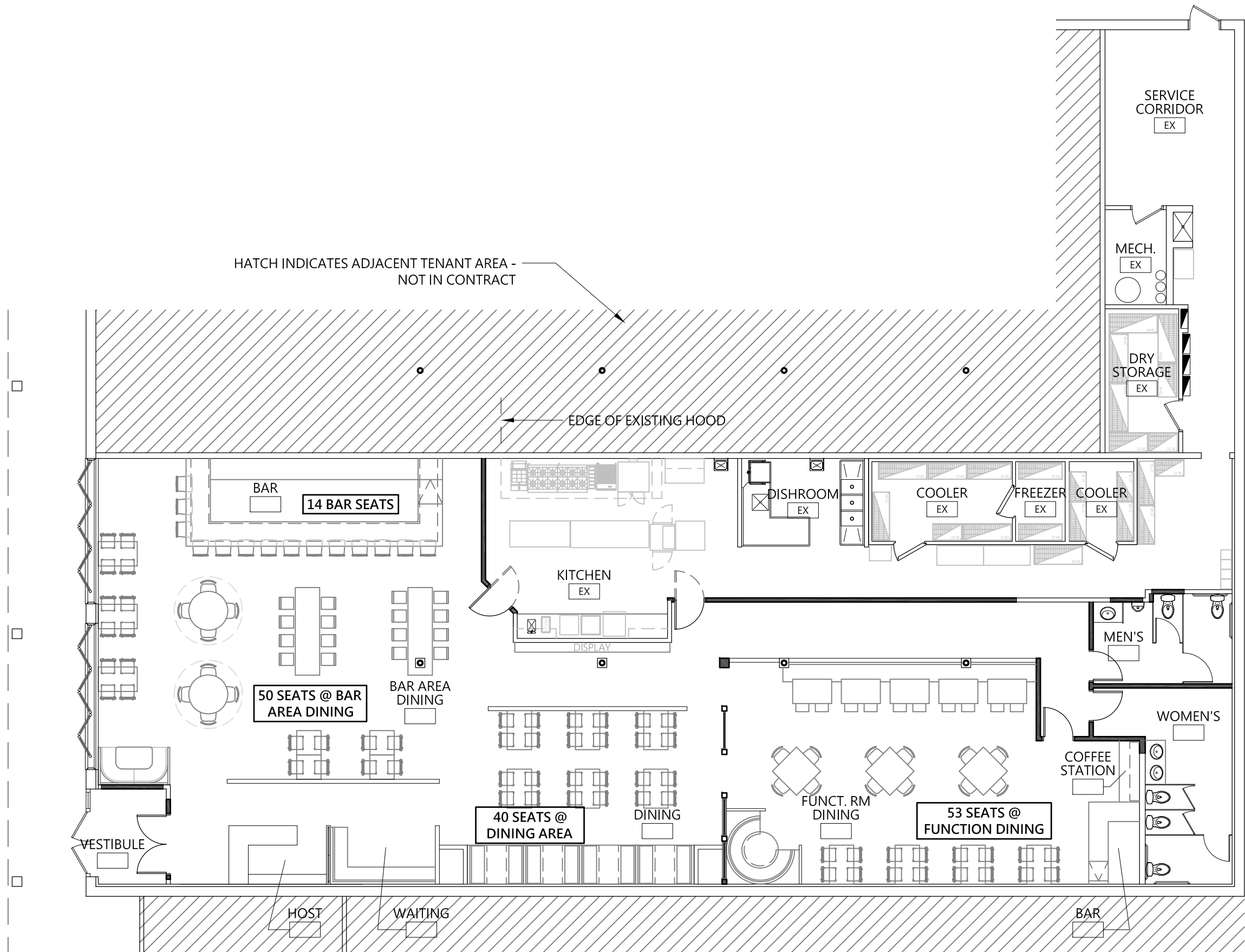
V. CONCLUSION

From approximately 2002 until March, 2023, the Premises was used continuously for food service purposes by Bertucci's Restaurant. Now, a new restaurant desires to utilize the building for substantially the same general purposes, without making any substantial or material changes to the exterior of the building, site layout, or parking, with the exception only of signage. While a few more seats are proposed than the prior restaurant, the use is allowable pursuant to a special permit and is consistent with both the underlying purpose of the Business zoning district and the characteristics of the surrounding area. As a result, as set forth above, the Applicant is of the opinion that the applicable requirements relative to use have been met. Moreover, while parking waivers are necessary, as demonstrated by the VAI parking study, there is adequate parking on-site and within walking distance of the Premises to support the proposed additional seats. Therefore, there are good and sufficient reasons for the granting of the waivers. As a result, Conrad asserts that the requested zoning relief is both proper and appropriate and should be granted.

Respectfully submitted,
Needbobcon, Inc.
by its attorney,



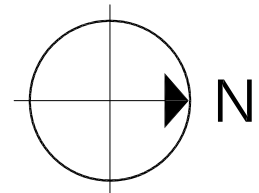
George Giunta, Jr., Esquire
281 Chestnut Street
Needham, Massachusetts 02492
781-449-4520
617-840-3570

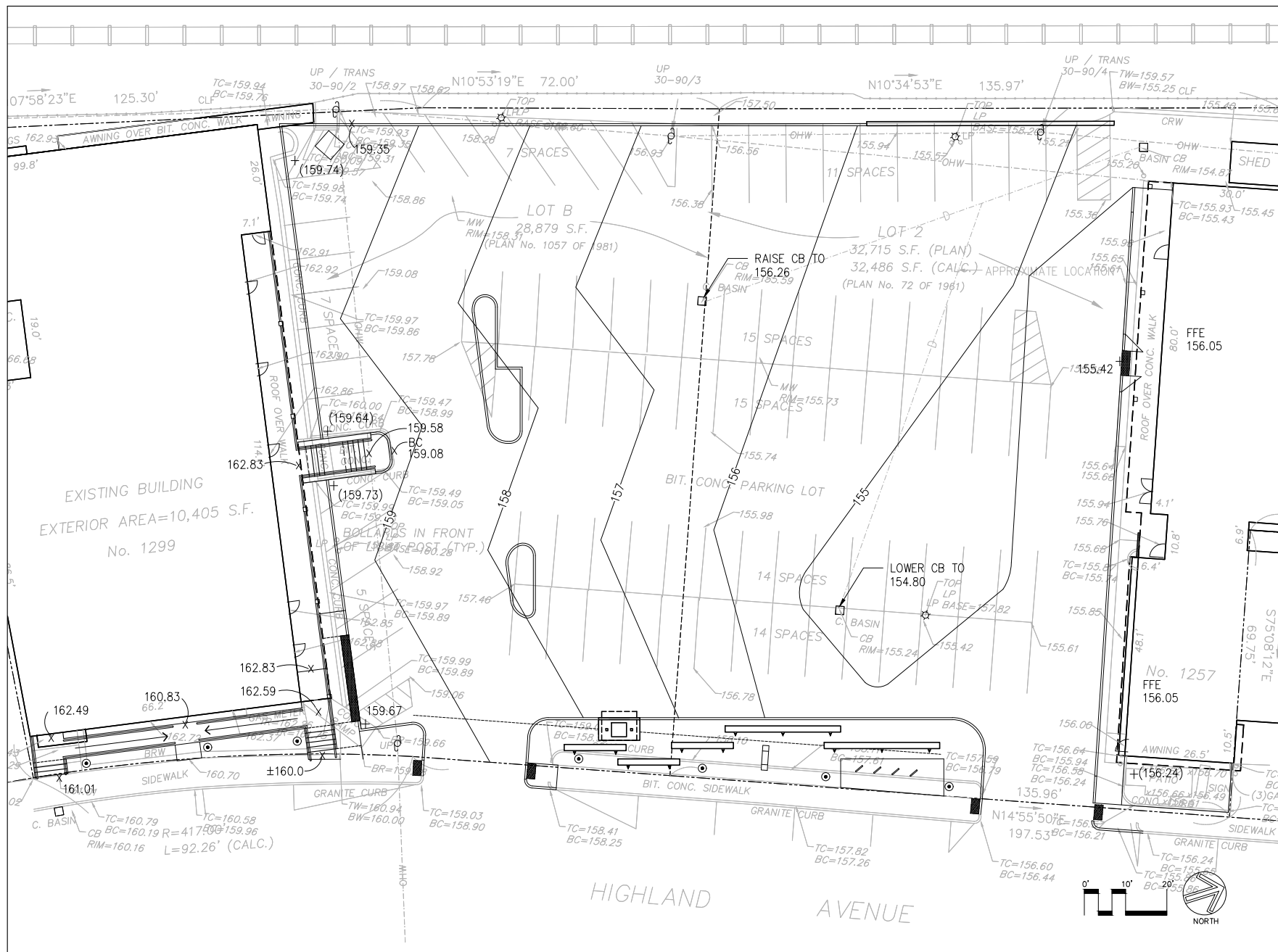


PROPOSED FLOOR PLAN

SCALE: Not to Scale

157 SEATS TOTAL SHOWN
TOILET ROOMS SHOWN
ACCOMMODATE 200 OCCUPANTS





Highland Ave. Plaza Upgrades 1253-1259 Highland Avenue Needham, MA

Client

The Grossman Companies

1 Adams Place
859 Willard Street, Suite 501
Quincy, MA 02169

Landscape Architect



Radner Design Associates, Inc.
3 Allied Drive, Suite 303
Dedham, MA 02026
508.736.6144
www.RadnerDesign.com

Revision:

Drawn: kc

Checked: mr

Scale: 1"=10'-0"

Sheet Name:
Grading Plan

Project No.:
21-20

Issue Date:
March 15, 2022

Sheet No.:
L3

Drawings and Design © 2022 Radner Design Associates, Inc.

MEMORANDUM

TO: Needbobcon dba Conrad's Restaurant
c/o Mr. Robert Conrad
President
Conrad's Restaurant
91 Millbrook Ave
Walpole, MA 02081

FROM: Mr. Jeffrey S. Dirk, P.E.*, PTOE, FITE 
Managing Partner and
Mr. Andrew J. Arseneault
Senior Transportation Engineer
Vanasse & Associates, Inc.
35 New England Business Center Drive
Suite 140
Andover, MA 01810-1066
(978) 269-6830
jdirk@rdva.com
**Professional Engineer in CT, MA, ME, NH, RI and VA*

DATE: May 16, 2024

RE: 9934

SUBJECT: Parking Demand Analysis
Proposed Restaurant - 1257 Highland Avenue
Needham Massachusetts

Vanasse & Associates, Inc. (VAI) has completed a parking demand assessment in support of the proposed Conrad's Restaurant to be located in the former Bertucci's restaurant tenant space at 1257 Highland Avenue in Needham, Massachusetts (hereafter referred to as the "Project"). Specifically, this assessment: i) evaluates the parking requirements for the proposed restaurant pursuant to the Zoning By-Law of the Town of Needham; ii) presents the results of parking demand observations at a comparable Conrad's Restaurant in Norwood, Massachusetts, which will offer a substantially similar dining concept and menus to that of the Project; and iii) reviews the availability of off-street parking within the surface parking lot that serves the Project site (1257-1299 Highland Avenue) and on-street parking that is located within a reasonable walking distance of the Project site.

Based on this assessment, we have concluded the following with respect to the Project and parking availability in the vicinity of the Project site:

1. On-site parking is provided for 87 vehicles, including four (4) handicapped accessible spaces, to support the uses located at 1257-1299 Highland Avenue, including the subject tenant space. An additional 94 on-street parking spaces are located within a reasonable walking distance of the Project site;
2. Parking demand observations conducted at the existing Conrad's Restaurant in Norwood indicate that the restaurant has a peak parking demand of 12 vehicles during the weekday midday peak period, a peak parking demand of 35 vehicles during the weekday evening peak period, a peak parking demand of 36 vehicles during the Saturday midday peak period and a peak parking demand of 35 vehicles during the Saturday evening peak period;
3. Based on parking demand observations conducted within the surface parking lot that provides parking for the uses at 1257-1299 Highland Avenue, including the subject tenant space, a minimum of 53 parking spaces were observed to be available during the weekday midday peak period, a



minimum of 54 parking spaces were available during the weekday evening peak period, a minimum of 49 parking spaces were available during the Saturday midday peak period and a minimum of 65 parking spaces were available during the Saturday evening peak period, which is more than sufficient to accommodate the peak parking demands that were observed at the Conrad's restaurant Norwood location; and

4. Within a 3 to 5-minute walking distance of the Project site (between Rosemary Street and May Street), a minimum of 56 on-street public parking spaces were observed to be available during the weekday midday peak period, a minimum of 60 parking spaces were available during the weekday evening peak period, a minimum of 71 parking spaces were available during the Saturday midday peak period and a minimum of 77 parking spaces were available during the Saturday evening peak period.

Based on these findings, ***it has been concluded that more than sufficient parking is available within the Project site to accommodate the predicted parking demands of the proposed restaurant with additional on-street public parking available to accommodate potential parking demand fluctuations.***

The following details our assessment of the parking demands for the Project.

PROJECT DESCRIPTION

The Project will entail the renovation of the approximately 6,165± square feet (sf) of vacant restaurant space located at 1257 Highland Avenue in Needham, Massachusetts, that was formerly occupied by the Bertucci's restaurant to accommodate a Conrad's Restaurant with approximately 155 seats and one (1) take-out station. The building that contains the tenant space that will be renovated to accommodate the Project includes approximately 11,758± sf of commercial space with multiple tenants that include the Cookie Monstah bakery/restaurant (1,430± sf containing 18 seats and one (1) take-out station) and Needham Wine & Spirits (a 4,163± sf liquor store) in addition to the 6,165± sf vacant restaurant space.

A surface parking lot is situated within the Project site that provides 87 parking spaces, including four (4) handicapped accessible spaces, that are shared with the adjacent 10,100± sf commercial building located at 1299 Highland Avenue which contains a mix of retail (Pure Hockey) and service tenants (Needham Nails, Supercuts, and Mathnasium). Access to the Project site and the surface parking lot is provided by way of one-way entrance and exit driveways that intersect the west side of Highland Avenue approximately 170 feet and 300 feet south of Oakland Avenue, respectively.

ZONING BY-LAW PARKING REQUIREMENTS

The parking requirements for the Project (restaurant) are defined in Section 5.1.2, *Required Parking*, of the Zoning By-Law of the Town of Needham. The parking requirements of the existing uses that share the surface parking lot (1257–1299 Highland Avenue) and those of the proposed Conrad's restaurant were calculated using the parking requirements defined in the By-Law for similar land uses (Restaurant and Retail, wholesale stores or services) and are summarized in Table 1.



Table 1
NEEDHAM ZONING BY-LAW PARKING REQUIREMENTS

Tenant	Size	Zoning Requirement	Parking Requirement (No. of Parking Spaces)
<i>Conrad's Restaurant</i>	155 seats 1 take-out station	1 space per 3 seats plus 10 spaces for take-out	62
<i>Cookie Monstah</i>	18 seats 1 take-out station	1 space per 3 seats plus 10 spaces for take-out	16
<i>Needham Wine & Spirits</i>	4,163± sf	1 space per 300 sf	14
<i>1299 Highland Avenue</i>	10,100± sf	1 space per 300 sf	34
TOTAL:			126 spaces

As can be seen in Table 1, a total of 126 parking spaces are required under the Zoning By-Law to accommodate the mix of uses that will be served by the surface parking lot that accommodates parking for 1257–1299 Highland Avenue with the renovation of the vacant restaurant space to accommodate the Conrad's Restaurant. Given that 87 parking spaces are provided, the number of parking spaces in the surface parking lot is less than the 126 parking spaces required under the Zoning By-Law. This theoretical parking differential (39 parking spaces) is satisfied through on-street public parking along Highland Avenue, of which there are 94 parking spaces located within an approximate 3 to 5-minute walking distance of the Project site (between Rosemary Street and May Street).

PARKING DEMAND OBSERVATIONS

In order to establish the anticipated parking requirements for the proposed Conrad's Restaurant and to determine the availability of parking to satisfy the peak parking demands of the existing uses and the proposed restaurant, parking demand observations were performed in April 2024. The parking demand observations were conducted at the Conrad's Restaurant in Norwood, Massachusetts, within the surface parking lot that serves 1257 – 1299 Highland Avenue, and for on-street parking along Highland Avenue between Rosemary Street and May Street and along Oakland Avenue between Highland Avenue and Kingsbury Street. The following summarizes the parking demand observations.

Conrad's Restaurant Parking Demands

Parking demand observations were performed at the Conrad's Restaurant located at 728 Washington Street in Norwood, Massachusetts, between 12:00 PM and 2:00 PM and between 5:00 PM and 7:00 PM on Thursday, April 11, 2024 and on Saturday, April 20, 2024. These time periods encompass the peak-parking demand periods for the restaurant. The Conrad's Restaurant Norwood location is slightly larger in size (7,800± sf) than the proposed restaurant (6,165± sf) provides 236 seats, including 22 bar seats, to accommodate dine-in patrons, provides one (1) take-out station, and is supported by a 39 parking space



surface lot. Table 2 summarizes the parking demands observed at the Norwood restaurant during the observation periods.

Table 2
CONRAD'S RESTAURANT NORWOOD
PARKING DEMAND OBSERVATIONS

Time	Weekday ^a		Saturday ^b	
	Number of Vehicles Parked	Number of Available Parking Spaces ^c	Number of Vehicles Parked	Number of Available Parking Spaces ^c
12:00 PM	5	34	27	12
12:15	5	34	27	12
12:30	6	33	27	12
12:45	9	30	28	11
1:00	9	30	31	8
1:15	9	30	31	8
1:30	10	29	36	3
1:45	10	29	36	3
2:00	12	27	34	5
5:00 PM	24	15	11	28
5:15	25	14	17	22
5:30	28	11	20	19
5:45	35	4	35	4
6:00	33	6	35	4
6:15	30	9	35	4
6:30	32	7	35	4
6:45	28	11	34	5
7:00	23	16	32	7

^aAs observed on Thursday April 11, 2024

^bAs observed on Saturday April 20, 2024

^cBased on a total of 39 parking spaces

As can be seen in Table 2, the observed peak parking demand at the Conrad's Restaurant in Norwood on a weekday occurred at 2:00 PM during the midday peak period with 12 parking spaces occupied and at 5:45 PM during the evening peak period with 35 parking spaces occupied. On a Saturday, the observed peak parking demand occurred at 1:30 PM during the midday peak period with 36 parking spaces occupied and at 5:45 PM during the evening peak period with 35 parking spaces occupied.

The peak parking demand observed at the Conrad's Restaurant Norwood location (36 parking spaces) is well below the 82 parking spaces that are required for the use under the Norwood Zoning By-Law¹ and is also well below the 62 parking spaces required by the Needham Zoning By-Law.

¹For restaurants, the Norwood Zoning Bylaw requires 1 parking spaces for every three (3) seats, plus three spaces for each take out station.



Parking Availability

In order to determine the availability of parking in the vicinity of the Project site, parking demand observations were performed within the surface parking lot that serves the uses at 1257 – 1299 Highland Avenue and for on-street public parking along Highland Avenue and a portion of Oakland Avenue. The parking demand observations were performed between 12:00 PM and 2:00 PM and between 5:00 PM and 7:00 PM on Saturday, April 6th, 2024 and on Tuesday, April 9th, 2024, to coincide with the peak parking demand periods for Conrad's Restaurant. The limits of the study area for the parking demand observations were determined based on the distance that a pedestrian would reasonably be expected to walk to reach the Project (3 to 5-minutes).

The study area for the parking demand observations was split into four (4) zones which are shown on Figure 1 and defined as follows: **Zone 1** - the surface-street parking lot serving the Project site (1257 Highland Avenue) and the adjacent commercial property (1299 Highland Avenue); **Zone 2** - Highland Avenue between Rosemary Street and Oakland Avenue; **Zone 3** - Oakland Avenue between Highland Avenue and Kingsbury Street; and **Zone 4** - Highland Avenue between Oakland Avenue and May Street.

The number of on-street parking spaces located within each zone was obtained from a field inventory undertaken in April 2024 prior to the parking demand observations. The number of on-street parking spaces located within Zone 3 was determined by assuming that a parked vehicle would occupy 22 linear feet of curbside space (the length on an on-street parking space) where parking is allowed and would not interfere with access to abutting properties, turning maneuvers or two-way travel. Based on this approach and as summarized on Figure 1, Zone 1 (surface parking lot) was found to accommodate 87 parking spaces; Zone 2 accommodates 32 parking spaces; Zone 3 accommodates 19 parking spaces; and Zone 4 accommodates 43 parking spaces; or a total of 181 parking spaces within the parking study area, 87 of which are located within the Project site (Zone 1).

Tables 3 and 4 summarize the number of available (unoccupied) parking spaces within the study area as observed on a weekday and on Saturday, respectively, along with the overall parking occupancy during the observation period. Figures 2 through 4 graphically depict the number of vehicles parked (occupying) the four (4) parking zones during the weekday midday; weekday evening; Saturday midday; and Saturday evening observation periods, respectively. The detailed parking observations are provided as an attachment.



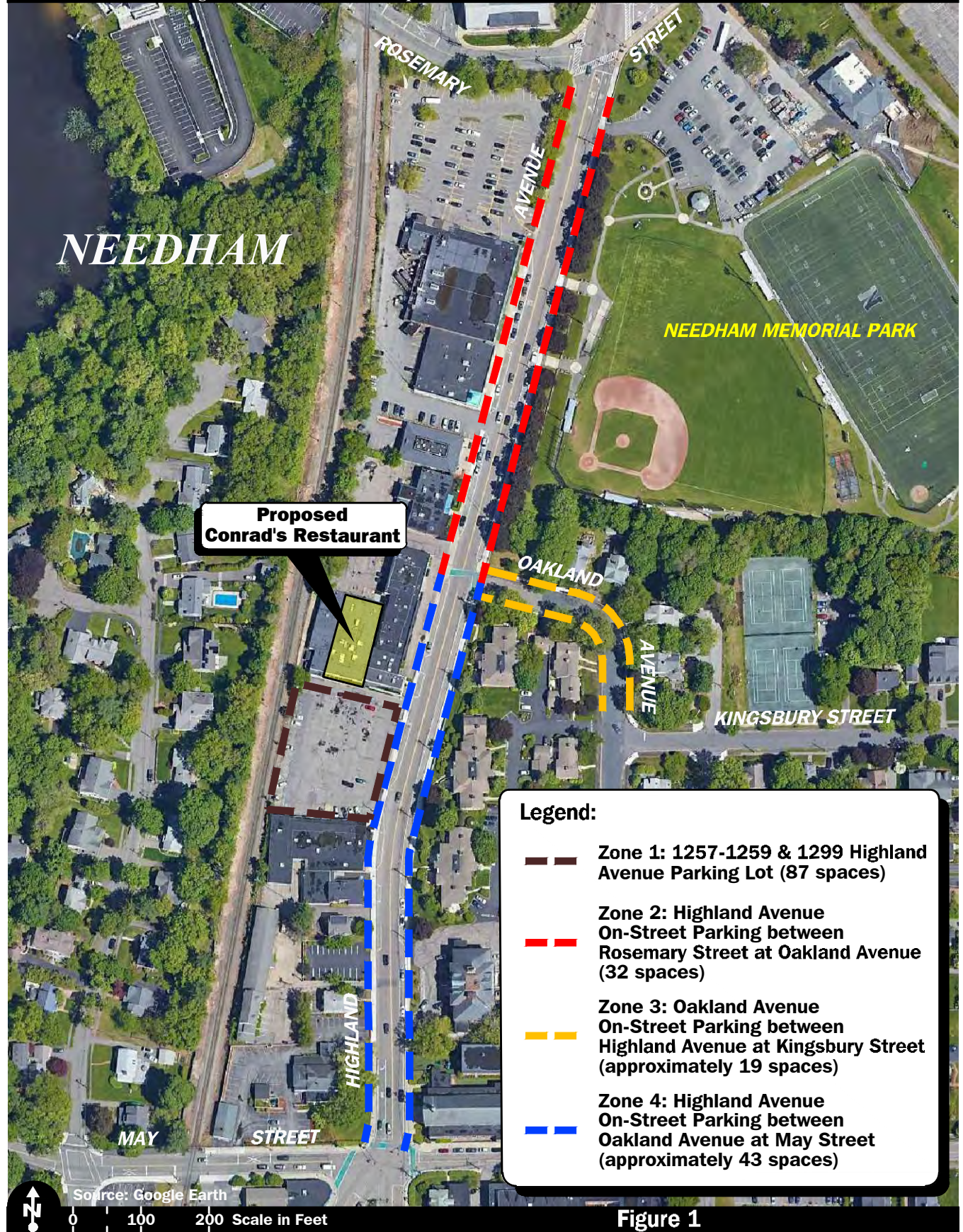


Figure 1
Parking Study Area

Table 3
PARKING OBSERVATIONS
TUESDAY, APRIL 9, 2024

Time	No. of Unoccupied (Available) Parking Spaces				Total (181 spaces)	Percent Occupancy
	Zone 1 (87 spaces)	Zone 2 (32 spaces)	Zone 3 (19 spaces)	Zone 4 (43 spaces)		
12:00 PM	53	14	13	29	109	39.8%
12:15	58	18	13	32	121	33.1%
12:30	56	17	14	32	119	34.3%
12:45	57	17	14	32	120	33.7%
1:00	56	17	13	32	118	34.8%
1:15	60	18	13	32	123	32.0%
1:30	61	17	13	31	122	32.6%
1:45	63	17	16	28	124	31.5%
2:00	61	14	15	28	118	34.8%
5:00 PM	54	14	15	31	114	37.0%
5:15	61	15	17	33	126	30.4%
5:30	61	15	17	36	129	28.7%
5:45	58	12	17	33	120	33.7%
6:00	61	12	17	39	129	28.7%
6:15	70	9	18	38	135	25.4%
6:30	72	13	18	39	142	21.5%
6:45	72	11	18	39	140	22.7%
7:00	69	13	18	38	138	23.8%

As can be seen in Table 3, the overall peak parking demand within the parking study area was identified to occur at 12:00 PM during the weekday midday peak period, during which 109 of the 181 total parking spaces were found to be unoccupied and available. The overall peak parking demand during the evening peak period was identified to occur at 5:00 PM, during which 114 of the 181 total parking spaces were found to be unoccupied and available.

Focusing on the surface parking lot that serves the Project site (1257 Highland Avenue) and the adjacent commercial property (1299 Highland Avenue) (Zone 1), the peak parking demand was observed to occur at 12:00 PM during the weekday midday peak period with 53 of the 87 parking spaces available, and at 5:00 PM during the weekday evening peak period with 54 parking spaces available.



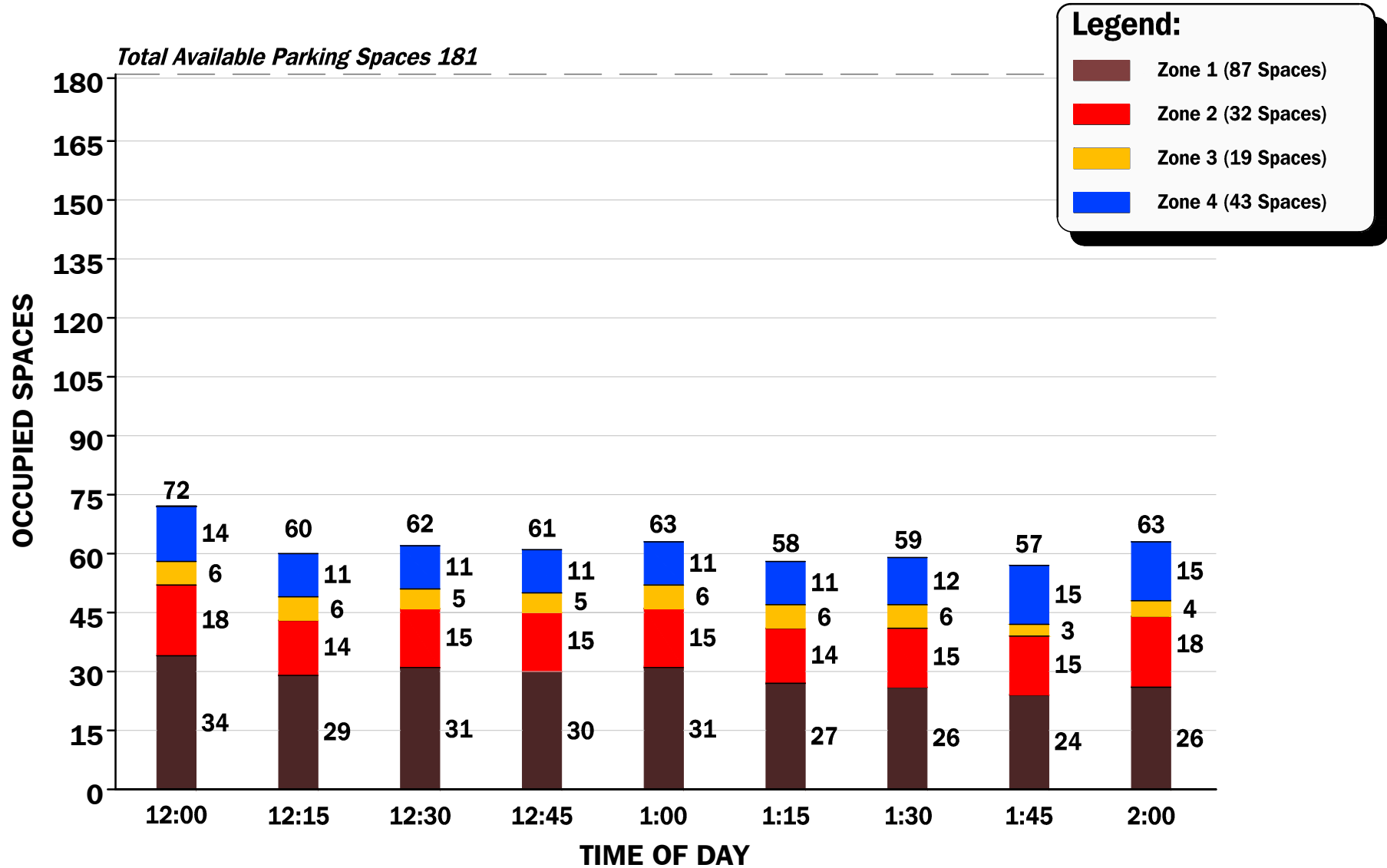
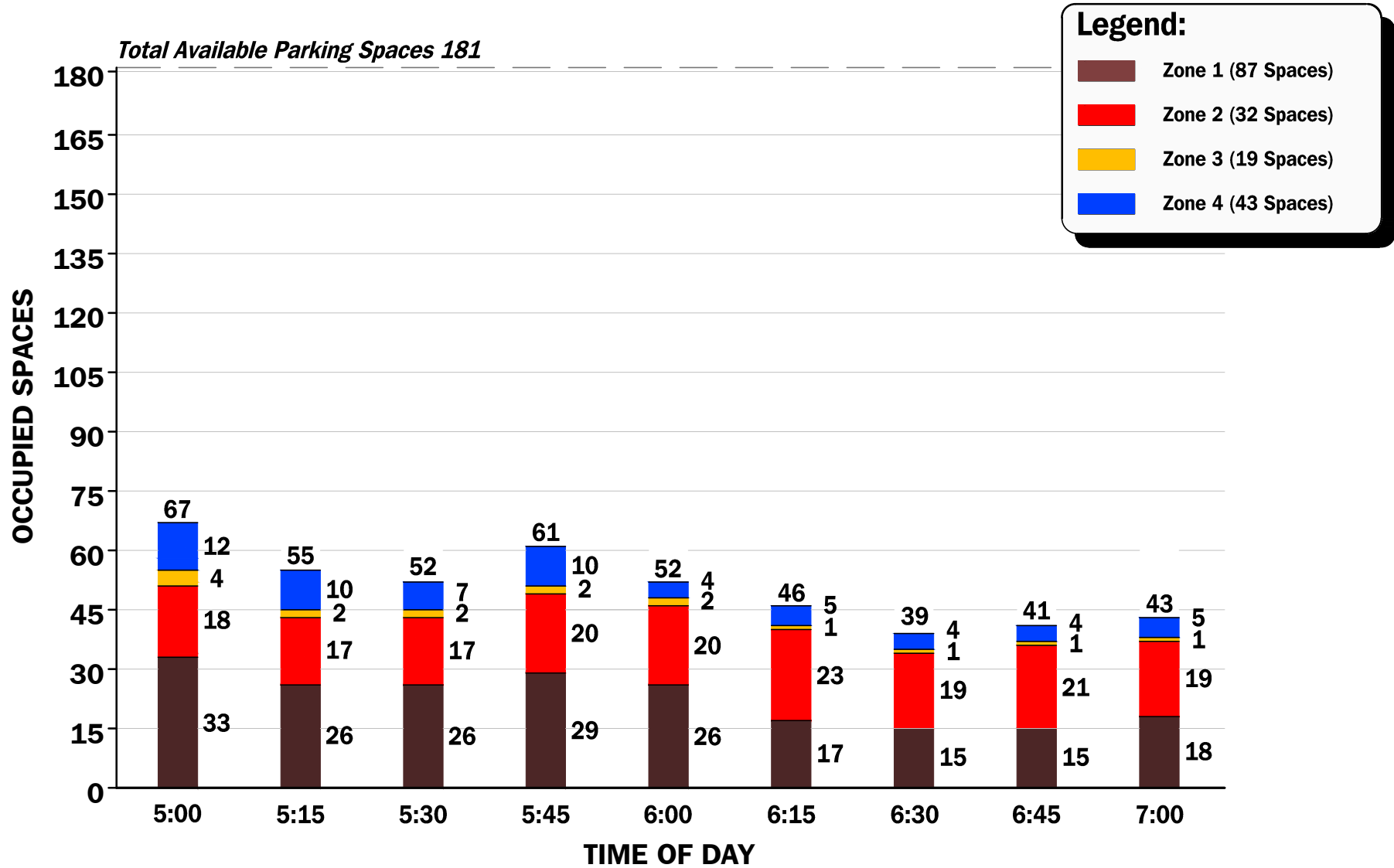


Figure 2

Parking Observations
Tuesday, April 9, 2024
12:00-2:00 PM



Not To Scale

Figure 3

Table 4
PARKING OBSERVATIONS
SATURDAY, APRIL 6, 2024

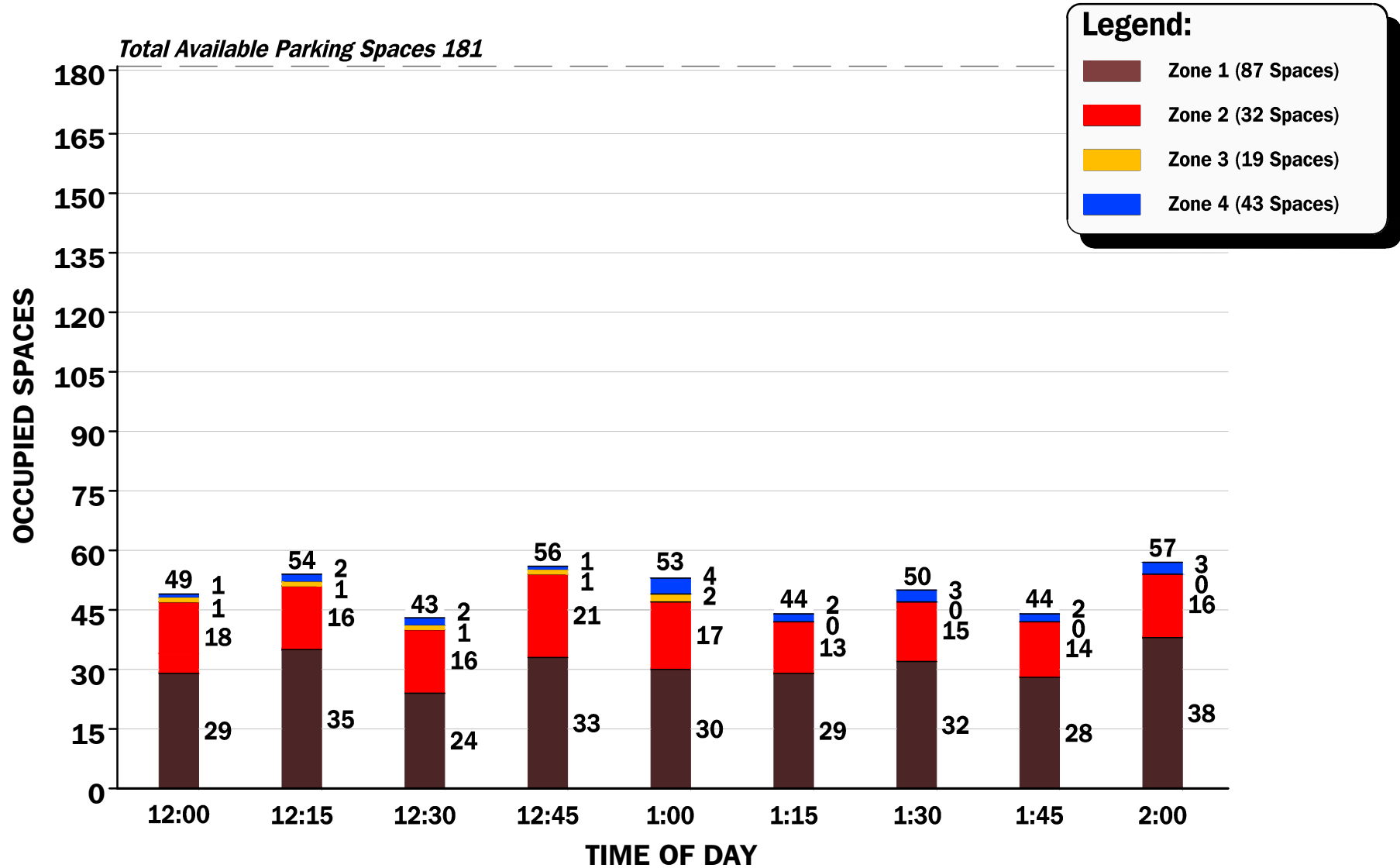
Time	No. of Unoccupied (Available) Parking Spaces				Total (181 spaces)	Percent Occupancy
	Zone 1 (87 spaces)	Zone 2 (32 spaces)	Zone 3 (19 spaces)	Zone 4 (43 spaces)		
12:00 PM	58	14	18	42	132	27.1%
12:15	52	16	18	41	127	29.8%
12:30	63	16	18	41	138	23.8%
12:45	54	11	18	42	125	30.9%
1:00	57	15	17	39	128	29.3%
1:15	58	19	19	41	137	24.3%
1:30	55	17	19	40	131	27.6%
1:45	59	18	19	41	137	24.3%
2:00	49	16	19	40	124	31.5%
5:00 PM	65	22	18	37	142	21.5%
5:15	66	19	19	41	145	19.9%
5:30	67	17	19	40	143	21.0%
5:45	69	21	19	41	150	17.1%
6:00	67	19	19	41	146	19.3%
6:15	73	17	19	43	152	16.0%
6:30	69	23	19	42	153	15.5%
6:45	82	22	19	42	165	8.8%
7:00	80	24	19	43	166	8.3%

As can be seen in Table 4, the overall peak parking demand within the parking study area was identified to occur at 2:00 PM during the Saturday midday peak period, during which 124 of the 181 total parking spaces were found to be unoccupied and available. The overall peak parking demand during the evening peak period was identified to occur at 5:00 PM, during which 142 of the 181 total parking spaces were found to be unoccupied and available.

Focusing on the surface parking lot that serves the Project site and the adjacent commercial property (Zone 1), the peak parking demand was observed to occur at 2:00 PM during the Saturday midday peak period with 49 of the 87 parking spaces available, and at 5:00 PM during the Saturday evening peak period with 65 parking spaces available.

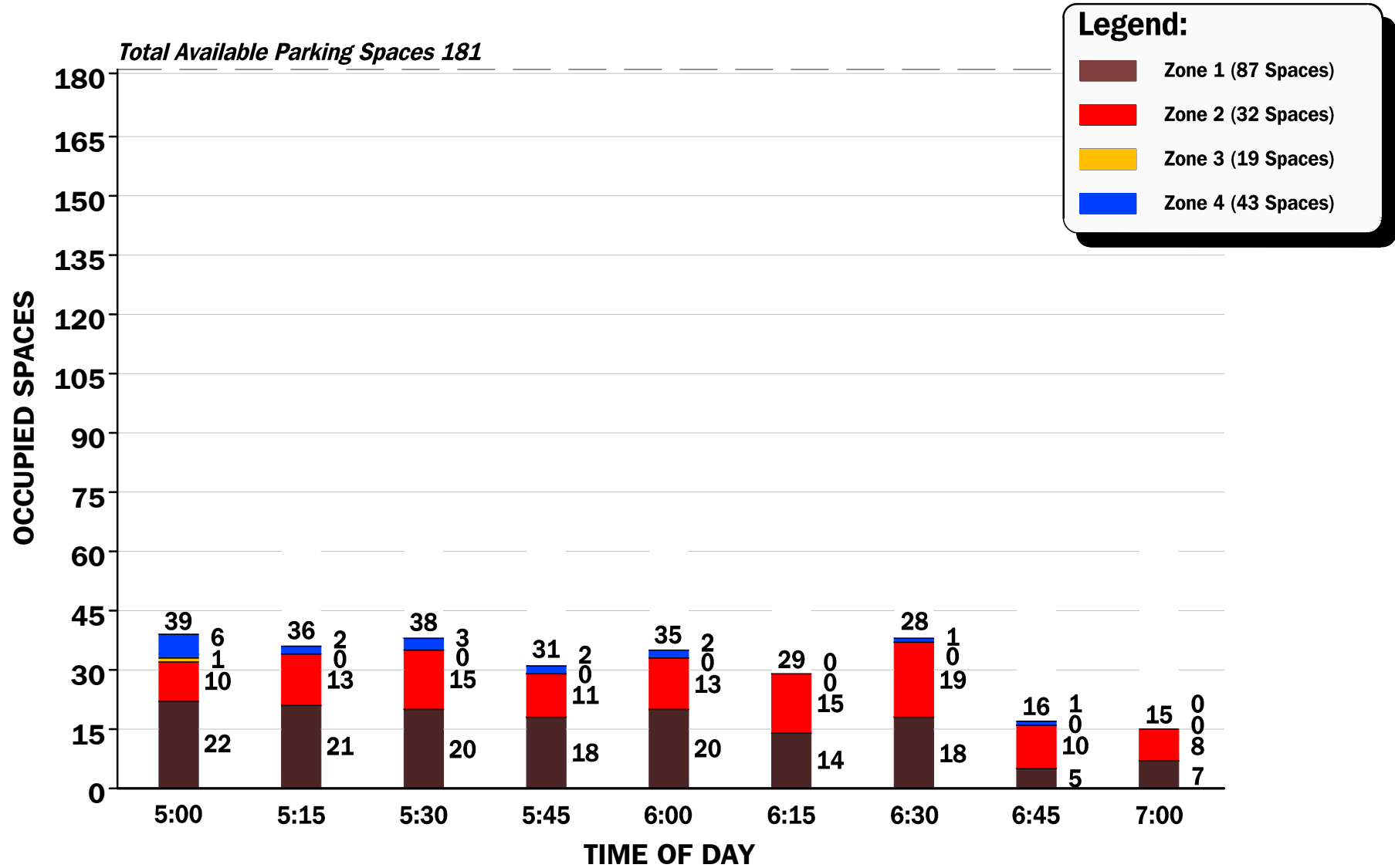
Based on a review of parking availability during the peak parking demand periods, it is apparent that there is more than sufficient parking available within the surface parking lot that serves the uses at 1257-1299 Highland Avenue to accommodate the peak parking demands of Conrad's Restaurant as observed at the Norwood location (up to 36 parking spaces), with ample on-street public parking available within a 3 to 5-minute walking distance to accommodate parking demand fluctuations.





Not To Scale

Figure 4



Not To Scale

Figure 5

**Parking Observations
Saturday, April 6, 2024
5:00-7:00 PM**

SUMMARY

VAI has completed a parking demand assessment in support of the proposed Conrad's Restaurant to be located in the former Bertucci's restaurant tenant space at 1257 Highland Avenue in Needham, Massachusetts. Specifically, this assessment has: i) evaluated the parking requirements for the proposed restaurant pursuant to the Zoning By-Law of the Town of Needham; ii) presented the results of parking demand observations at a comparable Conrad's Restaurant in Norwood, Massachusetts; and iii) reviewed the availability of off-street parking within the surface parking lot that serves the Project site (1257-1299 Highland Avenue) and on-street parking that is located within a reasonable walking distance of the Project site. Based on this assessment, we have concluded the following with respect to the Project and parking availability in the vicinity of the Project site:

1. On-site parking is provided for 87 vehicles, including four (4) handicapped accessible spaces, to support the uses located at 1257-1299 Highland Avenue, including the subject tenant space. An additional 94 on-street parking spaces are located within a reasonable walking distance of the Project site;
2. Parking demand observations conducted at the existing Conrad's Restaurant in Norwood indicate that the restaurant has a peak parking demand of 12 vehicles during the weekday midday peak period, a peak parking demand of 35 vehicles during the weekday evening peak period, a peak parking demand of 36 vehicles during the Saturday midday peak period and a peak parking demand of 35 vehicles during the Saturday evening peak period;
3. Based on parking demand observations conducted within the surface parking lot that provides parking for the uses at 1257-1299 Highland Avenue, including the subject tenant space, a minimum of 53 parking spaces were observed to be available during the weekday midday peak period, a minimum of 54 parking spaces were available during the weekday evening peak period, a minimum of 49 parking spaces were available during the Saturday midday peak period and a minimum of 65 parking spaces were available during the Saturday evening peak period, which is more than sufficient to accommodate the peak parking demands that were observed at the Conrad's restaurant Norwood location; and
4. Within a 3 to 5-minute walking distance of the Project site (between Rosemary Street and May Street), a minimum of 56 on-street public parking spaces were observed to be available during the weekday midday peak period, a minimum of 60 parking spaces were available during the weekday evening peak period, a minimum of 71 parking spaces were available during the Saturday midday peak period and a minimum of 77 parking spaces were available during the Saturday evening peak period.

Based on these findings, ***it has been concluded that more than sufficient parking is available within the Project site to accommodate the predicted parking demands of the proposed restaurant with additional on-street public parking available to accommodate potential parking demand fluctuations.***

Attachments



ATTACHMENTS

EXISTING CONRAD'S RESTARUANT PARKING OBSERVATIONS
PROJECT SITE PARKING OBSERVATIONS



EXISTING CONRAD'S RESTAURANT PARKING OBSERVATIONS



Prepared by National Data & Surveying Services

Parking Study

Project ID: 24-430017

City: Norwood, MA

Date: 4/11/2024

Day: Thursday

Space Type	Lot-002	
	Regular	Handicap
Time	39	1
12:00 PM	5	0
12:05 PM	4	0
12:10 PM	4	0
12:15 PM	5	0
12:20 PM	4	0
12:25 PM	4	0
12:30 PM	6	0
12:35 PM	6	0
12:40 PM	8	0
12:45 PM	9	0
12:50 PM	9	0
12:55 PM	8	0
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5:50 PM	34	1
5:55 PM	34	1
6:00 PM	33	1
6:05 PM	36	1
6:10 PM	33	1
6:15 PM	30	1
6:20 PM	31	1
6:25 PM	32	1
6:30 PM	32	1
6:35 PM	30	1
6:40 PM	29	1
6:45 PM	28	1
6:50 PM	25	1
6:55 PM	23	1

Prepared by National Data & Surveying Services

Parking Study

Project ID: 24-430017

City: Norwood, MA

Date: 4/20/2024

Day: Saturday

Space Type	Lot-002	
	Regular	Handicap
Interval	39	1
12:00 PM	27	1
12:05 PM	27	1
12:10 PM	27	1
12:15 PM	27	1
12:20 PM	28	1
12:25 PM	28	1
12:30 PM	27	1
12:35 PM	28	1
12:40 PM	28	1
12:45 PM	28	1
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1:20 PM	33	1
1:25 PM	34	1
1:30 PM	36	1
1:35 PM	36	1
1:40 PM	35	1
1:45 PM	36	1
1:50 PM	33	1
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5:10 PM	17	0
5:15 PM	17	0
5:20 PM	19	0
5:25 PM	20	0
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5:35 PM	23	0
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6:00 PM	35	1
6:05 PM	36	1
6:10 PM	36	1
6:15 PM	35	1
6:20 PM	37	1
6:25 PM	37	1
6:30 PM	35	1
6:35 PM	36	1
6:40 PM	34	1
6:45 PM	34	1
6:50 PM	36	1
6:55 PM	32	1

PROJECT SITE PARKING OBSERVATIONS



Date: 4/6/2024
Day: Saturday

[illegible]

Prepared by National Data & Surveying Services

Parking Study

Project ID: 24-430018
City: Needham, MA

Date: 4/9/2024
Day: Tuesday

Segment	Street	From	To	Curb Type	Side of the Street	Marked/Unmarked	Restriction	Measurement (ft.)	Spaces	12:00 PM	12:15 PM	12:30 PM	12:45 PM	1:00 PM	1:15 PM	1:30 PM	1:45 PM	2:00 PM	5:00 PM	5:15 PM	5:30 PM	5:45 PM	6:00 PM	6:15 PM	6:30 PM	6:45 PM	7:00 PM
OSP-001	Highland Ave	Rosemary St	Subdury Farms Needham Dwy	Regular	West	Unmarked	No Parking	0'	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSP-002	Highland Ave	Subdury Farms Needham Dwy	Harvey Family Dental	Regular	West	Marked	No Restriction		5	4	2	3	4	3	2	3	4	4	2	4	3	5	5	4	3	3	3
OSP-003	Highland Ave	Harvey Family Dental	Harvey Family Dental Dwy	Regular	West	Marked	No restriction		4	3	4	3	3	4	2	3	3	4	3	3	4	3	1	3	2	3	4
OSP-004	Highland Ave	Harvey Family Dental Dwy	Knights of Columbus Dwy	Regular	West	Marked	2 hr Parking		7	6	4	5	5	5	5	7	6	6	4	3	3	4	3	4	4	4	3
OSP-005	Highland Ave	Knights of Columbus Dwy	B in Touch Massage Therapy	Regular	West	Marked	No Restriction		3	3	3	3	3	2	2	3	3	3	1	1	1	1	1	1	1	1	1
OSP-006	Highland Ave	B in Touch Massage Therapy	The Cookie Monstah	Regular	West	Marked	No Restriction		2	2	2	2	2	2	2	2	2	2	1	0	0	1	0	0	0	1	1
OSP-007	Highland Ave	Parking Lot Entrance	Parking Lot Exit	Regular	West	Marked	No Restriction		4	2	2	2	2	2	2	2	3	4	3	3	0	2	0	0	0	0	0
OSP-008	Highland Ave	Parking Lot Exit	Mathnasium	Regular	West	Marked	No Restriction		2	0	0	0	0	0	0	0	0	0	2	2	2	2	1	0	0	0	0
OSP-009	Highland Ave	Mathnasium	George F. Doherty & Sons Funeral Home	Regular	West	Marked	No Restriction		1	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0
OSP-010	Highland Ave	George F. Doherty & Sons Funeral Home Dwy	Driveway	Regular	West	Marked	No Restriction		2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSP-011	Highland Ave	Driveway	May St	Regular	West	Unmarked	No Parking	0'	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSP-012	Highland Ave	May St	Needham Public Schools Dwy	Regular	East	Marked	No Restriction		3	2	2	2	2	2	2	2	2	2	0	0	0	0	0	0	0	0	0
OSP-013	Highland Ave	Needham Public Schools Dwy	Oakland Ave	Regular	East	Marked	2 hr Parking		23	4	2	2	2	3	3	3	5	4	4	4	4	3	2	4	3	2	3
OSP-014	Highland Ave	Oakland Ave	Driveway	Regular	East	Marked	2 hr Parking		16	5	4	4	3	3	5	2	2	4	9	7	7	8	11	12	10	11	9
OSP-015	Highland Ave	Driveway	Rosemary St	Regular	East	Unmarked	No Parking	0'	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OSP-016	Oakland Ave	Highland Ave	Rosemary St	Regular	North	Unmarked	No Restriction	191'	10	3	3	2	2	3	3	3	2	3	3	1	1	1	1	1	1	1	1
OSP-017	Oakland Ave	Rosemary St	Highland Ave	Regular	South	Unmarked	No Restriction	290'	15	3	3	3	3	3	3	3	1	1	1	1	1	1	1	0	0	0	0

Prepared by National Data & Surveying Services

Parking Study

Project ID: 24-430018
City: Needham, MA

Date: 4/9/2024
Day: Tuesday

Lot	Space Type	Spaces	12:00 PM	12:15 PM	12:30 PM	12:45 PM	1:00 PM	1:15 PM	1:30 PM	1:45 PM	2:00 PM	5:00 PM	5:15 PM	5:30 PM	5:45 PM	6:00 PM	6:15 PM	6:30 PM	6:45 PM	7:00 PM
Lot-001	Regular	83	33	28	30	29	30	26	25	23	25	32	25	25	28	26	17	15	15	18
	Handicap	4	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0	0	0

OVERALL TENANT SIGN STRATEGY BUILDING 1257

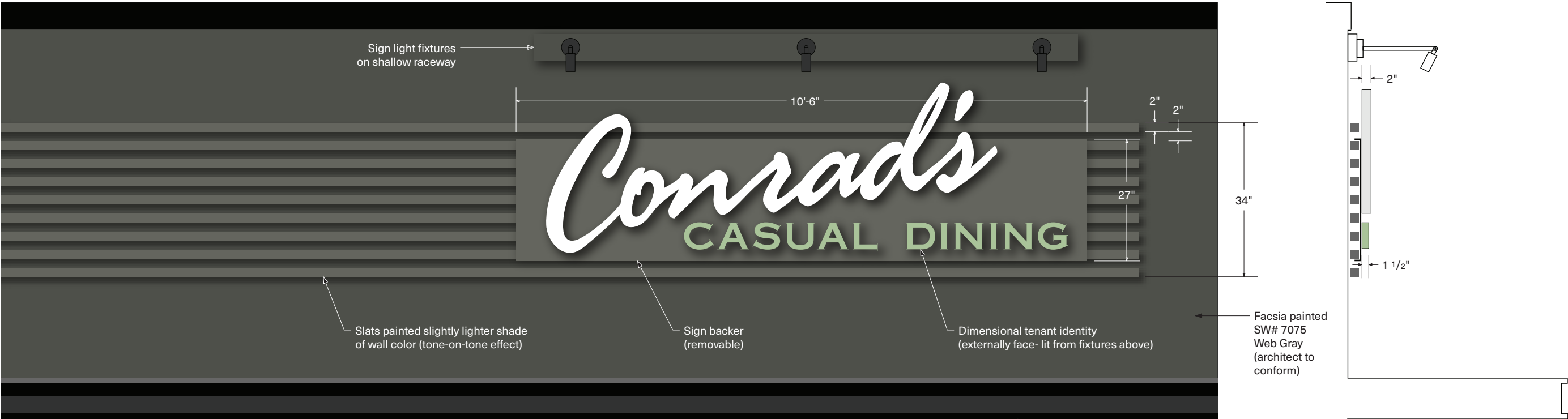


EXISTING CONDITION

1257 / ENLARGED FACADE VIEW



1257 / WALL SIGN DETAILS (ENLARGED)



SIDE VIEW

Sign type:
TI
Primary tenant identity (typical)

1 TI: Primary tenant identity sign (Bldg. 1257)
Scale: 1/2" = 1'-0"

Fabrication details (conceptual) :
Tenant logo and lettering: dimensional, cut acrylic or metal; painted
Sign backer: brakedformed aluminum, .125" thick (min.); removable
Slats: extruded aluminum, depth TBD

Color specifications:
Tenant logo and lettering: per tenant branding
Sign backer & slats: color TBD, based on facade color

Mounting method:
Tenant logo and lettering: blind threaded studs; to backer
Sign backer: counter-sunk mechanical fasteners to slats
Slats: mounting TBD

Special notes:
Details are conceptual; to be finalized in collaboration with architect and GC

Total sign area:
30SF, as shown
Maximum permitted sign area: 32 SF



Proposed light fixture:
BK Lighting SignStar™ Style C Single (LED)

Daphne Collins

From: Tom Conroy
Sent: Friday, May 31, 2024 9:06 AM
To: Daphne Collins
Subject: RE: 1257 Highland Avenue - ZBA Administrative Review - Due June 11, 2024

No concerns with Fire.
Thank you,
Tom



Thomas M. Conroy

Fire Chief - Needham Fire Department
tconroy@needhamma.gov
Ph (781) 455-7580

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, May 29, 2024 3:51 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 1257 Highland Avenue - ZBA Administrative Review - Due June 11, 2024

Good Afternoon-

1257 Highland Avenue – Needbobcon, Inc. is seeking a Special Permit to allow the use of the former Bertucci's premises for **Conrad's** a full service restaurant with dine-in and take out

The applicant is also seeking a parking waivers for the parking number and parking plan and design requirements.

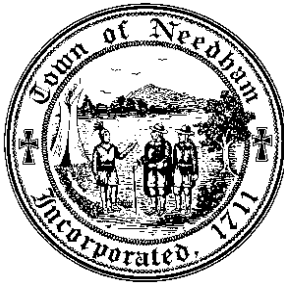
Attached please find the application with its associated back-up documents for your information and review.

I appreciate your comments no later than **June 11, 2024** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

June 4, 2024

Mr. Jonathan Tamkin, Chair, and Members
Zoning Board of Appeals
Public Services Administration Building
500 Dedham Avenue
Needham, MA 02492

Dear Mr. Tamkin and Members of the Zoning Board of Appeals:

At its meeting of June 4, 2024, the Planning Board reviewed the applications to be heard by the Board of Appeals on June 20, 2024, and made the following recommendations:

1. 37 Moseley Avenue (Continued from May 16, 2024)

Saybrook Construction, LLC, applied for a Variance pursuant to Sections 7.5.3, and MGL40A, Section 10, from the following provisions of Section 4.2.3 and any other applicable sections of the By-Law to permit the demolition of a deteriorated single family residential dwelling with detached garage and shed and to allow the construction of a new single-family residential dwelling with a side setback of 13.8 feet where 25 feet are required and a front yard setback of 20 feet where 30 feet are required. The lot contains 35,726 square feet, less than the required 43,560 square feet. The property is located at 37 Moseley Avenue, Needham, MA in the Single Residence A (SRA) Zoning District.

The Planning Board previously commented on this proposal by letter dated April 2, 2024. The comments were as follows: The Planning Board makes NO COMMENT.

2. 45 Fourth Avenue - Boston Swim School, LLC, (d/b/a Goldfish Swim School) applied for a Special Permit Amendment under Sections 3.2.4.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit a private school to adjust hours of operation, increase limit on number of students to 50, increase limit on number of staff to 28, and allow “family swims” and birthday parties as a form of open swim without direct instruction or class, accessory to the main use; and amend the existing Special Permit pursuant to waiving strict adherence to the number of required parking and the parking plan and design requirements. The property is located at 45 Fourth Avenue, Needham, MA in the New England Business Center (NEBC) Zoning District.

The Planning Board makes NO COMMENT.

3. **315 Chestnut Street** - Adam Dangelo, applied for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit use of the second floor space for a private school tutoring children in the third to eight grades, to permit for more than one non-residential use on a lot and waiving strict adherence to the number of required parking and the parking plan and design requirements. The property is located at 315 Chestnut Street, Needham, MA in the Chestnut Street Business (CSB) Zoning District.

The Planning Board makes NO COMMENT.

4. **1257 Highland Avenue** - Needbobcon, Inc, applied for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit for a restaurant serving meals for consumption on the premises and at tables with service provided by wait staff; to permit a take-out operation accessory to a restaurant; to permit for more than one non-residential use on a lot; and waiving strict adherence to the number of required parking and the parking plan and design requirements. The relief sought is associated with redevelopment of the premises for the location of Conrad's a full-service "casual dining" restaurant. The property is located at 1257 Highland Avenue, Needham, MA in the Business (B) Zoning District.

The Planning Board makes NO COMMENT.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman

Director of Planning and Community Development

Daphne Collins

From: Chris Baker
Sent: Wednesday, June 5, 2024 10:43 AM
To: Daphne Collins
Subject: RE: 1257 Highland Avenue - ZBA Administrative Review - Due June 11, 2024

Hi,

I reviewed the memo, the proposed new interior design, the increase in available seating and the Parking Demand Analysis. I do not have any parking or public safety concerns related to the additional seating and parking waiver application.

Thank You,

Deputy Chief Christopher A. Baker
Needham Police Department



From: Daphne Collins <dcollins@needhamma.gov>
Sent: Thursday, May 30, 2024 11:02 AM
To: John Schlittler <JSchlittler@needhamma.gov>
Cc: Chris Baker <CBaker@needhamma.gov>
Subject: Re: 1257 Highland Avenue - ZBA Administrative Review - Due June 11, 2024

Understood.

Chief Baker if you have any questions, feel free to contact me.

Daphne

Get [Outlook for iOS](#)

From: John Schlittler <JSchlittler@needhamma.gov>
Sent: Thursday, May 30, 2024 10:31:39 AM
To: Daphne Collins <dcollins@needhamma.gov>
Cc: Chris Baker <CBaker@needhamma.gov>
Subject: FW: 1257 Highland Avenue - ZBA Administrative Review - Due June 11, 2024

Daphne,

I have asked Deputy Chief Baker to review this project. I have been friendly with Mr. Conrad for several years. Thanks

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, May 29, 2024 3:51 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 1257 Highland Avenue - ZBA Administrative Review - Due June 11, 2024

Daphne Collins

From: Joseph Prondak
Sent: Tuesday, June 11, 2024 11:27 AM
To: Daphne Collins
Subject: RE: 1257 Highland Avenue - ZBA Administrative Review - Due June 11, 2024

Hi Daphne,

I have reviewed this proposal and have no concerns.

Joe Prondak
Needham Building Commissioner
781-455-7550 x308

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, June 11, 2024 9:20 AM
To: Joseph Prondak <jprondak@needhamma.gov>
Subject: FW: 1257 Highland Avenue - ZBA Administrative Review - Due June 11, 2024

Hi Joe-
Friendly reminder. Due today.
Thanks,
Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 261
dcollins@needhamma.gov
www.needhamma.gov

In- Person Staff Hours are Monday – Wednesday 8:30 am – 5:00pm
Remote Hours – Thursday 8:30 am – 5:00pm

From: Daphne Collins
Sent: Wednesday, May 29, 2024 3:51 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 1257 Highland Avenue - ZBA Administrative Review - Due June 11, 2024

Good Afternoon-

1257 Highland Avenue – Needbobcon, Inc. is seeking a Special Permit to allow the use of the former Bertucci's premises for **Conrad's** a full service restaurant with dine-in and take out

The applicant is also seeking a parking waivers for the parking number and parking plan and design requirements.

Attached please find the application with its associated back-up documents for your information and review.

I appreciate your comments no later than **June 11, 2024** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 261
dcollins@needhamma.gov
www.needhamma.gov

In- Person Staff Hours are Monday – Wednesday 8:30 am – 5:00pm
Remote Hours – Thursday 8:30 am – 5:00pm

Daphne Collins

From: Justin Savignano
Sent: Tuesday, June 11, 2024 9:19 AM
To: Daphne Collins
Cc: Thomas Ryder
Subject: RE: 1257 Highland Avenue - ZBA Administrative Review - Due June 11, 2024

Good Morning Daphne,

Engineering has no comment or objection to the proposal.

Thanks,
Justin

Justin Savignano
Assistant Town Engineer

Department of Public Works
Town of Needham
500 Dedham Ave Needham, MA
Tel: 781-455-7538 x362
Cell: 781-801-5937
Email: jsavignano@needhamma.gov
Website: www.needhamma.gov

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, May 29, 2024 3:51 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
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Attached please find the application with its associated back-up documents for your information and review.

I appreciate your comments no later than **June 11, 2024** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Daphne Collins

From: Tara Gurge
Sent: Monday, June 10, 2024 5:29 PM
To: Daphne Collins
Subject: RE: 1257 Highland Avenue - ZBA Administrative Review - Due June 11, 2024

Daphne –

In reference to the ZBA Plan review for **#1257 Highland Ave.**, we have the following comments. See below:

- The new food establishment owner must fill out and submit an online Public Health Division Food Permit Plan Review packet for review and approval, which includes a food permit application, through the Town's new ViewPoint Cloud online permitting system. Here is the direct link to the permit application and plan review - <https://needhamma.viewpointcloud.com/categories/1073/record-types/1006516>. The relevant documents must be uploaded online for review and approval, including a copy of a food service equipment layout plan, and any new equipment spec sheets and copies of staff Servsafe food training certifications, etc. Once the online permit fees are paid, pre-operation inspections must be conducted prior to issuance of a food permit, which must be issued prior to operation. Please keep in mind – Detailed interior and exterior (if applicable) seating plans will also need to be submitted as part of this review process.
- As part of this food permit approval process, please keep in mind that sufficient parking lot spaces must also be made available for two full-size dumpsters, one designated for trash and the other designated for recycling only. These dumpsters must be on approved dumpster pick up service schedules to accommodate sufficient proper trash and recycling containment and disposal, to prevent the risk of attracting pests and unsanitary conditions.

Please let us know if you have any questions on these requirements, or feel free to have the owner contact me directly on these permit requirements.

Thanks,

TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



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TOWN OF NEEDHAM

MASSACHUSETTS

02 MAR 20 P3:07

Room 20, Town Hall
Needham, MA 02492
781-455-7526

PLANNING BOARD

DECISION

SITE PLAN SPECIAL PERMIT

Bertucci's Brick Oven Pizzeria
Application No. 2002-1

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Bertucci's Brick Oven Pizzeria, 155 Otis Street, Northborough, Massachusetts 01532, (hereinafter referred to as the Petitioner) for property located at 1257-1299 Highland Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan No. 52 as Parcels 3 and 4.

This Decision is in response to an application submitted to the Board on January 24, 2002, by the Petitioner for: (1) a Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) a Special Permit under Section 3.2.2 of the By-Law for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter in the Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to a restaurant use; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot, if applicable; (5) a Special Permit under Section 1.4.6 of the By-Law for the alteration of a non-conforming structure, if applicable; and (6) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements). At the commencement of the public hearing, the Applicant withdrew its request for relief pursuant to Section 1.4.6, on the basis that the structure is a conforming structure.

The requested Site Plan Special Permit would, if granted, permit the redevelopment of approximately 6,261 square feet of first floor space formerly used for retail purposes by Brooks Pharmacy to a one hundred thirty (130) seat restaurant, with eat-in and take-out capability.

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 Chairman, Devra G. Bailin, on Tuesday, February 26, 2002, at 7:30 p.m., in the Needham Town Hall (Room 20), 1471 Highland Avenue, Needham, Massachusetts. Board members Devra G. Bailin, Maurice P. Handel, Paul Killeen, and Robert T. Smart, Jr. were present throughout the proceedings. The record of the proceedings and the submissions upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation prior to the close of the public hearing were the following exhibits:

- Exhibit 1** Plan entitled, "Existing Conditions Plan in Needham, Massachusetts"; December 26, 2001, and revised January 17, 2002, prepared by O'Driscoll Landscaping Co., 46 Cottage Street, Medway, Massachusetts 02053.
- Exhibit 2** Plan entitled, "Fixture Plan" (Plan F-1), prepared by Millennium Design Associates, Inc., 1419 Hancock Street, Suite 201, Quincy, Massachusetts 02169, dated November 16, 2001.
- Exhibit 3** Plan entitled, "Parking Plan of Land in Needham, Massachusetts", prepared by Cheney Engineering Co., Inc., 32 Junction Street, Needham, Massachusetts, dated November 21, 1991, revised November 27, 1991.

- Exhibit 4** Plan entitled "Fixture Plan" (Plan F-1), prepared by Millennium Design Associates, Inc., 1419 Hancock Street, Suite 201, Quincy, Massachusetts 02169, dated February 20, 2002.
- Exhibit 5** Plan entitled "Parking Lot Re-Striping Plan, 1257 Highland Avenue, Needham, Massachusetts", prepared by Millennium Design Associates, Inc., 1419 Hancock Street, Suite 201, Quincy, Massachusetts 02169, dated February 28, 2002.
- Exhibit 6** Plan entitled "Site Plan 1257 Highland Avenue, Needham, Massachusetts", prepared by Millennium Design Associates, Inc., 1419 Hancock Street, Suite 201, Quincy, Massachusetts 02169, dated February 20, 2002, showing approximate location of Bertucci's dumpster.
- Exhibit 7** Properly executed Application for Site Plan Review under Section 7.4 of the By-Law, applications for Special Permits under Section 3.2.2 of the By-Law, Section 1.4.6 of the By-Law, and for a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence to the requirements under Sections 5.1.2 and 5.1.3 of the By-Law.
- Exhibit 8** Five (5) letters to the Board from Roy A. Cramer, Frieze Cramer Cygelman Rosen & Huber, dated January 18, 2002; January 18, 2002; February 1, 2002; February 21, 2002; and March 1, 2002, respectively.
- Exhibit 9** Parking Analysis Memoranda prepared by Vanasse & Associates, Inc., 10 New England Business Center Drive, Suite 314, Andover, Massachusetts, dated January 15, 2002, and February 19, 2002, respectively.
- Exhibit 10** Manufacturer's Specification Sheet entitled "SMOG-HOG Kitchen Emission Control Systems".
- Exhibit 11** Interdepartmental Communication (IDC) to the Board from Richard P. Merson, Director, Department of Public Works, dated February 25, 2002 and March 4, 2002; (IDC) to the Board from Lt. James M. Horn, Needham Police Department, dated February 4, 2002, and IDC to the Board from Don Ingram, Needham Fire Department, dated February 5, 2002.
- Exhibit 12** Letter from Steven J. Hyjek (Back Care Basics) to the Board, dated February 26, 2002.

Exhibits 4, 5, 7, 8, 9 and 10 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

- 1.1 The project site comprises approximately 6,261 sq. ft., of space located at 1257 Highland Avenue, Needham, Massachusetts, and is a portion of the space formerly occupied by Brooks Pharmacy. The project site is located in the Business Zoning District, and is part of the shopping complex known as 1257-1299 Highland Avenue, which is comprised of two lots comprising 61,594 sq. ft., and shown on Needham Assessor's Map 52, as parcels 3 and 4. Other commercial spaces located in 1257 and 1299 Highland Avenue, as well as the parking area located between the two buildings, have been the subject of various Board of Appeal decisions.
- 1.2 The Petitioner seeks the zoning relief that is necessary to renovate the existing vacant 6,261 sq. ft. of space to operate a 130 seat restaurant serving meals for consumption on the premises and at tables with service by a waitress or waiter. A take-out operation accessory to the restaurant use is also proposed.
- 1.3 The building at 1257 Highland Avenue is presently occupied by Bai Thong restaurant and Firebird's restaurant. It is anticipated that the balance of the vacant Brooks Pharmacy space that is not leased to Bertucci's will house an expanded Bai Thong restaurant. The building located across the parking area at 1299 Highland Avenue is occupied by Super Cuts, LA Weight Loss, Back Care Basic, Highland Animal Hospital, Warehouse Flowers, and Wright's Seafood. It is anticipated that Wright's Seafood

will vacate its present space and be filled by a retail user. It is also anticipated that Bai Thong Restaurant will expand by 18 seats, which is the number of seats presently existing at Wright's Seafood.

- 1.4 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence to the requirements of Section 5.1.2 (number of parking spaces). Under the By-Law, the parking requirement for a 130 seat restaurant is 43.3 (1 parking space per 3 seats), plus an additional 10 parking spaces per take out station. Accordingly, a total of 54 parking spaces are required to service the proposed use. As the parking requirement for the portion Brooks Pharmacy intended to be used by Bertucci's was 21 (1 parking space per 300 sq. ft.), the Petitioner has requested a parking waiver of 33 parking spaces for the project. The Board notes that the Board of Appeals has granted Special Permits and waivers of parking spaces for other uses in the shopping complex and this Special Permit is limited to the space to be occupied by Applicant.
- 1.5 The Petitioner proposes to operate the Bertucci's Brick Oven Pizzeria with accessory take-out capability seven (7) days a week, between 10:00 a.m. to 11:00 p.m., Monday through Sunday. Expected peak hours of operation are during the dinner period.
- 1.6 Section 5.1.3 of the By-Law requires that the layout of all parking areas conform to the parking design requirements enumerated in Section 5.1.3. The Petitioner has requested a Special Permit, pursuant to Section 5.1.1.5 of the By-Law, to waive strict adherence to the requirements of Section 5.1.3 of the Zoning By-Law, Subsections 5.1.3 (a) through 5.1.3 (n) inclusive, to the extent necessary to enable the parking area to be re-striped as shown on the Parking Lot Re-Striping Plan filed with the Application and labeled Exhibit 5.
- 1.7 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and sight buffers and preservation of views, light and air. No exterior changes are proposed to the building or site except for signage. The site already includes a surface water drainage system connected to the municipal system and is designed to accommodate the anticipated runoff. The site is presently fully developed and nothing further is required in the areas of sound and site buffers, preservation of views, light and air.
- 1.8 The proposed project will ensure the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets.
- 1.9 Adequate methods for disposal of refuse and waste will be provided. The project's waste system will be connected to the municipal sanitary sewerage system. The site is already developed with infrastructure in place. All waste and refuse will be disposed of in conformance with all applicable Federal, state and local regulations.
- 1.10 Relationship of structures and open spaces to the natural landscape, existing buildings, and other community assets in the area in compliance with other requirements of the By-Law will be met as the site is presently fully developed and the footprint of the building will not change.
- 1.11 Mitigation of adverse impact upon the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection, and streets will be met as there will be no adverse impact on the Town's resources. This project is limited to the reuse of an existing leased space in the building.
- 1.12 The Petitioner has appeared before the Design Review Board on February 6, 2002, and obtained approval for the project.
- 1.13 Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets, and, when necessary, compliance with other regulations for the handicapped, minors, and the elderly has been addressed. The anticipated traffic generation resulting from the facility will not have an adverse effect on the

present traffic flow in the area.

- 1.14 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been assured. Due to the configuration of the building and its location on the lot, it is impossible to comply with the provisions of the Zoning By-Law with regard to off-street parking.
- 1.15 The proposed project demonstrates that it is providing the maximum number of off-street parking spaces practicable. No additional off-street parking spaces are available due to the configuration of the lot and location of the building.
- 1.16 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted within the Business District provided the Board finds that the proposed development will be in compliance with the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law, 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.
- 1.17 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter with accessory take-out in the Business District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.
- 1.18 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for more than one nonresidential use on the lot, provided the Board finds that the proposed uses are in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.19 Under Section 5.1.1.5 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 and unique circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, and 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 and unique circumstances justifying the 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.

THEREFORE, the Board voted 4-0 to GRANT: (1) the requested Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law; (2) the requested Special Permit under Section 3.2.2 of the By-Law to operate a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter in the Business District; (3) the requested Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to a restaurant use; (4) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot; and (5) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements), Subsections 5.1.3(a) through 5.1.3 (n) inclusive to the extent necessary to enable the parking area to be re-striped as shown on the Parking Lot Re-Striping Plan filed with this Application (Exhibit 5); 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 Inspector shall not issue any building permit nor shall he permit any construction activity 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 Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Inspector before the Inspector 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 Inspector to the Board prior to the issuance of a Building Permit.

- 2.1 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.

a) None.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.20 hereof.
- 3.1 The use of the subject property shall be that of a one hundred thirty (130) seat full-service restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter. The preparation and packaging of food for take-out as an accessory to full-service restaurant shall be permitted.
- 3.2 The restaurant shall contain no more than 130 seats for on-site food consumption and one take-out station.
- 3.3 The restaurant may be open for business between 10:00 a.m. and 11:00 p.m., seven (7) days per week.
- 3.4 All cooking facilities shall be properly vented so as not to create any disturbing odors. The Petitioner shall install and maintain the Smog-Hog Kitchen Emission Control system to remove smoke and greasy odors from kitchen emissions so that only clean air is exhausted in full compliance with federal and state requirements. There shall be provision for disposal of refuse which shall be removed on a timely basis.
- 3.5 That this Special Permit to operate the Bertucci's Brick Oven Pizzeria at 1257 Highland Avenue, is issued to Bertucci's Brick Oven Pizzeria, 155 Otis Street, Northborough, MA 01532, and may not be transferred, set over, or assigned by Bertucci's Brick Oven Pizzeria, to any other person or entity without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.
- 3.7 That the restaurant shall be located and constructed in accordance with the Plan, as modified by this Decision. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.8 That the proposed restaurant shall contain the floor plan and dimensions and be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with applicable dimensional requirements of the By-Law. Minor movement of fixed equipment, interior partitions or seating is of no concern to the Board. Any changes revisions or modifications other than changes deemed "minor movement" to the Plan, as modified by this Decision, shall require approval

by the Board.

- 3.9 That 86 parking spaces shall be provided at all times in accordance with the Plan, as modified by this Decision to service all uses within the two commercial buildings at 1257-1299 Highland Avenue. All off-street parking shall comply with the requirements of Section 5.1.2 and 5.1.3 of the By-Law, except that: (i) the minimum number of required parking spaces shall be reduced to 86 spaces and the necessary waiver of 33 parking spaces for Bertucci's is granted; and (ii) Section 5.1.3 of the Zoning By-Law, Subsections 5.1.3 (a) through 5.1.3 (n) inclusive are hereby waived, to the extent necessary to enable the parking area to be re-stripped as shown on the Parking Lot Re-Striping Plan filed with the Application and labeled Exhibit 5.
- 3.10 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed At Owners Expense". The quantity and design of spaces, as well as the required signage, shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws.
- 3.11 That all new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.12 Additional trash receptacles shall be provided if required and the area shall be kept free of litter from the Bertucci's operation. The dumpster shall be emptied as needed, cleaned and maintained to meet Board of Health Standards.
- 3.13 That all solid waste associated with this project shall be removed from the site by a private contractor. That trash dumpster pick up shall occur only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between the hours of 7:00 a.m. and 1:00 p.m. Saturday, Sunday and Holidays. That trash shall be picked up no less than two times per week. That deliveries shall occur only between the hours of 8:00 a.m. and 6:00 p.m.
- 3.14 That no building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.15 That no portion of the building or structure to be occupied by Applicant, that is subject to the Special Permits and Site Plan Approval shall be occupied until:
- a. An as-built plan, supplied by the architect of record certifying that the project was built according to the approved documents, has been submitted to the Board.
 - b. That there shall be filed, with the Building Inspector, a statement by the Board approving the as-built plan for the Bertucci's facility, in accordance with this Decision and the approved Plan.
 - c. That there shall be filed with the Board and Building Inspector an as-built Parking Plan. Said plan shall be prepared by the engineer of record and shall include a certification that such improvements were completed according to the approved documents.
- 3.16 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

Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.

- 3.17 The portion of the building or structures for which work is authorized by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted until a Certificate of Occupancy and Use has been issued by the Building Inspector.
- 3.18 The Petitioner, by accepting this permit Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.19 That in the event that parcels 3 and 4 cease to be in common ownership, that a Cross Parking Easement Agreement, in recordable form and satisfactory to the Board, be executed and recorded, that insures that Applicant shall have the right to access and use the portion of the existing parking area located on Town Assessors Plan No. 52, Parcel 4, as well as Parcel 3.
- 3.20 Violation of any of the conditions of this Special Permit shall be grounds for revocation of this Special Permit, or of any building permit granted hereunder. In the case of violation of the continuing obligations of this permit, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner or owner of the property, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in revocation of the Special Permit. As an alternative, the Town may enforce compliance with the conditions of this permit by an action for injunctive relief before any court of competent jurisdiction. The Petitioner/Owner agrees to reimburse the Town for its reasonable costs including attorney fees in connection with the enforcement of the conditions of this permit.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site improvements which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of the space to be occupied by Applicant without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4., hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit shall lapse on March 5, 2004 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 5, 2002. 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.

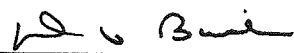
- 4.7 This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that 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.

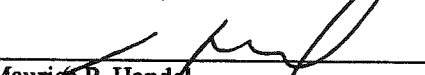
The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision, 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 the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

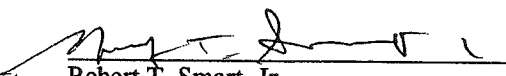
Witness our hands this 5th day of March, 2002.

NEEDHAM PLANNING BOARD


Devra G. Bailin, Chairman


Maurice P. Handel


Paul Killeen

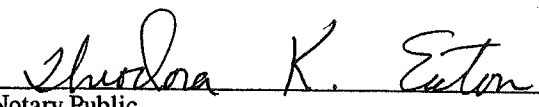

Robert T. Smart, Jr.

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

March 5, 2002

Then personally appeared before me Devra G. Bailin, one of the members of the Board of the Town of Needham, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Board before me


Notary Public

My commission expires MY COMMISSION EXPIRES MAY 31, 2002

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision on Bertucci's Brick Oven Pizzeria, 155 Otis Street, Northborough, MA 01532, has passed, and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed.)

Date

Theodora K. Eaton, Town Clerk

Copy sent to:
Petitioner - Certified Mail #
Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission
Design Review Board
Board of Selectmen
Engineering
Fire Department
Police Department
Roy Cramer
Parties In Interest