

NEEDHAM PLANNING BOARD

Thursday, July 11, 2024

7:00 p.m.

Charles River Room

Public Services Administration Building, 500 Dedham Avenue

AND

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **880 4672 5264**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **880 4672 5264**

**Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **880 4672 5264****

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

1. Public Hearing:

7:00 p.m. Amendment to Major Project Site Plan Special Permit No. 2005-05: Blue on Highland Restaurant LLC, 882-886 Highland Avenue, Needham, Massachusetts Petitioner (Property is located at 882-886 and 890 Highland Avenue, Needham, Massachusetts). Regarding request to expand the existing restaurant (located at 882-886 Highland Avenue) by 650 square feet into the adjoining commercial space, formerly a nail salon, located at 890 Highland Avenue. *Note: This hearing has been continued from the Planning Board meetings of June 4, 2024 and June 18, 2024.*

2. Decision: Major Project Site Plan Special Permit No. 2004-01: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner. (Property located at 609 Webster Street, Needham, Massachusetts). Regarding request to renovate 4 existing tennis courts, add 4 new tennis courts, install stormwater management improvements, ADA accessible walkways, and landscape improvements.

3. Decision: Major Project Site Plan Special Permit No. 2024-02: WR Noodle Group, Inc., 247 Newbury Street, Boston, MA, 02116, Petitioner (Property is located at 998 Great Plain Avenue, Needham, Massachusetts). Regarding the request to renovate the former retail space for use as a full-service noodle restaurant with 36 seats and a takeout station.

4. Request to review and approve Landscaping Plan and Subdivision documents: 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner, (Property located at 920 South Street, Needham, MA).

5. Board of Appeals – July 18, 2024.

6. Minutes.

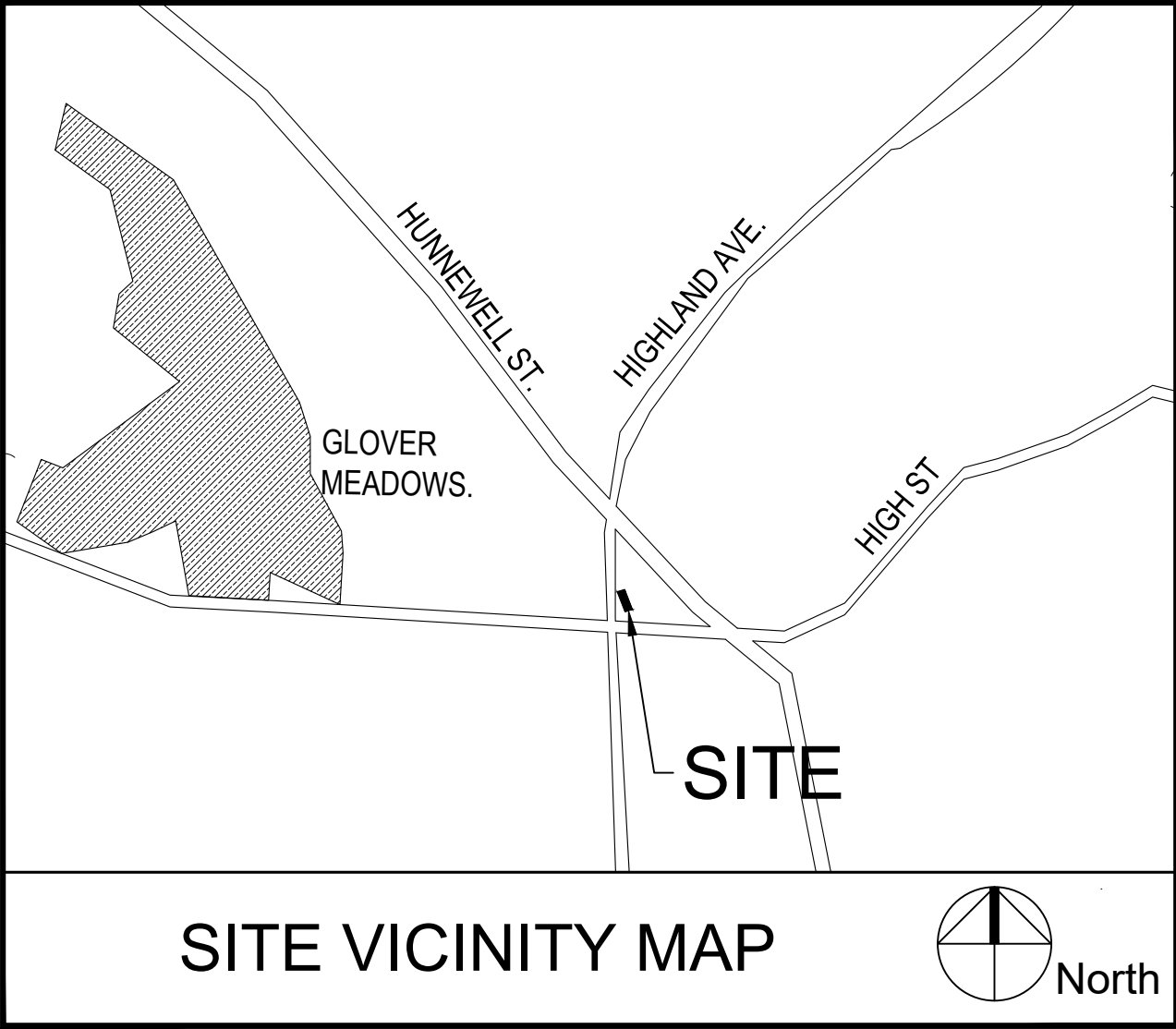
7. Report from Planning Director and Board members.

8. Correspondence.

(Items for which a specific time has not been assigned may be taken out of order.)

DRAWING LIST	
ARCHITECTURAL:	
G-1	COVER SHEET & PROJECT INFORMATION
A-1	EGRESS FLOOR PLAN
A-2	EXISTING FLOOR PLAN
A-3	DEMO FLOOR PLAN
A-4	PROPOSED FLOOR PLAN
A-5	EXISTING EXTERIOR ELEVATION
A-6	DEMO EXTERIOR ELEVATION
A-7	PROPOSED EXTERIOR ELEVATION
A-8	PROPOSED FURNITURE PLAN 01

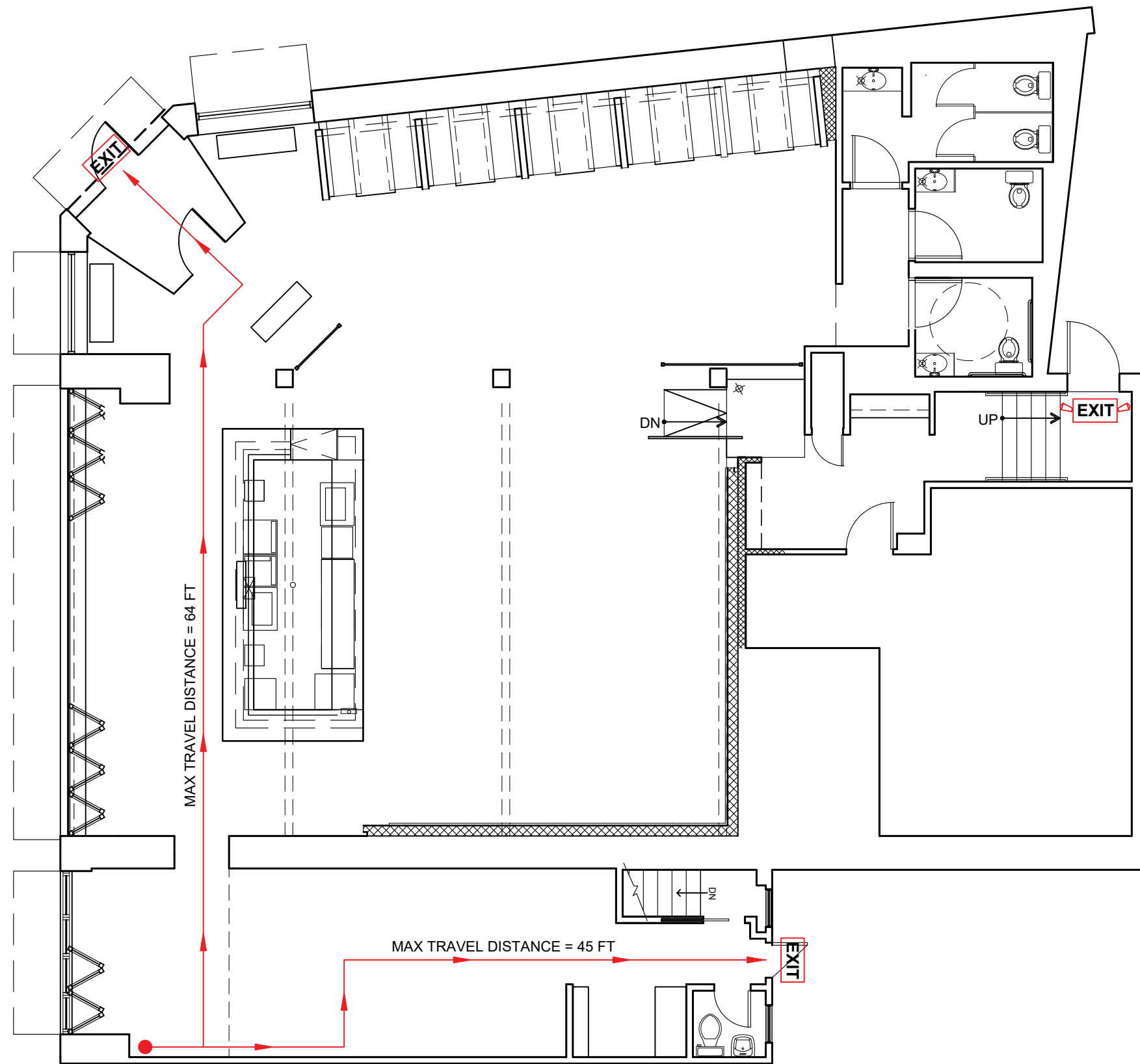
PROJECT INFORMATION	
PROJECT NAME	BLUE ON HIGHLAND ADDITION
PROJECT ADDRESS	882 HIGHLAND AVE NEEDHAM, MA 02494
OWNER ADDRESS	BLUE ON HIGHLAND 882 HIGHLAND AVE NEEDHAM, MA 02494
DESIGNER / ARCHITECT	KRIPPER ARCHITECTURE STUDIO 36 BROMFIELD STREET, SUITE 501 BOSTON, MASSACHUSETTS 02108 PHONE: 617.993.6094 EMAIL: AMIRK@KRIPPERSTUDIO.COM
PROJECT DESCRIPTION	STRUCTURAL, INTERIOR RENOVATION



ZONING / CODE INFORMATION	
ZONING	AVERY SQUARE BUSINESS
USE GROUP CLASSIFICATION	ASSEMBLY A-2
NUMBER OF STORIES	1 ABOVE GRADE - EXISTING CONSTRUCTION
CONSTRUCTION TYPE	EXISTING CONSTRUCTION: TYPE III-A, PROTECTED
EGRESS	EGRESS REQUIRED: 2 EGRESS PROVIDED: 3
LENGTH OF TRAVEL	64' MAXIMUM

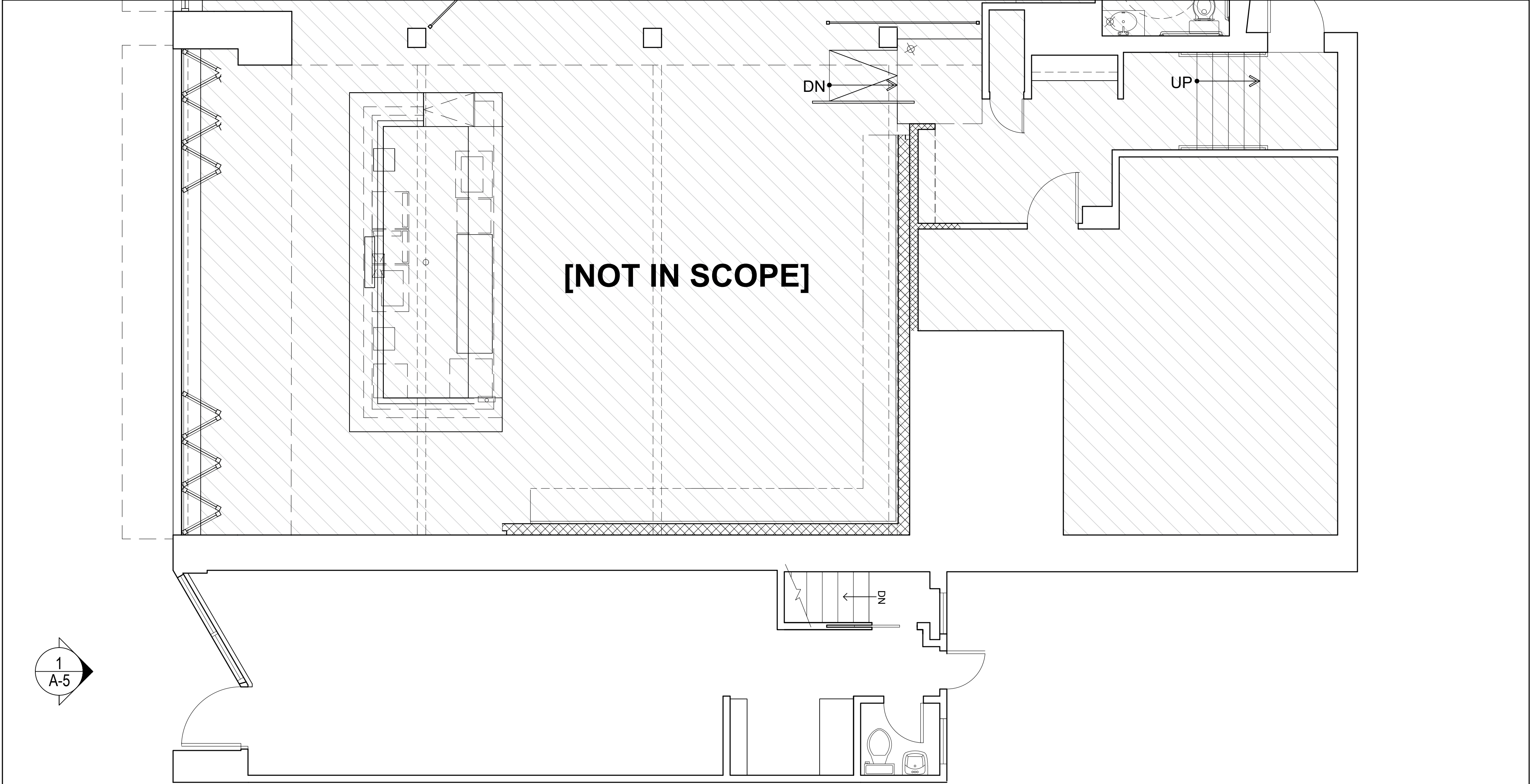
MAXIMUM FLOOR AREA PER OCCUPANT			
OCCUPANCY	AREA IN SF	SF PER PERSON	OCCUPANT LOAD
A-2	3,947	15 GROSS	263

Owner/Project: BLUE ON HIGHLAND 882 HIGHLAND AVE NEEDHAM, MA 02494	Architect: K R I P P E R S T U D I O 36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108	Consultant:	PERMIT SET [ADDENDUM 3]		G-1 Sheet Number	Scale: As Noted 01 06.06.2024 02 06.17.2024 03 06.21.2024 Date: 06/21/2024
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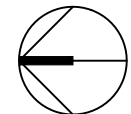


1 EGRESS PLAN
1/8" = 1'-0"

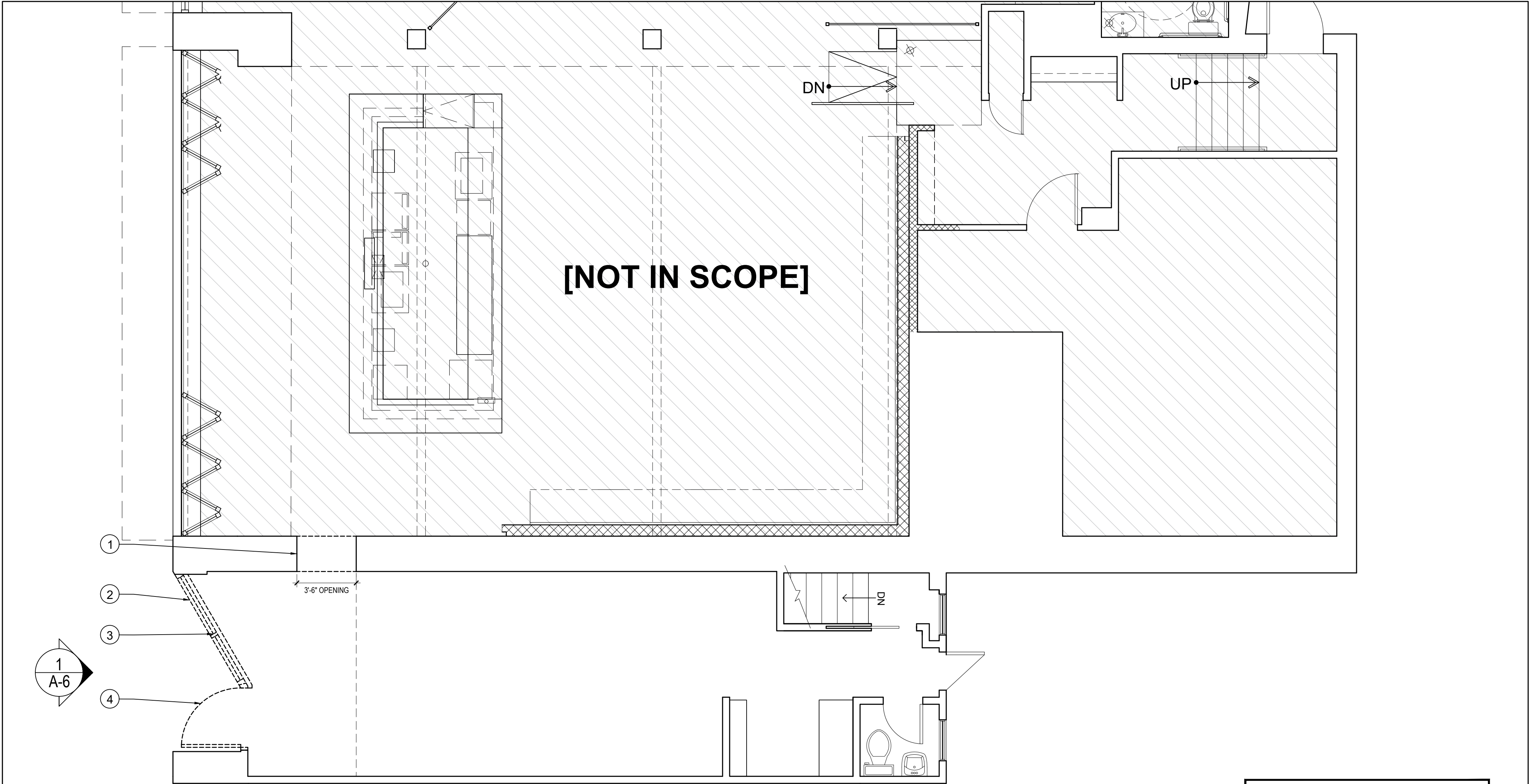
Owner/Project:	Architect:	Consultant:			A-1 Sheet Number	Scale: As Noted <table><tr><td>01</td><td>06.06.2024</td></tr><tr><td>02</td><td>06.17.2024</td></tr><tr><td>03</td><td>06.21.2024</td></tr></table> Date: 06/21/2024	01	06.06.2024	02	06.17.2024	03	06.21.2024
01	06.06.2024											
02	06.17.2024											
03	06.21.2024											
BLUE ON HIGHLAND 882 HIGHLAND AVE NEEDHAM, MA 02494	K R I P P E R S T U D I O 36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108		PERMIT SET [ADDENDUM 3]									



1 EXISTING FLOOR PLAN
1/4" = 1'-0"



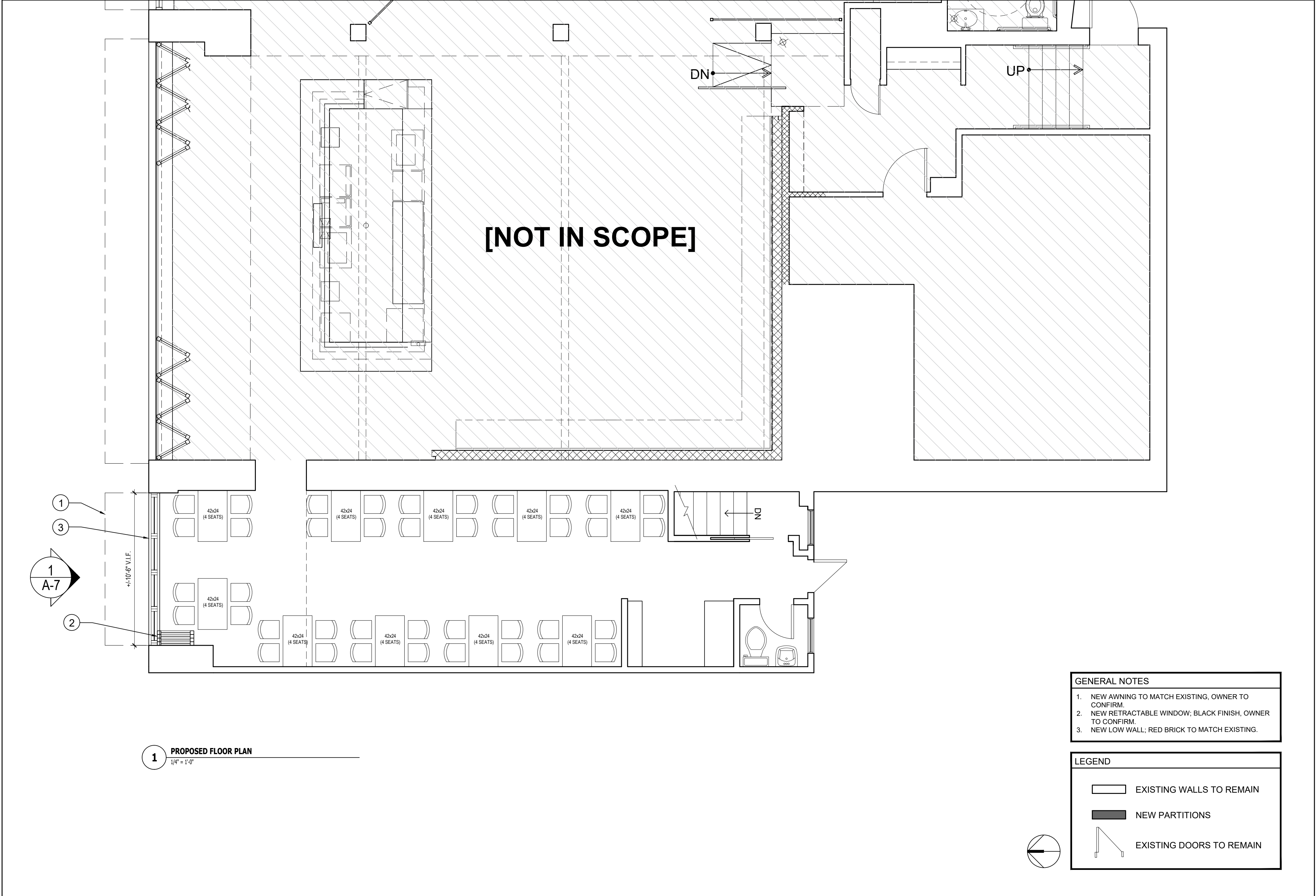
Owner/Project: BLUE ON HIGHLAND 882 HIGHLAND AVE NEEDHAM, MA 02494	Architect: K R I P P E R S T U D I O 36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108	Consultant:	PERMIT SET [ADDENDUM 3]		A-2 Sheet Number	Scale: As Noted 01 06.06.2024 02 06.17.2024 03 06.21.2024 Date: 06/21/2024
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1 DEMO FLOOR PLAN
1/4" = 1'-0"

- DEMO NOTES
1. REMOVE PORTION OF EXISTING WALL.
 2. REMOVE EXISTING LOW BRICK WALL.
 3. EXISTING STOREFRONT WINDOW AND FRAMING TO BE REMOVED.
 4. EXISTING DOOR, HARDWARE, AND FRAMING TO BE REMOVED.

- LEGEND
- EXISTING WALLS TO REMAIN
 - WALLS, DOORS, CABINETS, OR FIXTURES TO REMOVE
 - EXISTING DOORS TO REMOVE



1 PROPOSED FLOOR PLAN
1/4" = 1'-0"

- GENERAL NOTES**
1. NEW AWNING TO MATCH EXISTING, OWNER TO CONFIRM.
 2. NEW RETRACTABLE WINDOW; BLACK FINISH, OWNER TO CONFIRM.
 3. NEW LOW WALL; RED BRICK TO MATCH EXISTING.

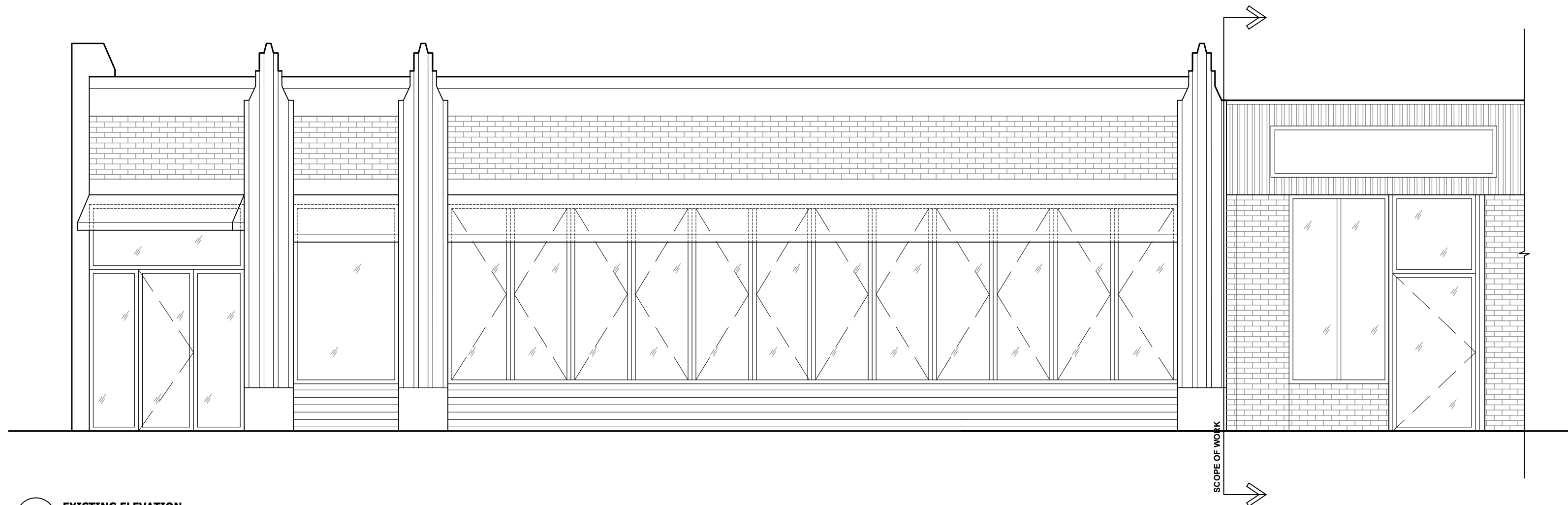
LEGEND

EXISTING WALLS TO REMAIN

NEW PARTITIONS

EXISTING DOORS TO REMAIN

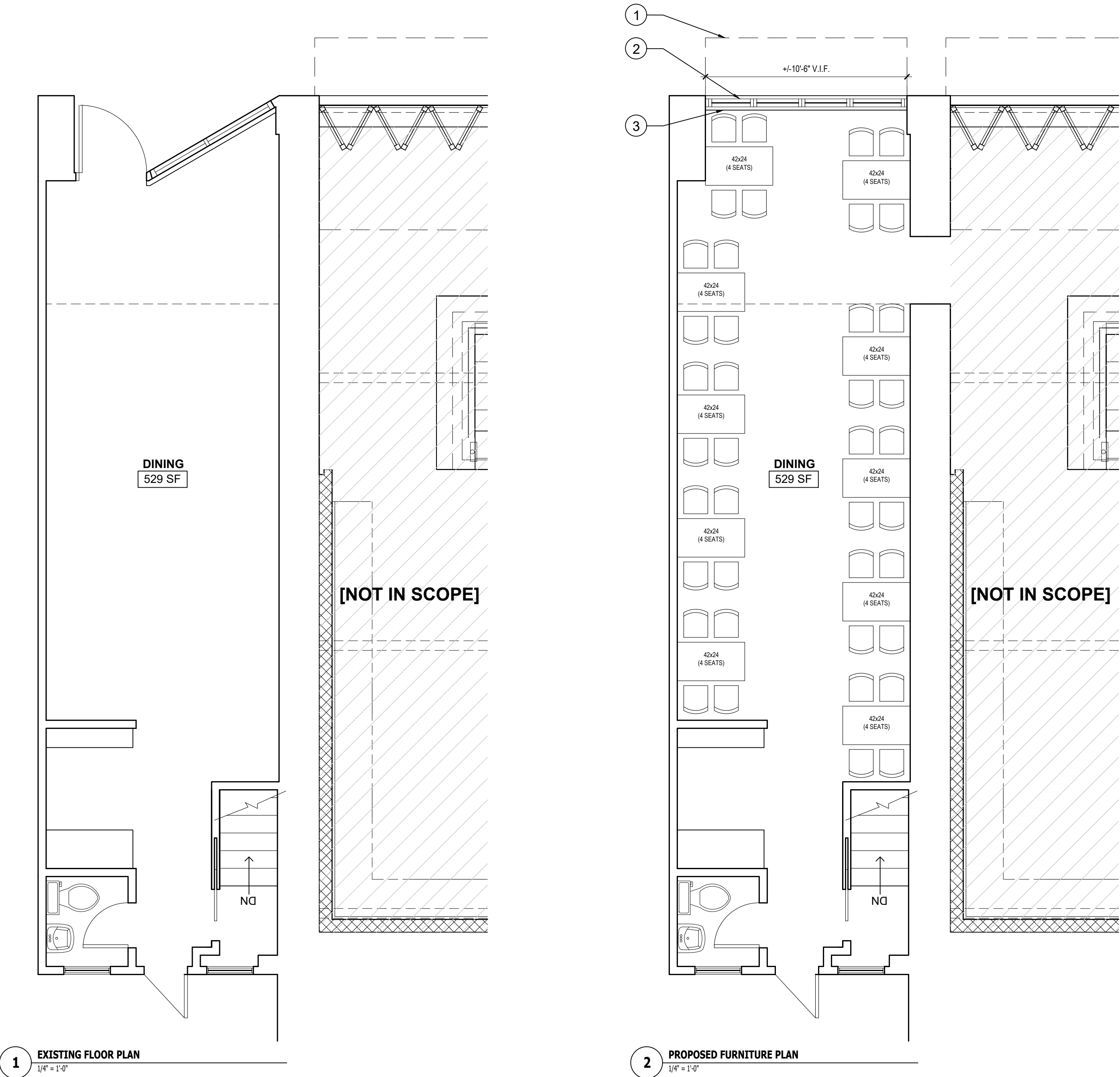
Owner/Project:	Architect:	Consultant:	PERMIT SET [ADDENDUM 3]		A-4 Sheet Number	Scale: As Noted
BLUE ON HIGHLAND 882 HIGHLAND AVE NEEDHAM, MA 02494	K R I P P E R S T U D I O 36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108	01 06.06.2024				
		02 06.17.2024				
		03 06.21.2024				
		Date: 06/21/2024				



1 EXISTING ELEVATION
1/4" = 1'-0"

02

Owner/Project:	Architect:	Consultant:			A-5 Sheet Number	Scale: As Noted <table><tr><td>01</td><td>06.06.2024</td></tr><tr><td>02</td><td>06.17.2024</td></tr><tr><td>03</td><td>06.21.2024</td></tr><tr><td colspan="2">Date: 06/21/2024</td></tr></table>	01	06.06.2024	02	06.17.2024	03	06.21.2024	Date: 06/21/2024	
01	06.06.2024													
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Date: 06/21/2024														
BLUE ON HIGHLAND 882 HIGHLAND AVE NEEDHAM, MA 02494	K R I P P E R S T U D I O 36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108		PERMIT SET [ADDENDUM 3]											

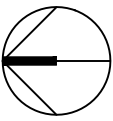


NOTE: 40 SEATS

- GENERAL NOTES
1. NEW AWNING TO MATCH EXISTING, OWNER TO CONFIRM.
 2. NEW RETRACTABLE WINDOW; BLACK FINISH, OWNER TO CONFIRM.
 3. NEW LOW WALL; RED BRICK TO MATCH EXISTING.

LEGEND

- EXISTING WALLS TO REMAIN
- NEW PARTITIONS
- EXISTING DOORS TO REMAIN



From: [Tom Conroy](#)
To: [Alexandra Clee](#)
Cc: [Ronnie Gavel](#); [Donald Anastasi](#); [Jay Steeves](#); [Lee Newman](#)
Subject: RE: Request for comment - Expansion of Blue on Highland
Date: Wednesday, July 3, 2024 7:43:56 AM

Hi Alex,

Sorry about that. Thanks for the reminder!

No issues with Fire Dept.

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, July 2, 2024 4:17 PM
To: Tom Conroy <TConroy@needhamma.gov>
Cc: Ronnie Gavel <rgavel@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: FW: Request for comment - Expansion of Blue on Highland

Hi Chief,

I never heard from you on this one too! Thanks, alex.

<< File: FULL APPLICATION MATERIALS_Blue on Highland Expansion.pdf >>

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov

From: Alexandra Clee

Sent: Tuesday, May 14, 2024 8:53 PM

To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>

Subject: Request for comment - Expansion of Blue on Highland

Dear all,

We have received the attached application materials for the proposal to the Petitioner to expand Blue on Highland in the abutting Premise. More information can be found in the attachments.

The Planning Board has scheduled this matter for June 4, 2024. Please send your comments **by Wednesday May 30, 2024**, at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2005-05.
2. Two letters from Attorney Thomas Miller, dated April 22, 2024 and May 2, 2024.
3. Assessors Property Card.
4. As-Built Plans consisting of 2 sheets: Sheet 1, Plan entitled "Basement & First Floor, As-Built Plans", Sheet No. AB-1, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006; Sheet 2, Plan entitled "As-Built Elevations", Sheet No. AB-2, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006.
5. Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston, MA 02108, consisting of 9 sheets: Sheet 1, Sheet G-1, Cover Sheet, dated March 4, 2024; Sheet 2, Sheet A-1, entitled "Egress Plan," dated March 4, 2024; Sheet 3, Sheet A-2, entitled "Existing Floor Plan," dated March 4, 2024; Sheet 4, Sheet A-3, entitled "Demo Floor Plan," dated March 4, 2024; Sheet 5, Sheet A-4, entitled "Proposed Floor Plan," dated March 4, 2024; Sheet 6, Sheet A-5, entitled "Existing Elevation," dated March 4, 2024; Sheet 7, Sheet A-6, entitled "Demo Elevation," dated March 4, 2024; Sheet 8, Sheet A-7, entitled "Proposed Elevation," dated March 4, 2024; Sheet 9, Sheet A-5, entitled "Furniture Plan," dated May 1,

2024.

Thank you, alex.

<< File: FULL APPLICATION MATERIALS_Blue on Highland Expansion.pdf >>

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov/planning



TOWN OF NEEDHAM

DESIGN REVIEW BOARD

Public Service Administration Building
500 Dedham Avenue
Needham, MA 02492
Application and Report

Property Location: 882-886 and 898-890 Highland Avenue **Date:** June 13, 2024

Owner: Makarios Series LLC

Address: 10 Rockville Meadows Millis MA 02054
Street City State Zip

Telephone: (617) 650-8358

Applicant: Blue Restaurant Needham LLC

Address: 882 Highland Ave Needham MA 02492
Street City State Zip

Telephone: (781) 444-7001

Designer/Installer: Designer: Portal Inc. Installer: C.A. MATSON GLASS CO

Address: Installer: 15 Green Leaf Road Bridgewater MA 02324
Street City State Zip

Telephone: 508-588-3030 Ext# 202

Type of Application
☐ Sign
☐ Minor Project
☐ Exterior Alterations
☐ Major Project (Site Plan Review)
☒ - preliminary
☒ - final
☐ Flexible Subdivision
☐ Planned Residential Development
☐ Residential Compound

NEEDHAM	02324
DESIGN REVIEW BOARD	
• RECOMMENDED ACTION •	
APPROVAL:	
APPROVAL WITH CONDITIONS:	
<i>M. G. Wang</i>	
DISAPPROVAL:	
DATE:	<i>6.24.24</i>

Brief description of sign or project:

This project proposes the expansion of the long existing restaurant into the former nail salon adjoining it and the replacement of the folding windows in the existing space. The facade of the new space has been designed to compliment the facade of the existing space.

Please email completed application to elitchman@needhamma.gov

BLUE ON HIGHLAND | MATERIALS

1882 Highland Ave, Needham, MA 02494

06/21/2024



- NEW RETRACTABLE WINDOW TO MATCH EXISTING; FINISH TO MATCH EXISTING
- NEW NAVY AWNING TO MATCH EXISTING
- NEW WOOD CLAPBOARD WALL, PAINTED TO MATCHED EXISTING

Awning to match color and profile of existing awning.

PROPOSED FACADE

Note: DRB has no objection if applicant adds [b] logo graphic to new awning

NEEDHAM DESIGN REVIEW BOARD

• RECOMMENDED ACTION •

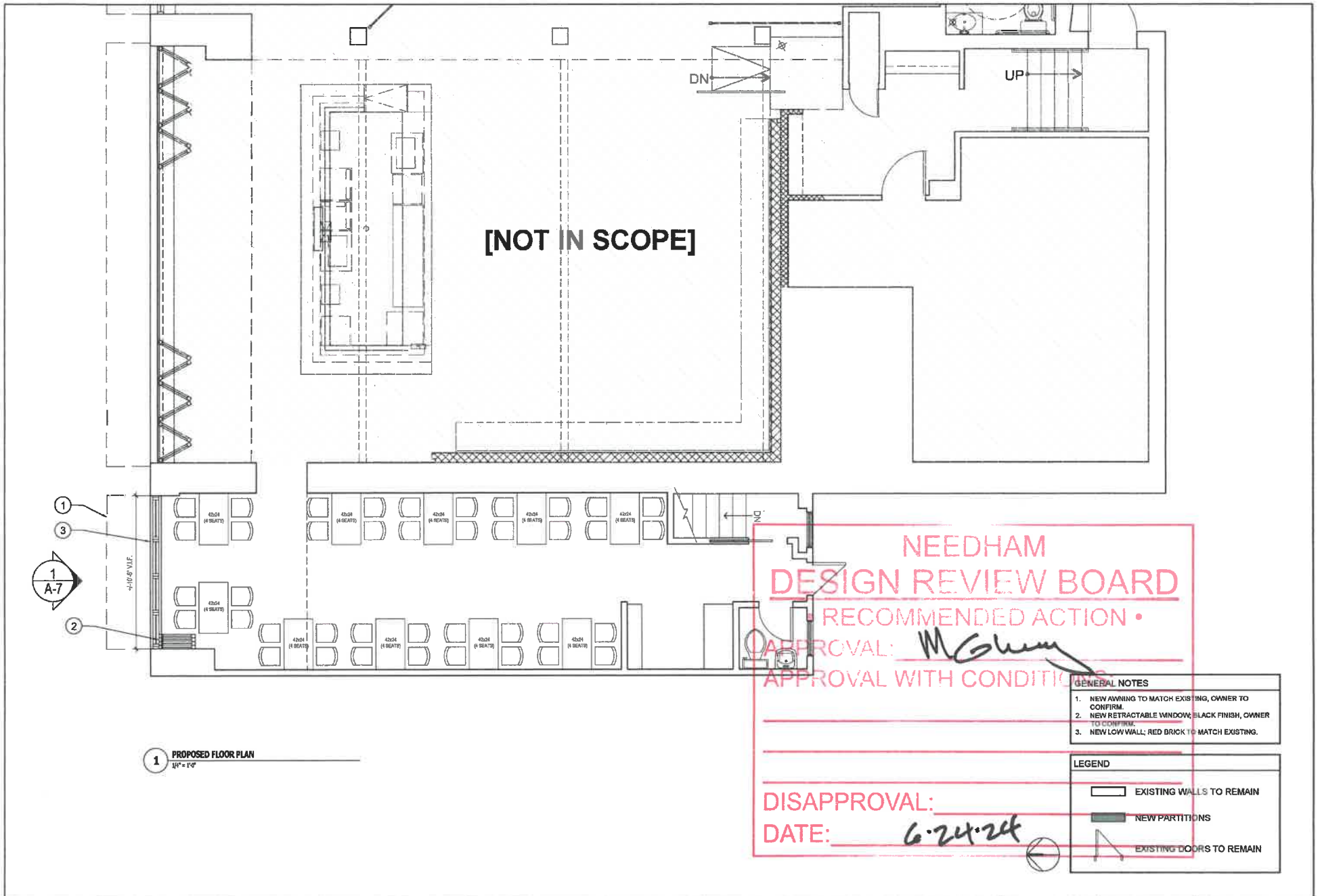
APPROVAL: _____

APPROVAL WITH CONDITIONS: _____

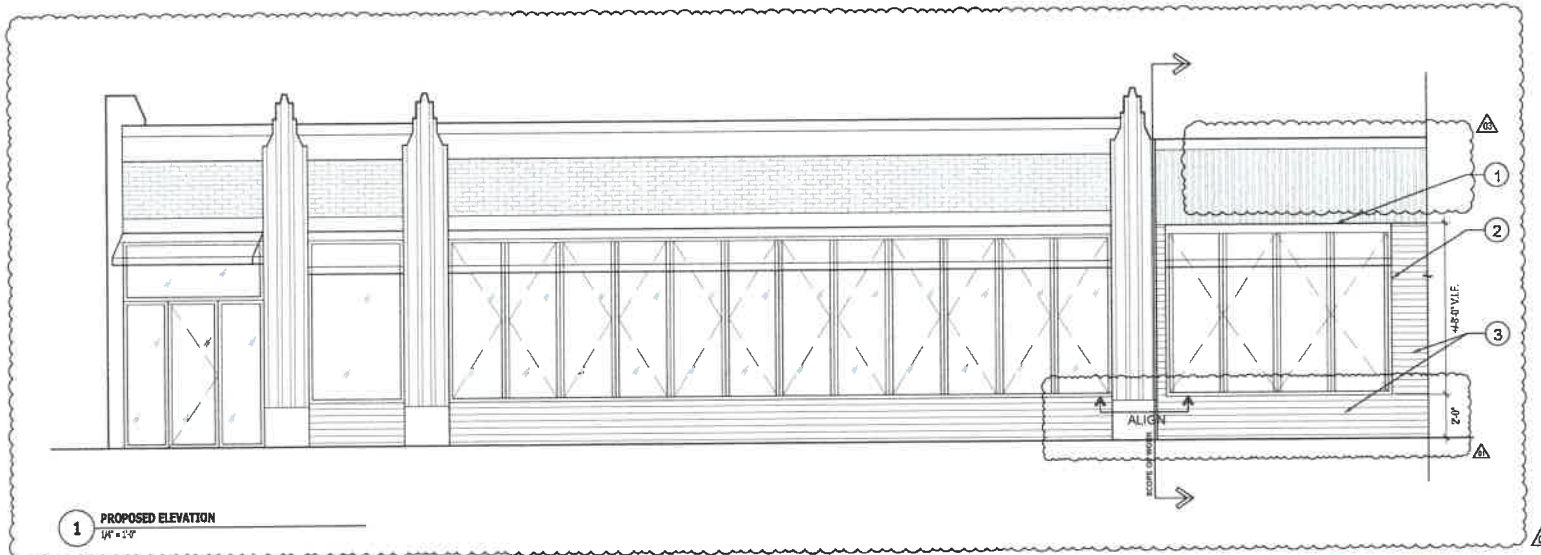
M. Chung

DISAPPROVAL: _____

DATE: *6.24.24*



Owner/Project BLUE ON HIGHLAND 882 HIGHLAND AVE NEEDHAM, MA 02484	Architect: K R I P P E R 36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108	Consultant:	PERMIT SET [ADDENDUM 2]		Scale: As Noted 06.06.2024 06.17.2024 A-4 Sheet Number Date: 06/17/2024
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NEEDHAM DESIGN REVIEW BOARD

• RECOMMENDED ACTION •

APPROVAL: *McGuey*

APPROVAL WITH CONDITIONS: _____

DISAPPROVAL: _____

DATE: *06/24/24*

PERMIT SET
[ADDENDUM 3]

GENERAL NOTES

1. NEW AWNING TO MATCH EXISTING, OWNER TO CONFIRM
2. NEW RETRACTABLE WINDOW TO MATCH EXISTING; FINISH TO MATCH EXISTING, OWNER TO CONFIRM
3. NEW LOW WALL; PAINTED CLASPWOOD TO MATCH EXISTING

Owner/Project:

BLUE ON HIGHLAND
882 HIGHLAND AVE
NEEDHAM, MA 02494

Architect:

K R I P P E R
36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108

Consultant:



Scale: As Noted

01. 06.06.2024

02. 05.17.2024

03. 06.21.2024

Date: 06/21/2024

A-7

Sheet Number



TOWN OF NEEDHAM

**TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669**

Design Review Board

Memo: Site Plan Review amendment, 882-886, 898-890 Highland Avenue

The Board reviewed the design drawings for the enlargement of the existing Blue on Highland restaurant into the adjacent former barber shop.

The applicant is proposing revising the storefront entrance by eliminating the angled recessed entry wall and building a flat wall with folding windows. The lower portion of the wall will be clapboards painted to match the adjacent brick wall color.

The folding storefront windows will be a dark bronze aluminum window. They also propose to replace the folding wood windows on the existing restaurant wall with the same aluminum framed folding system. This will improve air infiltration issues and be energy saving. The upper fascia wall is clad in corrugated metal. This wall extends across several storefronts on the building. It is proposed to be painted to match. They will be adding an awning matching the existing adjacent awnings with a simple graphic outline. The Board approves of these façade changes.

There is no additional lighting proposed in the renovations.

The project was approved as presented; the Board presents these comments for the Planning Boards consideration.

End of Notes

McDERMOTT, QUILTY, MILLER & HANLEY LLP

WWW.MQMHLAW.COM

28 STATE STREET, SUITE 802
BOSTON, MA 02109

July 9, 2024

Town of Needham
Planning Board
1471 Highland Avenue
Needham, MA 02492
Attn: Alexandra Clee

**Re: Application for Major Site Plan Review
 Blue Restaurant Needham, LLC d/b/a Blue on Highland
 882 Highland Avenue, Needham, MA 02492**

Ms. Clee,

Blue Restaurant Needham, LLC d/b/a Blue on Highland is requesting that the Planning Board for the Town of Needham amend its decision(s) in Application No. 2005-05 to authorize the change of the owner's name from Mount Blue Two, LLC d/b/a Blue on Highland of 8 Hamlin's Crossing, Dover, Massachusetts to Blue Restaurant Needham, LLC d/b/a Blue on Highland of 257 Country Way, Needham, Massachusetts.

We want to thank you for your time and consideration in this matter. Please do not hesitate to contact us with any questions you or the Board may have.

Sincerely,

Thomas P Miller

Thomas P. Miller, Esq.

tmiller@mqmlp.com



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

AMENDMENT OF DECISION

July 11, 2024

MAJOR PROJECT SITE PLAN SPECIAL PERMIT

Blue Restaurant Needham, LLC~~Blue on Highland Restaurant LLC~~

882-886 and 890 Highland Avenue

Application No. 2005-05 July 11, 2024

(Original Decision dated September 20, 2005, amended May 9, 2006)

(Original Decision dated September 20, 2005, amended May 9, 2006)

Decision of the Planning Board (hereinafter referred to as the "Board") on the petition of ~~Mount Blue Two Blue Restaurant Needham, LLC~~, d/b/a Blue on Highland, ~~8 Hamlin's Crossing, Dover, MA 257 Country Way, Needham, MA 02492~~; (hereinafter referred to as the Petitioner), for property located at 882-886 and 890 Highland Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan, No. 69, Parcel 60 containing 4,540 square feet and Parcel 59 containing 4,765 square feet in the Avery Square Business District.

This decision is in response to an application submitted to the Board on April 23, 2024, with a revised application submitted on May 16, 2024, by the Petitioner for: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law) and Section 4.2 of Major Project Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006; (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 Avery Square Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to the restaurant; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot; (5) a Special Permit under Section 1.4.6 of the By-Law for the alteration of a non-conforming structure; and (6) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the Zoning By Law (Off Street Parking Requirements).

By decision dated September 20, 2005, filed with the Town Clerk on September 21, 2005, Major Project Site Plan Special Permit No. 2005-05, the Petitioner was granted zoning relief for the redevelopment of approximately 3,420 square feet of first floor space and 3,170 square feet of basement space located at 882-886 Highland for a restaurant containing 137 seats with take-out capability. By decision dated May 9, 2006, filed with the Town Clerk on May 10, 2006, Amendment to Major Project Site Plan Special Permit No. 2005-05, the Petitioner was granted authorization to change the owners name and d/b/a name from Walkey Sullivan, LLC, d/b/a Mount Blue, 26 Worcester Street, Unit 502, Boston, MA 02118 to Mount Blue Two, LLC, d/b/a Blue on Highland, 8 Hamlin's Crossing, Dover, MA 02030. The Petitioner now seeks to amend the decision of September 20, 2005, amended May 9, 2006 to expand the existing restaurant (located at 882-886 Highland Avenue) by 650 square feet into the adjoining commercial space, formerly a nail salon, located at 890 Highland Avenue. The restaurant has existed since 2005. The

expansion will include 40 seats, a service area and a bathroom. Accordingly with this addition the restaurant seating capacity would be increased by 40 seats for a total 177-person seating capacity. Additionally, the Petitioner is requesting that the permit and subsequent amendments be transferred from Mount Blue Two, LLC, d/b/a Blue on Highland, 8 Hamlin's Crossing, Dover, MA 02030 to Blue Restaurant Needham, LLC, d/b/a Blue on Highland, 257 Country Way, Needham, MA 02492.

After causing notice of the time and place of the public hearing and of the subject matter hereof to be published, posted and mailed to the Petitioner, abutters and other parties-in-interest as required by law, the hearing was called to order by the Chairperson, Natasha Espada, on Tuesday, June 4, 2024, at 7:00 PM in the Public Services Administration Building, Charles River Room, 500 Dedham Ave, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264. The hearing was continued to Tuesday, June 18, 2024, at 7:40 p.m. in the Charles River Room at the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. The hearing was immediately continued without any testimony taken on June 18, 2024 to Thursday, July 11, 2024, at 7:00 p.m. in the Charles River Room at the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. Board members, Natasha Espada, Artie Crocker, Paul Alpert, Adam Block and Justin McCullen were present throughout the June 4, 2024 and July 11, 2024 proceedings. The record of the proceedings and the submission upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Application for Further Site Plan Review, completed by the applicant dated April 23, 2024 and revised May 16, 2024.
- Exhibit 2 - ~~Three~~ letters from Attorney Thomas Miller, dated April 22, 2024, ~~and~~ May 2, 2024 and July 9, 2024.
- Exhibit 3 - Assessors Property Card.
- Exhibit 4 - As-Built Plans consisting of 2 sheets: Sheet 1, Plan entitled "Basement & First Floor, As-Built Plans", Sheet No. AB-1, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006; Sheet 2, Plan entitled "As-Built Elevations", Sheet No. AB-2, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006.
- Exhibit 5 - Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston, MA 02108, consisting of 9 sheets: Sheet 1, Sheet G-1, Cover Sheet, dated March 4, 2024; Sheet 2, Sheet A-1, entitled "Egress Plan," dated March 4, 2024; Sheet 3, Sheet A-2, entitled "Existing Floor Plan," dated March 4, 2024; Sheet 4, Sheet A-3, entitled "Demo Floor Plan," dated March 4, 2024; Sheet 5, Sheet A-4, entitled "Proposed Floor Plan," dated March 4, 2024; Sheet 6, Sheet A-5, entitled "Existing Elevation," dated March 4, 2024; Sheet 7, Sheet A-6, entitled "Demo Elevation," dated March 4, 2024; Sheet 8, Sheet A-7, entitled "Proposed Elevation," dated March 4, 2024; Sheet 9, Sheet A-5, entitled "Furniture Plan," dated May 1, 2024.
- Exhibit 6 - Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston, MA 02108, Sheet A-2, entitled "Seating Plan," dated May 30, 2024.

Exhibit 7 - Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston, MA 02108, consisting of 9 sheets: Sheet 1, Sheet G-1, Cover Sheet, dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 2, Sheet A-1, entitled "Egress Plan," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 3, Sheet A-2, entitled "Existing Floor Plan," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 4, Sheet A-3, entitled "Demo Floor Plan," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 5, Sheet A-4, entitled "Proposed Floor Plan," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 6, Sheet A-5, entitled "Existing Elevation," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 7, Sheet A-6, entitled "Demo Elevation," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 8, Sheet A-7, entitled "Proposed Elevation," dated June 6, 2024, revised June 17, 2024 and June 21, 2024; Sheet 9, Sheet A-8, entitled "Proposed Furniture Plan," dated June 6, 2024, revised June 17, 2024 and June 21, 2024.

Exhibit 8 - Design review Board Approval dated June 24, 2024.

Exhibit 9 - Interdepartmental Communication (IDC) to the Board from Justin Savignano, Assistant Town Engineer, dated May 29, 2024; IDC to the Board from Chief Tom Conroy, Needham Fire Department, dated July 3, 2024; IDC to the Board from Chief John Schlittler, Needham Police Department, dated May 15, 2024; and IDC to the Board from Tara Gurge, Assistant Director of Public Health, dated May 30, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated May 31, 2024.

Exhibits 1, 2, 6 and 7 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:

- 1.1 By decision dated September 20, 2005, filed with the Town Clerk on September 21, 2005, Major Project Site Plan Special Permit No. 2005-05, the Petitioner was granted zoning relief for the redevelopment of approximately 3,420 square feet of first floor and 3,170 square feet of basement space located at 882-886 Highland for a restaurant containing 137 seats with take-out capability. By decision dated May 9, 2006, filed with the Town Clerk on May 10, 2006, Amendment to Major Project Site Plan Special Permit No. 2005-05, the Petitioner was granted authorization to change the owners name and d/b/a name from Walkey Sullivan, LLC, d/b/a Mount Blue, 26 Worcester Street, Unit 502, Boston, MA 02118 to Mount Blue Two, LLC, d/b/a Blue on Highland, 8 Hamlin's Crossing, Dover, MA 02030. The findings and conclusions made in said Original Decisions are hereby ratified and confirmed except as indicated in this decision.
- 1.2 By application dated April 23, 2024 and revised May 16, 2024, the Petitioner submitted a request to expand the existing restaurant (located at 882-886 Highland Avenue) by 650 square feet into the adjoining commercial space, formerly a nail salon, located at 890 Highland Avenue. The restaurant has existed since 2005. ~~The expansion will include 40 seats, a service area and a bathroom. The restaurant has existed since 2005.~~ The expansion will include 40 seats, a service area and a bathroom. Accordingly with this addition the restaurant seating capacity will be increased by 40 seats for a total 177-person seating capacity. Additionally, the Petitioner is requesting that the permit and subsequent amendments be transferred from Mount Blue Two, LLC, d/b/a Blue on Highland, 8 Hamlin's Crossing, Dover, MA 02030 to Blue Restaurant Needham, LLC, d/b/a Blue on Highland, 257 Country Way, Needham, MA 02492.

- 1.3 The existing 137-seat restaurant with accessory take-out capability currently operates seven (7) days a week, between 11:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 11:00 a.m. and midnight on Friday and Saturday. Peak hours of operation are during the dinner hours. No change to the above-noted operational program is proposed for the expanded 177-person restaurant facility.
- 1.4 For the existing 137-seat restaurant with accessory take-out capability, the Petitioner may utilize the services of not more than 6 employees at any one time during the lunch period from 11:00 a.m., to 2:00 p.m. At all other times, the Petitioner may utilize the services of no more than 14 employees at any one time. For the expanded 177-seat restaurant facility the anticipated number of employees during the busiest nights may increase by up to four (4) staff members with one additional staff member at other times.
- 1.5 The Petitioner is proposing a new façade along the expanded portion of the building to match the existing restaurant façade. The Petitioner is proposing revising the storefront entrance by eliminating the angled recessed entry wall and building a flat wall with folding windows. The lower portion of the wall will be clapboards painted to match the adjacent brick wall color. The folding storefront windows will be dark bronze aluminum window. The Petitioner also proposes to replace the folding wood windows on the existing restaurant wall with the same aluminum framed folding system. The upper fascia wall is clad in corrugated metal. This wall extends across several storefronts on the building. It is proposed to be painted to match. Finally, the Petitioner will be adding an awning matching the existing adjacent awnings with a simple graphic outline.
- 1.6 The Petitioner appeared before the Design Review Board on June 24, 2024, and obtained approval for the project.
- 1.7 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) and Section 5.1.3 (off-street parking requirements). The parking requirement for restaurants is 1 parking space per 3 seats, plus an additional 10 seats per take-out station. The parking requirement for the Original space pursuant to the By-Law is 56 spaces. There are a total of 3 on-street parking spaces that can be applied toward the required number of parking spaces (Section 5.1.1.7 of the By-Law). Therefore, the Petitioner previously requested and received a waiver to reduce the number of required on-site parking spaces from 53 spaces to 0 spaces. The proposed additional space requires 14 spaces under the By-Law for the proposed additional 40 seats ($1 \text{ space per every } 3 = 13.333 = 14$). The on-street parking spaces permitted to be counted under Section 5.1.1.7 have already been applied to this use. Therefore, the Petitioner has requested a waiver of an additional 14 spaces for the expansion for a total parking waiver at the property of 67 spaces.
- 1.8 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. As there are no on-site parking spaces, 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.
- 1.9 The Petitioner has requested a Special Permit pursuant to Section 1.4.6 of the By-Law for the alteration of a nonconforming structure.
- 1.10 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. 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.

- 1.11 The proposed project will ensure the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets. There is presently no off-street parking associated with the property, and that fact will remain unchanged. There is on-street parking available, and a municipal lot to the rear of the property on Mark Lee Road. The busiest time for the restaurant is expected to be during dinner hour, during which time there will be less other commercial activity in the immediate area, and therefore more available parking. The restaurant will not be open for breakfast, so there will be no impact at all on the morning peak hour traffic on Highland Avenue and adjacent streets. The Petitioner will comply with all applicable regulations for the handicapped, minors and the elderly.
- 1.12 The proposed project will provide an adequate arrangement of parking and loading spaces in relation to the proposed use of the premises. While there is no off-street parking associated with the site, there is a municipal parking lot on Mark Lee Road within walking distance of the property, and there are adequate on-street spaces to accommodate the proposed use. In addition, the MBTA lot across the railroad tracks is within walking distance and provides a large supply of additional parking spaces. As described above, the dinner hours expected to be the busiest portion of the day for Blue on Highland and the availability of parking at that hour is substantial. The proposed hours of operation for the expansion are 11:00 a.m. - 11:00 p.m., Sunday through Thursday, and between 11:00 a.m. - midnight on weekends, which is the same as the existing restaurant space. The anticipated number of employees during the busiest nights may increase with the expansion by up to four (4) staff members and one staff member at other times.
- 1.13 Adequate methods for disposal of refuse and waste will be provided. The dumpsters are located at the rear of the property and are screened by fencing. The Petitioner has kept the dumpsters and enclosure in good shape and will continue to do so with the expansion. Refuse will be disposed of daily. The project's wastewater system is presently connected to the municipal sewerage system and will continue to do so.
- 1.14 The 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. Since no change to the footprint of the building is proposed, the relationship of structures and open spaces to the natural landscaping, existing buildings, and other community assets will remain unchanged, and in compliance with other requirements of the By-Law. The exterior improvements to the facade of the building will be an amenity to the area. The space is very visible from Highland Avenue and acts as a gateway to Needham Heights. The present vacancy of such a visible location is detrimental to the neighborhood and the community in general.
- 1.15 The proposed expansion will not have any adverse impacts on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The site is already fully developed, and the proposed use will not have an adverse impact on surrounding businesses but will provide availability for the increasing demand.
- 1.16 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 buildings. It is not practical to create more parking spaces on the site.
- 1.17 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted within the Avery Square Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Business Districts, and the provisions of the By-Law. Based on 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 and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.

- 1.18 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow a Special Permit 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 Avery Square Business District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. Based on 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.
- 1.19 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 use is in harmony with the general purposes and intent of the By-Law. Based on 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, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.20 Under Section 1.4.6 of the By-Law, a lawful pre-existing nonconforming building may be structurally altered only pursuant to a special permit issued by the Board pursuant to Section 7.5.2 provided that the Board determines such alteration would not be substantially more detrimental to the neighborhood than the existing non-conforming structure. Based on the above findings and criteria, the Board finds that the proposed alteration, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the existing non-conforming structure nor to be more detrimental to the neighborhood than the existing non-conforming structure.
- 1.21 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 circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, but that a reduction in the number of spaces and certain design requirements is warranted. Based on the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) a Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006; (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 Avery Square Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to the restaurant; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot; (5) a Special Permit under Section 1.4.6 of the By-Law for the alteration of a non-conforming structure; and (6) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the Zoning By Law (Off Street Parking Requirements), subject to and with the benefit of the following conditions and limitations.

PLAN MODIFICATIONS

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

2.1 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) ~~No Plan modifications are required. If warranted by the Plumbing Code, a revised plan shall be provided showing the location of an additional restroom fixture.~~

CONDITIONS AND LIMITATIONS

3.0 The plan modifications, conditions and limitations contained in Major Project Site Plan Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006, are ratified and confirmed and deemed applicable to the expanded space at ~~990~~ 890 Highland Avenue, except as follows:

3.1 Major Project Site Plan Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006 is permitted to be transferred from Mount Blue Two, LLC, d/b/a Blue on Highland, 8 Hamlin's Crossing, Dover, MA 02030 to Blue Restaurant Needham, LLC, d/b/a Blue on Highland, 257 Country Way, Needham, MA 02492.

This Special Permit to operate the restaurant at 882-886 and 890 Highland Avenue is issued to Blue Restaurant Needham, LLC, lessee, only, and may not be transferred, set over, or assigned by Blue Restaurant Needham, LLC, 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.

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3.2 The building and other site features shall be constructed in accordance with the Plan. Any changes, revisions or modifications to the Plan shall require approval of the Board.

3.3 The use of the subject property shall be that of a full-service restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter, containing no more than one hundred thirty-seven (137) seats in the space located at 882-886 Highland and forty (40) seats in the space located at 990 Highland Avenue. The sale of food and beverages for take-out as an accessory to full-service restaurant shall be permitted.

3.4 The restaurant as a whole shall contain no more than 177 seats for on-site food consumption and one take-out station.

3.5 The Petitioner may utilize the services of not more than 7 employees at any one time during the lunch period of 11:00 a.m. to 2:00 p.m. At all other times, the Petitioner may utilize the services of no more than 18 employees at any one time.

- 3.6 Any Condition in the Original Decisions dated September 20, 2005, amended May 9, 2006 not otherwise altered in this Decision remain in full effect.
- 3.7 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 previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - 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.
- 3.8 No building or structure, or portion thereof, subject to this 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 Commissioner, a statement by the Board approving the as-built plan for the restaurant facility, in accordance with this Decision and the approved Plan.

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 this site 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 Amendment shall lapse on July 11, 2026 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 July 11, 2026. 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 11th day of July, 2024.

NEEDHAM PLANNING BOARD

Natasha Espada, Chairperson

Artie Crocker

Adam Block

Paul S. Alpert

Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2024

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Amendment to Decision of the project proposed by Blue ~~on Highland~~ Restaurant Needham LLC, for property located at 882-886 and 890 Highland Avenue, Needham, Massachusetts, has passed,

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

Date

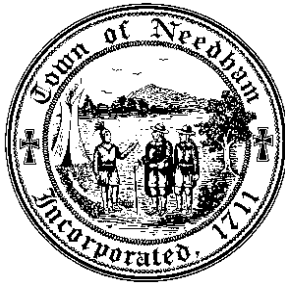
Louise Miller, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Commissioner
Conservation Commission
Thomas P. Miller, Jr., Attorney

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

**AMENDMENT TO DECISION
July 11, 2024**

**Needham High School
609 Webster Street
Application No. 2004-01
(Original Decision dated April 6, 2004,
amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016,
August 9, 2016, November 28, 2017 and August 7, 2018)**

Decision of the Planning Board (hereinafter referred to as the Board) on the Petition of the Town of Needham, 500 Dedham Avenue, Needham, Massachusetts, (hereinafter referred to as the Petitioner) for property located at 609 Webster Street, Needham, Massachusetts. Said property is shown on Needham Town Assessor's Map 226, Parcel 10 containing 14.15 acres in the Single Residence B District.

This decision is in response to an application submitted to the Board on February 27, 2024, by the Petitioner for an amendment of Major Project Site Plan Special Permit No. 2004-01 issued by the Board on April 6, 2004, amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016, August 9, 2016, November 28, 2017 and August 7, 2018. The requested Major Project Site Plan Special Permit Amendment would, if granted, amend the previously approved permit and plans to include the renovation of four (4) existing tennis courts, the addition of four (4) new tennis courts, installation of stormwater management improvements, ADA accessible walkways, and landscape improvements. The present application is for further Site Plan Review of the Major Project Site Plan Special Permit No. 2004-01, dated April 6, 2004, amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016, August 9, 2016, November 28, 2017 and August 7, 2018; the initial Site Plan Review of this project was Major Project Site Plan Special Permit No. 00-1, dated May 8, 2000. (Note: The April 6, 2004 special permit amended the May 8, 2000 special permit and assigned a new permit number namely 2004-01 to the site.)

In accordance with Major Project Site Plan Special Permit No. 2004-01, Section 4.2, further site plan approval is required.

After causing notice of the time and place of the public hearing and of the subject matter hereof 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 Vice Chairperson, Natasha Espada, on Tuesday, March 19, 2024, at 7:00 PM in the Public Services Administration Building, Charles River Room, 500 Dedham Ave, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264. The hearing was immediately continued without any testimony taken on March 19, 2024 to Tuesday, April 2, 2024, at 7:45 p.m. in the Charles River Room at the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. The hearing was continued to Wednesday, April 24, 2024, at 7:30 p.m. in the Charles River Room at the Public Services

Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. The hearing was continued to Tuesday, May 14, 2024, at 7:45 p.m. in the Charles River Room at the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. The hearing was immediately continued without any testimony taken on May 14, 2024 to Tuesday, June 4, 2024, at 7:30 p.m. in the Charles River Room at the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. Board members Adam Block, Natasha Espada, Paul S. Alpert, Jeanne S. McKnight and Artie Crocker were present throughout the April 2, 2024 proceedings. On April 9, 2024, the members of the Board changed due to a local election. Board members Adam Block, Natasha Espada, Paul S. Alpert, Artie Crocker and Justin McCullen were present throughout the April 24, 2024 and June 4, 2024 proceedings. Adam Block chaired the first two hearings of April 2, 2024 and April 24, 2024; the Board reorganized on June 4, 2024 and Natasha Espada chaired the June 4, 2024 hearing. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Justin McCullen examined all evidence received at the missed session and listened to an audio recording of the April 2, 2024 meeting. The record of the proceedings and the submission upon which this decision is based may be obtained from 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 - Application Form for Site Plan Review completed by the applicant date stamped by the Town Clerk February 27, 2024.
- Exhibit 2 - Letter from Chris Heep, Town Counsel, dated February 26, 2024.
- Exhibit 3 - Plan set entitled "Town Of Needham, Needham High School, Tennis Court Renovation" prepared by Activitas, 70 Milton Street, Dedham, MA 02026, consisting of 9 sheets: Sheet 1, Cover Sheet, dated February 6, 2024; Sheet 2, Sheet EX1.1, entitled "Existing Conditions Plan," dated February 6, 2024; Sheet 3, Sheet SP1.1, entitled "Site Preparation Plan," dated February 6, 2024; Sheet 4, Sheet SP1.2, entitled "Site Preparation Detail Sheet," dated February 6, 2024; Sheet 5, Sheet L1.1, entitled "Layout and Materials Plan," dated February 6, 2024; Sheet 6, Sheet L2.1, entitled "Grading and Utility Plan," dated February 6, 2024; Sheet 7, Sheet L3.1, entitled "Detail Sheet I," dated February 6, 2024; Sheet 8, Sheet L3.2, entitled "Detail Sheet II," dated February 6, 2024; Sheet 9, Sheet L3.3, entitled "Detail Sheet II," dated February 6, 2024.
- Exhibit 4 - Stormwater Management And Erosion Control Report, prepared by Activitas, 70 Milton Street, Dedham, MA 02026, dated February 6, 2024.
- Exhibit 5 - Letter from Dr. Harriet Dann, 41 Rosemary Street, undated.
- Exhibit 6 - Letter from Nancy O'Leary, 46 Rosemary Street, undated.
- Exhibit 7 - Letter from Barbara FitzGerald, 28-30 Rosemary Street, dated March 27, 2024.
- Exhibit 8 - Letter from Ross and Julie Dananberg, 36 Rosemary Street, undated.
- Exhibit 9 - Email from Lauren Downey, 25 Rosemary Street, dated March 27, 2024.
- Exhibit 10 - Letter from Chris and Linda Kilburn-Peterson, 24 Rosemary Street, undated.
- Exhibit 11 - Email from Ellen and Jim Dudley, dated April 3, 2024.

- Exhibit 12 - Letter from Ryan Madden, Director of Athletics, Needham Public Schools, dated April 5, 2024.
- Exhibit 13 - Letter from Rosemary and Webster Street Neighbors (Julie and Ross Dananberg 36 Rosemary St; Nancy O’Leary 46 Rosemary St; Linda and Christopher Kilburn-Peterson 24 Rosemary St; Barbara FitzGerald 28-30 Rosemary St.; Harriet Dann 41 Rosemary St), dated April 10, 2024.
- Exhibit 14 - Email from Paul Siegenthaler, 1049 Webster Street, dated April 22, 2024, with Attachments: (1) presentation he produced in 2022 for the Park and Recreation Commission and the Town Manager’s office; and (2) letter he sent to Town Administration regarding safety concerns should tennis and pickleball continue to coincide on the same courts, dated April 25, 2023.
- Exhibit 15 - Memorandum from Stacey Mulroy, Director of Park and Recreation, Town of Needham, dated April 24, 2024.
- Exhibit 16 - Presentation from Petitioner shown at the April 24, 2024 public hearing.
- Exhibit 17 - Email from Jeremy Chao, dated April 24, 2024.
- Exhibit 18 - Letter from Ross and Julie Dananberg, 36 Rosemary Street, dated April 29, 2024.
- Exhibit 19 - Email from Alexandra and Ben Etscovitz, dated April 29, 2024.
- Exhibit 20 - Email from Jessie Cawley, 305 Warren Street, dated April 30, 2024.
- Exhibit 21 - Email response from Carys Lustig, Director, Department of Public Works, dated April 29, 2024.
- Exhibit 22 - Letter from Chris Heep, Town Counsel, dated May 28, 2024.
- Exhibit 23 - Plan set entitled “Town Of Needham, Needham High School, Tennis Court Renovation” prepared by Activitas, 70 Milton Street, Dedham, MA 02026, consisting of 11 sheets: Sheet 1, Cover Sheet, dated February 6, 2024, revised May 22, 2024; Sheet 2, Sheet EX1.1, entitled “Existing Conditions Plan,” dated February 6, 2024, revised May 22, 2024; Sheet 3, Sheet SP1.1, entitled “Site Preparation Plan,” dated February 6, 2024, revised May 22, 2024; Sheet 4, Sheet SP1.2, entitled “Site Preparation Detail Sheet,” dated February 6, 2024; Sheet 5, Sheet L1.1, entitled “Layout and Materials Plan,” dated February 6, 2024, revised May 22, 2024; Sheet 6, Sheet L2.1, entitled “Grading and Utility Plan,” dated February 6, 2024, revised May 22, 2024; Sheet 7, Sheet L3.1, entitled “Detail Sheet I,” dated February 6, 2024, revised May 22, 2024; Sheet 8, Sheet L3.1, entitled “Detail Sheet I,” dated February 6, 2024, revised May 22, 2024; Sheet 9, Sheet L4.2, entitled “Detail Sheet II,” dated February 6, 2024 Sheet L4.2, entitled “Detail Sheet I,” dated February 6, 2024, revised May 22, 2024; Sheet 10, Sheet L4.3, entitled “Detail Sheet III,” dated February 6, 2024, revised May 22, 2024; Sheet 11, Sheet L4.4, entitled “Detail Sheet IV,” dated February 6, 2024, revised May 22, 2024.
- Exhibit 24 - Email from Nicole Hagler, dated June 4, 2024.
- Exhibit 25 - Email from Natalie Spring, dated June 4, 2024.

Exhibit 26 - Presentation from Petitioner shown at the June 4, 2024 public hearing.

Exhibit 27 - Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Town Engineer, Department of Public Works, dated March 13, 2024; IDC to the Board from Police Chief, John Schlittler, Needham Police Department, dated February 28, 2024; IDC to the Board from Chief Tom Conroy, Needham Fire Department, dated March 12, 2024; IDC to the Board from Joe Prondak, Building Commissioner, Building Department, dated February 29, 2024; IDC to the Board from Tara Gurge, Assistant Public Health Director, Needham Health Department, dated March 4, 2024; and IDC to the Board from Edward Olsen, Superintendent of Parks and Forestry, dated March 8, 2024; and IDC to the Board from Justin Savignano, Assistant Town Engineer, Department of Public Works, dated May 30, 2024.

Exhibits 1, 2, 4, 22 and 23 are referred to as The Plan.

FINDINGS AND CONCLUSIONS

Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:

- 1.1 The Petitioner Town of Needham is seeking to modify Major Project Site Plan Special Permit No. 2004-01 issued April 6, 2004 as amended as follows: to include within the scope of the permit and approved plans the renovation of four (4) existing tennis courts, the addition of four (4) new tennis courts, installation of stormwater management improvements, ADA accessible walkways, and landscape improvements. Pursuant to the Decision (Original Decision and all Amendments), the Board issued a Major Project Site Plan Special Permit under Section 7.4 of the By-law.
- 1.2 The site, in addition to the High School building and driveways, currently has four tennis/basketball courts, one multipurpose athletic field and 438 on-site parking spaces, together with trees, landscaping and lawns.
- 1.3 The current proposal is for the renovation of four (4) existing tennis courts, the addition of four (4) new tennis courts, installation of stormwater management improvements, ADA accessible walkways, and landscape improvements. The current application does not propose any new buildings, does not involve any changes to the existing parking or vehicular circulation, and does not involve any structural changes to the High School building itself. No lighting is proposed.
- 1.4 The key features of the new tennis courts include the following:
 - a) The High School proposes the addition of four new tennis courts, bringing the total number of courts from four (4) to eight (8). The existing four (4) tennis courts are also proposed to be renovated and upgraded to match the newly installed courts.
 - b) The site will feature new concrete sidewalks and a set of granite stairs leading to the new court area that will provide pedestrian access from the parking lot to all eight courts. The first iteration of the proposal included a centrally located patio to be installed between the original and new courts covered by a raised shade; however, during the hearing process, this component was removed from the project.

- c) The courts will be secured by typical 4-foot and 12-foot chain link fences that enclose four sets of courts (two courts in each fenced in set) that provide entry through gates accessible from the new walkways.
- 1.5 The Petitioner made the following changes during the hearing process:
- a) The tennis courts were redesigned to be parallel to the existing courts, as close as possible to the parking lot while still being able to accommodate the pedestrian access and subsurface drainage improvements.
 - b) The Petitioner added a wall of 5-to-8-foot evergreen plantings along the northerly property line to provide a visual buffer between the tennis courts and the residential properties on that side. A new planting plan (Sheet L3.1) was added to the plan set to show the location and spacing of the proposed plantings.
 - c) The westernmost set of the two (2) new tennis courts has been moved 6 feet closer to the parking lot, while maintaining the alignment of those courts with the six (6) adjacent courts included in this project. This results in these two (2) new courts being placed a distance of 35 feet from the property line at the nearest point.
 - d) The other set of two (2) new tennis courts (those located adjacent to the replacement courts) are now 38 feet from the property line at the nearest point; these courts cannot be moved closer to the parking lot because a portion of the proposed drainage system will be installed and maintained within the intervening lawn area. See Sheet L2.1 Grading and Utility Plan. To allow for long term maintenance, these subsurface drainage improvements must be placed outside the footprint of the tennis courts.
 - e) The chain link fence along the easterly side of the four (4) replacement tennis courts has been raised from 12' to 14' to provide for greater shielding of abutting properties from errant tennis balls.
 - f) The Petitioner also proposed a condition that the courts be limited to the use of tennis only (no pickleball) and only during the hours of 7:00 a.m. through 8:00 p.m.
- 1.6 The Board finds that the proposed project is in harmony with the general purpose and intent of the By-Law. The site is presently developed as Needham High School, with four hundred thirty-eight (438) on-site parking spaces and one hundred sixteen (116) provided off-site at the adjacent Memorial Park parking lot. There are 4 existing tennis courts; this proposal will result in a total of 8 tennis courts at completion, as well as pedestrian pathways and subsurface drainage improvements.
- 1.7 The site is appropriate for use. There are already 4 tennis courts located at Needham High School. The proposed additional courts are in the same vicinity as the existing courts outside of the 25-foot side and rear setback required in the Single Residence B zoning district.
- 1.8 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 assured. The project does not alter the parking lot other than installing new granite curbing in the areas adjacent to where the walkways will be installed. The new sidewalks will improve pedestrian movement at the site and will provide safe and convenient access to all courts and court entrances.

- 1.9 The adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of views, light and air. A portion of the site is already in use as tennis courts, and the redesign of the site does not create any detrimental impacts on the surrounding area. The High School is not proposing any lighting associated with the tennis courts and the site will be improved with an underground drain line, area drains, and a new infiltration system within the parking lot area designed to keep water on the Property with no negative impact on neighboring land.
- 1.10 Adequate methods for disposal of refuse and waste will be provided. The project is not a major generator of refuse and other wastes, and the volume of refuse generated is not anticipated to increase relative to the current use of the tennis courts. Disposal will be in accordance with applicable law and established practice for this site.
- 1.11 The proposed project will not have any adverse impacts on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The site is already in use as the High School's tennis courts, and the redesign and renovation of the space will not create any new impacts on the Town's water supply and distribution system, sewer, fire protection or streets. The Stormwater Management and Erosion Controls Report submitted with this application details the mitigation provided to address the construction of the new tennis courts.
- 1.12 The arrangement of parking and loading spaces in relation to the proposed uses of the premises is adequate. The plans do not propose adding to or altering the High School parking lot in any way other than providing access to the site by way of the new sidewalks, and the temporary disturbance for the installation of the subsurface infiltration system.
- 1.13 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area are in compliance with the requirements of the By-Law. This site is presently developed as a public high school. The tennis courts are designed with careful consideration of existing structures and open space and will fit within the general character of the High School property. In particular, the four (4) renovated courts will be in the same location on the High School property as the existing courts. The four (4) new courts will be located outside of the 25-foot side and rear setback required in the Single Residence B zoning district, thus there will be no encroachment or crowding of adjoining property owners' land. The land surrounding the tennis courts will be improved with new walkways, benches, and a patio to encourage use of the tennis courts and to provide convenient access and an enjoyable environment for the students and spectators.
- 1.14 The Board finds that the proposed project is in harmony with the general purpose and intent of the By-Law, and in harmony with the specific purposes and intent of the By-Law regarding the Single Residence B District. The proposal enhances the existing tennis courts and surrounding areas, as well as adding additional courts.
- 1.15 The Board finds that all of its findings and conclusions contained in Major Project Site Plan Special Permit No. 2004-01, issued to Town of Needham by its agent the Needham Permanent Public Building Committee, 470 Dedham Avenue, Needham, Massachusetts, on April 6, 2004, amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016, August 9, 2016, November 28, 2017 and August 7, 2018, are applicable to this amendment, except as specifically set forth in this amendment.

- 1.16 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit Amendment may be granted in the Single Residence B zoning district if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. Based on the above findings and criteria, the Board finds that 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 minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Amendment to Major Project Site Plan Special Permit Under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Special Permit No. 2004-01, dated April 6, 2004, amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016, August 9, 2016, November 28, 2017 and August 7, 2018, subject to and with the benefit of the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

Prior to the start of any construction on the Site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Commissioner shall not permit any construction activity on the Site to begin on the Site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall permit for any construction on the Site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Commissioner to the Board prior to the commencement of construction.

- 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) No Plan Modifications required.

DECISION

The Board hereby approves the requested amendment as described under Exhibits 1, 2, 4, 22 and 23 of this decision. The plans described under Exhibits 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 14 of Major Project Site Plan Special Permit No. 2004-01 issued by the Board on April 6, 2004 as modified therein, in addition to the plans described under Exhibits 3 and 5 of the October 27, 2015 Decision and the plans described under Exhibit 4 of November 28, 2017 Decision, and the Plans described in Exhibit 23 of this Decision, constitute the final approved Plan set for this project.

CONDITIONS AND LIMITATIONS

The conditions and limitation made in Major Project Site Plan Special Permit No. 2004-01 issued by the Board on April 6, 2004, amended January 5, 2010, December 6, 2011, October 27, 2015, July 19, 2016, August 9, 2016, November 28, 2017 and August 7, 2018 were ratified and confirmed except as noted below. 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 3.14 hereof.

- 3.1 The proposed tennis courts, concrete sidewalks, granite stairs, plantings and extended fencing shall contain the dimensions and be located on that portion of the site exactly as shown on the Plan, and in accordance with applicable dimensional requirements of the By-Law.
- 3.2 No pickleball shall be permitted on any of the eight tennis courts.
- 3.3 Utilization of the courts shall be limited to the hours of 7:00 a.m. through 8:00 p.m.
- 3.4 Signage shall be installed to inform users of the regulations as stated in Conditions 3.2 and 3.3 in this Decision (and any other rules per Park and Recreation Department), as well as provide information of who to inform if the rules are not followed. There shall be a minimum of four such signs with this information, dispersed throughout the site and made visible to users.
- 3.5 The maintenance of the site, and in particular, the tennis courts and landscaping, shall be the responsibility of the Petitioner and the site shall be maintained in good condition.
- 3.6 In constructing and operating the proposed tennis courts, sidewalks, granite stairs, plantings and extended fencing on the property pursuant to this decision, due diligence shall be exercised and reasonable efforts be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.7 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the property, shall be removed from the property.
- 3.8 All construction staging shall be on-site. No construction parking shall be on public streets. Construction parking shall be all on-site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the commencement of construction at the site and shall be subject to the review and approval of the Building Commissioner.
- 3.9 The following interim safeguards shall be implemented during construction:
 - a) The hours of any exterior construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.
 - b) The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project property which require excavation or otherwise pose a danger to public safety.
 - c) The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner, and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Highland Avenue, ~~or Webster Street~~ or Rosemary Street.
 - d) The Petitioner shall take the appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Highland Avenue,

- ~~and~~ Webster Street, and Rosemary Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 3.10 No construction in the pursuance of this approval shall commence until:
- a) The final plans shall be in conformity with those previously approved by the Board, of which approval has been incorporated herein by reference, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - b) A construction management and staging plan shall have been submitted to the Police Chief and Building Commissioner for their review and approval.
 - c) The Petitioner shall have recorded with the Norfolk Registry of Deeds a certified copy of this approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.11 No portion of the project approved by this decision shall be occupied or used until:
- a) An as-built plan supplied by the engineer of record certifying that the project was built according to the approved documents has been submitted to the Board and Department of Public Works. The as-built plan shall show the tennis courts, sidewalks, granite stairs, and extended fencing, all finished grades and final construction details in their true relationship to the lot lines. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.
 - b) There shall be filed, with the Building Commissioner and Board, a statement by the registered professional engineer of record certifying that the finished grades and final construction details of the tennis courts, drainage systems, utility installations, and sidewalk and curbing improvements on-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan for the Project.
 - c) There shall be filed with the Board and Building Commissioner an as-built Landscaping Plan showing the final location, number and type of plant material and final landscape features for the project. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.
 - d) There shall be filed with the Board and Building Commissioner a Certificate of Compliance signed by the project engineer upon completion of construction of the project.
 - e) Signage as noted in Section 3.4 shall have been erected.
- 3.12 In addition to the provisions of this Decision, the Petitioner must comply with all requirements of all state, federal, and local boards, commission, or other agencies, including, but not limited to the Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.13 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, that this information is true and valid to the best of the Petitioner's knowledge.

- 3.14 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, 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, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Commissioner to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

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 and off-site improvements, which are the subject of this Application. All construction to be conducted on-site and off-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 this site 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 Amendment shall lapse with respect to the Project on July 11, 2026 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 July 11, 2026. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing.
- 4.7 This Decision shall be recorded at 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 of the Plan, as modified by this decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

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

Witness our hands this 11th day of July, 2024.

NEEDHAM PLANNING BOARD

Natasha Espada, Chairperson

Artie Crocker, Vice Chairperson

Adam Block

Paul S. Alpert

Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

2024

On this ____ day of July, 2024, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Town of Needham, 1471 Highland Avenue, Needham, MA, for Property located at 609 Webster Street, Needham, Massachusetts, shown on Assessor's Map No. 226, Parcel 10, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Commissioner
Director, PWD
Board of Health
Conservation Commission

Select Board
Engineering
Fire Department
Police Department
Christopher Heep, Town Counsel
Parties in Interest

GEORGE GIUNTA, Jr.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 449-8475

July 1, 2024

Lee Newman
Planning Director
Town of Needham
500 Dedham Avenue
Needham, MA 02492

Re: Major Project Site Plan Review
WR Noodle Group, Inc.
998 Great Plain Avenue, Needham, MA

Dear Lee,

In response to your inquiry relative to the pending application of WR Noodle Group, Inc. concerning the commercial space known and numbered 998 Great Plain Avenue, Needham, MA, please be advised that the maximum number of employees expect to be on site at any given time is four (4), although, on average, it will vary between three (3) and four (4) employees, depending on demand and shift.

Please do not hesitate to let me know if you need any further information.

Sincerely,



George Giunta, Jr

From: [Tom Conroy](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#); [Donald Anastasi](#); [Jay Steeves](#); [Ronnie Gavel](#)
Subject: RE: Request for comment - new restaurant - WR Noodles 998 Great Plain Ave
Date: Monday, July 1, 2024 1:34:19 PM

Sorry Alex. Thanks for the reminder.

No issues with Fire dept.

Thanks!

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Monday, July 1, 2024 1:31 PM
To: Tom Conroy <TConroy@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: RE: Request for comment - new restaurant - WR Noodles 998 Great Plain Ave

Hi Chief,

Still hoping to get comments from Fire. THanks!

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov

From: Alexandra Clee
Sent: Tuesday, June 18, 2024 7:26 PM
To: Tom Conroy <TConroy@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: FW: Request for comment - new restaurant - WR Noodles 998 Great Plain Ave

Hi Chief,

Could you send any comments you may have on this restaurant proposal? Thanks!! Alex.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov

From: Alexandra Clee

Sent: Tuesday, June 11, 2024 11:54 AM

To: Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>

Subject: RE: Request for comment - new restaurant - WR Noodles 998 Great Plain Ave

Hi all,

This is a reminder to provide any comments you may have on this restaurant proposal by tomorrow.

Thanks!

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov

From: Alexandra Clee

Sent: Thursday, May 16, 2024 10:42 AM

To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>

Subject: Request for comment - new restaurant - WR Noodles 998 Great Plain Ave

Dear all,

We have received the attached application materials for the proposal to the Petitioner to allow for a new restaurant at 998 Great Plain Avenue. More information can be found in the attachments.

The Planning Board has scheduled this matter for June 18, 2024. Please send your comments **by Wednesday June 12, 2024**, at the latest.

The documents attached for your review are as follows:

1. Application for Major Project Special Permit No. 2024-02, with Addendum A.
2. Authorization Letter from Jeffrey A. Katz and Gary M. Katz, Trustees, AJ Realty Trust, dated April 17, 2024.
3. Letters from Attorney George Giunta Jr., dated May 2, 2024.
4. Plans prepared by Up Design & Build, LLC, consisting of 11 sheets: Sheet 1, Sheet A000, Cover Sheet, dated April 12, 2024; Sheet 2, Sheet A001, entitled "General Notes," dated April 12, 2024; Sheet 3, Sheet A101, entitled "First Floor - Existing Floor Plan," dated April 12, 2024; Sheet 4, Sheet A102, entitled "First Floor - Proposed Floor Plan," dated April 12, 2024; Sheet 5, Sheet A201, entitled "Basement - Existing Plan," dated April 12, 2024; Sheet 6, Sheet A202, entitled "Basement – Proposed Plan," dated April 12, 2024; Sheet 7, Sheet A301, entitled

“Existing RCP – 1st Ceiling Plan,” dated April 12, 2024; Sheet 8, Sheet A302, entitled “Proposed RCP – 1st Ceiling Plan,” dated April 12, 2024; Sheet 9, Sheet A401, entitled “Enlarged Plans and Interior Elevations,” dated April 12, 2024; Sheet 10, Sheet A402, entitled “Interior Elevations & Entry,” dated April 12, 2024; Sheet 11, Sheet A601, entitled “Life Safety Plan,” dated April 12, 2024.

Thank you, alex.

Alexandra Clee

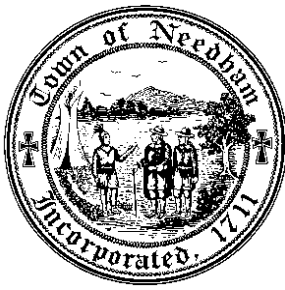
Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov/planning

<< File: Full Application for website_WR Noodles.pdf >>



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

DECISION
July 11, 2024

MAJOR PROJECT SITE PLAN SPECIAL PERMIT

WR Noodle Group, Inc., (President Ray Zheng)

998 Great Plain Avenue

Application No. 2024-02

Decision of the Planning Board (hereinafter referred to as the Board) on the petition of WR Noodle Group, Inc., Ray Zheng, President, 247 Newbury Street, Boston, MA, 02116, (hereinafter referred to as the Petitioner), for the property located at 998 Great Plain Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan, No. 47, Parcel 66 containing 3,654 square feet in the Center Business Zoning District.

This Decision is in response to an application submitted to the Board on May 9, 2024, by the Petitioner for: (1) a Major Project Site Plan Review 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 Center Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to a restaurant serving meals for consumption on the premises; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential use on a lot; (5) a Special Permit under Section 1.4.6 of the By-Law for the alteration of a lawful, pre-existing, non-conforming, structure, if applicable; and (6) a Special Permit under Section 5.1.1.6 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).

The requested Major Project Site Plan Review Special Permit, would, if granted, permit the Petitioner to renovate the former retail space located at 998 Great Plain Avenue, Needham, Massachusetts, for use as a full-service noodle restaurant with 36 seats and a takeout station.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Natasha Espada, on Tuesday, June 18, 2024, at 7:00 PM in the Select Board's Chambers, Needham Town Hall, 1471 Highland Ave, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264. Board members Natasha Espada, Artie Crocker, Paul S. Alpert, Adam Block and Justin McCullen 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 Properly executed application for a Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law, for 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 Center Business District, for a Special Permit under

Section 3.2.2 of the By-Law for a take-out operation accessory to a restaurant use, for a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot, for a Special Permit under Section 1.4.6 of the By-Law for the change and/or extension of a lawful, pre-existing, non-conforming, use or building, if applicable, and, for a Special Permit under Section 5.1.1.6 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), said application dated May 9, 2024, with Addendum A.

- Exhibit 2** Authorization Letter from Jeffrey A. Katz and Gary M. Katz, Trustees, AJ Realty Trust, dated April 17, 2024.
- Exhibit 3** Letters from Attorney George Giunta Jr., dated May 2, 2024 and July 1, 2024.
- Exhibit 4** Plans prepared by Up Design & Build, LLC, consisting of 11 sheets: Sheet 1, Sheet A000, Cover Sheet, dated April 12, 2024; Sheet 2, Sheet A001, entitled “General Notes,” dated April 12, 2024; Sheet 3, Sheet A101, entitled “First Floor - Existing Floor Plan,” dated April 12, 2024; Sheet 4, Sheet A102, entitled “First Floor - Proposed Floor Plan,” dated April 12, 2024; Sheet 5, Sheet A201, entitled “Basement - Existing Plan,” dated April 12, 2024; Sheet 6, Sheet A202, entitled “Basement – Proposed Plan,” dated April 12, 2024; Sheet 7, Sheet A301, entitled “Existing RCP – 1st Ceiling Plan,” dated April 12, 2024; Sheet 8, Sheet A302, entitled “Proposed RCP – 1st Ceiling Plan,” dated April 12, 2024; Sheet 9, Sheet A401, entitled “Enlarged Plans and Interior Elevations,” dated April 12, 2024; Sheet 10, Sheet A402, entitled “Interior Elevations & Entry,” dated April 12, 2024; Sheet 11, Sheet A601, entitled “Life Safety Plan,” dated April 12, 2024.
- Exhibit 5** Dumpster location information prepared by Attorney George Giunta Jr. consisting of two sheets.
- Exhibit 6** Interdepartmental Communication (IDC) to the Board from Thomas Ryder, Town Engineer, dated June 14, 2024; IDC to the Board from Tara Gurge, Health Department, dated June 12, 2024; IDC to the Board from Chief Dennis Condon, Needham Fire Department, dated July 1, 2024; IDC to the Board from Joe Prondak, Building Commissioner, dated May 17, 2024; and IDC to the Board from Chief John Schlittler, Needham Police Department, dated May 16, 2024.

Exhibits 1, 2, 3, 4 and 5 are referred to hereinafter as the Plan.

FINDING AND CONCLUSIONS

- 1.1 The premises, which is commonly identified as 998 Great Plain Avenue, is located within an existing building in the Center Business District. The property on which the building is located is identified as Parcel 66 on Town of Needham Assessor’s Map No. 47 and contains approximately 3,654 square feet of land area. The premises consists of 1,387 square feet of commercial space on the first floor and 1,404 square feet of space in the basement. It was most recently used for retail purposes in connection with the former Harvey’s Hardware. Before that it was used for a variety of different purposes, including as a delicatessen and a Brigham’s Ice Cream store.
- 1.2 The Petitioner seeks the zoning relief that is necessary to renovate the subject premises to make same suitable for use as a full service, eat-in restaurant, with 36 total seats, with accessory take-out and catering. The Petitioner currently owns and operates two noodle restaurants in Boston.;

one at 247 Newbury Street, which opened in 2016, and another at 144 Tremont Street, which opened in 2018. It now plans to open a third location in Needham at the premises. The menu will feature noodle soups, ramen, and a variety of side dishes as well as various beverages, generally consistent with the items offered at the existing two locations.

- 1.3 The Petitioner proposes to operate the restaurant 7 (seven) days a week for lunch and dinner from 11:00 a.m. to 9:30 p.m. The Petitioner proposes to utilize the services of no more than four (4) employees on-site at any one time, although on average, staffing will vary between three (3) and four (4) employees depending on demand and shift.
- 1.4 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (number of parking spaces) Required Parking. Under the By-Law, the parking requirement for a 36-seat restaurant with one take-out station is 22 (1 parking space per 3 seats, plus 10 parking spaces for one take-out station). Accordingly, a waiver for 22 parking spaces has been requested. No parking is provided on-site.
- 1.5 The prior use of the premises for retail purposes required a total of 7 spaces, calculated as follows: 1,387 square feet of first floor retail space @ 1 space / 300 square feet = 4.62 = 5 spaces (rounded up), 1,404 square feet of basement storage space @ 1 space / 850 square feet = 1.65 = 2 spaces (rounded up), for a total parking requirement of 7 spaces (5 + 2 = 7). The proposed restaurant will result in an increase in parking demand of 15 spaces, pursuant to Section 5.1.1.6 of the By-Law. Either full compliance or a parking waiver is required. As no parking is available on-site, a waiver for 22 parking spaces has been requested.
- 1.6 Pursuant to Section 5.1.1.3 of the By-Law, no change or conversion of a use in a mixed-use structure to a use which requires additional parking shall be permitted unless off-street parking is provided in accordance with Section 5.1.3 for the entire structure or a waiver is granted pursuant to the provisions of Section 5.1.1.6. As there is no parking associated with the property, a waiver under the provisions of Section 5.1.1.6 is required.
- 1.7 The building and the property that contain the premises are both fully developed and have been pre-existing for many years, without room for any off-street parking. However, the Lincoln Street and School Street municipal parking lot, containing numerous off-street parking spaces, is located within close walking distance of the premises. In addition, there are numerous on-street parking spaces located on both sides of Great Plain Avenue in the vicinity of the premises.
- 1.8 The Petitioner will utilize either the existing common dumpster at the rear of the site that presently serves the existing tenants on the property, or one or more supplemental additional dumpsters will be added adjacent to the existing dumpster, if necessitated. The Petitioner will also add a grease barrel at the rear of the site if necessary. The Petitioner will be adding a recycling dumpster. The Petitioner also anticipates installation of a grease interceptor, interior to the space, as the type of food proposed to be provided warrants such an installation.
- 1.9 The Petitioner is not proposing façade renovations.
- 1.10 The site is appropriate for the use and the structure. The site is located on Great Plain Avenue between the intersections of Great Plain Avenue and Chestnut Street / Chapel Street and Dedham Avenue and is near other commercial uses.
- 1.11 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and site buffers, and preservation of use, light and air. No change

to the footprint of the building is proposed. The site already includes a surface water drainage system connected to the municipal system and is designed to accommodate the existing 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.

- 1.12 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 assured. The building and property in which the premises is located are fully developed without any walkways or driveways. And while there is no parking available on site, the premises is near the municipal parking area and to numerous on-street parking spaces.
- 1.13 Adequate methods for the disposal of refuse and waste will be provided. The project's wastewater system will be connected to the municipal sewer system. The Petitioner proposes to utilize either the existing common dumpster at the rear of the site that presently serves the existing tenants on the property, or one or more supplemental additional dumpsters will be added adjacent to the existing dumpster, if necessitated as determined by the Board of Health. The Petitioner will also add a grease barrel at the rear of the site if necessary. The Petitioner will be adding a recycling dumpster to this shared facility. The Petitioner also anticipates installation of a grease interceptor, interior to the space, as the type of food proposed to be provided warrants such an installation.
- 1.14 Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-Law will be met. The building and property containing the premises are fully developed and located within a long-standing commercial area. Therefore, the relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area, and compliance with other requirements of the By-Law will be met, as no material change to the footprint or layout of the building or property is proposed or contemplated. Furthermore, there are not any significant community assets in the area immediately adjoining the premises with the sole exception of the Town Hall and the Town Common, which are not anticipated to be materially affected by the proposed restaurant.
- 1.15 Mitigation of adverse impact on 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 involves the reuse of an existing leased space in the building. All applicable Board of Health regulations with respect to restaurant use will be complied with. The addition of this restaurant to Needham Center will have a positive impact on both Needham Center and the Town of Needham in general. The project will improve the aesthetics of the building, as the space is currently vacant, and will provide another amenity to Needham residents and visitors.
- 1.16 Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises has been assured. As described above there is no on-site parking but street parking is available as well as municipal lots near the premises. The premises is in Needham Center near the municipal parking lot located behind Great Plain Avenue and Chestnut Street and numerous on-street parking spaces are available. Whereas the premises has previously been used for other food service uses, including a delicatessen and ice cream store, the existing arrangement of parking and loading spaces is anticipated to be fully adequate for the proposed use.

- 1.17 The proposed project demonstrates that it is providing the maximum number of off-street parking spaces practicable. 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 regarding off-street parking, as there are no on-site parking spaces.
- 1.18 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit may be granted within the Center Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Business Districts, and 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 and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.
- 1.19 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow a Special Permit for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter in the Center Business District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. Based on 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.
- 1.20 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow a Special Permit for an accessory take-out operation incidental to a lawful restaurant principal use in the Center Business District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. Based on 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.
- 1.21 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 use is in harmony with the general purposes and intent of the By-Law. Based on 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, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.22 Under Section 5.1.1.6 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the number of parking spaces required by Section 5.1.2 and/or the application of certain design requirements contained in Section 5.1.3, but that a reduction in the number of spaces and certain design requirements is warranted. Based on the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhoods inherent use.
- 1.23 Under Section 1.4.6 of the By-Law, a lawful pre-existing nonconforming building may be structurally altered only pursuant to a special permit issued by the Board pursuant to Section 7.5.2

provided that the Board determines such alteration would not be substantially more detrimental to the neighborhood than the existing non-conforming structure. Based on the above findings and criteria, the Board finds that the proposed alteration, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the existing non-conforming structure nor to be more detrimental to the neighborhood than the existing non-conforming structure.

THEREFORE, the Board voted 5-0 to GRANT: (1) a Major Project Site Plan Review Special Permit under Section 7.4 of 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 wait staff/waitress or waiter in the Center Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to a restaurant serving meals for consumption on the premises; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot; (5) a Special Permit under Section 1.4.6 of the By-Law for the change and/or extension of a lawful, pre-existing, non-conforming, use or building, if applicable; and (6) a Special Permit under Section 5.1.1.6 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), subject to and with the benefit of the following Plan modifications, conditions and limitations.

PLAN MODIFICATIONS

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

- 2.1 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) The Plan shall be revised to show the location of two dumpsters, one designated for trash and the other designated for recycling only, along with waste/oil grease containment (if applicable) as required by the Board of Health. These dumpsters shall be placed in an accessible area behind the building, with the location marked on the ground, and in a location which does not block any existing means of building access or any window location of adjacent premises.

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 3.22 hereof.
- 3.1 The use of the subject property shall be that of a thirty-six (36) seat full-service restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter.

In addition, the Petitioner may operate one take-out station accessory to the primary restaurant use as well as a catering service.

- 3.2 The restaurant shall contain no more than 36 seats for on-site food consumption and one take-out station.
- 3.3 The restaurant may be open for business seven 7 (seven) days a week for lunch and dinner. The hours of operation shall be limited to 11:00 a.m. to 9:30 p.m. on all seven days. The restaurant may utilize the services of no more than four (4) employees at any one time.
- 3.4 No changes are proposed to the façade of the building.
- 3.5 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, except as provided in Section 3.6 below. Provided further, however, the Petitioner may modify the floor plans without further review or approval, provided that the total number of seats does not exceed thirty-six (36).
- 3.6 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 dimension requirements of the By-Law. Provided further, however, the Petitioner may modify the floor plans without further review or approval, provided that the total number of seats does not exceed thirty-six (36).
- 3.7 The Petitioner shall purchase four (4) employee parking stickers from the Town of Needham for use in the Town's municipal parking lots and shall require its employees to park in the Chestnut Street Parking Lot whenever space is available in that lot. The off-site parking stickers shall be provided without cost to the employee and said employees utilizing off-street parking stickers shall be prohibited from parking in any location outside the Town's permitted parking area.
- 3.8 The waiver of parking requirements granted by this Decision is contingent upon the premises being used as described in this Decision and in accordance with the representations of the Petitioner, which formed the basis of the findings of fact and other conditions stated herein.
- 3.9 All cooking facilities shall be properly vented so as not to create any disturbing odors. There shall be a provision for disposal of refuse, which shall be removed on a timely basis.
- 3.10 This Special Permit to operate the Noodle restaurant facility at 998 Great Plain Avenue is issued to WR Noodle Group, Inc., 247 Newbury Street, Boston, MA, 02116, prospective lessee only, and may not be transferred, set over, or assigned by WR Noodle Group, Inc., 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.
- 3.11 All loading and deliveries shall occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. Loading and deliveries shall be permitted to occur from Chestnut Street. No loading or deliveries shall be permitted from Great Plain Avenue.
- 3.12 All solid waste associated with this project shall be removed from the site by a private contractor. The trash and recycle 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. The trash shall be picked up no less than one day per week, or more frequently as

may reasonably be necessary to control accumulation and to ensure that no public health concerns develop. Trash pick-up shall be permitted to occur from Chestnut Street. No trash pick-up shall be permitted from Great Plain Avenue.

- 3.13 Additional trash and grease receptacles shall be provided, if required by the Planning Board or Board of Health, and the area shall be kept free of litter from the restaurant operation. The dumpster shall be emptied as needed, cleaned and maintained to meet Board of Health Standards.
- 3.14 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.15 The Petitioner shall use due diligence and make reasonable efforts to prevent customers of the restaurant from parking illegally on Great Plain Avenue and Chestnut Street or from otherwise improperly disrupting the flow of traffic on either street while patronizing the restaurant.
- 3.16 That the following interim safeguards shall be implemented during construction:
 - a) The hours of construction shall be 7:30 a.m. to 6:00 p.m. Monday through Saturday.
 - b) The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site that require excavation or otherwise pose a danger to public safety.
 - c) The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner, and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Great Plain Avenue and Dedham Avenue.
- 3.17 That no building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
 - a) The Petitioner shall submit seven copies of the final Plans as approved by the Board.
 - b) The final plans shall be in conformity with those previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
 - c) 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.
- 3.18 That no building or structure, or portion thereof, subject to this Special Permit and Site Plan Approval shall be occupied until:
 - a) A Certificate of Compliance and four copies of an as-built floor plan, signed by the registered architect of record certifying that the project was built according to the approved documents, have been submitted to the Board.

- b) There shall be filed, with the Building Commissioner, a statement by the Board approving the Certificate of Compliance and as-built floor plan for the proposed improvements, in accordance with this Decision and the approved Plan.
 - c) There shall be filed with the Board evidence that the requirements imposed in Section 3.7, the arrangements for the provision of the off-site employee parking stickers, have been satisfied.
 - d) There shall be filed with the Board, evidence that the requirements imposed by the Board of Health relative to dumpster location and installation, and waste/oil grease containment, have been met as shown on the Plan.
- 3.19 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 Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, Board of Selectmen and Board of Health.
- 3.20 The portion of the building or structures authorized by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted on site until a Certificate of Occupancy and Use has been issued by the Building Commissioner.
- 3.21 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.
- 3.22 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the Petitioner of such violation and give the Petitioner 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, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Commissioner to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

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 this site 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. However, the Petitioner may modify the floor plans without further review or approval, provided that the total number of seats does not exceed thirty-six (36).

- 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 should 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 Review Special Permit shall lapse on July 11, 2026, 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 July 11, 2026. 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 11th day of July, 2024.

NEEDHAM PLANNING BOARD

Natasha Espada, Chairperson

Artie Crocker

Adam Block

Paul S. Alpert

Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss _____, 2024

On this ____ day of _____, 2024, before me, the undersigned notary public, personally appeared _____, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Notary Public

My Commission Expires: _____

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Amendment to Decision of the project proposed by WR Noodle Group, Inc., 247 Newbury Street, Boston, MA, 02116, for property located at the 998 Great Plain Avenue, Needham, Massachusetts, has passed,

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

Date

Louise Miller, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Design Review Board
Building Commissioner
Conservation Commission
George Giunta, Jr., Attorney

Select Board
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest

From: [Lee Newman](#)
To: [Brian Connaughton](#)
Cc: [George Giunta Jr. \(george.giuntajr@needhamlaw.net\)](#); [Thomas Ryder](#); [Michael Retzky](#); [Alexandra Clee](#)
Subject: FW: 920 South Street-Water service
Date: Friday, June 28, 2024 8:01:44 AM

Brian,

I am following up on your earlier email as relates next steps for obtaining a water connection at 920 South Street. Please see the email below from the Town Engineer as relates the process it will take for the you to connect the property at 920 South Street into the town's water main.

Please let me know if you have any further questions.

Lee

From: Thomas Ryder <tryder@needhamma.gov>
Sent: Friday, June 28, 2024 12:12 AM
To: Lee Newman <LNewman@needhamma.gov>
Subject: 920 South Street-Water service

Hi Lee,

You have asked me the process it will take for the developer of 920 South Street to connect into the town's water main. Specifically, the developer needs water in order to irrigate the property and provide dust control during construction.

From what I understand, the developer has indicated that tapping into the existing water main on South Street will be both cost prohibited and will only be used temporary as the town is starting construction of a new 16-inch water main.

History:

- The existing lot was served with a 2-inch domestic service and a 4-inch Fire service;
- The developer as part of a subdivision provided plans to the Planning Board showing a design of a 6-inch water service for domestic and fire flow services into the subdivision;
- Last Year, the developer was approved and cut and capped both water services at the water main as they were preparing for site construction;
- Currently the site is open with no water service to the property.

In order for the developer to be provided town water, they must submit an application to the Water Division for tapping to the main and metering the water use. The plan submitted during the subdivision process already shows this water main design for the construction of their subdivision. Alternatively, there are other methods the developer may employ to irrigate the property.

In reference to the developer's concern that if a service is tapped, it will only be temporary and be discarded:

Indeed, the town is starting construction of a new water main on South Street in same location as the existing water main. The timing for completion of the project will be approximately 1-year. We are hoping that the construction will be in front of this property at

920 South Street before winter, but no guarantees.

When our construction of the new water main reaches the subdivision in question, we will be replacing all existing gates, valves and other and connections with “in-kind” materials. So, the developer will not be double paying for those construction services or materials. The construction of the gates and the 6-inch main that services the subdivision should be borne on the developer as indicated on their plans, the town will not be providing this work if it does not currently exist.

Thomas A Ryder, PE
Town Engineer

Needham Department of Public Works
500 Dedham Avenue
Needham, MA 02492
Telephone: 781-455-7538
Fax: 781-449-9023
E-mail: Tryder@needhamma.gov
Website: www.needhamma.gov

From: [Edward Olsen](#)
To: [Lee Newman](#)
Cc: [Alexandra Clee](#)
Subject: RE: 920 South St. tree buffer, Revised
Date: Wednesday, June 26, 2024 4:10:06 PM

Hi,

I honestly believe that the current recommendation before the Board is sufficient. Often the smaller the better. Obviously neither of these are small but relatively speaking smaller trees, or really younger trees transplant quicker and respond better than larger trees. The shock of transplanting is clearly more significant as the size of the tree increases. I believe both would agree that viability of this hedge row is most important. Lastly the recommended height is clearly over what would be considered a general line of sight. Therefore it is my recommendation would be to follow the guidelines as suggested.

Eddie

From: Lee Newman <LNewman@needhamma.gov>
Sent: Wednesday, June 26, 2024 3:03 PM
To: Edward Olsen <eolsen@needhamma.gov>
Cc: Alexandra Clee <aclee@needhamma.gov>
Subject: 920 South St. tree buffer, Revised

Ed,

I have attached the updated landscape plan that I received from Brian Connaughton per your recommendation below. Can you review it and give me your final recommendation for the Planning Board.

I believe the only issue that remains is to determine the appropriate height for the trees in the 50-foot buffer at installation. The plan currently shows a height of 6 to 8 feet for the Pinus Strobus "Fastigata" and 7 to 8 feet for the Picea Albies "Cupressina".

At the Planning Board meeting the abutter Serguei Aliev requested a tree height at installation of 8 to 10 feet. Mr. Connaughton expressed concern as to the availability of trees at this increased height.

Please let me know your recommendation as to the height you would recommend so that the Planning Board can consider it their next meeting of July 11th.

Thank you,

Lee

From: Edward Olsen <eolsen@needhamma.gov>
Sent: Tuesday, June 18, 2024 5:58 PM
To: Lee Newman <LNewman@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>

Subject: 920 South St. tree buffer

Good evening,

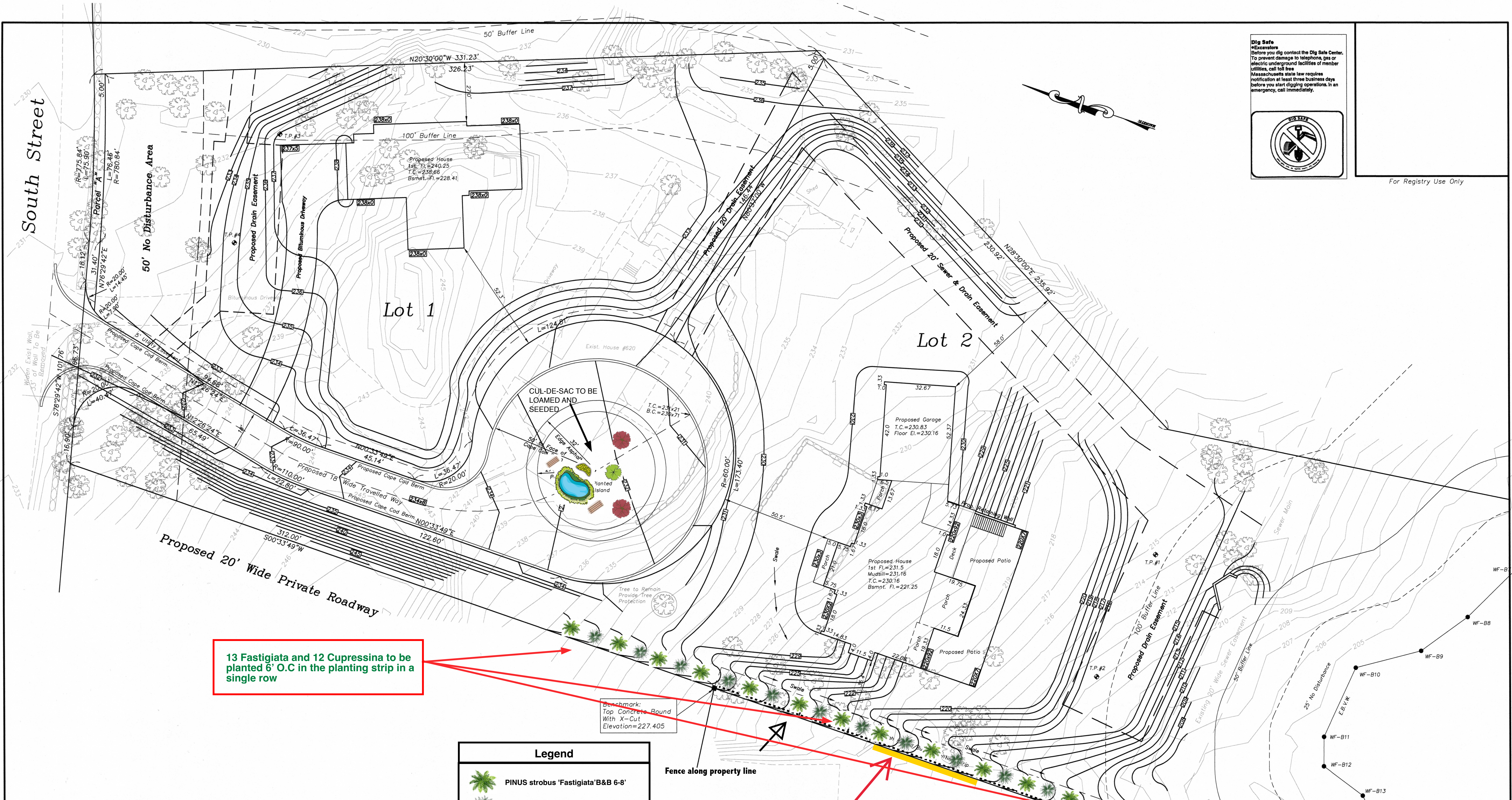
Over the past week I have had several phone call conversations and emails with both Serguei Aliev, resident of 31 Marant Drive as well as Brian, owner and Developer of the 2 lot subdivision located at 920 subdivision. There has been a lot of discussions, for many months regarding the required tree planting buffer area. Brian and Serguei seemingly were working together on a mutually agreeable solution. However recently these continued talks and agreements regarding a tree buffer broke down and I was asked to intervene. The good thing is that much of the prep work had already been done. Serguei had really taken the lead on designing and planning for a mutually beneficial tree buffer that both could enjoy for the future together coming forward as neighbors. I commend them both for their efforts and know that these conversations, especially regarding change and new construction can be very difficult as well as emotional at times. At the most recent Planning Board meeting a plan was presented and returned for further amendments. The main argument was that the one species presented in a single row would not suffice, for the proposed spacing would not fully enclose this open space as a true and total screen. As mentioned, since that meeting this plan was had some refinements suggested. Including adding one additional tree species. This not only adds in the aesthetics but also by adding some diversity this will increase the value of this screen for many different reasons. One particular and very important reason is for future pest considerations. Monostands or stands of 1 variety of tree, or plant material can be devastated if attacked by a specific pest. Adding some diversity is a smart thing and one that was discussed apparently in earlier conversations. Therefore, I am in support of the most recent recommendation from Serguei as presented. This being a single row of trees consisting of alternating two specific varieties of Pine and Spruce trees. My final recommendation after listening to both sides of this ongoing case would be the following:

- 1 single row of trees
- Alternate two varieties of Pinus Strobus "Fastigata" and Picea Albies "Cupressina"
- Spacing of 6 feet on center
- Total amount of trees: 13 Pine and 12 Norway Spruce, the pine will flank either end of the buffer strip and spacing would allow for each to maximize their full growth potential
- Requiring a certified arborist to ensure that planting of trees is done following BMPs

I understand again that these matters are difficult. I do not enjoy having to get involved with these matters for reasons aforementioned. However the world is full of problems and fortunately I am in the business of finding solutions. I hope that this matter can be resolved tonight for the mutual benefit of both parties.

Sincerely,

Eddie



Dig Safe
Before you dig contact the Dig Safe Center.
To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free
Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.



For Registry Use Only

DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL HAS BEEN RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE	
DATE	TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED	
TOWN OF NEEDHAM PLANNING BOARD	
BY:	
APPROVED:	

Legend

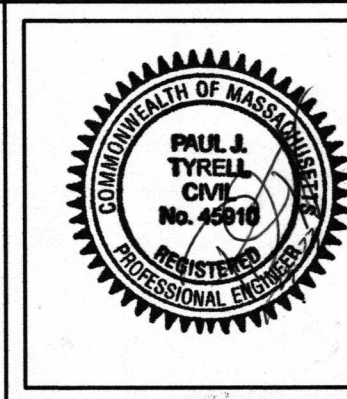
-  PINUS strobus 'Fastigiata' B&B 6-8'
-  Picea abies 'Cupressina' B&B 7-8'
-  Pinus parviflora 'Tempelhof' B&B 8-10'
-  Cercis canadensis 'Forest Pansy' 2.5-3"
-  Annual Bed

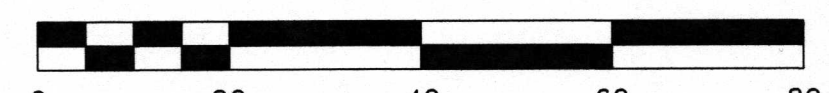
I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

Brian Connaughton

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

REVISIONS	
DATE	DESCRIPTION
1-19-23	ADDED HOUSE FOOTPRINTS & GRADING
2-23-23	LOT & ROAD GRADING, ELEVATIONS, SWALE



~Proposed Grading Plan~	
920 South Street	
Needham, Massachusetts	
Scale: 1"=20'	September 9, 2022
VERNE T. PORTER Jr, PLS	
Land Surveyors - Civil Engineers	
354 Elliot Street, Newton, Ma. 02464	
Project:22019	
Designed By:	
Drawn By:	
Checked By:	
	
Sheet 4 of 8	

50' No Disturbance Area

Lot 2

Proposed 20' Wide Private Roadway

13 Fastigiata and 12 Cupressina to be planted 6' O.C in the planting strip in a single row.

Note: Plantings not to scale, to be planted 6' on center

~~Benchmark:
Top Concrete Bound
With X-Cut
Elevation=227.405~~

Fence along property line

50' Where Mr Aliev Planted

Plan Revised: 7/1/24



Dig Safe
•Excavators
 Before you dig contact the Dig Safe Center. To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free
 Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.



For Registry Use Only

~Proposed Grading Plan~

920 South Street

Needham, Massachusetts

Scale: 1"=20' September 9, 2022

VERNE T. PORTER Jr, PLS

Land Surveyors – Civil Engineers

354 Elliot Street, Newton, Ma. 02464

Project:22019

Desinged By:

Drawn By:

Sheet 4 of 8

DIRECTOR OF PUBLIC WORKS

DATE APPROVED _____

TOWN ENGINEER

DATE APPROVED _____

I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE

DATE	TOWN CLERK
------	------------

APPROVAL IN ACCORDANCE WITH SECTION 91-U OF
CHAPTER 41 OF THE GENERAL LAWS AS AMENDED

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPROVED:

Legend

-  **PINUS strobus 'Fastigiata' B&B 6-8'**
-  **Picea abies 'Cupressina' B&B 7-8'**
-  **Pinus parviflora 'Tempelhof' B&B 8-10'**
-  **Cercis canadensis 'Forest Pansy' 2.5-3'**
-  **Annual Bed**

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

BOARD.

Ben D. Fournier

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

June 26, 2024

Needham Planning Board

500 Dedham Avenue

Needham, MA 02492

Re; 920 South Street Subdivision

Dear Planning Board Members,

Thank you very much for your time, effort and patience reviewing and discussing vegetation buffer strip plan for 920 South Street, Needham, MA in accordance with the Definitive Subdivision Decision for this address.

Unfortunately, this relatively simple process took longer than I expected for the reasons beyond my control.

I would like to state one more time that I fully accept recommendations and proposals made by Ed Olson and discussed on June 18th hearing. I am looking forward to put this matter finally to rest. The remaining things to decide are:

- final determination for the height of the trees to be planted on the buffer strip by the applicant. I respectfully ask the Planning Board to approve 8-10ft. high trees on the buffer and not 6-8 ft. proposed by the applicant claiming that higher trees were hard to locate and/or unavailable. This statement of the applicant is not correct. Previously, the applicant proposed 7-8 ft. high trees on the strip.
- establish deadline for planting and require the applicant to complete the buffer strip in the fall of 2024
- Another thing to consider is the review of the strip covenant and restrictions and understand mechanism of enforcement in case of noncompliance.

I would like to go back to the statement I made about misrepresentation by the applicant about existing trees to remain and which ones to be cut on submitted plans for the public hearing in 2023.

On June 18th hearing I referred to the Plan for the Buffer strip submitted by the applicant to the Planning Board in February 2024. (see, attached).

As you can see the applicant submitted the plan in anticipation for the hearing back then and asked for the Planning Board's approval. The plan clearly shows "existing trees to remain", though all the trees were cut down in September-October 2023. The applicant was aware about it. Therefore, it was a misrepresentation. In addition, the applicant unilaterally reduced previously approved and agreed upon length of the buffer strip almost in half and attempted to get approval from the Board. On submitted plan the applicant started low with the planting because of supposedly existing trees and ended the buffer strip approximately 30 ft. before the real final end mark which is just below the 100 ft. buffer zone stake. Once Barry Fogel, Esq., sent a note to the Board and pointed out to the discrepancies the applicant immediately requested to postpone the hearing. Later the applicant submitted different plan with correct length of the buffer strip and showing no trees remained.

At the beginning of the subdivision hearings the applicant indeed submitted for review and approval of the Planning Board several plans where he identified trees to remain on both sides of the project. Furthermore, the applicant during public hearings which were recorded and available for public viewing made several statements promising to leave some trees intact in order to create buffer screen for 914 South Street and for 11 Marant Drive. After these promises the above mentioned owners expressed their support for the subdivision of the lot on 920 South Street assuming that those trees will remain, though the plans by themselves were confusing. I was present and participated in all these hearings.

I was the only one who had everything in writing about the buffer strip from the applicant and George Giunta, the applicant's attorney.

I believe that the Planning Board shall require the applicant to create buffer zones for adjacent properties, as he publicly promised.

I was really surprised when at the hearing on June 18th. attorney Giunta attempted to defend his client by saying that even though the promises by the applicant were made publicly and on record they meant nothing and cutting all the trees in spite of promises was purely his applicant's choice. Needless to say that in accordance with the Definitive Subdivision Decision issued in April 2023 the applicant had 90 days to submit landscaping plan for the Board's approval. However, the applicant ignored the deadline and has not complied with the requirements of the Definitive Subdivision Decision, creating even more confusion for the Board and for the public. As of today there is no final plan submitted by the applicant. Without the plan and violating 90 days deadline and at his own risk the applicant went ahead and cleared the lot as he wished and proceeded with some other work. The Definitive Subdivision Decision has not been finalized and the applicant did not have the right to proceed with the work on the site. However, he did and violated provisions of the Decisions and I believe several statutes of the Town of Needham Bylaws.

However, according to George Giunta's presentation on June 18th. hearing these actions were all acceptable. The way I understood that evening George Giunta claimed that violation of these statutes, provisions and public promises is a norm for developers in Needham. Since when is violating laws, statutes, not complying with the decisions of the Planning Board, breaking public promises are considered a norm under the Rules of Professional Conduct by BBO? As far as I understand there are

certain procedural mechanisms to address these concerns with MA Bar Association. It is undisputable that attorney George Giunta has an obligation to defend his client the best he can. But representation of a client has to be within the existing laws and shall not encourage a client to violate current statutes or defend such behavior. Attorney Giunta shall be concerned about the representation and statements he made on June 18th hearing.

Though I never practiced law as an attorney I do have a law degree, my wife worked as a counsel and arbitrator for several years and my son graduated from UPenn law and Wharton. In my day to day business I have been dealing on numerous occasions with legal system in Massachusetts on different matters (mostly real estate and the environment) and on various levels, including MA Superior Court. Personally, I strongly believe that attorney's Giunta conduct and statements when defending his client on June 18th. hearing were unacceptable and worrisome.

Moreover, George Giunta attempted to lecture Members of the Planning Board how to conduct their business, interpreted statutes in his own wrong way. I believe that the Planning Board members know their rights, statutes and procedures in the Town very well.

Since I believe that the applicant committed multiple violations of the provisions of the Definitive Subdivision Decision together with several statutes of the Town of Needham Bylaws and in accordance with the par. 42 of the Decision the Planning Board has all the right to rescind the Decision, if members of the Board choose to do so.

I totally support Barry Fogel, Esq. statement in this regard and request that the Planning Board shall not allow for this applicant to get away with the significant violations he has made. It will only encourage such behavior further and will create negative precedent.

I was surprised to hear George Giunta's assertion which he also made publicly on June 18th hearing that supposedly the applicant did a favor to me by agreeing to create a vegetation buffer between my property and the development at 920 South Street. May be attorney Giunta forgot that together with his client, client's engineer he participated several times at the meetings with me and attorney Fogel, regarding this matter. Attorney Giunta shall remember that creation of the vegetation buffer strip by the applicant/developer was one of the conditions for me to not object the subdivision and do not proceed with further legal actions. This agreement was put in writing. It was my favor to the applicant and I would appreciate if attorney Giunta corrects his statement publicly as well. I did fulfill my promise to the applicant and supported the subdivision. However, the applicant has not fulfilled his promise and obligation. In September/October 2023 the applicant first cut all the trees and has been constantly delaying the process, postponed the hearings numerous times, presented wrong and misleading plans, made confusing statements, attempted to reduce the agreed upon length of the vegetation buffer, etc., This should have been a very simple process but the applicant turned it into a difficult and complicated one.

The development site continues to be a mess, nuisance and health hazard with the dust conditions affecting my wife who suffers from significant dust allergies and continues to be on several medications.

We are spending thousands of dollars on my wife's treatment.

It is my belief at this point that because of the failures of the applicant to fulfill his obligations and promises under Definitive Subdivision Decision and in order to protect my property I was forced to start creating vegetation buffer on my side, plant trees and spent money.

I feel that medical expenses for the treatment of my wife and expenses for planting trees on my side shall be paid by the applicant. Currently I am reviewing several legal options in this regard.

Very recently my attorneys (not Barry Fogel) informed me that the applicant has significant mortgage on 920 South Street which he obtained in April 2022 while acquiring the property. The mortgage is the 30 year residential mortgage on applicant's personal name. Based on this mortgage note from First Republic Bank (now JP Morgan) the applicant promised to consider the house at 920 South Street as his primary residence and promised to live there. Per the note all improvements, alterations, etc., on the property should be reported to the lender. Soon after obtaining this loan the applicant demolished the existing house and applied for subdivision. I assume that the lender is aware about the demolition of the house, ongoing construction, increased liability, agreed to it and has been monitoring the development.

Dear Members of the Planning Board! In no way I am trying to be difficult and create some sort of a problem for the applicant. I am simply trying to protect my property and my family. I always was and continue to be ready to negotiate, compromise and come to a resolution of any issue, regarding the development next to my house. However, this resolution must be reasonable and on mutually beneficial terms and not one sided. I told this to applicant on numerous occasions and on numerous occasions the applicant had certain excuse not to do it. On June 18th hearing the applicant suddenly stated that he was asked to pay \$20,000 to bring water to the construction site and the amount was excessive. And supposedly that was the reason why the applicant was not able to properly mitigate the construction site. It is a strange statement. Every development comes with the cost and at least major expenses should have been anticipated and planned in advance, This coordinates with the question the applicant addressed to me some time ago about how much I would like to pay for landscaping work on the applicant's side (!?). This development does not seem to be well planned.

Since early beginning of the subdivision process I did hire professional engineer from DGT Associates Group, who monitors the site on a regular basis and advises me about all filings in the Town for this applicant and their compliance. However, every time the engineer visits my property to observe the activities on the development next door he is surprised about lack of progress and mountains of dirt, boulders, tree roots, etc., on site. Effect of these development activities next door to increased amount of water on my side remains to be seen and assessed separately. Especially, when practically all trees were cut and no drainage on the construction site has not been completed.

I did reach out to the Town of Needham Select Board and inquired about the status of the tree ordinance in the Town. Currently, I am in communications with Joshua Levy from the Select Board, regarding this matter and I am ready to help as much as I can to advance this tree ordinance. This Wild West style destruction of the trees in our Town must come to an end.

I kindly ask Members of the Planning Board to not allow this applicant to get away without any consequences for the multiple violations he has made until now. Even if the Board decides not to do anything at this moment for the past violations, at least the Board shall implement appropriate measures to monitor compliance of the applicant to the provisions of the Definitive Subdivision Decision, Town of Needham Bylaws going forward and establish firm deadlines for each stage of the development with meaningful enforcement. Construction site needs to be graded, properly mitigated, kept in an orderly fashion and not to be a nuisance.

It is my understanding and professional opinion of the engineer that the applicant will not be able to complete required scope of work within two year period established by the Decision and will have to request an extension. At this moment and being a direct abutter I will be against of any extension for the applicant. The applicant simply does not have any basis for it.

I apologize for the long note.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Serguei Aliev', with a stylized, flowing script.

Serguei Aliev,

31 Marant Drive, Needham, MA, 02492

From: [algran13](#)
To: [Alexandra Clee](#); [Lee Newman](#)
Cc: [Barry Fogel](#); [marant incopski](#)
Subject: Re: FW: 920 South St. tree buffer, Revised
Date: Tuesday, July 2, 2024 10:44:23 AM

Hi,

I was away and just came back.

I was going one more time through a chain of emails I received and one more time wanted to confirm that: 150 feet- 6 feet on center = 25 trees on the approved buffer strip.

I believe Barry Fogel, Esq. already pointed out this as well.

Also, I wanted to let you know that I am OK with the size of the trees that Ed recommends and will no longer be asking the Board to approve 8-10 feet high trees.

The 6-8 feet Fastigiata and 7-8 feet Cupressina proposed by the applicant will be fine with me.

No need to argue about 1 foot, or so. These trees do grow relatively fast after all, especially if the trees are planted and maintained correctly.

You can let the Board know about my agreement.

Regards,

Serguei Aliev

On Thu, Jun 27, 2024 at 11:00 AM Alexandra Clee <aclee@needhamma.gov> wrote:

FYI.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

www.needhamma.gov

From: Edward Olsen <eolsen@needhamma.gov>

Sent: Wednesday, June 26, 2024 4:10 PM

To: Lee Newman <LNewman@needhamma.gov>

Cc: Alexandra Clee <aclee@needhamma.gov>

Subject: RE: 920 South St. tree buffer, Revised

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Cc: Alexandra Clee <aclee@needhamma.gov>

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Sincerely,

Eddie

Lee Newman

From: Barry Fogel <bfogel@keeganwerlin.com>
Sent: Tuesday, July 2, 2024 8:30 AM
To: Lee Newman; Alexandra Clee
Cc: algran13; george.giuntajr@needhamlaw.net
Subject: 920 South Street
Attachments: 920 South St (River Run Rd) Buffer Restriction - (draft 07-01-24) BF edits.doc

Hi – Attached is a draft of the covenant with suggested edits on a revision that incorporates the recent comments from the Town and George.

Thank you – Barry

Barry P. Fogel
Keegan Werlin LLP
99 High Street, Suite 2900
Boston, MA 02110
bfogel@keeganwerlin.com
617-951-1400 (office phone)
617-951-1354 (facsimile)
617-543-8168 (cell phone)

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BUFFER PLANTING STRIP COVENANT AND RESTRICTION

River Run Road

This Declaration is made this day of July, 2024, by Brian Connaughton of 19 Walsingham Street, Newton, MA 02462 (hereinafter, the “Declarant” or “Owner”).

WHEREAS the Declarant is the fee owner of a portion of the private way known and designated as River Run Road (the “Private Way”), shown as “Proposed 20’ Wide Private Roadway”, and certain land situated in Needham, Norfolk County, Massachusetts, shown as Lots 1 and 2, inclusive, on a plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 2, entitled "Existing Conditions Site Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 3, entitled "By Right Subdivision Plan of Land," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 4, entitled "Proposed Lotting Plan," dated September 9, 2022, revised October 5, 2022, January 19, 2023 and February 23, 2023; Sheet 5, entitled "Proposed Grading Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 6, entitled "Proposed Utilities Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 7, entitled "Plan, Profile & Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 8, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 9, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; which Sheet 54 shall be recorded herewith, and all of which Sheets are hereinafter referred to as the “Plan”;

Commented [BF1]: It needs to be Sheet 5 (sheet 4 of 8), because Sheet 4 of the Plan set is sheet 3 of 8), as the Title sheet is not numbered.

WHEREAS the Town of Needham Planning Board (the “Board”) approved the Plan subject to certain conditions and waivers as set forth in the Board’s decision dated April 25, 2023, entitled “Definitive Subdivision Decision, 920 South Street” (hereinafter the “Decision”), said Decision recorded herewith;

WHEREAS pursuant to Paragraph 2 of the Decision, the Planning Board required, in pertinent part, that the Owner cause the Plan to be revised to show the following additional or revised information subject to review and approval of the Board prior to endorsement of the Plan: “A landscaping plan for the 10 foot Raised/Buffer Planting Strip, located along a portion of the westerly boundary;”

WHEREAS pursuant to Paragraph 40 of the Decision, the Planning Board required, in pertinent part, that the Owner deliver to the Board, a ~~certain~~ “Buffer Planting Strip Covenant and Restriction,” subject to review and approval of the Board prior to endorsement of the Plan;

WHEREAS, on [DATE, 2024,] the Owner submitted to the Board a revision to the Proposed Grading Plan (Sheet 5) showing, in pertinent part, proposed landscaping with 25 trees of specified species and size for the 10 foot Raised / Buffer Planting Strip 150 feet long located along a portion of the westerly boundary of Lot 2;

Commented [BF2]: The latest plan, with 25 trees, shows them planted over a span of more than 250 feet, which is at least 10 feet on center, and not six feet on center as proposed in the notes and as intended. The requirement and proposal was supposed to be 25 trees over 150 feet.

WHEREAS, on [DATE, 2024,] the Board approved the revision to the Proposed Grading Plan showing, in pertinent part, proposed landscaping for the 10 foot Raised / Buffer Planting Strip located along a portion of the westerly boundary of Lot 2 (hereinafter the "Approved Buffer Plan");

WHEREAS, the declarations set forth herein by the Owner are intended to comply with the aforesaid requirement of the Planning Board, as stated in Paragraph 40 of the Decision;

NOW THEREFORE, the Declarant hereby declares that Lot 2, as shown on the Plan, shall be held, sold and conveyed subject to the following covenants, restrictions and conditions, for the benefit of the Town of Needham, its successors and assigns, said restrictions and conditions to run with the Lot 2 and to be binding on all parties having any right, title or interest in Lot 2 or any part thereof, their heirs, successors and assigns, in perpetuity.

1. In the next growing season following the Board's approval of the Approved Buffer Plan, That the portion of Lot 2 shown on the Plan as "10' Raised Buffer / Planting Strip", and the adjacent "Swale" created to convey stormwater runoff, situated along a portion of the Westerly boundary of said Lot 2 (jointly, the "Buffer Area"), shall be graded and landscaped under the supervision of a certified arborist in accordance with the Approved Buffer Plan. A report from the certified arborist shall be filed with the Board within 30 days after the planting is completed.

Commented [CH3]: This should be a reference to an actual, specific plan. As drafted, this could well cause confusion about what plan was approved.

2. Following completion of grading and installation of trees as set forth above and as shown on the Approved Buffer Plan, neither the owner(s) of Lot 2 nor the Trustees of the River Run Road Homeowner's Trust shall cause, permit or allow any changes to be made to such grading and trees in the Buffer Area except in connection with maintenance of the condition of the area in accordance with the Approved Buffer Plan.

3. The Owner and all future owners of Lot 2 shall be obligated to have the newly planted trees monitored by a certified arborist for a period of no less than five (5) years, and shall be obligated in perpetuity to maintain the condition of the grading and trees in the Buffer Area, in accordance with the Approved Buffer Plan, by maintaining and restoring the condition and stability of the grading and trees, as reasonably necessary, including replacing any dead or diseased trees during the subsequent Spring or Fall planting season with specimens of the same size and species as proposed in the Approved Buffer Plan in a timely fashion. A report from the certified arborist shall be filed with the Board within 30 days after any inspection or replanting work is conducted. If the Owner or any future owner of Lot seeks to change variety or number of trees, they must work with the owner of the abutting property at 31 Marant Drive to reach agreement and seek approval from the Board.

4. Any deed or other instrument purporting to transfer or convey any interest in Lot 2 which does not expressly refer to and incorporate these conditions shall nevertheless be deemed to contain the same and in all events shall be subject thereto.

5. This Buffer Planting Strip Covenant and Restriction shall be recorded in the Registry of Deeds and shall run with the land and shall be enforceable by the Town of Needham. This Buffer Planting Strip Covenant and Restriction shall be referenced on the Plan and shall be recorded therewith. This Restrictive Covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

For Declarant's title see Deed filed with the Norfolk County Registry District of the Land Court as Document No. 1501178 and Certificate of Title No. 207299.

IN WITNESS WHEREOF, the said Brian Connaughton has hereunto set his hand and seal this _____ day of July, 2024.

Brian Connaughton

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS July, 2024

Then personally appeared before me the above named Brian Connaughton, personally known to me or proved to me through the production of sufficient evidence to be the person whose signature is affixed above, and acknowledged that he signed the foregoing document freely for its stated purpose.

Notary Public
My commission expires:

Approved as to Form:

Christopher Heep

Town Counsel

ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Buffer Planting Strip Covenant and Restriction hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM
By Its Select Board

By: _____
Name:
Title:

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS July~~ue~~, 2024

On this ____ day of July~~ue~~, 2024, before me, the undersigned notary public, personally appeared _____, Selectperson of the Town of Needham, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

Lee Newman

From: George Giunta Jr <george.giuntajr@needhamlaw.net>
Sent: Tuesday, July 2, 2024 8:56 AM
To: Lee Newman
Cc: Alexandra Clee; algran13; Barry Fogel
Subject: Re: 920 South Street
Attachments: 920 South St (River Run Rd) Buffer Restriction - (draft 06-28-24) GGJr 7-1-24.doc; 920 South St (River Run Rd) Buffer Restriction - (draft 07-01-24) BF edits.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Lee and Alex,

Please be advised that my client does not agree to these edits and objections to their inclusion.

Attached is a version that we would agree with, which incorporates the original edits from Attorney Fogel as well as certain additional revisions.

Regards,
George

George Giunta Jr, Esq.
281 Chestnut Street
Needham, MA 02492
Tel: 781.449.4520
Cell: 617.840.3570
Fax: 781.465.6059
george.giuntajr@needhamlaw.net

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

On Jul 2, 2024, at 8:30 AM, Barry Fogel <bfogel@keeganwerlin.com> wrote:

Hi – Attached is a draft of the covenant with suggested edits on a revision that incorporates the recent comments from the Town and George.

Thank you – Barry

Barry P. Fogel
Keegan Werlin LLP
99 High Street, Suite 2900
Boston, MA 02110
bfogel@keeganwerlin.com
617-951-1400 (office phone)
617-951-1354 (facsimile)
617-543-8168 (cell phone)

This e-mail, and any attachments hereto, are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any attachments thereto.

BUFFER PLANTING STRIP COVENANT AND RESTRICTION

River Run Road

This Declaration is made this day of July, 2024, by Brian Connaughton of 19 Walsingham Street, Newton MA 02462 (hereinafter, the “Declarant” or “Owner”).

WHEREAS the Declarant is the fee owner of a portion of the private way known and designated as River Run Road (the “Private Way”), shown as “Proposed 20’ Wide Private Roadway”, and certain land situated in Needham, Norfolk County, Massachusetts, shown as Lots 1 and 2, inclusive, on a plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 2, entitled "Existing Conditions Site Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 3, entitled "By Right Subdivision Plan of Land," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 4, entitled "Proposed Lotting Plan," dated September 9, 2022, revised October 5, 2022, January 19, 2023 and February 23, 2023; Sheet 5, entitled "Proposed Grading Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 6, entitled "Proposed Utilities Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 7, entitled "Plan, Profile & Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 8, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 9, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; which Sheet 54 shall be recorded herewith, and all of which Sheets are hereinafter referred to as the “Plan”;

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WHEREAS, on [DATE, 2024,] the Owner submitted to the Board a revision to the Proposed Grading Plan (Sheet 5) showing, in pertinent part, proposed landscaping for the 10 foot Raised / Buffer Planting Strip located along a portion of the westerly boundary of Lot 2;

WHEREAS, on [DATE, 2024,] the Board approved the revision to the Proposed Grading Plan showing, in pertinent part, proposed landscaping for the 10 foot Raised / Buffer Planting Strip located along a portion of the westerly boundary of Lot 2 (hereinafter the “Approved Buffer Plan”);

WHEREAS, the declarations set forth herein by the Owner are intended to comply with the aforesaid requirement of the Planning Board, as stated in Paragraph 40 of the Decision;

NOW THEREFORE, the Declarant hereby declares that Lot 2, as shown on the Plan, shall be held, sold and conveyed subject to the following covenants, restrictions and conditions, for the benefit of the Town of Needham, its successors and assigns, said restrictions and conditions to run with the Lot 2 and to be binding on all parties having any right, title or interest in Lot 2 or any part thereof, their heirs, successors and assigns, in perpetuity.

1. The ~~entire~~ portion of Lot 2 shown on the Plan as “10 ~~foot~~’ Raised Buffer / Planting Strip”, and ~~the adjacent~~ “Swale” (~~created to convey stormwater runoff~~), situated along a portion of the Westerly boundary of said Lot 2 (jointly, the “Buffer Area”), shall be graded and landscaped in accordance with the Approved Buffer Plan;

2. Following completion of grading and installation of trees as set forth above and as shown on the Approved Buffer Plan, neither the owner(s) of Lot 2 nor the Trustees of the River Run Road Homeowner’s Trust shall cause, permit or allow any changes to be made to such grading and trees in the Buffer Area except in connection with maintenance of the condition of the area in accordance with the Approved Buffer Plan.

3. The Owner and all future owners of Lot 2 shall be obligated to maintain the condition of the grading and trees in the Buffer Area, in accordance with the Approved Buffer Plan, by maintaining and restoring the condition and stability of the grading and trees, as reasonably necessary, including replacing any dead or diseased trees during the subsequent Spring or Fall planting season with specimens of the same size and species as proposed set forth in the Approved Buffer Plan in a timely fashion.

4. Any deed or other instrument purporting to transfer or convey any interest in Lot 2 which does not expressly refer to and incorporate these conditions shall nevertheless be deemed to contain the same and in all events shall be subject thereto.

5. This Buffer Planting Strip Covenant and Restriction shall be recorded in the Registry of Deeds and shall run with the land and shall be enforceable by the Town of Needham. This Buffer Planting Strip Covenant and Restriction shall be referenced on the Plan and shall be recorded therewith. This Restrictive Covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

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IN WITNESS WHEREOF, the said Brian Connaughton has hereunto set his hand and seal this _____ day of ~~July~~^{ye}, 2024.

Brian Connaughton

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS ~~July~~^{ye}, 2024

Then personally appeared before me the above named Brian Connaughton, personally known to me or proved to me through the production of sufficient evidence to be the person whose signature is affixed above, and acknowledged that he signed the foregoing document freely for its stated purpose.

Notary Public
My commission expires:

Approved as to Form:

Christopher Heep
Town Counsel

ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Buffer Planting Strip Covenant and Restriction hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM
By Its Select Board

By: _____
Name:
Title:

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS July~~ue~~, 2024

On this ____ day of July~~ue~~, 2024, before me, the undersigned notary public, personally appeared _____, Selectperson of the Town of Needham, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

Lee Newman

From: George Giunta Jr <george.giuntajr@needhamlaw.net>
Sent: Tuesday, July 2, 2024 2:34 PM
To: Lee Newman
Cc: Alexandra Clee; algran13; Barry Fogel
Subject: Re: 920 South Street
Attachments: 920 South St (River Run Rd) Buffer Restriction - (draft 07-01-24) BF edits.doc

Lee,

Following up on my prior email relative to the Buffer Covenant and Restriction, while my client does not agree to the version provided by Attorney Fogel earlier this morning, he does put forth the following:

1. The initial installation of the trees shown on the plan will be done under the supervision of a qualified arborist;
 2. The plan and intention is to plant the trees this coming fall, subject to progress on grading and site conditions, and availability of running water.
- It would make no sense to plant the trees if further site work in that area is required or if there is insufficient water to irrigate the trees.

Regards,
George

George Giunta Jr, Esq.
281 Chestnut Street
Needham, MA 02492
Tel: 781.449.4520
Cell: 617.840.3570
Fax: 781.465.6059
george.giuntajr@needhamlaw.net

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On Jul 2, 2024, at 8:30 AM, Barry Fogel <bfogel@keeganwerlin.com> wrote:

Hi – Attached is a draft of the covenant with suggested edits on a revision that incorporates the recent comments from the Town and George.

Thank you – Barry

Barry P. Fogel
Keegan Werlin LLP
99 High Street, Suite 2900
Boston, MA 02110
bfogel@keeganwerlin.com
617-951-1400 (office phone)
617-951-1354 (facsimile)
617-543-8168 (cell phone)

This e-mail, and any attachments hereto, are intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any attachments thereto.

Bob & Erna Place
914 South Street
Needham, MA 02492
781 -929-0944

July 2, 2024

Ms. Natasha Espada
Chair - Needham Planning Board
500 Dedham Avenue
Needham, MA. 02492

Re: Proposed 920 South Street Landscaping Plan

Dear Madam Chairman:

We live at 914 South Street and are a direct abutter to the property next door at 920 South Street. We would like to submit the following for your consideration:

- 1. Development of Landscape Plan for Eastern edge.** After the June 18 Planning Board meeting, we met with the applicant Brian Connaughton and our landscape consultant and developed a Landscape Plan along the eastern edge of Lot 2 and Lot 1 for the placement of 28 blue spruce conifers that are 8-10 feet tall. We made good progress on developing the plan as discussed below. The number of trees was initially suggested by us to reflect the same number of trees being considered for the Landscape Plan abutting Sergueï Aliev's property. A proposed Landscape plan for 28 trees is attached to this letter. We now believe the number of trees should increase but have not discussed this with the Applicant.

General business points that were mutually agreed include:

- i. The trees would be planted in the fifteen-foot border between the utility easement and the property line for 18-20 of the trees and the remainder on Lot 1 near the proposed driveway.
- ii. Trees would be a mixture of wide Norway Spruce and Juniperus virginiana dependent on soil conditions ranging from 8-10 feet.
- iii. An irrigation system would be installed for these plants.
- iv. We would supply the water for the eastern boundary plantings until the earlier of water becoming available on the site or the end of 2026.
- v. The plantings would occur by the end of May 2025.
- vi. A plant budget would be established and dependent on their availability larger trees could be substituted for smaller trees, with the overall number of trees reduced so long as the overall budget was not increased.

2. Unresolved issues for Landscape Plan for Eastern Edge

- i. The number of trees – we believe that 28 trees does not reflect the length of the Lot 2 and Lot 1 that has been impacted by the number of unmarked trees from the Plot Plan that have been removed. We suggest 55 trees is a better number. (see discussion below).
- ii. Reconciliation and inclusion of the Conservation Commission planting requirements should be included in the Landscape Plan.
- iii. The Landscape Plan for the eastern boundary should be included in the Order of Conditions.
- iv. A Covenant and Deed Restriction for the Eastern Edge should be filed with the Property in form and substance similar to the draft proposed by Serguei Iliav for the western boundary.
- v. Who pays for the irrigation system.
- vi. Is a certified arborist or plant specialist involved in the planting.

3. The “rule of reason” philosophy of remediation makes sense for the number of trees to be planted as outlined in Barbara and Reg Foster’s letter of July 1. In that letter, the plot plan used was what the Applicant submitted to the Conservation Commission (The Conservation Commission Needham 920 South Revised Plans 6-8-2023.pdf pg 6 prepared by Verne T Porter Jr), not the plot plan submitted to the Planning Board as part of the initial Decision. For some unknown reason the Plot plans are different.

The Foster’s suggest that *“reasonable additional conditions would be the 1-for-1 replacement of the 33 trees outlined.... Further, since 21 of these trees are within the Conservation Commission 100’ regulatory zone, per their “Guidelines for Tree Removal” dated 12/7/2023, theoretically 21 of the trees should be replaced on a 2-for-1 basis.”* **This would total 55 trees to be planted for Planning Board remediation on the eastern side of the property line instead of 28.**

4. Working with Conservation Commission. The Foster’s also suggest that *“The Planning Board and its staff might consider reaching out to the Conservation Commission and its staff to (a) ask if the developer is currently in compliance with the two Orders of Conditions; and to (b) request that developer submit a detailed, combined and final landscaping plan that demonstrates compliance with the requirements of both regulatory bodies.”* Both plans need to be reviewed to understand what has been removed so a reasonable mitigation plan can be established, all of which is permitted under the bylaws of the Planning Board. I think it is noteworthy that The Conservation Commission Needham 920 South Revised Plans 6-8-2023.pdf pg 6 prepared by Verne T Porter Jr showed 25 trees in various locations on the property related to wetland mitigation that need to be replanted. The species and impacts are different than the visual and abutter concerns that the

Planning Board is addressing but a clear plan and pathway for review and enforcement is critical for both the Conservation Commission and the Planning Board.

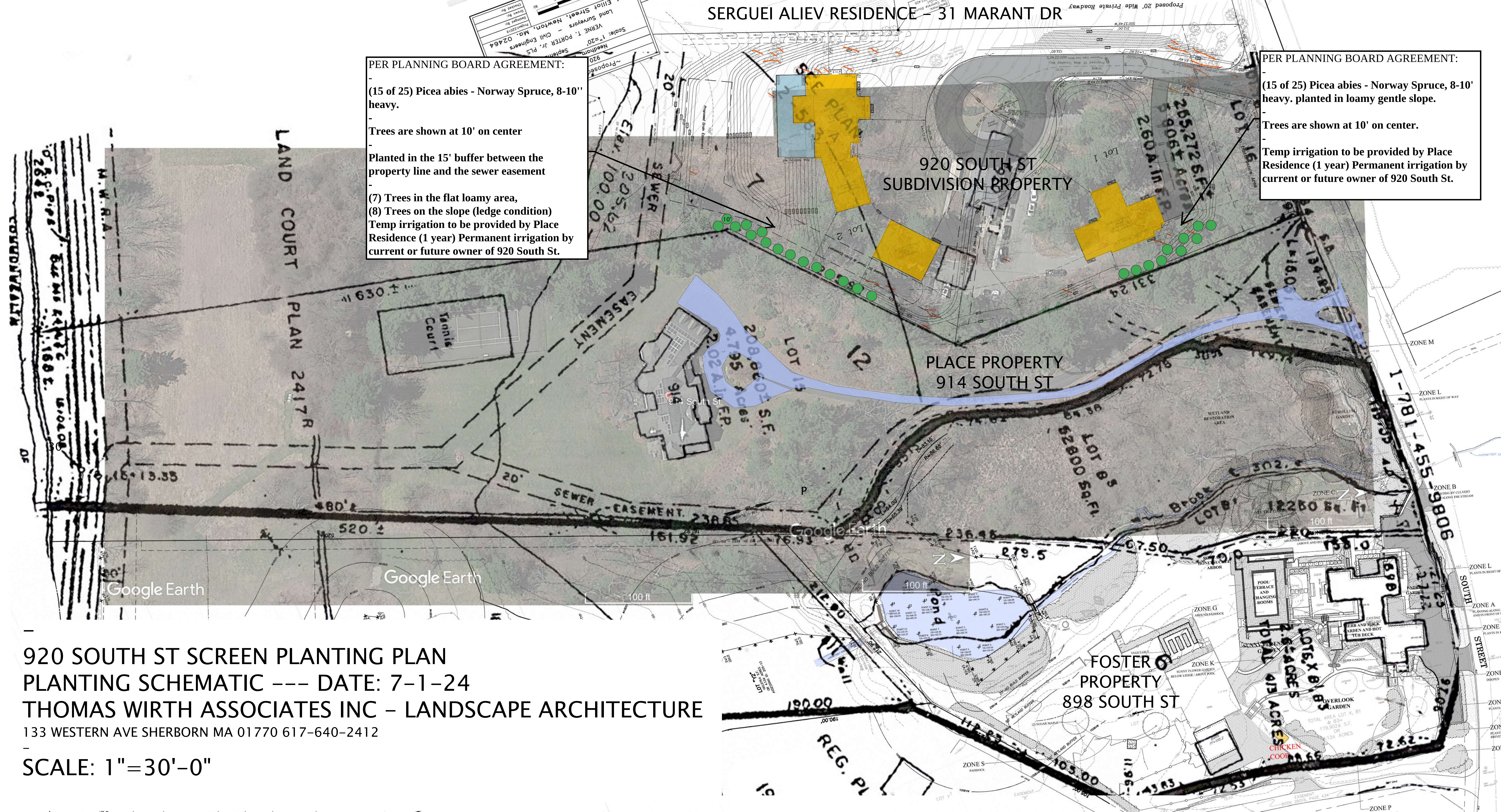
5. **Landscape Plan Should be Comprehensive, Inclusive of both the East and West side and include the Conservation Commission plantings.** There is no agreement between the Applicant and us about whether the Landscape Plan for the eastern edge and its conditions would be included in the Landscape Plan to be approved by the Planning Board as part of the Order of Conditions. It is also unclear what the Planning Board intentions are other than to encourage us to negotiate. We believe that the Applicant is in violation of the Order and there needs to be a comprehensive remediation plan for the site approved by the Planning Board with conditions for irrigation, health check and replacement plantings.

We hope these comments and suggestions are helpful in reaching an amicable and mutually acceptable resolution.

Sincerely yours,

Bob Place

Cc: Reg & Barbara Foster
Serguei Aliev
Brian Connaughton
Lee Newman
Alex Clee
Conservation Commission



✓ 230
South Street

50' No Disturbance Area

Lot 1

Lot 2

13 *Fastigiata* and 12 *Cupressina* to be planted 6' O.C extending 150 feet from concrete bound. Note: Plantings not to scale - to be planted 6' on center

Additional trees north of concrete bound NOT included in 25

~~Benchmark:
Top Concrete Bound
With X-Cut
Elevation=227.405~~

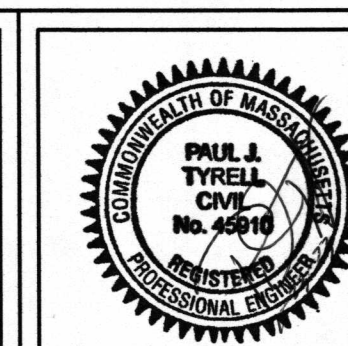
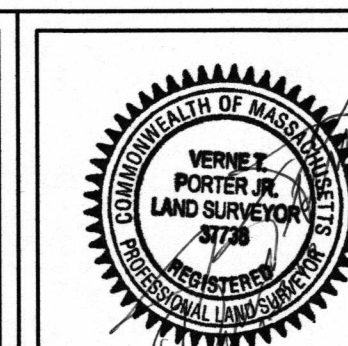
Fence along property line

DELETE THE NOTES
AND MARKINGS FOR
FENCE AND ALIEV
PLANTING

50' Where Mr Aliev Planted

Plan Revised: 7/1/24

REVISIONS	
DATE	DESCRIPTION
1-19-23	ADDED HOUSE FOOTPRINTS & GRADING
2-23-23	LOT & ROAD GRADING, ELEVATIONS, SWA



Dig Safe
Excavators
 Before you dig contact the Dig Safe Center. To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free
Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.



For Registry Use Only

Proposed changes from Attorney Fogel

DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE	
DATE	TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 91-U OF
CHAPTER 41 OF THE GENERAL LAWS AS AMENDED

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPROVED:

Legend

- 
-  PINUS strobus 'Fastigiata' B&B 6-8'
 -  Picea abies 'Cupressina' B&B 7-8'
 -  Pinus parviflora 'Tempelhof' B&B 8-10'
 -  Cercis canadensis 'Forest Pansy' 2.5-3'
 -  Annual Bed

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD

BOARD
Ben D. Fong

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

~Proposed Grading Plan~

920 South Street

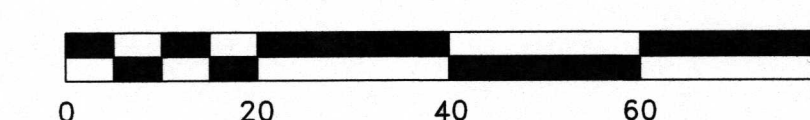
Needham, Massachusetts

Scale: 1"=20' September 9, 2022

VERNE T. PORTER Jr, PLS

Land Surveyors – Civil Engineers

354 Elliot Street, Newton, Ma. 02464



Sheet 4 of 8

Project:22019

Desinged By:

Drawn By:

Checked By:

South Street

50' No Disturbance Area

Lot 1

Lot 2

Proposed 20' Wide Private Roadway

13 Fastigiata and 12 Cupressina to be planted 6' O.C in the planting strip in a single row.

Note: Plantings not to scale, to be planted 6' on center

Legend

- PINUS strobus 'Fastigiata' B&B 6-8"
- Picea abies 'Cupressina' B&B 7-8"
- Pinus parviflora 'Tempelhof' B&B 8-10"
- Cercis canadensis 'Forest Pansy' 2.5-3"
- Annual Bed

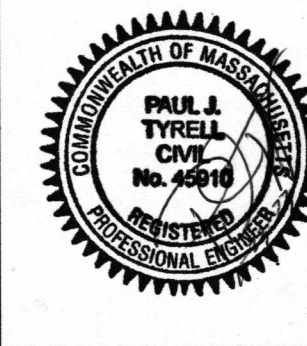
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Brian Connaughton

Owner/Applicant:
Brian Connaughton
920 South Street
Needham, Ma. 02492
Cert. #207299

Plan Revised: 7/9/24

REVISIONS	
DATE	DESCRIPTION
1-19-23	ADDED HOUSE FOOTPRINTS & GRADING
2-23-23	LOT & ROAD GRADING, ELEVATIONS, SWALE



~Proposed Grading Plan~	
920 South Street	
Needham, Massachusetts	
Scale: 1"=20'	September 9, 2022
VERNE T. PORTER Jr, PLS	
Land Surveyors - Civil Engineers	
354 Elliot Street, Newton, Ma. 02464	
Sheet 4 of 8	
Project:22019	
Desinged By:	
Drawn By:	
Checked By:	

Dig Safe
Excavators
Before you dig contact the Dig Safe Center.
To prevent damage to telephone, gas or
electric underground facilities of member
utilities, call toll free
Massachusetts state law requires
notification at least three business days
before you start digging operations. In an
emergency, call immediately.



For Registry Use Only

Response to requested changes from
Attorney Giunta Jr.

DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE	
DATE	TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED	
TOWN OF NEEDHAM PLANNING BOARD	
BY:	
APPROVED:	

From: [George Giunta Jr](#)
To: [Barry Fogel](#)
Cc: [Alexandra Clee](#); [Lee Newman](#)
Subject: Re: Needham
Date: Wednesday, July 10, 2024 4:00:15 PM

Thanks for that clarification Barry, as that wasn't our understanding of the proposed edit.
I have no objection to what you wrote and will see about having the plan revised accordingly.
Regards,
George

George Giunta Jr, Esq.
281 Chestnut Street
Needham, MA 02492
Tel: 781.449.4520
Cell: 617.840.3570
Fax: 781.465.6059
george.giuntajr@needhamlaw.net

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

On Jul 10, 2024, at 3:45 PM, Barry Fogel <bfogel@keeganwerlin.com> wrote:

Hi – It's getting better, but unfortunately this version creates confusion. It has a red arrow pointing to the area northwest of the concrete bound that marks the beginning of the 150 feet of buffer strip where the 25 trees are to be planted and are shown. That is why we proposed a single box on the plan stating the following text: "13 Fastigiata and 12 Cupressina to be planted 6' O.C extending 150 feet from concrete bound. Note: Plantings not to scale - to be planted 6' on center." Without this full text, it might become a point of confusion later as to the requirement to put the 25 trees within in 150 feet of the buffer strip extending southeast from the concrete bound.

Thank you -

Barry P. Fogel
Keegan Werlin LLP
99 High Street, Suite 2900
Boston, MA 02110
bfogel@keeganwerlin.com
617-951-1400 (office phone)

617-951-1354 (facsimile)

617-543-8168 (cell phone)

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From: George Giunta Jr <george.giuntajr@needhamlaw.net>

Sent: Wednesday, July 10, 2024 2:34 PM

To: Alexandra Clee <aclee@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Barry Fogel
<bfogel@keeganwerlin.com>

Subject: Re: Needham

Alex,

Attached please find further revised plan incorporating some, but not all, of Attorney Fogel's additional comments.

Regards,
George

George Giunta Jr, Esq.
281 Chestnut Street
Needham, MA 02492
Tel: 781.449.4520
Cell: 617.840.3570
Fax: 781.465.6059
george.giuntajr@needhamlaw.net

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On Jul 5, 2024, at 7:55 AM, Barry Fogel
<bfogel@keeganwerlin.com> wrote:

HI - To be clear, this is our suggestion for **how the APPLICANT should modify the landscaping plan** for presentation to the Board.

Thank you.

Barry P. Fogel
Keegan Werlin LLP
99 High Street, Suite 2900
Boston, MA 02110
bfogel@keeganwerlin.com
617-951-1400 (office phone)
617-951-1354 (facsimile)
617-543-8168 (cell phone)

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From: Alexandra Clee <aclee@needhamma.gov>
Sent: Wednesday, July 3, 2024 3:53 PM
To: Barry Fogel <bfogel@keeganwerlin.com>
Cc: George Giunta <george.giuntajr@needhamlaw.net>; algran13 <algran13@gmail.com>; Lee Newman <LNewman@needhamma.gov>
Subject: RE: Needham

Received, we will share with the Board.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov

From: Barry Fogel <bfogel@keeganwerlin.com>
Sent: Wednesday, July 3, 2024 3:34 PM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: George Giunta <george.giuntajr@needhamlaw.net>; algran13 <algran13@gmail.com>; Lee Newman <LNewman@needhamma.gov>
Subject: RE: Needham

Hi – We have modified the text box for the 13/12 trees to clarify where they are intended to be planted. We also added a separate note for the additional trees shown north of the concrete bound that are not part of the 25 proposed for the buffer with 31 Marant.

Also, we added a note to request removing the references and images for the fence and Aliev plantings, which are NOT part of the planting plan.

Let us know if there are any questions.

Thank you.

-

Barry P. Fogel
Keegan Werlin LLP
99 High Street, Suite 2900
Boston, MA 02110
bfogel@keeganwerlin.com
617-951-1400 (office phone)
617-951-1354 (facsimile)
617-543-8168 (cell phone)

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From: Alexandra Clee <aclee@needhamma.gov>
Sent: Wednesday, July 3, 2024 11:06 AM
To: Barry Fogel <bfogel@keeganwerlin.com>
Cc: George Giunta <george.giuntajr@needhamlaw.net>; algran13 <algran13@gmail.com>; Lee Newman <LNewman@needhamma.gov>
Subject: RE: Needham

Please suggest language that would accomplish your goal so we can review.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov

From: Barry Fogel <bfogel@keeganwerlin.com>
Sent: Wednesday, July 3, 2024 8:21 AM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: George Giunta <george.giuntajr@needhamlaw.net>; algran13 <algran13@gmail.com>; Lee Newman <LNewman@needhamma.gov>
Subject: Re: Needham

Good morning - I believe the note is helpful but not clear enough. Our understanding is that the planting must extend from the south end of the buffer and continue to the north (upper left) so the 25 trees are placed 6 feet on center along 150 feet of the boundary with 31 Marant. This plan suggests that planting continues beyond 150 feet and may be misinterpreted in the field during planting.

It should not be difficult to make the plan precise about this.

Thank you.

Sent from my iPhone

On Jul 2, 2024, at 12:56 PM, Alexandra Clee
<aclee@needhamma.gov> wrote:

Here is the plan with the note about scale, FYI.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Monday, July 1, 2024 11:07 AM
To: Barry Fogel <bfogel@keeganwerlin.com>; George Giunta
<george.giuntajr@needhamlaw.net>
Cc: algran13 <algran13@gmail.com>; Lee Newman
<LNewman@needhamma.gov>
Subject: Re: Needham

I have asked them to add a note saying that the plantings are not to scale and to reference the note as to spacing of plantings.

Thank you.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov/planning

From: Barry Fogel <bfogel@keeganwerlin.com>
Sent: Monday, July 1, 2024 9:40:23 AM
To: George Giunta <george.giuntajr@needhamlaw.net>;
Alexandra Clee <aclee@needhamma.gov>

Cc: algran13 <algran13@gmail.com>

Subject: Needham

Alex and George. One thing about the most recent plan ... using the scale, it appears that it shows 25 trees being planted over a distance of more than 250 feet - rather than 6 feet on center (as stated) over 150 feet.

Can you check that out? Thank you.

Sent from my iPhone

<South St landscaping plan rev.7.1.24.pdf>

Barbara B. Foster
Reginald C. Foster
898 South Street
Needham, MA 02492
(339) 222-6187

July 9, 2024

Planning Board
Town of Needham
500 Dedham Ave.
Needham, MA 02492

RE: 920 South Street Landscaping Plan Controversy

Dear Planning Board Members:

After watching the video recording of the Planning Board's June 18, 2024 meeting on the above-referenced matter, we submit the following input for your consideration. While we aren't technically abutters, our property is adjacent to the 920 South Street site, separated only by the pipestem driveway servicing 914 South Street.

In no particular order of priority, our questions and comments are:

1. **Date a Sub-Division Developer can Legally Commence Site Demolition?** --The following was unclear at the 6/18/24 meeting: in Needham can a developer (a) commence site demolition activities 20 days after the Planning Board's affirmative vote on the final Definitive Subdivision Decision (DVD); (b) after the DVD is recorded at the Norfolk County Registry of Deeds; or (c) at some point in-between these two dates. *If the answer is (b) or (c), to avoid similar controversies arising in the future, the Planning Board might consider adding clarifying language to the boilerplate DVD template.*
2. **Authority of the Planning Board to Regulate and Perseve Trees** -- There seemed to be some confusion or disagreement among the parties as to the authority of the Planning Board to impose reasonable conditions requiring tree preservation in the absence of a specific new tree bylaw, which was studied a few years ago, but which did not get enacted. *To our laymen's eyes, the Planning Board's current authority is very clear, definitive and broad, as stated in its Subdivision Regulations and Procedural Rules:*

"3.3.15 In any subdivision, every endeavor should be made to preserve existing trees. It is recommended that developers seek the advice of the Park Superintendent or other qualified person when preparing to undertake works which may result in a change in the level of the ground surface or of the water table around any tree in the subdivision."

3. **Availability of Large Caliper Trees and Shrubs at Reasonable Prices** -- During the 6/18/24 meeting there seemed to be some question about the availability of larger specimens for more effective screening. We've done extensive plantings over the past eight years and not run into this constraint. *The problem could be: these larger plants are only commercially available at wholesale growers and distributors. Access is limited to licensed professional landscape architects and large landscape construction and site development companies, such as [the Hambelton Company, Inc.](#) for example.*
4. **Was it Reasonable to Expect the Site's Existing Trees would be Preserved?** -- At the 6/18/24 meeting, 914 South Street neighbor Bob Place stated that, based on representations that'd been made by the developer and plans submitted for the subdivision hearing, he and his wife had assumed that many trees would be preserved that have in fact been cut down.* The developer's attorney stated that no representations had been made that any existing trees would be preserved and that, on its face, it was obvious from the plans submitted that many existing trees would have to be removed to make way for the access road, foot prints and driveways for the homes, and for the underground utility lines and septic system.

On the assumption that the controversy is in part due to both misunderstanding by the neighbors and lack of clear, complete information submitted by the developer, we recommend that the Planning Board apply the "rule of reason". As the attached sketch illustrates, besides the western side and cul-de-sac circle landscaping already required in the approved DSD, "reasonable" additional conditions are to propose is the 1-for-1 replacement of the 33 trees outlined in green ink. Further, since 21 of these trees are within the Conservation Commission 100' regulatory zone, per their "Guidelines for Tree Removal" dated 12/7/2023, theoretically the 21 trees should be replaced on a 2-for-1 basis.

5. **Compliance with Conservation Commission Order of Conditions** -- With respect to the Conservation Commission, members approved two Orders of Conditions dated August 7, 2023, and updated their Guidelines for Tree Removal on December 7, 2023. These documents may prove helpful to resolving the controversy, but could cause further controversy if they aren't reviewed as part of resolving this matter.

For example, the Commission's orders and findings include:

- Lot #1 -- Zero mature trees that need to be removed and replaced. Presumably the Commission assumed (or was told) that any 6" DBH trees within 100' Buffer Zone would be retained, and any smaller trees fall under the requirements of the Guidelines.
- Lot #2 -- Nine mature trees need to be removed, necessitating 18 replacement trees under the 2-for-1 policy.
- Eight of the replacement trees are to be installed on Lot #1 and 10 replacement trees are to be installed on Lot #2 (locations not specified in the Orders).

* Also following the public hearings closely, the Fosters came to the same conclusions.

- Replacement trees must be a minimum caliper of 2.5 inches, and must be selected from the list of native species contained in the Guidelines.

The Planning Board and its staff might consider reaching out to the Conservation Commission and its staff to (a) ask if the developer is currently in compliance with the two Orders of Conditions; and to (b) request that developer submit a detailed, combined and final landscaping plan that demonstrates compliance with the requirements of both regulatory bodies.

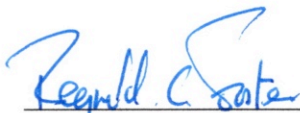
6. **Irrigation system, Health Check and Replacement Plantings** -- When planting this many trees, an automated irrigation system is very helpful "insurance" that the trees survive beyond the transplant shock period.

In addition the Planning Board should be aware that the Conservation Commission requires that "the applicant [to] hire a professional to conduct site visits and submit a monitoring report, including photographs, after 6 months, 1 year and 2 years post-planting." *For the new trees required under its jurisdiction, the Planning Board might consider requiring an irrigation system for two years; and might consider adopting the Conservation Commission's monitoring policy, since the developer will have to do this anyway.*

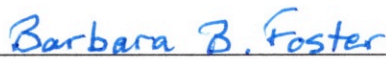
* * * * *

We hope all parties will find these comments and suggestions helpful in reaching an amical and mutually acceptable resolution of this matter. Feel free to reach out to Reg with any questions or clarifications.

Best regards,

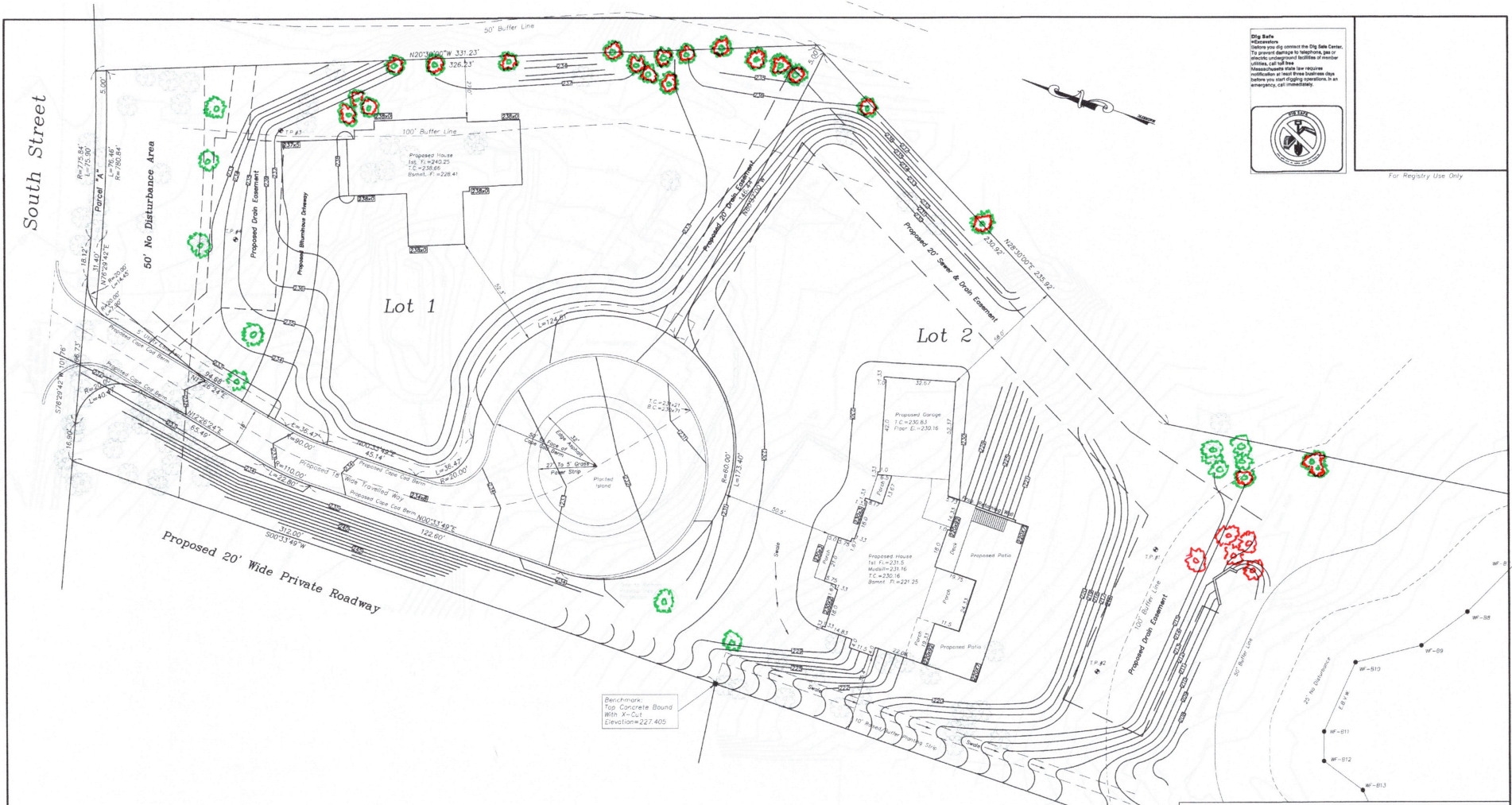


Reginald C. Foster



Barbara B. Foster

cc: Serguei Aliev
Robert Place
Barry Fogel
Brian Connaughton
George Giunta
Lee Newman
Alex Clee



City Seal
 The City Seal of the City of Needham, Massachusetts, is hereby acknowledged by the City Engineer, Verne T. Porter, Jr., PLS, as the official seal of the City of Needham, Massachusetts, for the purpose of this plan.



For Registry Use Only

DIRECTOR OF PUBLIC WORKS	
DATE APPROVED	
TOWN ENGINEER	
DATE APPROVED	
I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.	
DATE	TOWN CLERK

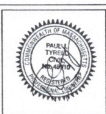
APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED	
TOWN OF NEEDHAM PLANNING BOARD	
BY:	
APPROVED:	

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

Verne T. Porter, Jr. 2-23-23

Owner/Applicant:
 Brian Cunningham
 920 South Street
 Needham, Ma. 02462
 Cert. #207299

DATE	DESCRIPTION
1-9-23	ADDED HOUSE FOOTPRINTS & GRADING
2-23-23	LOT & ROAD GRADING, ELEVATIONS, SLOPE



~Proposed Grading Plan~

920 South Street
Needham, Massachusetts

Scale: 1"=20' September 9, 2022

VERNE T. PORTER Jr., PLS
Land Surveyors - Civil Engineers
354 Elliot Street, Newton, Ma. 02464

Project: 22019
 Drawn By:
 Checked By:

Sheet 4 of 8

For PB Use ONLY
NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
THURSDAY, July 18, 2024 - 7:30PM

Charles River Room Public Service Administration Building 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
--	---

Minutes Review and approve Minutes from June 20, 2024 meeting.

7:30PM **20 Alder Brook Lane** – Amit Schwartz and Neta Levin Schwartz, owners, applied for a Special Permit under section 1.4.6 and any other section of the Zoning By-Law to allow the change, extension, alteration and enlargement of a lawful, pre-existing, non-conforming structure for relief of a right setback from 9.6 feet to 9.1 feet; and the left setback from 11 feet to 9.9 feet. This request is associated with the addition and alterations to an existing single-family home. The property is located at 20 Alder Brook Lane, Needham, MA in the Single Residence B (SRB) zoning district.

7:45PM **277 Brookline Avenue** – Needham Enterprise, LLC, owner, applied to the Board of Appeals for a Variance under 3.2.1 and any other applicable section of the Needham By-Law to seek a Plan Substitution and or further relief pursuant to a Variance issued January 18, 1951 for two-family use and any and all other relief necessary and appropriate to permit the demolition of an existing two-family dwelling and replacement to a new two-family structure. The property is located in the Single Residence B (SRB) zoning district.

\



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	Amit Schwartz			Date:	06/24/2024
Applicant Address	20 Alder Brook Lane Needham, Massachusetts 02492				
Phone	(617) 678-9101	email	amit.schwartz@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	Benyamin Ber				
Address	2001 Beacon Street , Boston, Massachusetts 02135				
Phone	617-285 1985	email	bber@nehkoodah.com		
Representative is ☐ Attorney; ☐ Contractor; ☒ Architect; ☐ Other _____					
Contact ☒ Me ☒ Representative in connection with this application.					

Subject Property Information

Property Address	20 Alder Brook Lane, Needham , MA 02492		
Map/Parcel Number	199/202.0-0016-0000.0	Zone of Property	SR - 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:

One story wood frame single family residence over a basement with a preexisting nonconforming side yard setback, with an unusual shape lot for SR-B District, with wetlands and riverfront restrictions.

Statement of Relief Sought:

Special Permit sought for changing and extending existing nonconforming side yard setbacks.

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

1.4.6 Alterations.

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

	Existing Conditions	Proposed Conditions
Use	Single Family Residence	No Change
# Dwelling Units	One	No Change
Lot Area (square feet)	±10,280 SF	No Change
Front Setback (feet)	29.5'	No Change
Rear Setback (feet)	NA	No Change
Left Setback (feet)	11'	9.9'
Right Setback (feet)	9.6'	9.1'
Frontage (feet)	72.61'+24.64'+30.88'=128.13'	No Change
Lot Coverage (%)	20.3%	24.0%
FAR (Floor area divided by the lot area)	0.20	24.6%
Numbers must match those on the certified plot plan and supporting materials		



ZBA Application For Hearing

Date Structure Constructed including additions:

1929

Date Lot was created:

1952

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 have consulted with the Building Inspector 29 May 2024
date of consult

Date: June 24 2024 Applicant Signature 

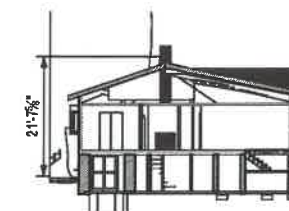
An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov

**Addition and Alterations
to 20 Alder Brook Lane.
Needham**

SEIRANG DARI

No.	Date	Appr	Revision Notes
A	23 JUN 2024	Zoning relief issue	
No.	Date	Issue Notes	
Digitally signed by Benjie Ber Date: 2024.06.23 18:06:03 -0400			
Drawn By: Neh-Koo-Dah 2001 Beacon Street #211 Boston, Massachusetts 02135			
Consultant: 9940-Ken-C-01 2/26 2023			
Project Title: Addition and Alterations to 20 Alder Brook Lane, Needham			
Drawing Title: Cover Sheet			
Project Manager		Project ID	
Drawn By: VKL/BB		20032	
Revised By:		Scale	
Date: 24 June 2024		Sheet Scale	
Client Name: 20032		Drawing File:	
		G 001 of	

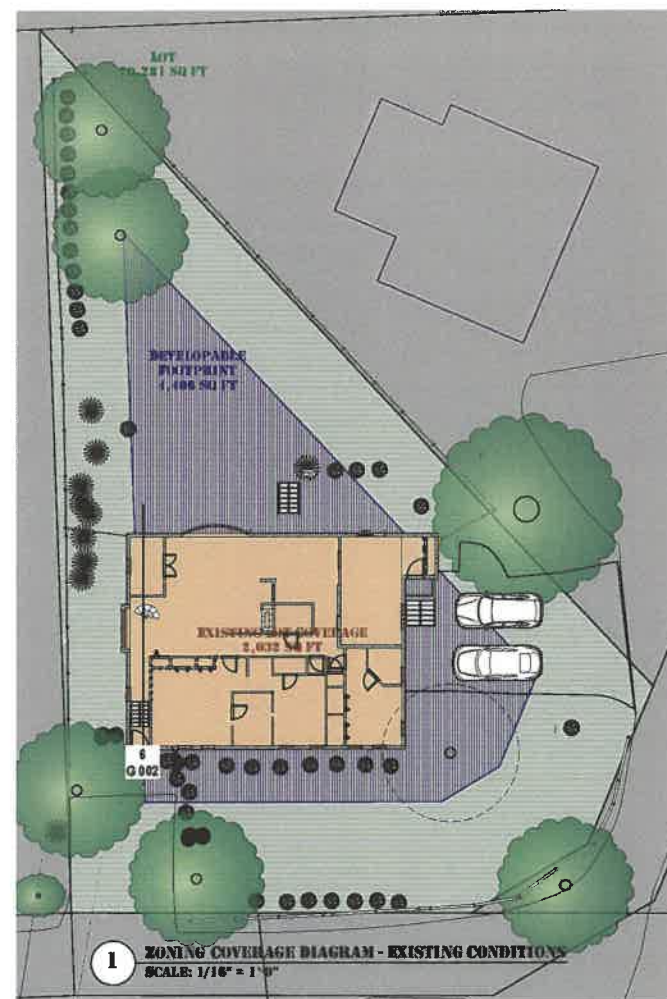
SEMI-KOD-DAR



6 EXISTING SITH SECTION THROUGH ENTRY DOOR
SCALE: 1/16" = 1'-0"

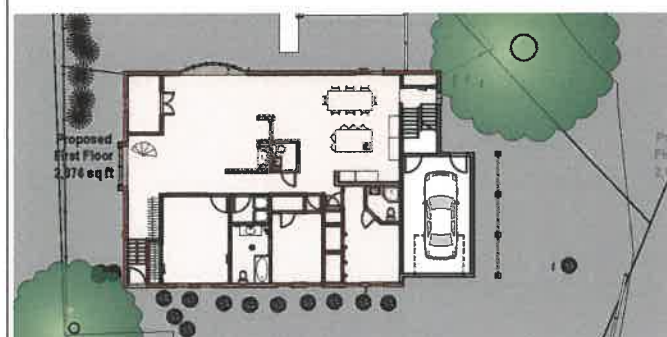


8 VIEW FROM STREET
SCALE: 1/4" = 1'-0"

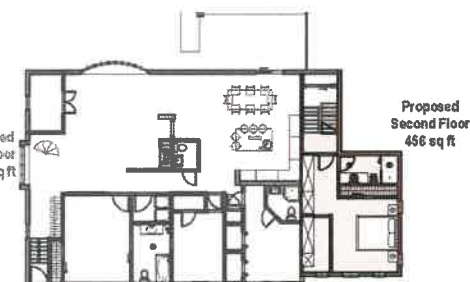


2

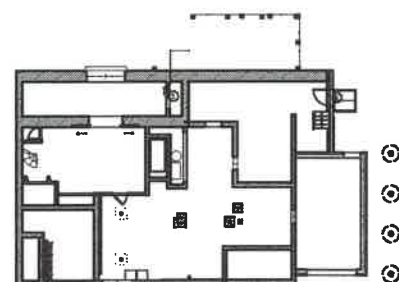
ZONING COVERAGE DIAGRAM PROPOSED WORK
 SCALE: 1/16" = 1'-0"



4 ZONING MAP DIAGRAM - FIRST FLOOR PROPOSED WORK
SCALE: 1/16" = 1'-0"



5 ZONING FAR DIAGRAM - UPPER LEVEL PROPOSED WORK
SCALE: 1/16" = 1'-0"



3 ZONING MAP DIAGRAM - BASEMENT PROPOSED WORK
SCALE: 1/16" = 1'-0"



7 ISOMETRIC VIEW
SCALE: 1/16" = 1'-0"

No.	Date	Appr	Revision Notes
A	23 JUN 2024		Zoning relief issue
No.	Date	Issue Notes	
  Digitally signed by Bennie B. B. Date: 2024.06.23 18:07:30 -04			
Design Firm: Neh-Koo-Dah 2001 Beacon Street #211 Boston, Massachusetts 02135 © 2024 Neh-Koo-Dah			
Project Title: Addition and Alterations to 20 Alder Brook Lane, Needham Drawing Title: Zoning Information			
Project Number		Project ID	
		20032	
Drawn By		Drawn	
VKLB88		Sheet Scale	
Reviewed By		Drawing No.	
		G 002	
Date		_____ of _____	
24 June 2024			
CADD File Name			
20002			

TOWN OF NEEDHAM, MASSACHUSETTS

BUILDING INSPECTION DEPARTMENT

Building Permit No.: _____

Lot Area: 10,280 ± S.F.

Owner: AMIT SCHWARTZ & NETA LEVIN SCHWARTZ

Assessor's Map & Parcel Number: 202-0016

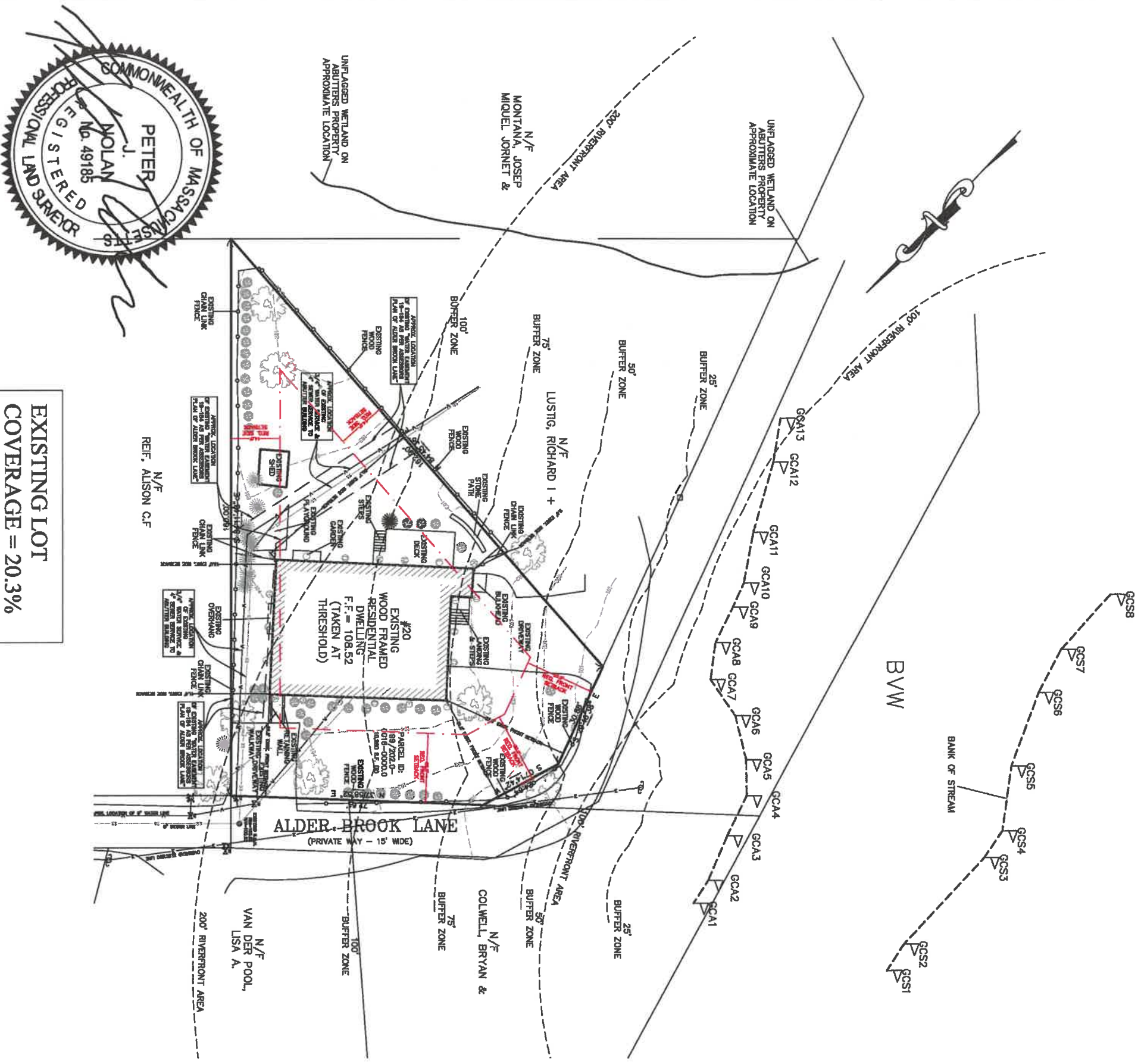
Zoning District: SR-B, SINGLE RESIDENCE B

Address: NO. 20 ALDER BROOK LANE

Builder: _____

EXISTING CONDITION

SCALE: 1"= 40'



Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gas lines, etc.; driveways, septic systems, wells, Flood Plain and Wetland Areas, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations, proposed grading and drainage of recharge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and sewage disposal system location in areas with no public sewer.

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

The above is subscribed to and executed by me this: 26TH day of: JUNE 2023

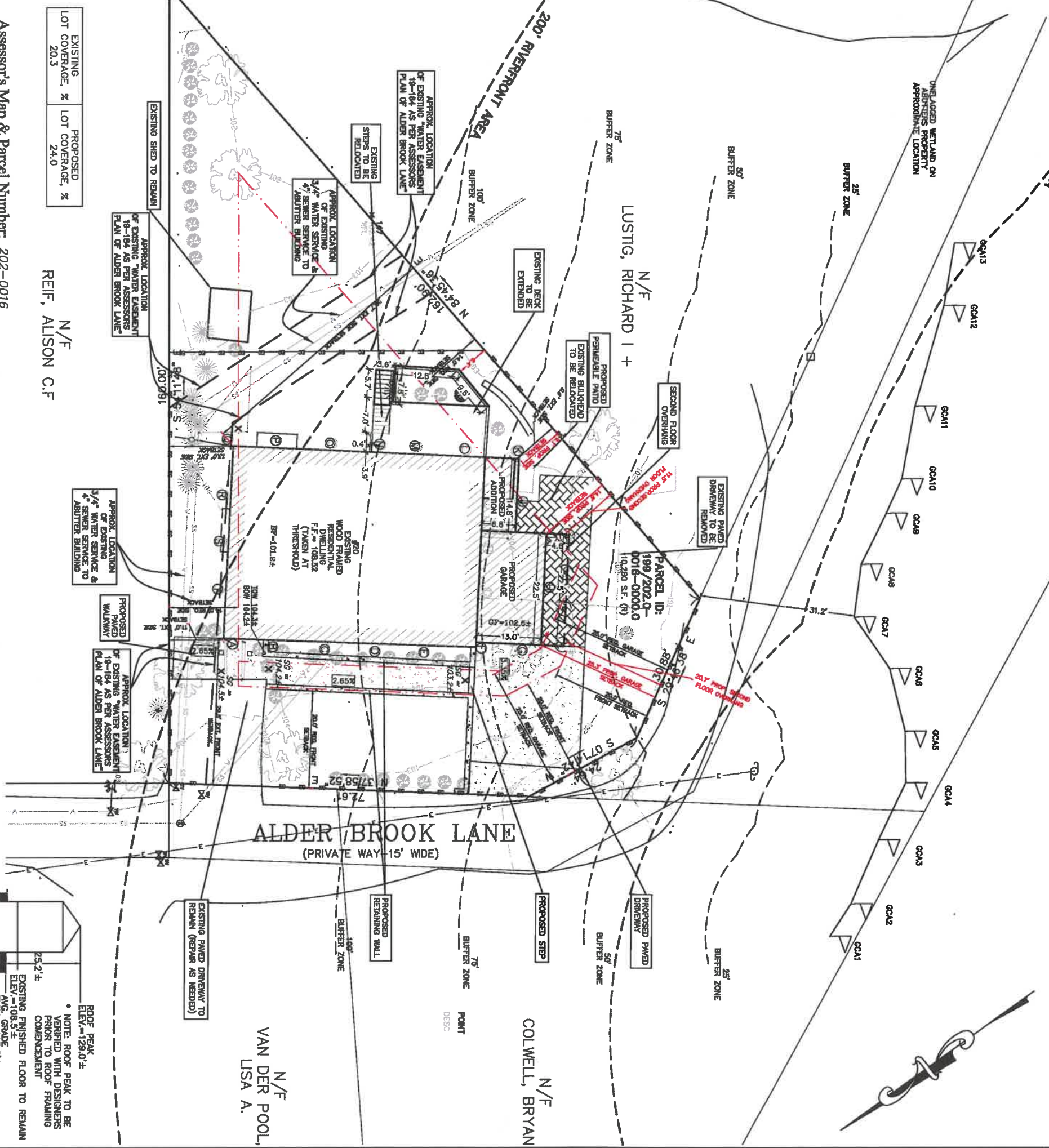
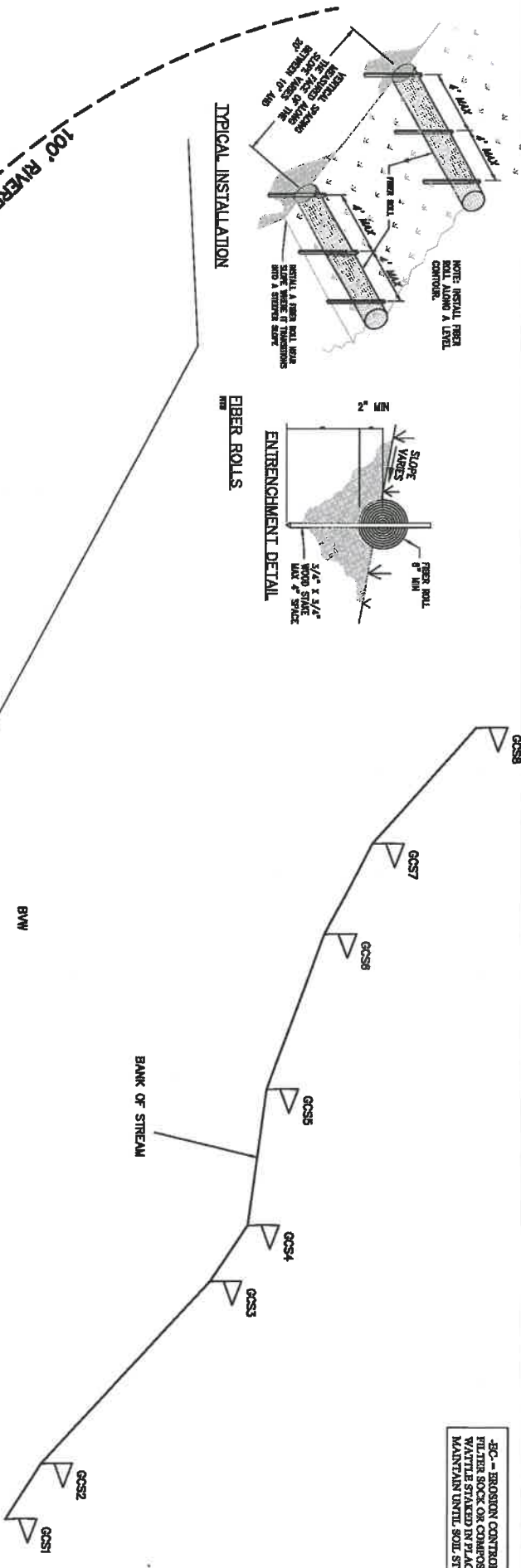
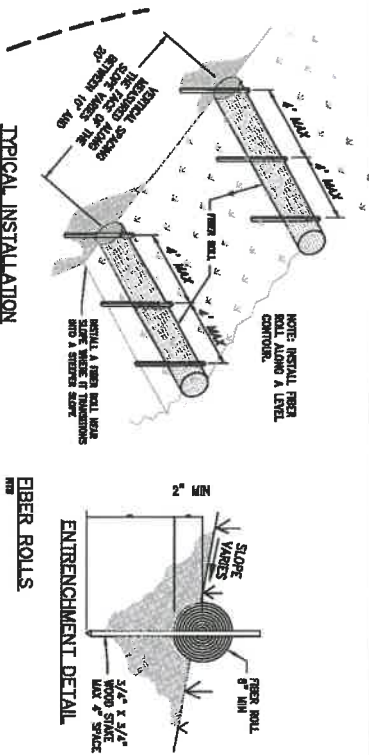
Name: PETER J. NOLAN Registered Land Surveyor #: 49185

Address: 80 JEWETT STREET (SUITE 1) City: NEWTON State: MA Zip: _____ Tel. No.: (857) 891 7478

Approved: _____ Director of Public Works: _____ Date _____

Approved: _____ Building Inspector: _____ Date _____

**-EG- EROSION CONTROL:
FILTER SOCK OR COMPOST/STRAW
W/ATILE STAKED IN PLACE.
MAINTAIN UNTIL SOIL STABLE**



Assessor's Map & Parcel Number: 202-0016
Building Permit No.: _____
Lot Area: 10,280 ± S.F.

Zoning District: SR-B, SINGLE RESIDENCE B
Address: NO. 20 ALDER BROOK LANE

Owner: AMIT SCHWARTZ & NETA LEVIN SCHWARTZ

Builder:[illegible]

**PROPOSED
ADDITION PLOT
PLAN**

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20 ALDER BROOK LANE,
NEEDHAM, MA

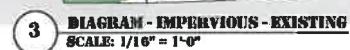


**PETER NOLAN &
ASSOCIATES, LLC**
LAND SURVEYORS/CIVIL
ENGINEERING CONSULTANTS
80 JENNETT ST., (SUITE 1)
MENDOTON, MA 02650
Tel: 857-893-7478
Fax: 857-893-7533
E-mail: pna@pna.com

**SPRUHAN
ENGINEERING, P.C.**



SEM • KOD • DAK



No.	Date	Appr	Revision Notes
A	20 JUN 2024	Zoning relief issue	
No.	Date	Issue Notes	
 Digitally signed by Benjamin Bee Date: 2024.06.18 17:32 -04			
Design Firm:		Nehrkoo+Dah 2001 Beacon Street #211 Boston, Massachusetts 02135	
Client/Arch:		©Nehrkoo+Dah 2024	
Project Title			
Addition and Alterations to 20 Alder Brook Lane. Needham			
Drawing Title			
Zoning Information			
Project Manager		Project ID	
Drawn By		20032	
Reviewed By		Sheet Scale	
Date		AS 102	
C/D File Name		of	

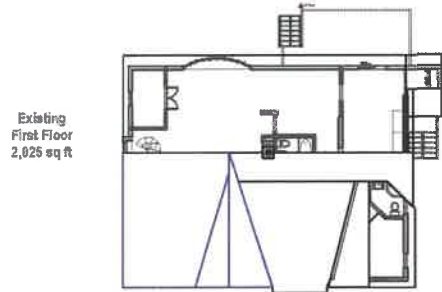
Existing	Level	Floor Area
	First Floor	2025 SF
	Total	2025 SF
Proposed	Level	Floor Area
	First Floor	2076 SF
	Second Floor	456 SF
	Total	2532 SF
	Lot Area	10,281 SF
	Existing FAR	0.20
	Proposed FAR	0.246



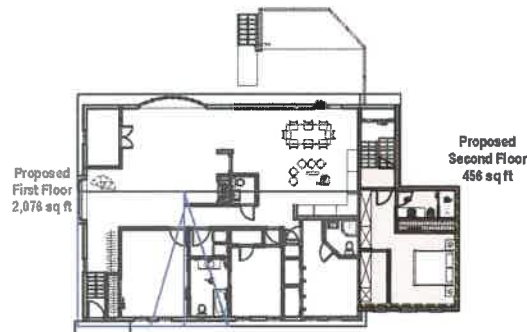
6 EXPANDED DECK VIEW
SCALE: 1/8" = 1'-0"



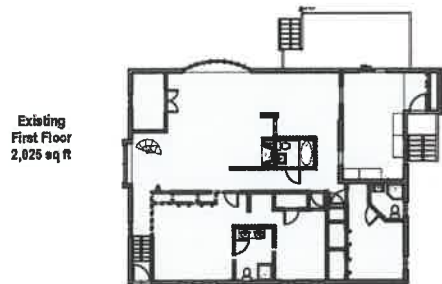
7 EXISTING DECK VIEW
SCALE: 1/8" = 1'-0"



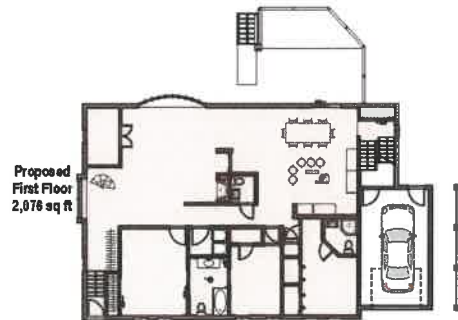
3 FAR DIAGRAM - SECOND FLOOR - EXISTING
SCALE: 1/16" = 1'-0"



5 FAR DIAGRAM - SECOND FLOOR - PROPOSED
SCALE: 1/16" = 1'-0"



2 FAR DIAGRAM - FIRST FLOOR - EXISTING
SCALE: 1/16" = 1'-0"



4 FAR DIAGRAM - FIRST FLOOR - PROPOSED
SCALE: 1/16" = 1'-0"



1 NEIGHBORHOOD CONTEXT PLAN
SCALE: 1" = 20'-0"

Addition and Alterations to 20 Alder Brook Lane. Needham

NEH•KOO•DAH

No.	Date	Appr.	Revision Notes
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A	23 JUN 2024		Zoning relief issue
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No.	Date	Issue Notes
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24 Apr 2024
Neh•Koo•Dah
2001 Beacon Street #211
Boston, Massachusetts 02135

©Neh•Koo•Dah 2020-2023

Project Title
Addition and Alterations
to 20 Alder Brook Lane.
Needham

Drawing Title
Zoning Information

Page & Manager
Project ID
20032

Drawn By
VKLGB
Date
24 June 2024

As noted by
Drawing No.
AS 103

24 June 2024

20032

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A	13 JUN 2024	Zoning relief issue
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No.	Date	Issue Notes
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Design Firm
Neh-Koo-Dah
2001 Beacon Street #211
Boston, Massachusetts 02135

Checked by
©Neh-Koo-Dah 2020-2023

Project Title
Addition and Alterations
to 20 Alder Brook Lane.
Needham

Drawing Title
Demolition Plans

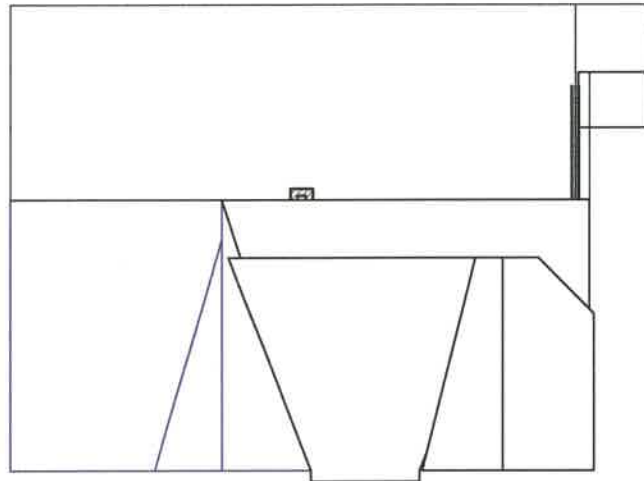
Project Number
20032

Drawn by
VK/BB

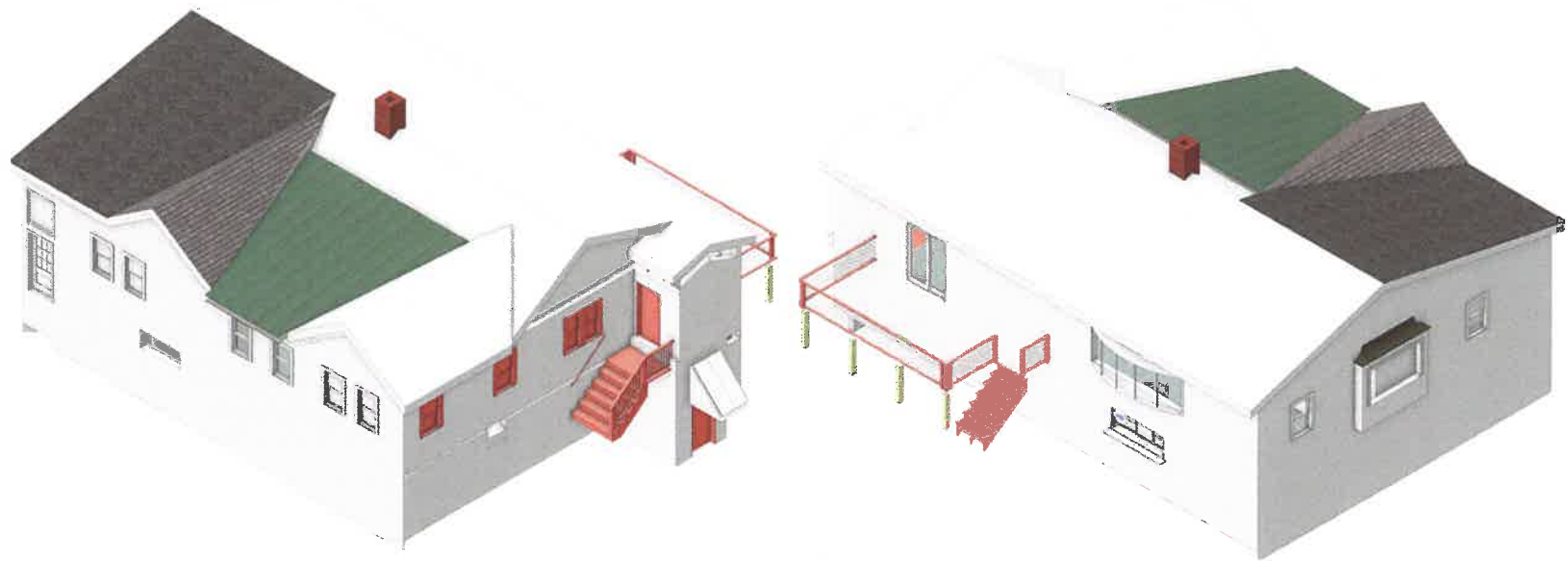
Scale
Sheet Scale

Date
24 June 2024

Sheet Number
20032



3 DEMOLITION PLAN - SECOND FLOOR/ROOF
SCALE: 1/8" = 1'-0"



4 DEMOLITION - ISOMETRIC VIEW 01
SCALE: 1/8" = 1'-0"

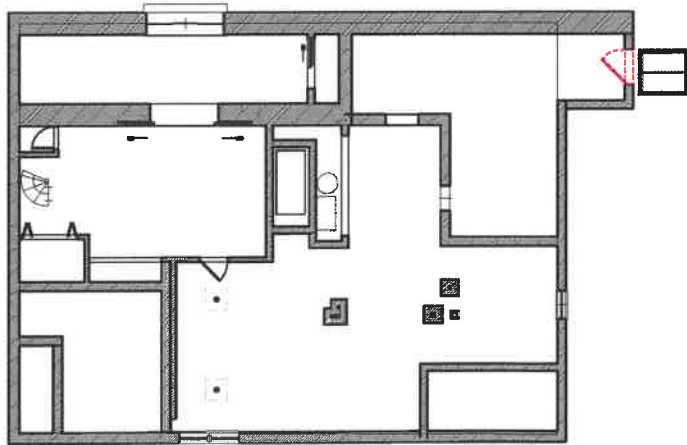
NKD - Demolition 01

<All Objects>

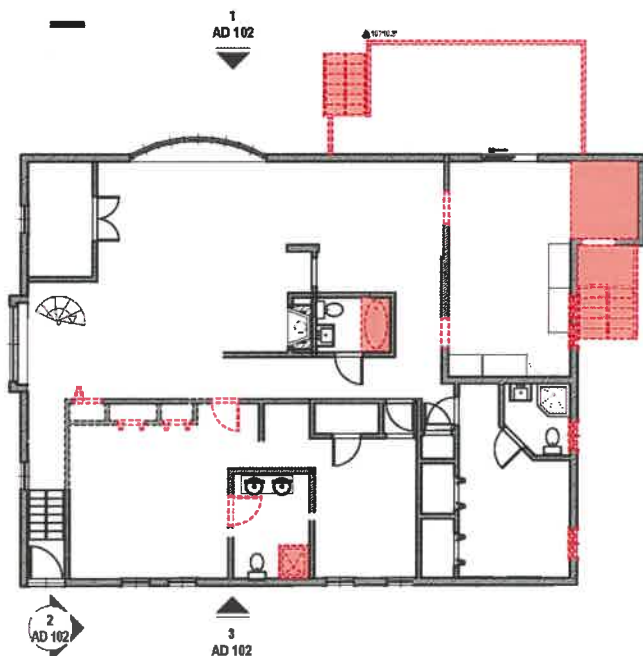
5 DEMOLITION ISOMETRIC VIEW 02
SCALE: 1/8" = 1'-0"

NKD - Demolition 01

<All Objects>



1 DEMOLITION PLAN - BASEMENT
SCALE: 1/8" = 1'-0"



2 DEMOLITION PLAN - FIRST FLOOR
SCALE: 1/8" = 1'-0"

Addition and Alterations
to 20 Alder Brook Lane.
Needham

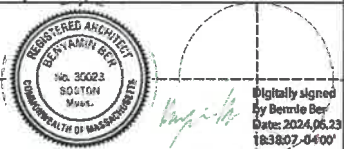
NEH-KOO'DAH

No.	Date	Appr.	Revision Notes
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25' Wetlands Buffer

A	13 JUN 2024	Zoning relief issue
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No.	Date	Issue Notes
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Digitally signed
by Benjie Ber
Date: 2024.06.23
183807-0400

Design Firm
Neh-Koo'Dah
2001 Beacon Street #211
Boston, Massachusetts 02135

Licensee
Benjie Ber

Project Title
Addition and Alterations
to 20 Alder Brook Lane.
Needham

Drawing Title
Floor Plan - Basement

Project Manager
Project ID
20032

Drawn By
VJL/BS
Scale
Sheet Scale

Reviewed By
Drawing No.
A 101

Date
24 June 2024
of

CAD File Name
20032

1 FLOOR PLAN - BASEMENT - OPTION 1
SCALE: 1/4" = 1'-0"

1 A 302
2 A 301

1 A 306

1 A 307

0 5 10 15 20 25 FT

Addition and Alterations
to 20 Alder Brook Lane.
Needham

NEH-KOO-DAH

No.	Date	Appr.	Revision Notes
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No.	Date	Appr.	Revision Notes

No.	Date	Appr.	Revision Notes

No.	Date	Appr.	Revision Notes
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REGISTERED ARCHITECT
BERNIE BER
No. 20023
BOSTON
MASS.
COMMONWEALTH OF MASSACHUSETTS

Digitally signed
by Bernie Ber
Date: 2024.06.23
16:40:03 -04'00'

Design Firm
Neh-Koo-Dah
2001 Beacon Street #211
Boston, Massachusetts 02135

Consultant

Project Title
Addition and Alterations
to 20 Alder Brook Lane.
Needham

Drawing Title
Floor Plan - First Floor

Project No.
20032

Drawn By
VKLBB

Scale
Sheet Scale

Date
24 June 2024

Project Name
20032

A 102
of

1 FLOOR PLAN - FIRST FLOOR
SCALE: 1/4" = 1'-0"



Addition and Alterations
to 20 Alder Brook Lane.
Needham



No.	Date	Appr	Revision Notes
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A	23 JUN 2024	Zoning relief issue
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No.	Date	Issue Notes
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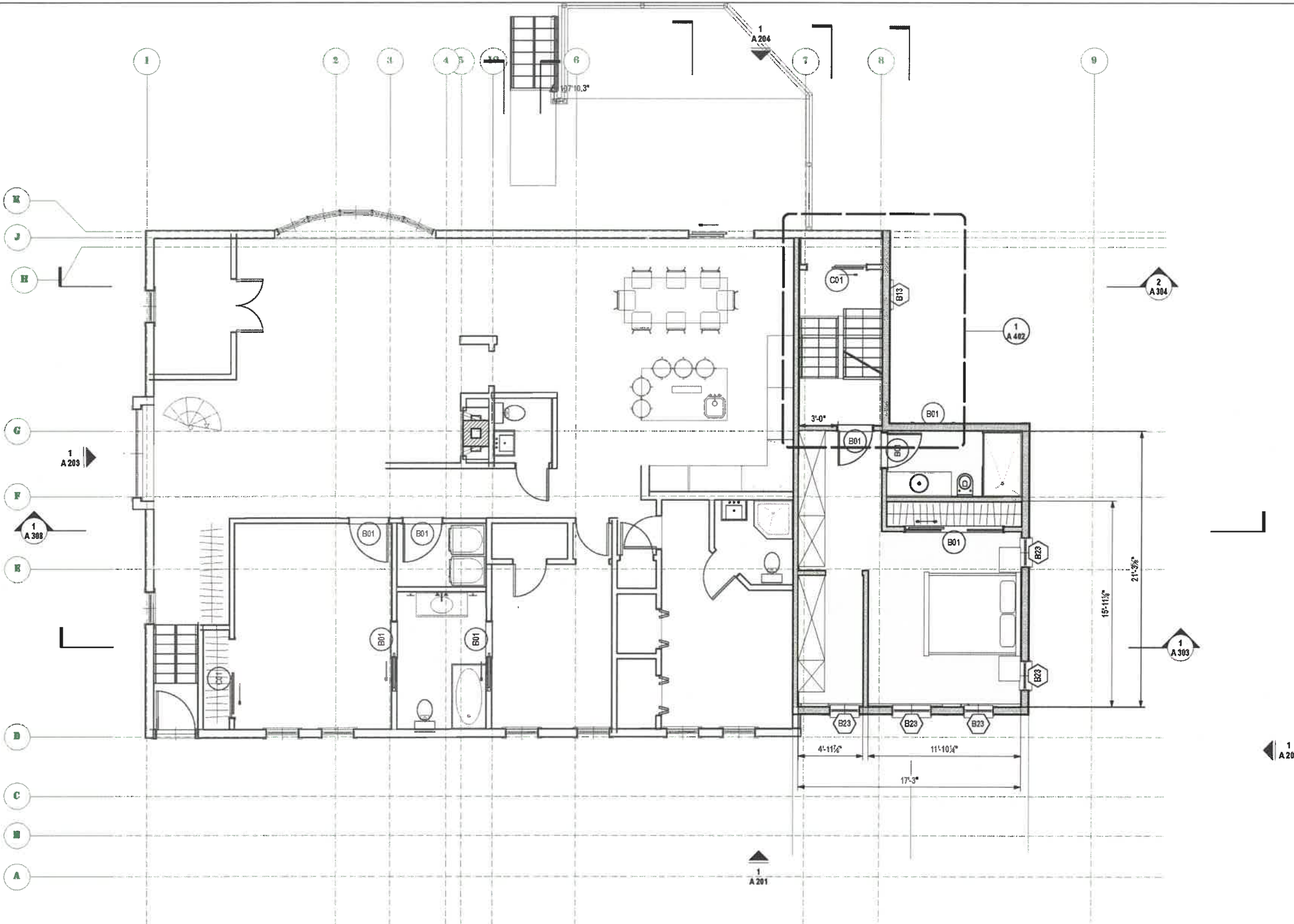
Design Firm
Neh-Koo-Dah
2001 Beacon Street #211
Boston, Massachusetts 02135

Consultant

Project Title
Addition and Alterations
to 20 Alder Brook Lane.
Needham

Drawing Title
Floor Plan - Upper Level

Project Manager	Project ID	20032
Drawn By	Scale	Sheet Scale
Reviewed By	Drawing No.	A 103
Date		24 June 2024
Client Name		20032

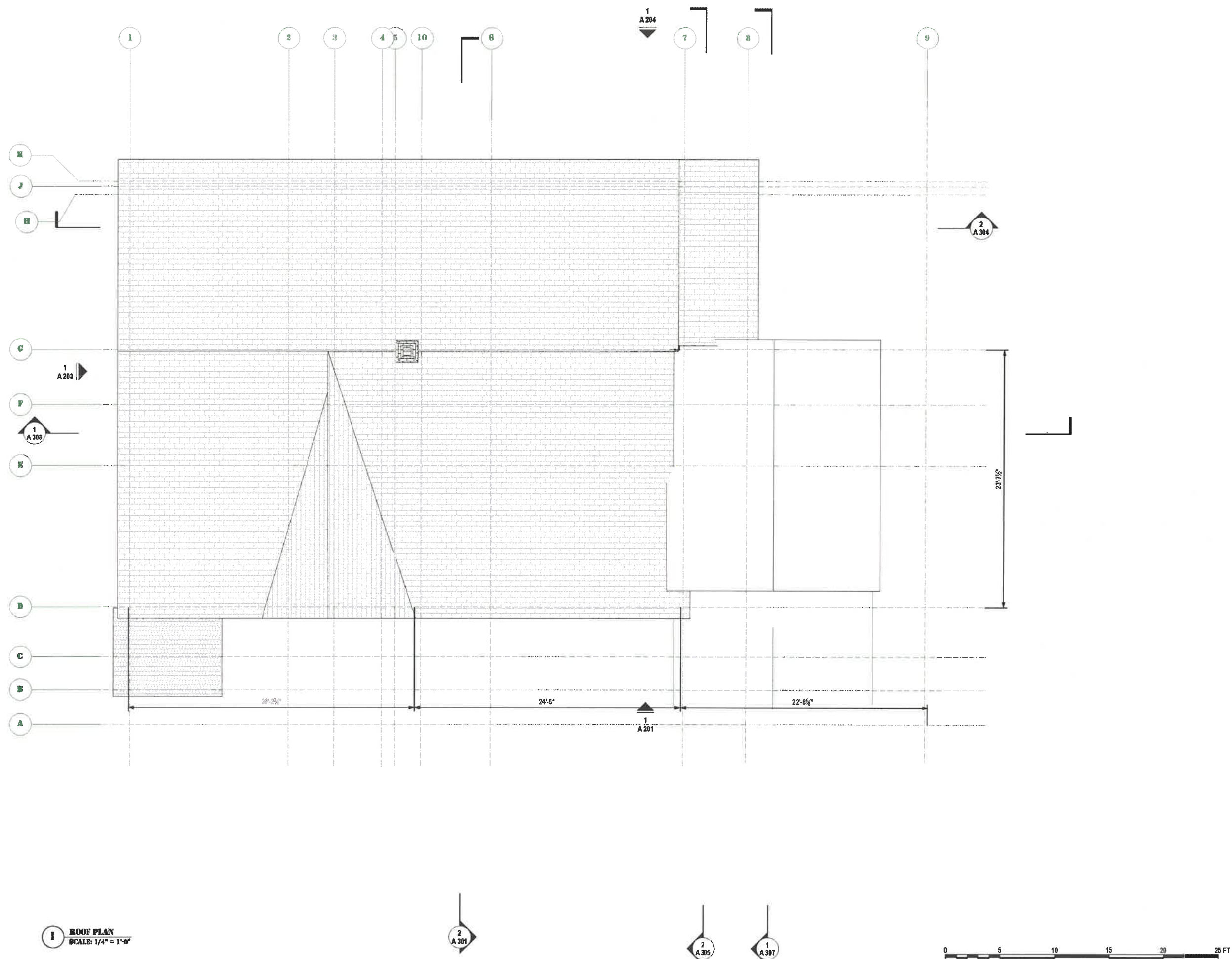


1 FLOOR PLAN - UPPER FLOOR
SCALE: 1/4" = 1'-0"



YEH • KOO • DAM

No.	Date	Appr	Revision Notes
A	23 JUN 2024	Zoning relief issue	
No.	Date	Issue Notes	
  Digitally signed by Benjamin B. B. Date: 2024.06.23 13:33:49			
Design/Rev		Neh•Koo•Dah 2001 Beacon Street #211 Boston, Massachusetts 02135	
Created/Rev			
Project Title		Addition and Alterations to 20 Alder Brook Lane, Needham	
Drawing Title Roof Plan			
Project File Name		Project ID	
Drawing		20032	
No. Issues By		Sheet Scale	
Date		A 104	
S.D. File Name		of	
20032			



Addition and Alterations
to 20 Alder Brook Lane.
Needham

NEH-KOO-DAH

No.	Date	Appr	Revision Notes

A	23 JUN 2024		Zoning relief issue
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No.	Date	Issue Notes

DESIGNED ARCHITECT BENNY BER No. 30063 BOSTON Mass. COMMONWEALTH OF MASSACHUSETTS	Digitally signed by Benny Ber Date: 2024.06.23 18:46:10 -04'00'
--	--

Designer: Firms	Neh-Koo-Dah 2001 Beacon Street #211 Boston, Massachusetts 02135
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Project Title	Addition and Alterations to 20 Alder Brook Lane. Needham
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Drawing Title	Elevations
---------------	------------

Project Manager	Project No.	20032
Drawn By	Scale	Sheet Scale
Reviewed By	Drawing No.	A 201
Date		24 June 2024
Old File Name		20032



1 ELEVATION - FRONT (NORTH)
SCALE: 1/4" = 1'-0"



MEMORANDUM

No.	Date	Issue Notes
		Digitally signed by by Bennie B. Date: 2024.04. 18:48:11 -04

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Drawing Title	Elevation
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	2012
Grain (kg)	8000

☐ Paid for by _____ Drawing No. _____
☐ _____
A 202

Out File Name

	ΔΔΔΔ	
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0 5 10 15 20 25 FT

Addition and Alterations
to 20 Alder Brook Lane.
Needham

NEH-KOOR-DAH

No.	Date	Appr	Revision Notes

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A	23 JUN 2024	Zoning relief issue
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No.	Date	Issue Notes

REGISTERED ARCHITECT
BENJAMIN BEP
No. 30023
BOSTON
Mass.
COMMONWEALTH OF MASSACHUSETTS

Digitally signed
by Benjamin Bep
Date: 2024.06.23
18:50:53 -0400

Design Firm	Neh-Koor-Dah 2001 Beacon Street #211 Boston, Massachusetts 02135
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Drawn By	
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Project Title	Addition and Alterations to 20 Alder Brook Lane. Needham
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Drawing Title	Elevations
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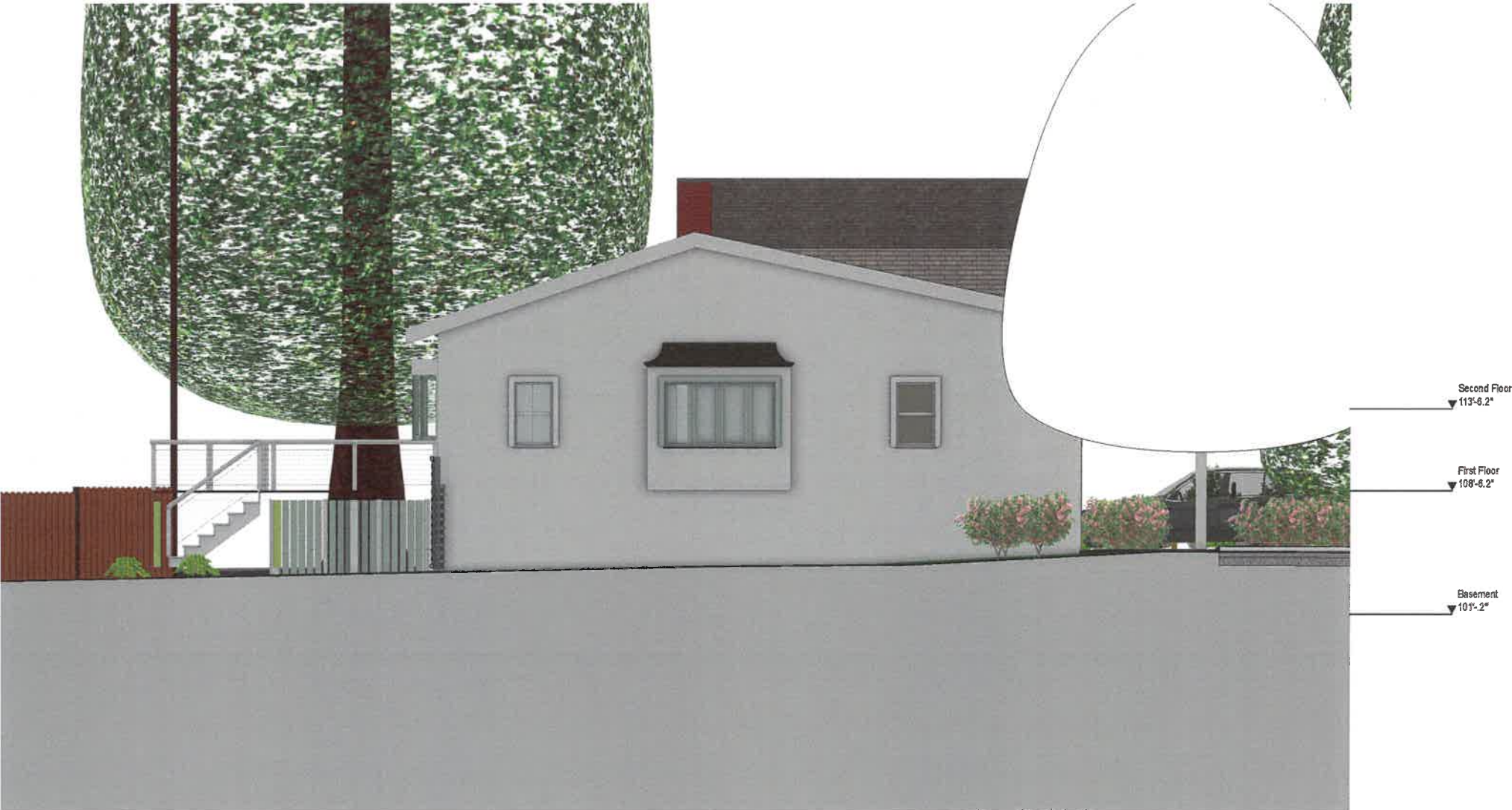
Project Manager	Project ID	20032
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Drawn By	Unit	Sheet Scale
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Reviewed By	Drawing No.	A 203
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Date	24 June 2024	
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Old File Name	20032	
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1 ELEVATION - EAST (LEFT)
SCALE: 1/4" = 1'-0"

Addition and Alterations
to 20 Alder Brook Lane,
Needham



No.	Date	Appr.	Revision Notes
A	23 JUN 2024		Zoning relief issue
No.	Date	Issue Notes	
 Digitally signed by Bennie Ber/ Date: 2024.06.23 16:53:01 -04'00' Design Title Neh-Koo-Dah 2001 Beacon Street #211 Boston, Massachusetts 02135 ©Neh-Koo-Dah 2020-2023 Client Name Project Title Addition and Alterations to 20 Alder Brook Lane, Needham Drawing Title Elevations Project # Manager Project # 20032 Drawn By VKL/B9 Scale Sheet Scale Reviewed By Drawing No. A 204 Date 24 June 2024 CADD File Name 20032			

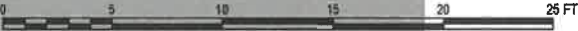


Second Floor
▼ 113'-6.2"

First Floor
▼ 108'-6.2"

Basement
▼ 101'-6.2"

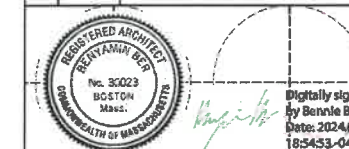
1 ELEVATION - REAR
SCALE: 1/4" = 1'-0"



NEED-TO-KNOW

No.	Date	Appr	Revision Notes

A	23 JUN 2024	Zoning relief issue
No.	Date	Issue Notes



Design Firm: **Neh-Koo-Dah**
2001 Beacon Street #211
Boston, Massachusetts 02135

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Project Title
Addition and Alterations
to 20 Alder Brook Lane.
Needham

Section through : Entry, Living Room, Garage & Pool

Project Manager	Project ID
Drawn By	Scale
Reviewed By	Drawing No.
Date	
QC File Name	



1 LONGITUDINAL SECTION : ENTRY ; LIVING ROOM; GARAGE
SCALE: 1/4" = 1'-0"



NEURODANI

No	Date	Appr	Revision Notes

A	23 JUN 2024	Zoning relief issue
No	Date	Issue Notes



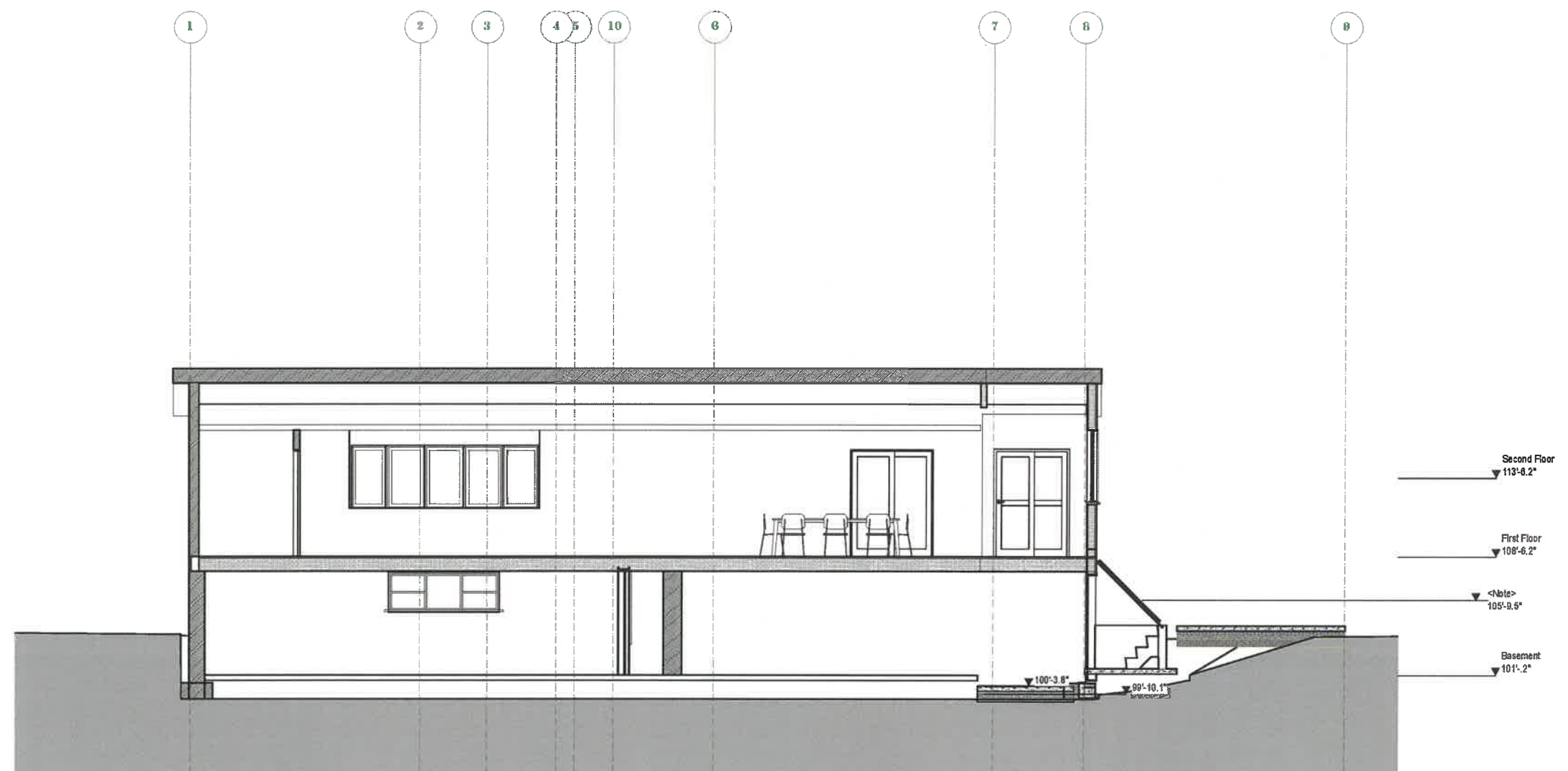
Design Firm
Neh-Koo-Dah
2001 Beacon Street #211
Boston, Massachusetts 02135

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Project Title: Addition and Alterations
to 20 Alder Brook Lane.
Needham

Drawing Title	Building Sections
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Project Manager	Project G
Drawn By WKLBB	20032
Reviewed By	Scale Sheet Scale
Date 24 June 2024	A 304 of
3rd File Name 20032	



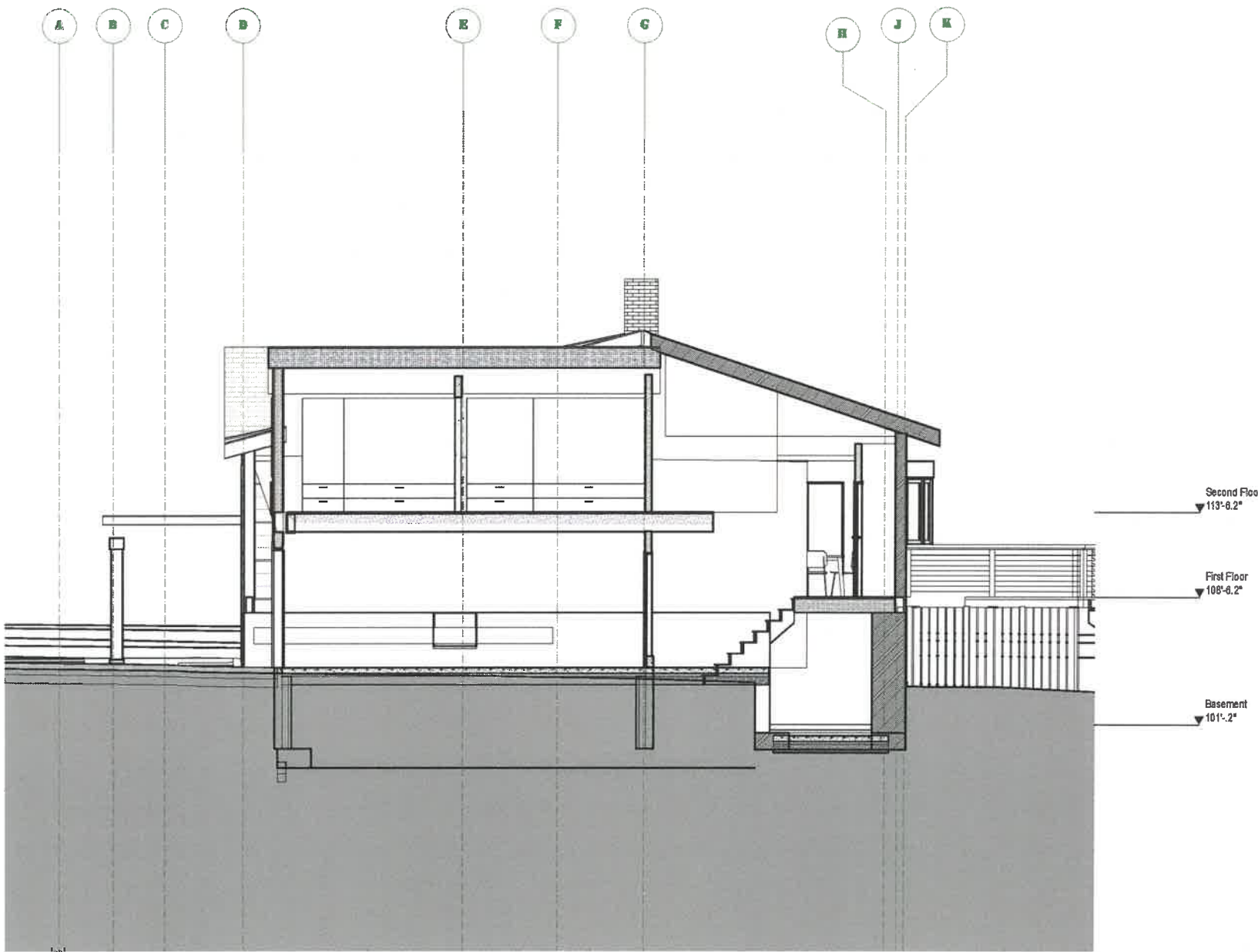
2 SECTION THROUGH LIVING ROOM KITCHEN AND PRIMARY BEDROOM
SCALE: 1/4" = 1'-0"



Addition and Alterations
to 20 Alder Brook Lane.
Needham



No.	Date	Appr	Revision Notes
A	13 JUN 2024	Zoning relief issue	
No	Date	Issue Notes	
		REGISTERED ARCHITECT BENNYAMIN BERK No. 30023 6/06/2018 Mass. COMMONWEALTH OF MASSACHUSETTS Digitally signed by Benny Ber Date: 2024.06.23 18:56:37 -04'00'	
On Site File			
Neh-Koo-Dah 2001 Beacon Street #211 Boston, Massachusetts 02135			
Consulted			
Project Title			
Addition and Alterations to 20 Alder Brook Lane. Needham			
Drawing Title			
Section Through Garage Stairs			
Project Manager		Project ID	
		20032	
Drawn By		Scale	
VKL/BB		Sheet Scale	
Reviewed By		Drawing No.	
		A 305	
Date		of	
24 June 2024			
GIS File Name			
20032			



2 SECTION THROUGH GARAGE & MASTER SUIT STAIRS
SCALE: 1/4" = 1'-0"

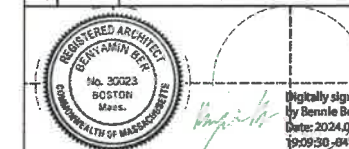


NET-KOODA

No.	Date	Appr	Revision Notes

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A	23 JUN 2024	Zoning relief issue
No.	Date	Issue Notes



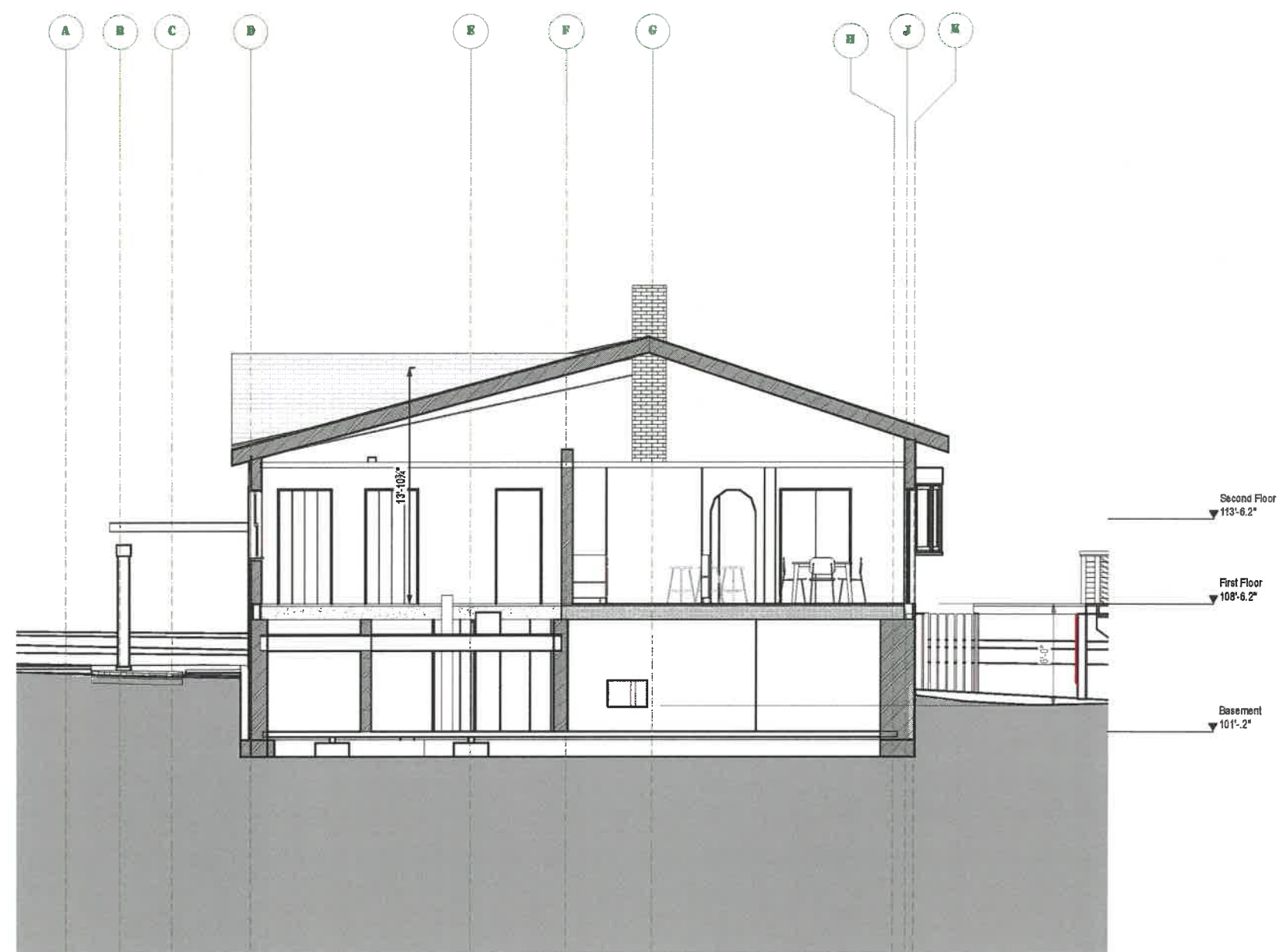
Design Firm:
Neh-Koo-Dah
2001 Beacon Street #211
Boston, Massachusetts 02135

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Project Title: **Addition and Alterations
to 20 Alder Brook Lane.
Needham**

Drawing Title **Section Through Garage Stairs**

Project file name	Project ID
Screening	Scale
Reviewed By	Drawing No.
Date	A 306 _____ of _____
Old File Name	



1 SECTION THROUGH LIVING ROOM
SCALE: 1/4" = 1'-0"



Y B I K U D A I

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A 23 APR 2024 Zoning relief item 4

REGISTERED ARCHITECT
BENJAMIN R. F.
No. 30023
BOSTON
Mass.
COMMONWEALTH OF MASSACHUSETTS

Digitally signed by Benjie B. Date: 2024.05.19 19:25:24-04

07-08

Consultant	
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Project 1106 Addition and Alterations

to 20 Alder Brook Lane.

Needham

Drawing Title **Section Through Garage Door**

[illegible]

Project Manager	Project ID
	20032

Drawn By VKUBB	Scale Sheet Scale
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Received By	Drawing No.
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Date: 24 June 2024

ET UNIT 1	01
OLD File Name	00000

	2003	
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SELF-NOU DAVE

No.	Date	Appr.	Revision Notes

A	23 JUN 2024	Zoning relief issue
No.	Date	Issue Notes



Neh-Koo-Dah
2001 Beacon Street #211
Boston, Massachusetts 02135

0914-0009/02/0000-0000\$05.00/0

Opportunität	
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[illegible]

Page 11 Title

**Addition and Alterations
to 20 Alder Brook Lane**

Needham

Drawing Title **Building Sections**

Project Manager	Project ID
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	20032
Drawn by VKLB	Scale Sheet Scale

Revised By	Drawing No.
	A 308

24 June 2024

	2002	
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1 SECTION-1
SCALE: 1/4" = 1'-0"



Memorandum

To: Zoning Board of Appeals
Town of Needham

Proj.#: 20032

From: Bennie Ber

Proj. Name Addition and Alteration to
20 Alder Brook Lane, Needham

The applicants, Amit Schwartz & Neta Levin Schwartz ("Applicant" or "Petitioner"), seek zoning relief for an addition and alterations to a single-family residential dwelling located at 20 Alder Brook Lane. Specifically, Applicant requests a Special Permit, pursuant to Section 1.4.6 of the By-Law.

Existing Conditions Descriptions

The lot Area is ±10,280 square feet.

The existing house was constructed ca. 1929, according to Town of Needham Assessors' Database. The lot was created ca. 1952, according to Town of Needham Engineering Division. Both the construction of the structure and the creation of the lot predated the current dimensional regulations of Town of Needham Zoning By-Law.

The structure was relocated ca. 1951-1952.

An addition was constructed ca. 1976.

Currently, the residence is three bedroom and two bathrooms, with a total of 2,025 square feet.

There exists a water easement on the property per Assessors' map; it is documented on Existing Conditions Plan prepared by Peter Nolan & Associates LLC.

The property is located in proximity to vegetated wetlands; the project team is preparing materials for review and approval by the Town of Needham Conservation Commission.

The lot is a corner lot with a highly unusual shape. it has a front yard and two side yards.

There are two paved driveways for open-air parking of vehicles in the front yard; one in front of the entry door, and another on the right side of the house.

The structure is a lawful pre-existing non-conforming use. It is non-conforming in regards to required side yard setbacks on both right and left sides.

June 24, 2024

The existing house has no garage. Members of the household usually park their cars on the right side of the house, near the side door to the kitchen. The existing driveway is paved and positioned in a way that in entering and exiting the driveway, cars must drive over land owned by the abutter at 34 Alder Brook Lane.

TOWN OF NEEDHAM, MASS.
Building Inspection Department
"Note" (formerly House #419)
This House being moved from Lot 2

Building Permit No. 8777 No. 407 Dedham Road Street
Avenue

Area 9634 sq. ft. Setback of adjacent buildings None
Owner E.W. Enman Builder _____
Sewer No Water Yes Drain No

(Cellar floor should be high enough to provide ample drainage for sewer and storm-water drain.)
Plot plans to be made at 40' scale. #201

DEDHAM AVE.

I hereby certify that the lot corners, dimensions and offsets to the proposed building are accurately shown on this plan and will conform with the completed construction.

Signed: C. Grazzetta
Civil Engineer
Approved in accordance with Art. 37 of 1940

Date 2/19/51

FILE
18-9-2015

J. Cheney
Town Engineer
R. Pfaller
Supt. of Public Works

Plan 169

Building Permit dated 2/19/51 Indicating Structure being Moved



Subdivision Plan recorded Feb 13, 1952

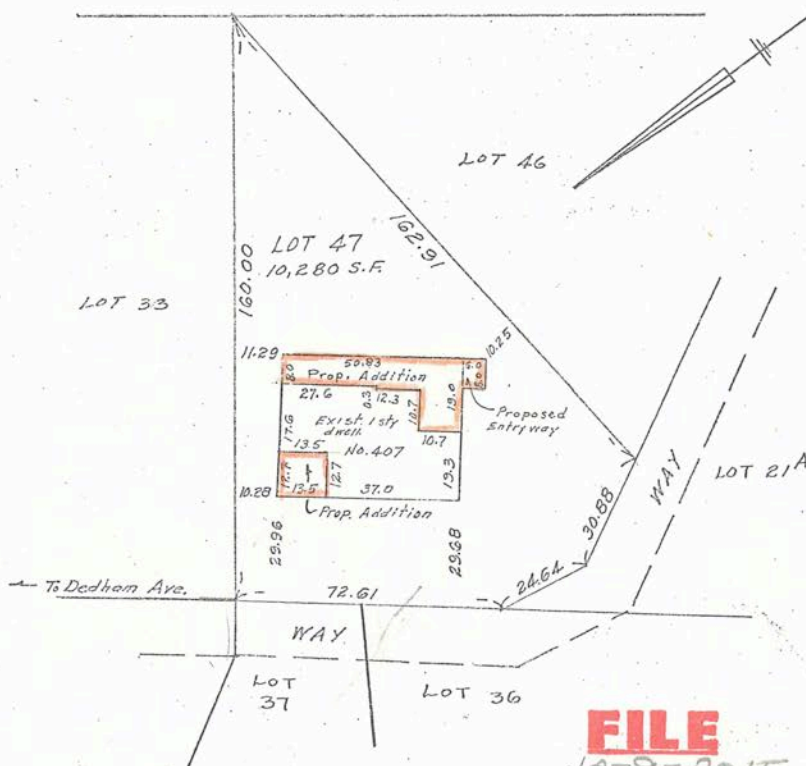
Engineer
TOWN OF NEEDHAM, MASS.
Building Inspection Department

Sewer ☒
 Water ☒
 Drain ☐

Building Permit No. 4173 At No. 407 DEDHAM AVE.
 Lot Area 10,280 S.F. Zone Setback ADDITION
 Owner Bernard P. Manzoli Builder _____

PLOT PLAN
 40' Scale 6.2

To be drawn according to specifications set forth in Section 12.2, Zoning By-Laws of the Town of Needham.



I hereby certify that the existing and approved street grades, existing sewers, drains, gas lines, water mains and other Public Utilities are accurately shown on this plan and that the dimensions, side line offsets and setback distances (allowing for overhangs), elevation of the top of the foundation and garage floor, and elevations at lot corners on street line for grading along lot line bordering the street are correct as indicated on this plan.

The above is subscribed to and executed by me this 6th day of March 1976.

Approved George N. Guinta *George N. Guinta* Civil Engineer or Surveyor
 Approved George N. Guinta Supt. of Public Works Date 4/20/76
 Approved George N. Guinta Building Inspector Date 4/20/76

Occupancy permit will not be issued until the conditions as to lines and grades and drainage facilities have been fully complied with.

Building Permit dated March 6, 1976 (Addition); Shape of Lot has Changed (further subdivided)

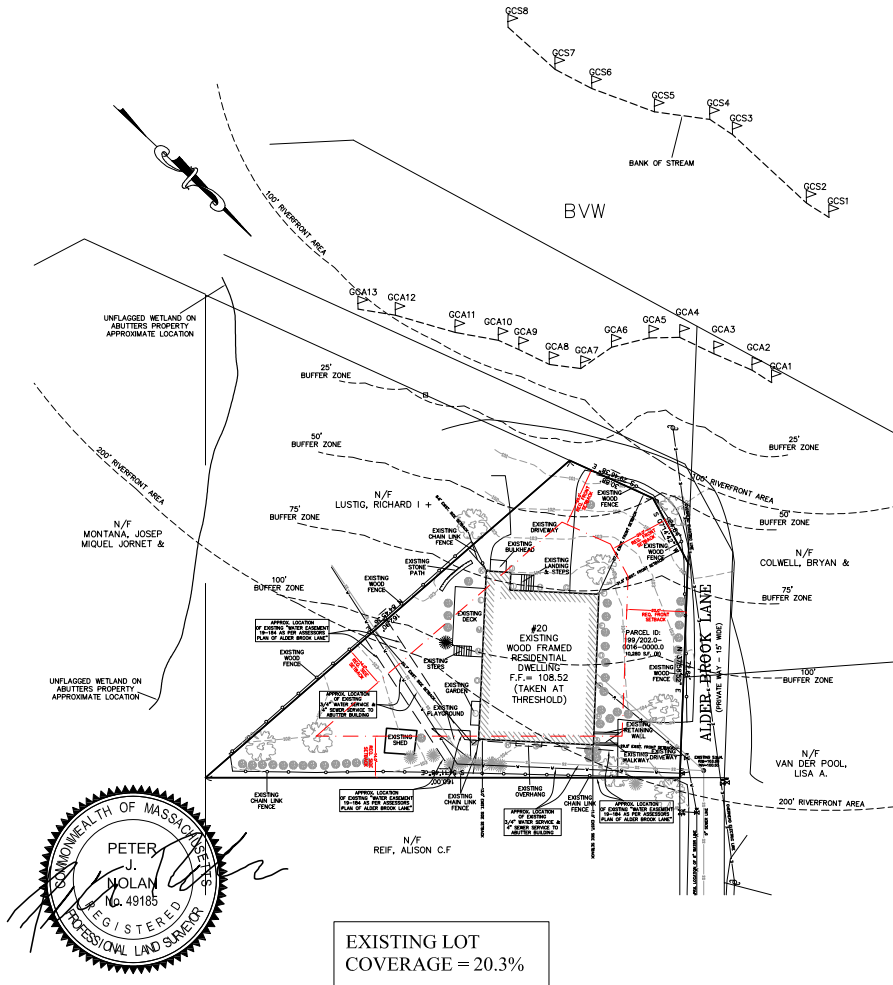
TOWN OF NEEDHAM, MASSACHUSETTS

BUILDING INSPECTION DEPARTMENT

Building Permit No.: _____ Assessor's Map & Parcel Number: 202-0016
 Lot Area: 10,280 ± S.F. Zoning District: SR-B, SINGLE RESIDENCE B
 Owner: AMIT SCHWARTZ & NETA LEVIN SCHWARTZ Address: NO. 20 ALDER BROOK LANE
 Builder: _____

EXISTING CONDITION

SCALE: 1"= 40'



Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gas lines, etc.; driveways, septic systems, wells, Flood Plain and Wetland Areas, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations, proposed grading and drainage of recharge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and sewage disposal system location in areas with no public sewer.
 *Accessory structures may require a separate building permit - See Building Code.

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

The above is subscribed to and executed by me this: 26TH day of: JUNE 2023
 Name: PETER J. NOLAN Registered Land Surveyer #: 49185
 Address: 80 JEWETT STREET (SUITE 1) City: NEWTON State: MA Zip: _____ Tel. No.: (857) 891 7478
 Approved: _____ Director of Public Works: _____ Date _____
 Approved: _____ Building Inspector: _____ Date _____

Existing Conditions Plan



View of 20 Alder Brook Lane from corner of lot, September 2020



View of 20 Alder Brook Lane, showing driveway proposed to be removed

Proposed Work

Applicant proposes to construct an addition consisting of an attached One-car garage at grade and a primary bedroom suite above it, half a story above the existing first floor.

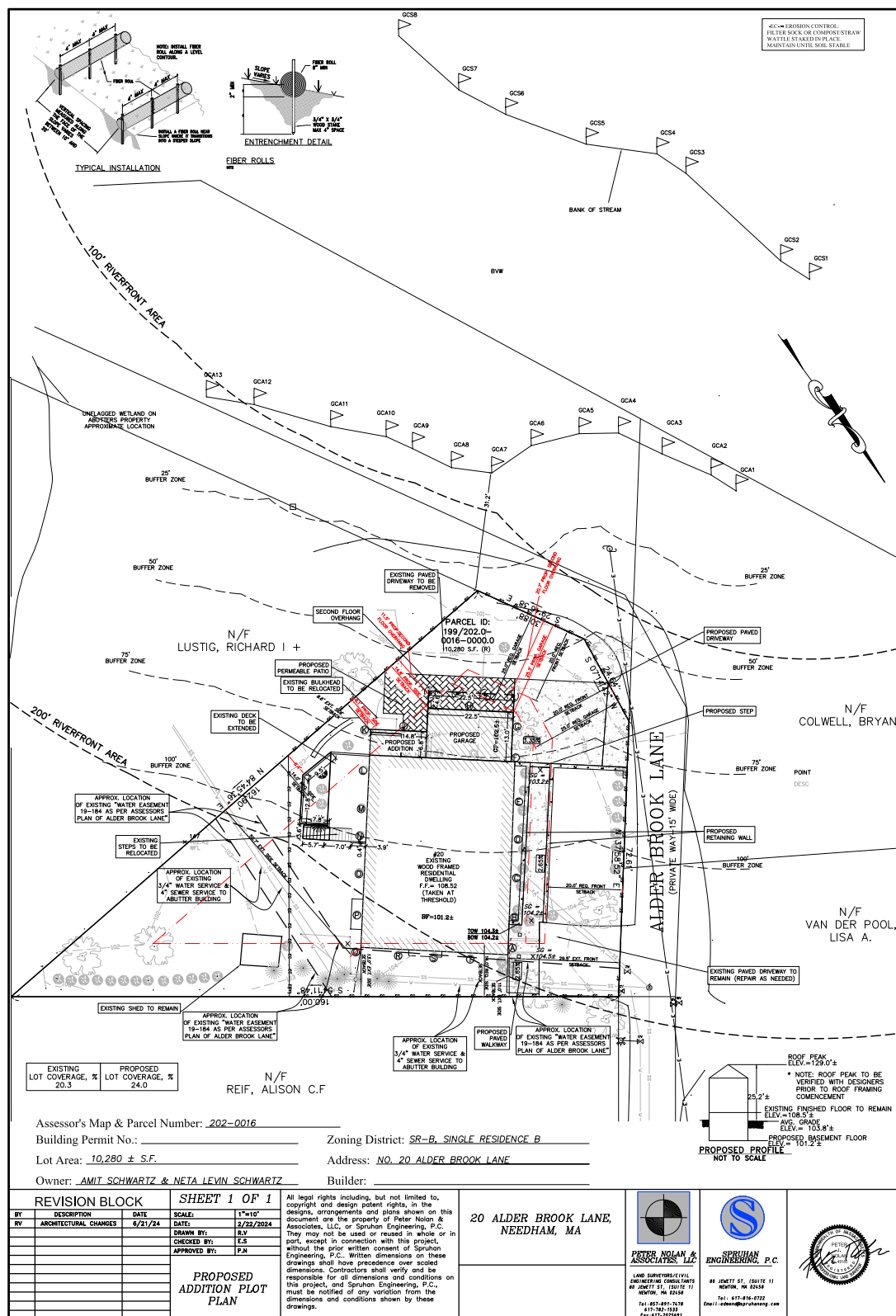
The proposed project is subject to review and approval by the Town of Needham Conservation Commission, due to its proximity to vegetated wetlands and riverfront. It has been designed with sensitivity to resource areas on site.



Existing Conditions



Proposed Addition



Proposed Site Plan



Front Elevation - Existing Conditions



Front Elevation - Proposed Addition



Right Elevation - Existing Conditions

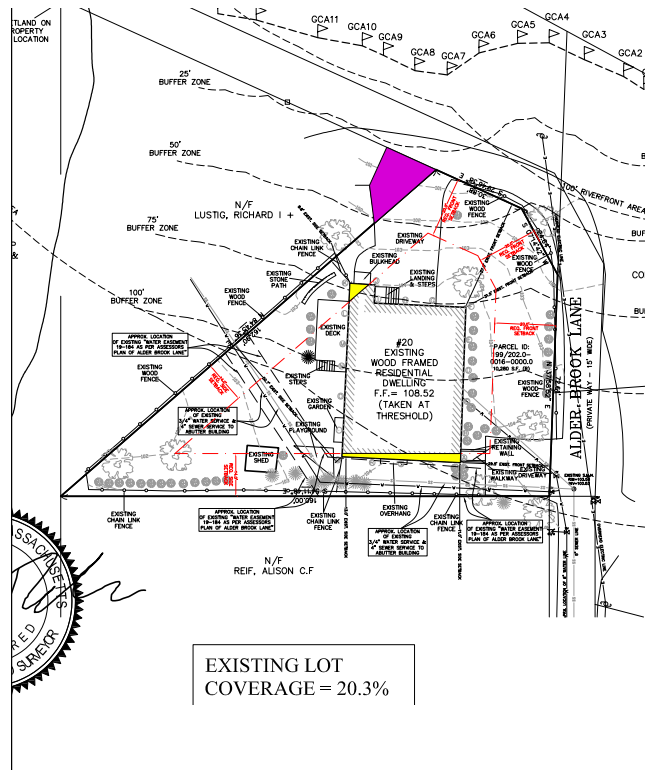


Right Elevation - Proposed Addition

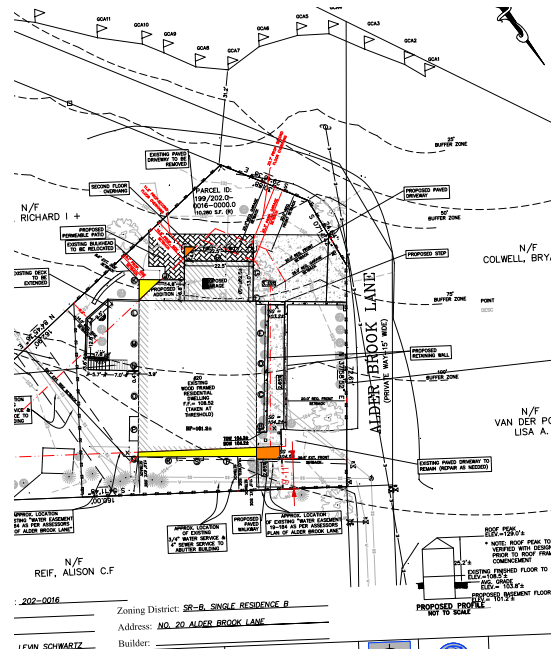
Zoning Relief Sought

Special Permit for extension of pre-existing non-conforming side yard setback per Section 1.4.6 of the Town of Needham Zoning By-Law:
Existing Right Side Yard setback is 9.6'; proposed 9.1'.

Existing Left Side Yard setback is 11.0'; proposed 9.9'



*Pre-existing non-conforming side yards (Yellow);
Driveway access encroachment shown in
Magenta*



*Proposed extension of non-conforming side yard
(Orange).*

Argument for Special Permit

20 Alder Brook Lane is a lawful, pre-existing use. The proposed work would change and extend the non-conforming use, and it would structurally alter and enlarge it.

The proposed work:

1. Is 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.
2. Would not be substantially more detrimental than the existing non-conforming use to the neighborhood.
3. will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents on the site or in the surrounding area.
4. The proposed work would not adversely impact the surrounding area resulting from:
 - a. excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area,
 - b. emission or discharge of noxious or hazardous materials or substances, or
 - c. pollution of waterways or groundwater. The proposed work would remove existing driveway paving in portions of the site nearest to identified wetland and to (perennial) Alder Brook, and replace it with native vegetation.

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 24, 2024

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Needham Enterprises, LLC
277 Brookline Avenue, Needham, MA

Dear Mrs. Collins,

Please be advised this office represents Needham Enterprises, LLC (hereinafter, the “Applicant”) with respect to its property at 277 Brookline Avenue, Needham, MA 02492 (hereinafter the “Premises”). In connection therewith, submitted herewith please find:

1. Seven copies of a completed Application for Hearing
2. Seven copies of architectural plans, prepared by Scott Melching Architect, LLC, consisting of seven (7) sheets as follows: Sheet A-1, Foundation Plan, dated June 21, 2024, Sheet A-2 Ground Floor Plan, dated June 21, 2024, Sheet A-3, Second Floor Plan, dated June 21, 2024, Sheet A-4, Attic Floor Plan, dated June 21, 2024, Sheet A-5, Roof Plan, dated June 21, 2024, Sheet A-6, Front & Right Exterior Elevations, dated June 21, 2024, and Sheet A-7, Rear & Left Exterior Elevations, dated June 21, 2024;
3. Seven copies of “Zoning Board of Appeals Plan of Land, 277 Brookline Street” Dated June 21, 2024, prepared by Field Resources, Inc.; and
4. Check no. 9157 in the amount of \$200 for the applicable filing fee.

The Premises is currently occupied by a two-family house, authorized by variance dated January 18, 1951, issued to Rally and Jospehone Pandlof. The original house appears to have been built in 1915, with an addition added in 1951, when it was converted to two family use, pursuant to the said variance. The Applicant now desires to demolish the existing two-family dwelling and

replace it with a new two-family house, conforming in all respects to dimensional and density requirements. In as much as the use was authorized by a variance, interpretation of same by the Board of Appeals is required for the Applicant to proceed, consistent with other, prior, similar cases.¹

Please schedule this matter for the next available hearing of the Board, If you have any questions, comments or concerns relative to the foregoing, please do not hesitate to contact me so that I may be of assistance.

Your courtesy and attention are appreciated.

Sincerely,

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

George Giunta, Jr.

¹ See for example, prior decisions of the Board concerning 460 Central Avenue, 114 Hillside Avenue, and 70-72 Marshall Street.



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	Needham Enterprises, LLC			Date:	6/24/24
Applicant Address	105 Chestnut Street, Suite 28, Needham, MA 02492				
Phone	617-435-1090	email	mborrelli@borrellilegal.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	277 Brookline Street, Needham, MA 02492		
Map/Parcel Number	Map 55 / Parcel 4	Zone of Property	Single Residence B (SRB)
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 (select one): ☐ Special Permit ☒ Variance ☐ Comprehensive Permit ☒ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions: Existing two and one-half story, two-family dwelling, originally built approximately 1915 and expanded and converted to two-family use pursuant to Variance issued by Zoning Board of Appeals in 1951.

Statement of Relief Sought:

Plan substitution and/or further relief pursuant to Variance dated January 18, 1951, issued to Rally and Josephine Pandolf, authorizing use of the Premises for two-family purposes; and any and all other relief necessary and appropriate to permit the demolition of the existing two family dwelling and replacement thereof with a new two family structure.

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

3.2.1, 7.5.3 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 (Required)	
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" (Required)	
If applicant is tenant, letter of authorization from owner (Required)	
Electronic submission of the complete application with attachments (Required)	
Elevations of Proposed Conditions (when necessary)	
Floor Plans of Proposed Conditions (when necessary)	

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.



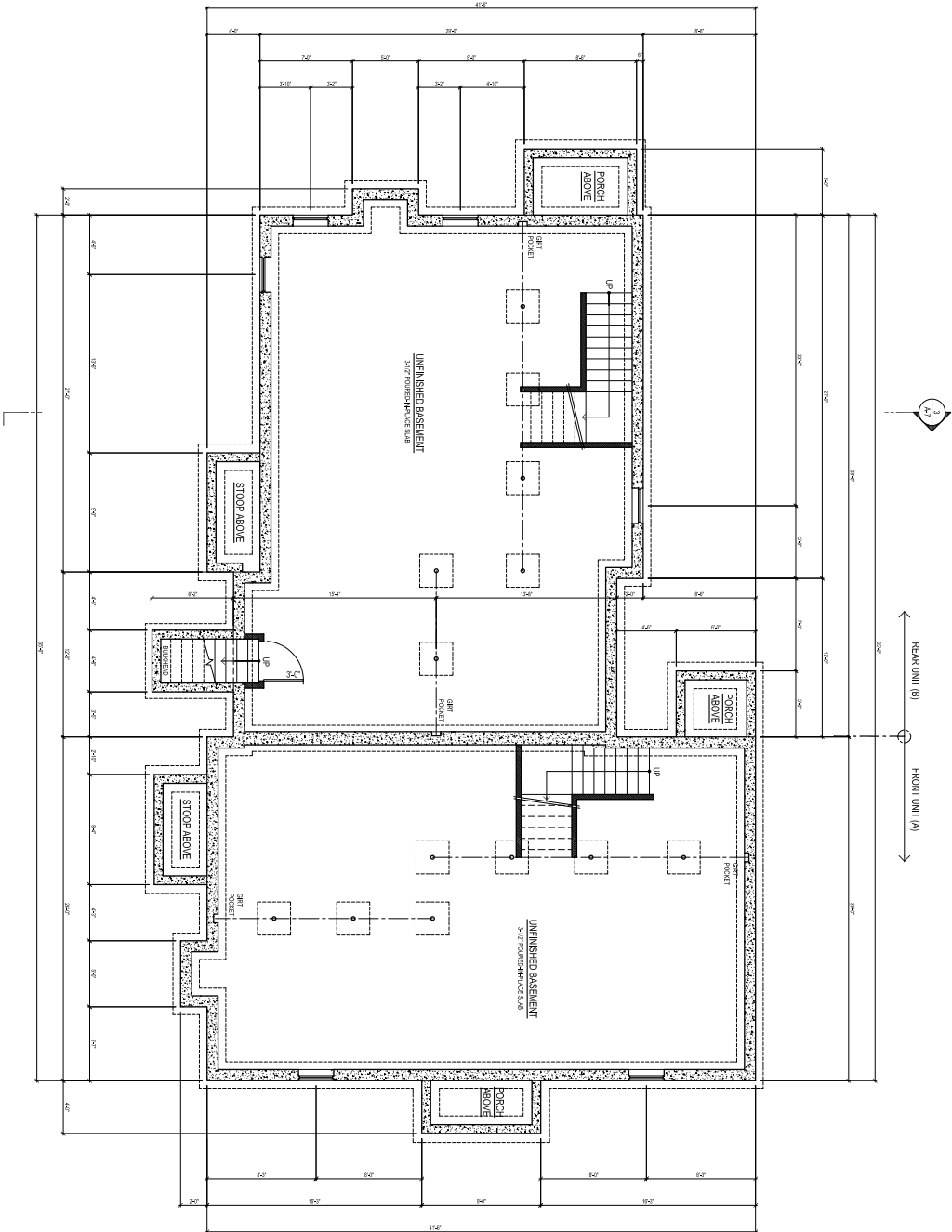
I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

the Applicant has

I certify that I have consulted with the Building Inspector on 6/24/24
date of consult

Date: 6/24/24 Applicant Signature George Giunta Jr
Needham Enterprises, LLC
by Its Attorney, George Giunta, Jr., Esq.

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



1 FOUNDATION PLAN
SCALE: 1/8\"



FOR DESIGN INTENT ONLY
NOT FOR CONSTRUCTION
INFERRED DIMENSIONS

DESIGNED FOR BALDER REVIEW	2024-06-21
DESIGNED FOR BALDER REVIEW	2024-06-19
DESIGNED FOR BALDER REVIEW	2024-06-14
DESIGNED FOR BALDER REVIEW	2024-05-24

2777 NEEDHAM STREET
ARCHITECT
NEEDHAM, MA 02492

PROJECT:
277 BROOKLINE STREET
NEEDHAM | MA | 02492
DRAWING TITLE:
FOUNDATION PLAN

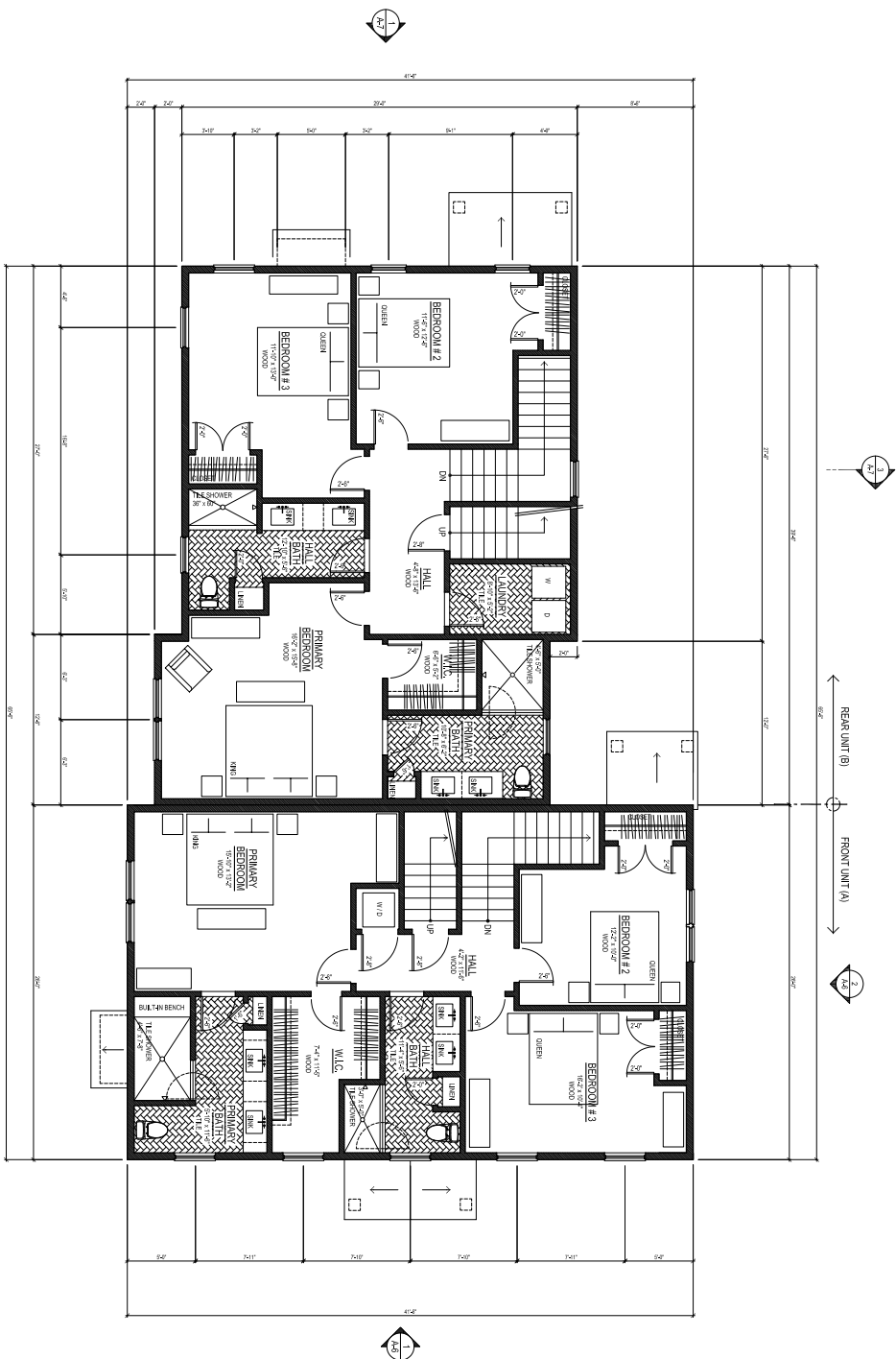
SHEET NUMBER:
A-1
1 OF 7

DATE: 2024-06-21
SCALE: 1/8\"

© 2024 SCOTT MARCHETTI LLC. ALL RIGHTS RESERVED.



1 GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"



1 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



1 ATTIC FLOOR PLAN (HALF STORY)
SCALE: 1/8" = 1'-0"





FOR DESIGN INTENT ONLY
NOT FOR CONSTRUCTION
INFERRED DIMENSIONS

DESIGNED FOR BALDWIN REVIEW	2024-06-01
DESIGNED FOR BALDWIN REVIEW	2024-06-05
DESIGNED FOR BALDWIN REVIEW	2024-06-12
DESIGNED FOR BALDWIN REVIEW	2024-05-08

SCOTT HANCOCK ARCHITECT LLC
ARCHITECT
SCOTT HANCOCK ARCHITECT LLC
SCOTT HANCOCK ARCHITECT LLC

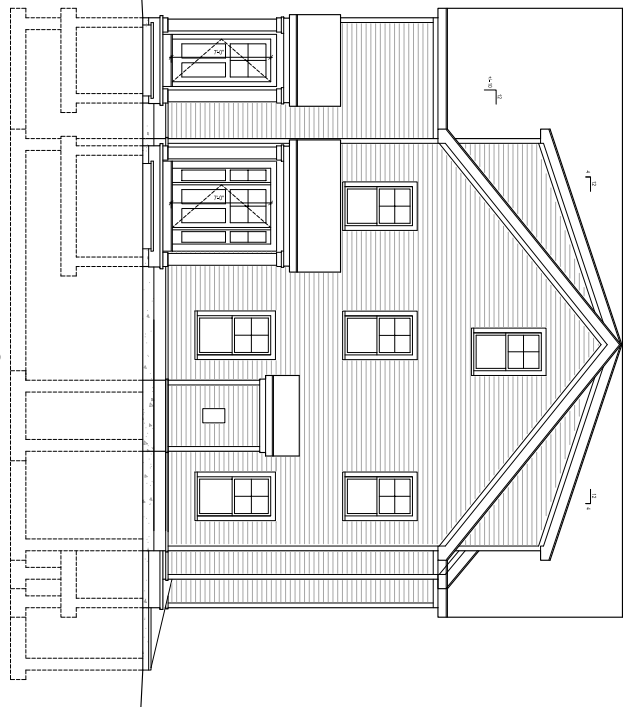
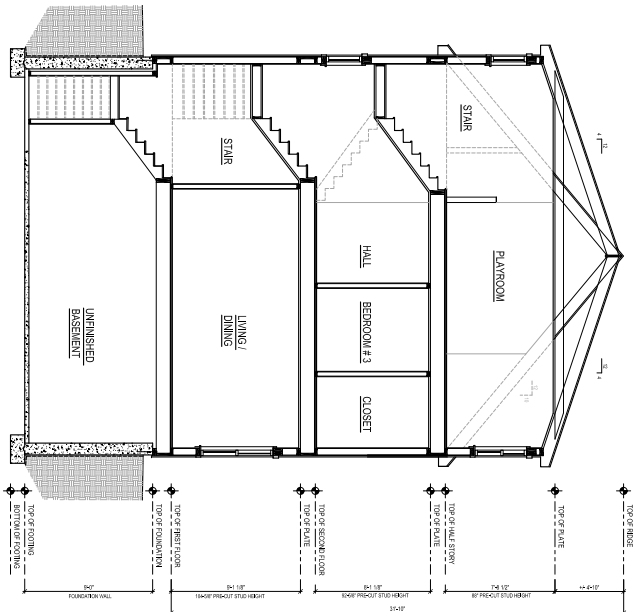
PROJECT:
277 BROOKLINE STREET
NEEDHAM | MA | 02492
DRAWING TITLE:
FRONT & RIGHT
EXTERIOR ELEVATIONS

SHEET NUMBER:
A-6
6 OF 7

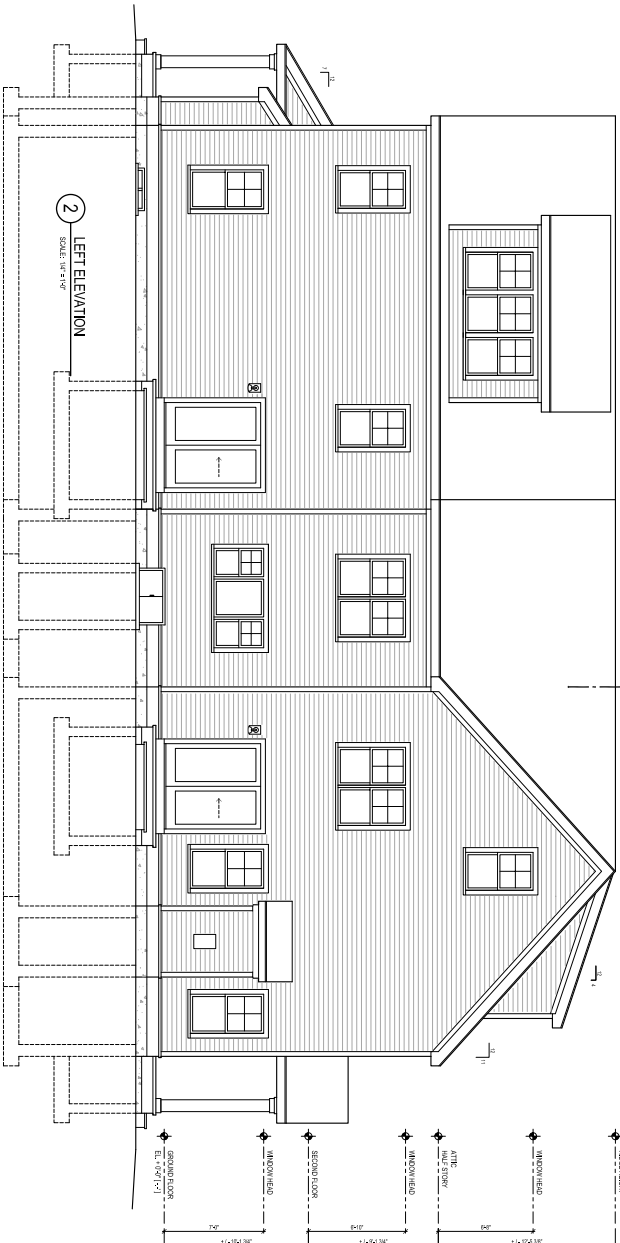
DATE: 2024-06-21
SCALE: 1/8" = 1'-0"
DRAWN BY: J. HANCOCK
CHECKED BY: J. HANCOCK
© 2024 SCOTT HANCOCK ARCHITECT LLC. ALL RIGHTS RESERVED.

277
BROOKLINE
STREET
NEEDHAM MA 02492

NEEDHAM
ENTERPRISES
NEEDHAM MA 02492



3 SECTION THRU REAR UNIT
SCALE: 1/4" = 1'-0"



FOR DESIGN INTENT ONLY
NOT FOR CONSTRUCTION

DATE _____

REVISIONS | SUBMISSIONS

DATE _____

ISSUED FOR BUILDER REVIEW	2004-06-2
ISSUED FOR BUILDER REVIEW	2004-06-7
ISSUED FOR BUILDER REVIEW	2004-06-7

SCOTT MELCHING ARCHITECT LLC
 ARCHITECT
 DEERHOLM, MN 00492 | 773.674.7034

1

277 BROOKLINE STREET
NEEDHAM | MA | 02491

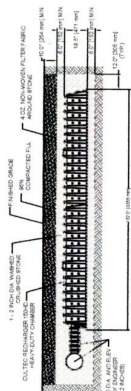
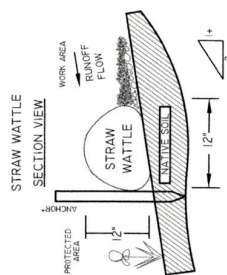
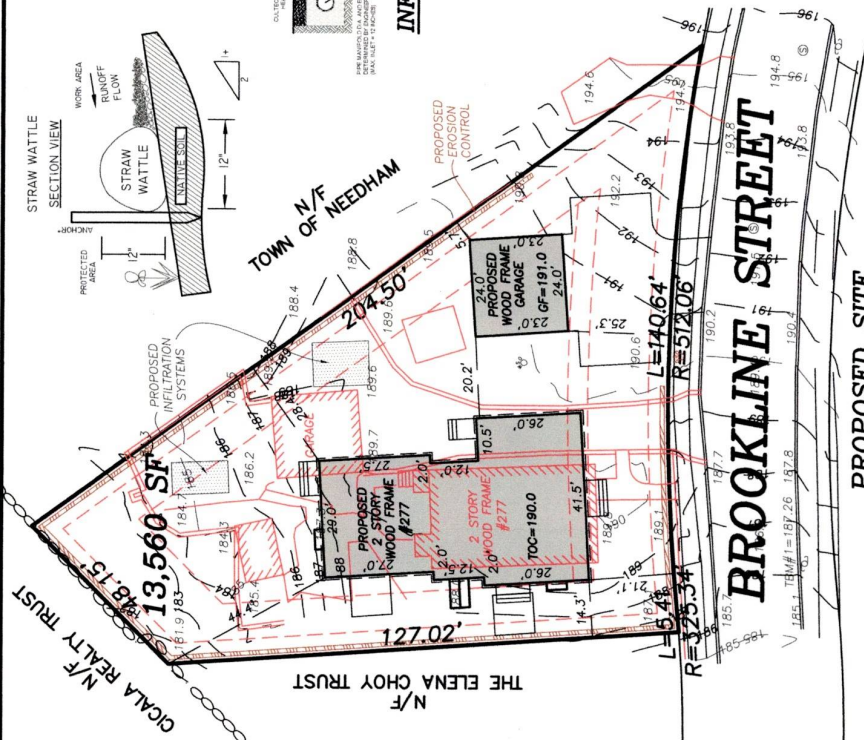
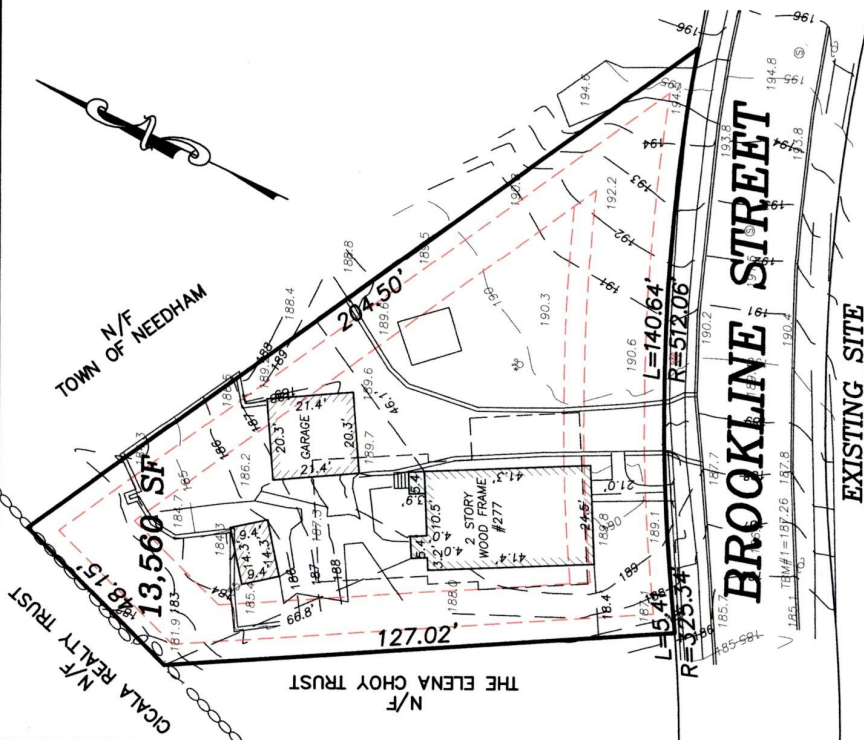
0249

EXTERIOR ELEVATIONS

A-7
OF 7

7

© 2024 SCOTT MELCHING LLC | ALL RIGHTS RESERVED



INFILTRATION SYSTEM DETAILS
NOT TO SCALE

PROPOSED BUILDING FOOTPRINT = 2,777 SF
TOTAL PROPOSED IMPERVIOUS = 3966 SF
 $(2,777 \text{ S.F.} \times 1") / 12 = 231.4 \text{ Cu. Ft.}$
MITIGATED WITH 5 CULT-TEC CONTRACTOR 150 HDXL
RECHARGER DRYWELL CHAMBERS (OR SUITABLE
REPLACEMENT)
CAPACITY OF 53.79 CU. FT. EACH (11 x 4.89 CU. FT.)
RECHARGE WILL MITIGATE COMPLETELY FOR A 1" STORM
FOR
THE PROPOSED FOOTPRINT
SEE DRYWELL DETAIL FOR SPECIFICATIONS
AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN.

ZONING BOARD OF APPEALS
PLAN OF LAND
277 BROOKLINE STREET
NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

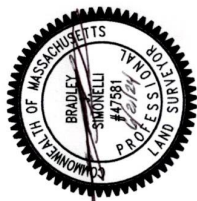
JUNE 21, 2024 SCALE 1"=30'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com

Copyright © by Field Resources, Inc. All rights reserved.

TOWN OF NEEDHAM
MAP 55 PARCEL 04

NORFOLK COUNTY
REGISTRY OF DEEDS
BOOK 41709 PAGE 5

OWNER/APPLICANT:
NEEDHAM ENTERPRISES



GRAPHIC SCALE

0 15 30 60

024-24

REVISÉ:

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

June 24, 2024

MEMORANDUM IN SUPPORT OF
APPLICATION OF
NEEDHAM ENTERPRISES, LLC
277 Brookline Street, Needham, MA

The applicant, Needham Enterprises, LLC (hereinafter, interchangeably, the “Applicant” and “Enterprises”), has made application for Plan substitution and/or further relief pursuant to Variance dated January 18, 1951, issued to Rally and Josephine Pandolf, authorizing use of the property at 277 Brookline Street (hereinafter the “Premises”) for two1-family purposes, as well as any and all other relief necessary and appropriate to permit the demolition of the existing two family dwelling and replacement thereof with a new two family structure.

FACTS / HISTORICAL USE

The Premises is shown as parcel 4 on sheet 55 of the Assessor’s Map for the Town of Needham. It consists of approximately 13,560 square feet of land, with approximately 146.04 feet of total frontage on Brookline Street. The Premises is currently occupied by a two and one-half story, two-family residential dwelling, which is nonconforming as to use. The house, which appears to have been built in 1915 and expanded in 1951, consists of approximately 2,460 square feet of interior finished living area on the first and second floor. It contains a total of 10 rooms, including 5 bedrooms and 2 full baths.¹

The use of the Premises for two-family purposes was first authorized by variance, dated January 18, 1951, issued to Rally and Josephone Pandolf (hereinafter, the “Decision”).² Following such Decision, pursuant to Building Permit No. 8828, dated March 23, 1951, the existing house was enlarged and converted to two-family use.³ Thereafter, only somewhat

¹ See Exhibit A, Assessor’s information, attached hereto.

² See Exhibit B, Decision, attached hereto.

³ See Exhibit C, Building Permit, attached hereto.

limited work was done to the house, the most substantive change being enclosure of the two existing porches.⁴

Enterprises is now proposing to demolish the existing structure and replace it with a new two and one-half story, two-family dwelling. The proposed replacement dwelling will conform in all material respects with applicable density and dimensional regulations. Moreover, while not technically applicable, the proposed new two-family also complies with the density and dimensional requirements of Section 1.4.7, applicable to non-conforming two-family dwellings. In particular, the replacement house is setback 21.1 feet from Brookline v. 20' minimum required; 14.3 and 28.4 feet from the sides v. 12 feet required, and 44.4 feet from the rear lot line v. 20 feet required. It has a lot coverage of 2,355, or 17.4% pursuant to Section 1.4.7 and 2,777, or 20.5%, pursuant to Section 4.2.3, v. 18% and 25%, respectively.⁵ The height is 2 ½ stories and 32.42 feet v. 2 ½ stories and 35'.

ANALYSIS / ARGUMENT

The use of the Premises for two-family purposes has been authorized by variance, which, by law, runs with the land in perpetuity. Notwithstanding such perpetual application, the use authorized by the variance technically does not constitute a lawful, pre-existing, non-conforming use, as defined by the By-Law. As a result, the standard test of whether the proposed replacement structure is substantially more detrimental to the neighborhood than the existing structure would not apply. However, in three nearly identical prior applications, the Board applied essentially that same standard to whether or not plan substitution was appropriate.⁶ In particular, in all those cases, the Board found that the new construction would be “less detrimental to the neighborhood than the existing two family dwelling and use and the reconstruction is consistent with the use Variance that runs with the land, will not overburden the Variance and is in harmony with the general purposes and intent of the By-law”.

Enterprises asserts both that the same test should be applied in this case and that the proposed replacement two-family meets the test. The new structure meets or exceeds all

⁴ See Exhibit D, Building Department Field Card, attached hereto.

⁵ Note that lot coverage is calculated different pursuant to the two sections and that Section 1.4.7.4 excepts the detached two car garage from the calculation.

⁶ Namely, 460 Central Avenue (2021), 114 Hillside Avenue (2016) and 70-72 Marshall Street (2008) – copies of the decisions provided herewith.

applicable dimensional and density regulations, including those applicable to lawful, pre-existing, non-conforming two-family dwellings. Moreover, if a single-family dwelling were to be constructed at the Premises, it could easily be materially larger than the house the Applicant is proposing. And, given that the Premises contains more than the minimum lot size, Enterprises asserts that the proposed replacement dwelling is appropriate in scale and mass for the neighborhood.

Therefore, based on all the above, Enterprises asserts that the further relied pursuant to the Decision, to allow for the reconstruction of the two-family dwelling at 277 Brookline Avenue is both appropriate and proper, and should be granted.

Respectfully submitted,
Needham Enterprises, LLC
by its attorney,

A handwritten signature in black ink, appearing to read "G. Giunta, Jr.", written in a cursive style.

George Giunta, Jr., Esq.
281 Chestnut Street
Needham, Massachusetts 02492
617-840-3570
george.giuntajr@needhamlaw.net

EXHIBIT A
Assessor Information
P1 of 2

PARID: 1990550000400000
FABBRI, PAULINE &

MUNICIPALITY: NEEDHAM
277 BROOKLINE ST

LUC: 104
PARCEL YEAR: 2024

Property Information

Property Location:	277 BROOKLINE ST
Class:	R-RESIDENTIAL
Use Code (LUC):	104-TWO-FAMILY
District:	MA199 - NEEDHAM
Deeded Acres:	.2910
Square Feet:	12,676

Owner

Owner	Co-Owner	City	Address	State	Zip Code	Deed Book/Page
FABBRI, PAULINE &	FABBRI, LEE	NEEDHAM	105 CHESTNUT ST, SUITE 28	MA	02492	11317/224

Sales

Sale Date (D/M/Y)	Book/Page	Sale Price	Grantee:	Grantor:	Cert Doc #
29-03-1971	11317-224	\$1	FABBRI, PAULINE &	HYDREN	

Owner History

1 of 23

Tax Year	2024
Owner:	FABBRI, PAULINE &
Co-Owner:	FABBRI, LEE
Sale Care Of	NEEDHAM ENTERPRISES, INC
State:	MA
City	NEEDHAM
Address:	105 CHESTNUT ST, SUITE 28
Zip Code:	02492
Deed Book/Page	11317/224

Land

[illegible]

Assessor Information
P2 of 2

PARID: 1990550000400000
FABBRI, PAULINE &

MUNICIPALITY: NEEDHAM
277 BROOKLINE ST

LUC: 104
PARCEL YEAR: 2024

Residential Card Summary

Card/Building:1

Stories:2.5

Condition:3 - GOOD

Grade:B- - AVERAGE/GOOD

CDU:GD - GOOD

Exterior Wall:ST - STUCCO

Style:2F - 2 FAMILY

Year Built:1915

Effective Year:1998

Square Feet of Living Area:2460

Total Rooms:10

Bedrooms:5

Full Baths:2

Half Baths:0

Additional Fixtures:2

Roofing Material:AS - ASPHALT-SHNG

Heating:D - HOT WATER

Fuel Type:G - GAS

Dwelling Value:\$239,600

Sections

Card #	Addition #	Lower	First	Second	Third	Area	RCNLD
1	0					984	0

EXHIBIT B
Decision

**TOWN OF NEEDHAM
MASSACHUSETTS**

BOARD OF APPEALS

JANUARY 18, 1951

RALLY AND JOSEPHINE PANDOLPH

Upon the application of Rally and Josephine Pandolf of 277 Brookline Street for variance of the zoning by-laws to permit them to convert their one-family house at the above location in a single residence district to a two-family dwelling, a public hearing was held at the Town Hall on Thursday, January 18, 1951, in the evening, pursuant to notice mailed to all interested parties and published in a local newspaper.

At the hearing Mr. and Mrs. Pandolf, together with their daughter and son-in-law, submitted a set of very clear drawings to show how they propose to extend their dwelling house eight feet to the rear, so as to enable them to add a rear stairway, a downstairs bathroom, and an upstairs kitchen, without changing the front or sides of the house, except for lengthening the sides. They pointed out, and the members of the board agreed unanimously, that the proposed changes would improve the general appearance of the house. The daughter and son-in-law, who now live with Mr. and Mrs. Pandolf, would occupy the newly created other suite.

The evidence tended to prove, also, that there are several other two-family dwellings in this locality, and that the proposed changes to the house in question would not affect detrimentally either the interests of the town or the interests of the property owners in the area. There were no opponents to the application.

The board voted unanimously to grant the variance and hereby directs the building inspector to issue the necessary permit.

Francis L. Guertin
Francis L. Guertin, Chairman

Enos G. Nickerson
Enos G. Nickerson, Member

Roger W. Nutt
Roger W. Nutt, Member

Herbert L. Moore
Herbert L. Moore, Special Member

TOWN OF NEEDHAM
Massachusetts



BOARD OF APPEALS

Public notice is hereby given that Rally and Josephine Pandolf, Needham, Massachusetts, have made application for variance of the Zoning By-Laws, Section 3, to permit them to convert a one-family house at 277 Brookline Street, a single residence district, to a two family dwelling.

Upon said application a public hearing will be held at the Needham Town Hall on Thursday, January 18, 1951 at 7:00 P. M., at which time and place all interested persons may appear and be heard.

Francis L. Guertin,
Chairman
Enos G. Nickerson
Roger W. Nutt
Herbert L. Moore
Board of Appeals.

EXHIBIT C
Building Permit

PLOT AND BUILDING

Plans must be submitted and approved by this Department before a permit for erection will be granted. Separate application required for every building

APPLICATION

Needham, Mass., March 23 1951

No. 0008

TO THE INSPECTOR OF BUILDINGS:

The undersigned hereby applies for permit to build, according to the following specifications:

1. Purpose of Building Dwelling, Conversion from single to double
2. First-class _____ Second-class _____ Third-class ☒
3. Zoning District _____
4. Location, St. and No. 277 Brookline St Nearest St. Melrose
5. Owner Rally Pandolf Address 277 Brookline St Tel. Dec 3-2660
6. Builder Peter Ricciardelli Address 283 Brookline St Tel. Dec-3-0479W
7. Architect _____ Address _____ Tel. _____
8. Size of Building—Front 24 FT Rear 24 FT Depth 33 FT
9. No. of Feet Level of Ground to Highest Point of Roof 30 FT
10. Set Back from Street 25 FT Right Side 12 FT Left Side 20 FT
11. Area of Lot 12,000 FT No. of Rooms 8
12. Material of Foundation CEMENT BLOCKS Material of Underpinning IRON column
13. Size of Girder 6 X 8 Kind HARD PINE
14. Size of Sills 4 X 6 Posts 4 X 6
15. First Floor Timbers 2 X 8 Second 2 X 8 Third 2 X 8
16. Size of Corner Braces 3 X 4 Outside Window and Door Studs 3 X 4
17. Size of Bridging 1 X 3 Rafters 2 X 6
18. Roof Covering ASPHALT SHINGLES Exterior Wall Covering STUCCO
19. Is the Roof to be Flat, Pitch, Mansard or Hip PITCH
20. Heated by Steam, Furnace, Hot Water, Air Conditioned HOT WATER
21. Oil Burner YES Gas Fired _____ Coal _____
22. Plumbing 2 BATHROOMS Wiring _____
23. Estimated Value \$5000.00
24. Plans Submitted _____

In addition to the foregoing statement this building will be constructed under the Building and Zoning By-Laws of the Town of Needham. Permit card to be displayed until work is completed.

Fee, \$ 5.00

Sign Here Rally Pandolf
Address 277 Brookline St

Rally Pandolf

EXHIBIT D

Building Department Field Card

Front

PT. NO.	FEE	DATE
LOCUS	277 Brookline Street	By A 1/18/51
BLDG.	NO. RMS	
OWNER	VALUE	
BLDR.		FEE
ELECT.	PT. NO.	
PLBR.	PT. NO.	
GAS FTR.	PT. NO.	
SEPTIC TANK	SEWER	
HEAT	GRADES	
COMPLETE		
OCC. PT		
TOWN OF NEEDHAM INSPECTION DEPARTMENT		WHOLE CEN 0104

Back

#8828 3/23/51 Peter Ricciardelli, bldr. Fee \$5.00 Convert single family dwelling to two Est. Val. \$5,000 Owner: Rally Pandolph

#5455 Ateo Ricciardelli, elect. Fee \$5.00

#5033 L. Pirro, plbr. Fee \$6.00

#3059 3/13/59 Rally Pandolf, alt. bldr. Fee \$3.00 Enclosing two existing porches, up and downstairs. Est. Val. \$1800. Owner: Rally Pandolf

#2073 8/10/59 Ateo Ricciardelli, elect. Fee \$4.50 Relocating 8 outlets, Installing 15 new outlets Owner: Rally Pandolf

#2436 9/2/80 Blake Munson, Gasfitter Fee \$8.00
2 heating boilers, 2 dom. water heaters Owner: Liberio Fabbri

#5287 9/2/80 Blake Munson, Plumber Fee \$8.00
2 hot water tanks, 2 water piping Owner: Liberio Fabbri

277 Brookline St.

#2436 9/2/80 Blake Munson, Gasfitter f.g-y-40 Fee \$8.00
2 heating boilers, 2 dom. water heaters Owner: Liberio Fabbri

#9349

#4464 6/19/89 Blake Munson, Plumber Fee: \$20.00 Owner: Fabbri

NOT
AN
OFFICIAL
COPY



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AN
OFFICIAL
COPY

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
KEVIN DELANEY**

February 28, 2008

2008 APR -2 PM 4:02

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

Upon the application of Kevin Delaney, 57 Marked Tree Road, Needham, MA, prospective purchaser, to the Board of Appeals for a Variance amendment or plan substitution for two family dwelling reconstruction, under 3.2, 7.5.3, or applicable By-Law Sections in Single Residence B District at 70-72 Marshall Street, a public hearing was held at the Broadmeadow School, 120 Broad Meadow Road, Needham, MA, on Thursday, January 24, 2008, in the evening, pursuant to notice thereof published in a local newspaper and mailed to all parties in interest.

The Planning Board letter of January 24, 2008 was read into the record. Mr. Giunta, Jr. presented the Board with a copy of the variance from March 15, 1955, which granted a conversion of the single family dwelling to a two-family dwelling. Mr. Giunta, Jr. stated that the variance is attached to the land. He stated that Kevin Delaney (the "Applicant") is seeking to reconstruct the two-family dwelling, as shown on the plot plan prepared by Field Resources, 281 Chestnut Street, Needham, MA, dated December 13, 2007, plus two pages of renderings "Proposed Two Family Home" prepared by Architectural Services, 8 Charles Street, Natick, MA. Each unit will have a single car detached garage.

Mr. Giunta, Jr. stated that the proposal is designed to match the neighborhood. The existing lot coverage of the dwelling is 19.3%; the proposed is 24.11%. The lot coverage of the dwelling with the garages is 22.3%; the proposed is 30.21%. This lot comprises 7,216 square feet. Mr. Giunta, Jr. stated that the existing dwelling is in a state of substantial disrepair, and that the reconstruction would not be a significant derogation or deviation from what was originally approved.

Mr. Giunta, Jr. stated that the existing dwelling has a footprint of 1396 square feet, plus a detached garage comprising 216 square feet. Mr. Giunta, Jr. stated that the new footprint will be 1740 square feet. Each garage will comprise 220 square feet each, or a total of 440 square feet. Mr. Giunta, Jr. stated that the proposal is for 3480 square feet of living area. The basement and attic are unfinished.

Michael Niden of 24 Gage Street, stated he is pleased with the proposition for the replacement dwelling, but requested additional time to review the proposal. Rob and Mary Rutter, 69 Marshall Street, concurred with Mr. Niden. The hearing closed at 9:50 p.m., and a continuation was announced for February 28, 2008. Notice thereof was

NOT NOT
posted at the Town Clerk's office and on the Town website
O F F I C I A L O F F I C I A L
C O P Y February 28, 2008 C O P Y

Received and entered into the record was a plot plan prepared by Field Resources, 281 Chestnut Street, Needham, MA dated February 21, 2008.

Appearing before the Board was George Giunta, Jr., who reported that the neighbors are in favor of the proposal. Mr. Giunta, Jr. stated that the new plot remains unchanged, the percent lot coverage has been included. The proposed lot coverage is 24.11% for the dwelling, or 30.21% including the garages.

Mr. Giunta, Jr. stated that the footprint will be 1,800 square feet. The detached garages are not more than 540 square feet, which complies with the two-family reconstruction. The previous dwelling contained just a single car detached garage, comprising 216 square feet. The two-family reconstruction exempts garages, in order to promote detached versus attached garages. Mr. Giunta, Jr. also stated that the Applicant is before the Board due to the variance on the lot.

Michael Niden, 24 Gage Street, stated that he and the abutters listed on the document submitted to the Board, referencing a meeting on February 25, 2008, are pleased with the proposal. The comments in the document were read into the record, and will be included, by reference in the decision. The Board noted that unfinished interior space may be finished in the future in accordance with the building code. The hearing closed at 8:00 p.m., and the Board proceeded to deliberate.

DECISION:

Upon the application of Kevin Delaney, 57 Marked Tree Road, Needham, MA, ("Applicant"), prospective purchaser, for a Variance amendment or plan substitution for two family dwelling reconstruction, under sections 3.2 and 7.5.3 of the Zoning By-law in a Single Residence B District at 70-72 Marshall Street, The Board makes the following findings:

1. The locus is in the Single Residence B Zoning District and currently has a two family dwelling at the premises. The current use of the dwelling as a two family use was allowed by Variance dated March 15, 1955.
2. The Applicant intends to demolish the existing structure and construct a new two-family dwelling at the premises.
3. The new structure will comply with all current dimensional and set back requirements of the Zoning By-law including the provisions of the "new Construction" By-law, except that when the garages are included, it will exceed current lot coverage requirements of the By-law. However the garages would comply with the new provisions of two-family tear down/reconstruction should that By-law have been applicable.

N O T

N O T

Furthermore, the Board finds that the garages are an important part of the development.

O F F I C I A L

O F F I C I A L

4. The Applicant has worked with the neighbors to design a structure that is compatible to the neighborhood, and has agreed to certain restrictions that will run with the land for the benefit of the abutters.

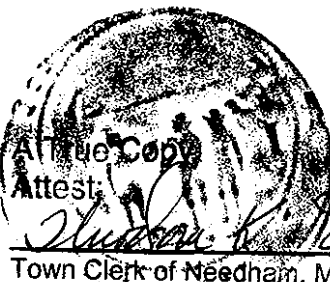
5. The Applicant's proposed new construction will be less detrimental to the neighborhood than the existing two family dwelling and use and the reconstruction is consistent with the use Variance that runs with the land, will not overburden the Variance and is in harmony with the general purposes and intent of the Zoning By-law.

On the basis of the foregoing findings, following due and open deliberation, after motion duly made and seconded, the Board, by unanimous vote, grants the Applicant permission to demolish the existing dwelling and reconstruct a new two-family dwelling at 70-72 Marshall Street, substantially in accordance with the revised plans submitted to the Board, prepared by Architectural Services, 8 Charles Street, Natick, MA, dated March 26, 2008, and the plot plan prepared by Field Resources, Inc., dated February 21, 2008, subject to the following conditions:

- 1 Any future conversion of non finished space, within the envelope of the structure into finished living space, shall be allowable without further permission of the Board, subject to obtaining proper and necessary building permits.
- 2 No future changes (from the approved plans mentioned above) to the exterior of the dwelling shall be allowed without first obtaining the written approval of the Board, after such notice and hearing as the Board, in its sole discretion, shall deem appropriate.
- 3 The Applicant agrees that the dwelling units will be initially marketed and sold as condominium units and not held as a two family rental property.

This is to certify that the appeal has been filed within the 20-day statutory appeal period.

Date May 5, 2008 Shirley K. Eaton
Town Clerk



Attest:

Shirley K. Eaton
Town Clerk of Needham, MA

Michael A. Crowe, Chairman

Jonathan D. Tankin, Member

Howard S. Goldman, Associate Member

N O T
A N
O F F I C I A L
C O P Y



N O T
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O F F I C I A L
C O P Y

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2016 APR 14 AM 10:10

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

*North Shore Residential Development, Inc.
Record owner: Mary A. Weiner, Tr.
114 Hillside Avenue, Map 95, Parcel 30*

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER

March 23, 2016

North Shore Residential Development, Inc., prospective purchaser, applied to the Board of Appeals under Sections 3.2, 7.5.3 and any other applicable Sections of the By-law for a plan substitution and/or further relief pursuant to a prior variance dated October 11, 1955 to demolish a pre-existing two-family dwelling and reconstruct a new two-family dwelling. The property is located at 114 Hillside Avenue, Needham, MA in the Single Residential B District. A public hearing was held on March 23, 2016 pursuant to notice thereof, published in a local newspaper and mailed to all parties of interest.

Documents of Record:

- Application Packet for Special Permit stamped February 22, 2016, containing:
 1. Cover letter from George Giunta, Jr., dated February 19, 2016.
 2. Application dated February 19, 2015.
 3. Zoning Board of Appeals Decision dated October 11, 1955.
 4. Zoning Board of Appeals Decision dated February 28, 2008.
 5. Zoning Board of Appeals Amendment dated September 18, 2008.
 6. Zoning Board of Appeals Decision dated January 23, 2003.
 7. Zoning Board of Appeals Substitution of Plans dated March 4, 2003.
 8. Zoning Board of Appeals Substitution of Plans dated July 11, 2003.
 9. Set of Plans, prepared by Sullivan Engineering Group, Woburn, MA 01888 signed and stamped by John Sullivan III, RPE no. 41586 and Paul Finocchio, RLS no. 36115 with sheets titled "Special Permit Plan of Land" dated February 10, 2016; "Proposed Elevations" dated January 25, 2016; "Proposed Elevations" dated January 25, 2016; "Proposed Foundation Plans" dated December 25, 2015; "Proposed First Floor Plans", "Proposed Second Floor Plans".
- Materials received on or before the March 23, 2016 hearing:
 10. Letter from the Planning Board dated March 17, 2016.
 11. "Special Permit Plan of Land" prepared by Sullivan Engineering Group, Woburn, MA 01888 signed and stamped John Sullivan III, RPE no. 41586 and Paul Finocchio, RLS no. 36115 dated February 10, 2016, revised March 21, 2016.

March 23, 2016

The Board included Jonathan D. Tamkin, Vice-Chairman; Howard S. Goldman, Member; and Kathy Lind Berardi, Associate Member. Also participating was Peter Friedenberg, Associate Member. Mr. Tamkin opened the hearing at 9:42 p.m. by reading the public notice.

Mr. George Giunta, Jr., the attorney representing the applicant, introduced Ron Lopez, the principal of North Shore Residential Development and Jack Sullivan the project surveyor and engineer. They are seeking relief to rebuild an existing two-family dwelling because the existing structure is in need of repair. The property is located in the Single Residence B District in a neighborhood of many two and three family homes. Most are grandfathered pre-existing non-conforming. This one is different because the two-family use is authorized by a variance issued in October 1955. The use variance converted the single-family dwelling to a two-family dwelling. The house was built in 1936 and has been kept as two-family since the variance was issued. Variances run with the land. The applicant is asking to substitute plans to allow a rebuild of the existing two-family dwelling and detached garage. Mr. Lopez has built several two-families in town. Although, they do not think that the limitations of Section 1.4.7.4 of the Zoning By-law apply, they have used them as guidelines. The proposed project meets those requirements. The proposed footprint is 2466 square feet and the lot coverage is 13.8%. The structures meet all the applicable setbacks. This 17,619 square foot lot is a large lot and warrants this type of use. There is one garage space per unit: one is attached and the other detached. There is additional parking outside. Each unit has four bedrooms. From Hillside Avenue, the structure appears to be a single-family house.

Mr. Tamkin read the Planning Board comments:

The Planning Board recommends that the subject application be denied. The Board notes that a variance cannot be amended under the statute. The applicant would need to apply for a new variance and to provide evidence that the statutory prerequisites had been met in order for the requested relief to be granted.

Mr. Giunta said that he respectfully disagrees. This application is technically not amending a variance as the use variance remains the same. There is no change proposed to the relief granted in the 1955 variance. Mr. Giunta cited 70-72 Marshall Street and the Highland Animal Hospital as precedents. Like this project, Marshall Street was granted a use variance to convert a single-family to a two-family and then later was reconstructed. The Highland Animal Hospital use was approved as a variance and then later demolished and reconstructed.

Mr. Tamkin noted that the Highland Animal Hospital decision amended the variance, but the Marshall Street decision stated that the reconstruction is "consistent with use of variance and will not over burden the variance".

Mr. Friedenberg said the use variance was not tied to a set of plans. He was not sure if relief was needed from this Board because the project met all the dimensional requirements.

Mr. Giunta said that he had spoken to the Building Commissioner and he felt there was sufficient enough change that the project needed to obtain relief from the Board.

Mr. Tamkin asked for public comment.

Matthew Katz, 106 Hillside Avenue, asked if the two units could be detached as he prefers them to be detached. Mr. Giunta explained that the variance is for a two-family and in Needham two-families need to be attached. Mr. Katz said he is supportive of the project and he requests that the developer plant evergreens along the back near his property. He said the builder seems amenable to his request.

Heinz Brinkhaus, 120 Hillside Avenue, asked the Board if the applicant can move the detached garage ten feet from the property line. He also asks if the attached garage could be pushed back because he is concerned that the resident will hit his fence when backing out of the garage. Finally, he asks that no spotlights shine onto his property. He supports the project, but he wants to avoid problems ahead of time.

The applicant agreed to move the detached garage to ten feet off the property line and that no spot lights will shine onto the neighboring property. The applicant said that there is 35 feet between the attached garage and the property line; enough room for a car to back out of the garage. There is not enough room to push the garage back because it will cause issues with the setback on the other side.

C O P Y

C O P Y

Mr. Tamkin read the Town Engineer's comments:

I did receive revised plans last night for 114 Hillside Ave increasing the drywells to 1,000 gallons each. The applicant will have to submit a letter complying with the NPDES Public Education/Outreach and Public Participation/Involvement control measures by a date prior to occupancy and will also have to indicate that they will comply with the Town's O&M plan in our NPDES permit.

Mr. Giunta said they would comply as that was a standard request.

Mr. Tamkin closed the hearing and the Board deliberated.

The Board agreed that the plan was attractive. It is helpful that the applicant is staying within the requirements of Section 1.4.7.4 and that the neighbors support it. They also agreed that this is not an amendment to the use variance.

Ms. Berardi moved to grant permission to the applicant to demolish a pre-existing two-family dwelling and reconstruct a new two-family dwelling for the property located at 114 Hillside Avenue, Needham, MA with the following conditions: the detached garage be located 10 feet from the side property line; no lighting shine on 120 Hillside Avenue; and evergreens be planted in the rear of the new house.

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

The hearing closed at 10:12 p.m.

Decision:

Upon the application of North Shore Residential Development, Inc., prospective purchaser, for plan substitution and/or further relief pursuant to a prior variance dated October 11, 1955 for the proposed two family dwelling reconstruction of the property located at 114 Hillside Avenue, Needham, MA in the Single Residential B District, under Sections 3.2, 7.5.3 and any other applicable Sections of the By-law, the Board makes the following findings:

1. The property is currently used as a two family dwelling located in the Single Residence B Zoning District on a 17,619 square foot lot. The current use of the dwelling as a two family use was allowed by Variance issued by the Board dated October 11, 1955.
2. The Applicant intends to demolish the existing dwelling structure and detached garage and construct a new two family dwelling and a new detached garage at the premises.
3. The Applicant has designed a structure that is compatible to the neighborhood, and has agreed to certain restrictions that will run with the land for the benefit of the abutters.
4. The new two family dwelling and detached garage will comply with all current density and dimensional requirements of the Zoning By-law and with the new two family reconstruction limitations of the By-law although the Applicant contends the limitations do not technically apply.
5. The Applicant's proposed new construction will be less detrimental to the neighborhood

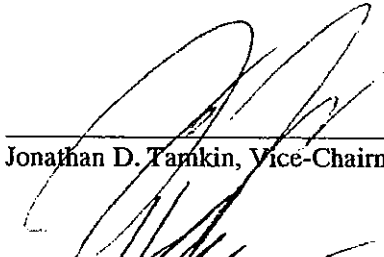
than the existing two family dwelling and the reconstruction is consistent with the use Variance that runs with the land, will not overburden the Variance and is in harmony with the general purposes and intent of the Zoning By-law.

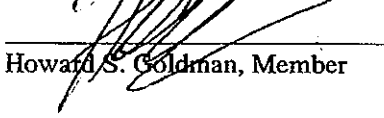
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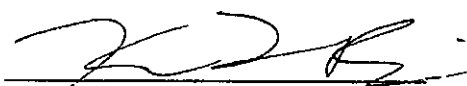
O F F I C I A L O F F I C I A L

On the basis of the foregoing findings, following due and open deliberation, after motion duly made and seconded, the Board, by unanimous vote, grants the Applicant permission to demolish the existing dwelling and detached garage and reconstruct a new two-family dwelling and detached garage at the property located at 114 Hillside Avenue, Needham, MA, substantially in accordance with the plans submitted to the Board, prepared by prepared by Sullivan Engineering Group, Woburn, MA 01888 signed and stamped John Sullivan III, Registered Professional Engineer no. 41586 and Paul Finocchio, Registered Land Surveyor no. 36115 with sheets titled "Special Permit Plan of Land" dated February 10, 2016; "Proposed Elevations" dated January 25, 2016; "Proposed Elevations" dated January 25, 2016; "Proposed Foundation Plans" dated December 25, 2015; "Proposed First Floor Plans", "Proposed Second Floor Plans" and the "Special Permit Plan of Land" prepared by Sullivan Engineering Group, Woburn, MA 01888 signed and stamped John Sullivan III, Registered Professional Engineer no. 41586 and Paul Finocchio, Registered Land Surveyor no. 36115 dated February 10, 2016, revised March 21, 2016, subject to the following conditions:

1. The new detached garage shall be located at least 10 feet from the side property line;
2. No outdoor lights from the Premises may shine onto the property located at 120 Hillside Avenue;
3. New evergreens shall be planted to the rear of the new structure.
4. No future changes (from the approved plans referred to above) to the exterior of the structure and detached garage shall be allowed, and no new accessory structures can be built, without first obtaining the written approval of the Board, after such notice and hearing, as the Board, in its sole discretion, shall deem appropriate.

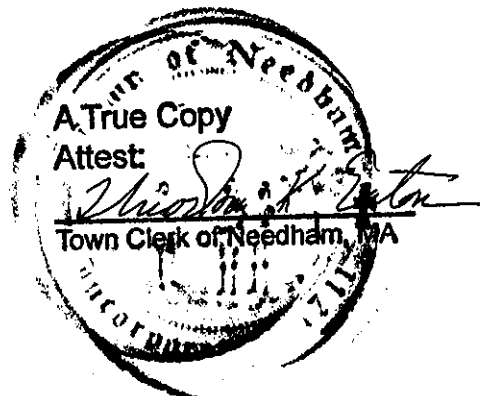
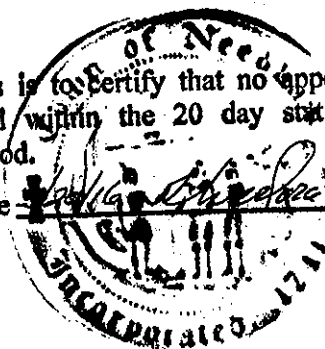

Jonathan D. Tamkin, Vice-Chairman


Howard S. Goldman, Member


Kathy Lind Berardi, Associate Member

This is to certify that no appeal has been filed within the 20 day statutory appeal period.

Date  K. Eaton
Town Clerk





RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2021 FEB -9 AM 11:57

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Interpretation of Variance

***Needham Enterprises, LLC
460 Central Avenue
Map 96, Parcel 20***

(Filed during the Municipal Relief Legislation, Chapter 53 of the Acts 2020)

January 21, 2021

Needham Enterprises, LLC, applicant, applied to the Board of Appeals for a Variance Amendment under Sections 3.2.1, 7.5.3 and any other applicable Sections of the By-Law to allow the Plan Substitution and/or further relief pursuant to a *ZBA Variance, 460 Central Avenue, July 9, 1963* authorizing use of the Premises for two-family purposes; and any and all other relief necessary for the demolition of the existing two-family dwelling and replace it with a new two-family dwelling. The property is located at 460 Central Avenue, Needham, MA in the Single Residential B District. A public hearing was held remotely on Zoom Meeting ID Number 869-6475-7241, on Thursday, January 21, 2021 at 7:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped December 14, 2020.
- Letter from George Giunta, Jr., Esq., dated December 14, 2020.
- Proposed Plot Plan prepared and stamped by Bradley J. Simonelli, Professional Land Surveyor, dated November 23, 2020.
- Design Plans, G1-0, A1-0-3, A-2-0, A-3-0, prepared and stamped by Mark Gluesing Registered Architect; dated November 12, 2020.
- Memorandum of Support, Exhibits A-E, prepared by George Giunta, Jr., Esq., dated January 12, 2021.
- Email from Dave Roche, Building Commissioner, dated January 12, 2021.
- Email from Tara Gurge, Assistant Public Health Director, dated January 12, 2021.
- Email from Dennis Condon, Chief of Department, Needham Fire Department, dated December 18, 2020.
- Letter from Thomas A. Ryder, Assistant Town Engineer, dated January 21, 2021.
- Letter from Lee Newman, Director of Planning and Community Development, dated January 4, 2021.

January 21, 2021

The Board held this meeting virtually as allowed under “Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20.”

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Howard Goldman, Member. Also participating was Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 7:30 p.m. by reading the public notice.

George Giunta, Jr., attorney representing the applicant, reported that the property consisted of 11,498 square feet of land with 80 feet of frontage. The premises is currently occupied by a two-story, two-family residential house that is nonconforming as to use, with a detached garage. Built in 1840, the house contains nine rooms, including 4 bedrooms and two full baths. There was an addition in 1950.

The use of the premises as a two-family was authorized by a Variance dated July 9, 1963 (“1963 Variance”). In November of 1963 there was a building permit to add a fire escape and a door. Since 1960 very little work on the house has been done.

The applicant is proposing to demolish the existing house and replacing it with a new two-family structure. The new two-family will comply with all the density and dimension requirements of the By-Law. The lot coverage has been calculated at 17.9% under Section 1.4.7.4 (b) and 22.5% under 4.2.2 (h), below the maximum allowable lot coverage of 18% and 25%, respectively.

Mr. Giunta said that the 1963 Variance granting the two-family use runs with the land there were no conditions to the 1963 Variance limiting the two-family use. The two-family use for the proposed project is consistent with the use granted under the variance.

Mr. Giunta argued that the new two-family house will be less detrimental to the neighborhood, complying with the limits set in Sections 1.4.7.4 of the By-Law. The two-family results in a smaller footprint than what would be allowed for a single-family structure.

Mr. Schneider noted that the key issue is whether the Variance is limited to a specific structure. Reading from the 1963 Variance: “The Building Inspector is authorized to issue a building permit to authorize the alteration of the one-family house located in a single family zone, for two-family use, subject however, to all other applicable regulations pertaining to a two-family use. Mr. Schneider concluded that there were no limitations on the structure.

Comments received were:

- The Building Commissioner made no comment.
- The Engineering Department had no comment or objection.
- The Planning Board had no comment.
- The Fire Department had no comment.
- The Health Department required a Demolition Review and on-going pest control process during construction.

The hearing was open to public comments.

Michael DiMaio, 442 Central Avenue, asked why the lot density was 22.5% when the maximum was 18%. Mr. Giunta responded that there were two different lot coverage calculation. One excludes the garage and, resulting in a coverage of 17.9% which is below the required 18%. The other calculation includes the garage where the coverage is 22.5% below the 25% maximum allowable.

Mr. DiMeo inquired about the side setbacks, particularly the garage. Mark Gluesing, architect, responded that a garage under 15 feet in height must be setback five feet from the side line. The proposed garage has a six-foot side setback. The minimum side setback for structures is 14 feet. The proposed two-family has minimum side setbacks at 14.5'.

Mr. DiMeo asked why the applicant was seeking a Variance instead of a Special Permit. Mr. Giunta responded that Sylvia Hall was granted a variance in 1963 to allow for the single-family house to be used as a two-family. Since the use is pursuant to a variance, it is not non-conforming. If it were non-conforming, relief would be through a special permit.

Maureen DiMeo, 422 Central Avenue, was concerned about the close proximity of the garage to their house.

Michael Goulde, 468 Central Avenue, wondered whether the new two-family house will continue as a rental or will be townhouses. Mr. Giunta responded that the developer will be selling the units as condominiums, but that the owner of a condominium could rent the unit.

Mr. Goulde was not concerned about the proximity of the garage to their property as they have no windows on that side of their house.

Mr. Tamkin inquired if the garage could be shifted. Paul Beaulieu, surveyor, responded that the garage was sited to accommodate the DiMeo's concerns and had a 9.3' setback on their side. The other side setback has a six-foot setback.

Mr. Friedenberg found the 1963 Variance noteworthy for its lack of conditions. Mr. Friedenberg asked if variances can lapse. Mr. Giunta responded that a variance had to be affirmatively abandoned. There is no expiration period.

Mr. Schneider inquired whether Mr. Giunta had considered Chapter 40A, Section 7 which says that a property in existence for 10 years should be treated as non-conforming. Mr. Giunta thought, since the use was established in a variance, it is not the type of situation contemplated by Section 7.

Mr. Tamkin noted that the form of a variance was rare for Needham but not necessarily in other communities. He concurred that the two-family use was not tied to a structure or by a set of plans. He was supportive of the proposal because of the improvement of the property; it was not a detriment to the neighborhood; the proposal conformed to the By-Law; the applicant addressed the concerns by the neighbors regarding the garage proximity; the Building Commissioner didn't have any concerns; and there were no objections from the neighbors.

Mr. Goldman asked if a vegetative screening could be provided to buffer the garage for the

DiMeos. The DiMeos were supportive of a screening. Mr. Giunta said a buffer is being provided for the neighbor to the back and the DiMeos could be included. He agreed that something like arborvitaes could be planted to provide a thick, green natural fence.

Rena Freedman, 468 Central Avenue, asked how far the garage was from their property. Mr. Beaulieu shared the proposed plot plan and showed that the two-car garage will be located in the back of the property, six feet from their property. He highlighted all the setbacks of the proposal.

Mr. Schneider understood that the Board was not amending the variance but was making a finding that the proposed new house is consistent with two-family use established in the variance. Mr. Giunta concurred that a plan substitution was consistent with the variance. Mr. Schneider didn't think it should be a plan substitution as there is no plan associated with the variance.

Mr. Tamkin moved to find that the plans submitted for the demolition of an existing two-family dwelling and its replacement with a new two-family dwelling with a detached two-family garage was consistent with the Board's 1963 Variance, conditioned on appropriate vegetative screening along the garage adjacent to 442 Central Avenue and the rear of the property. Mr. Goldman seconded the motion. The motion was unanimously approved.

Mr. Schneider asked that the applicant be sensitive to the neighbors regarding hours of construction and employee parking, and to discuss with the DeMeos the details of the screening.

The meeting adjourned at 8:10 p.m.

Findings:

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

1. The premises is an 11,498 square foot lot improved with a two family house and detached garage located in the Single Residence B District. Two family use is not permitted in the District.
2. The current house has approximately 2,280 square feet of finished living area on two floors and 900 square feet in an unfinished basement. There are 9 rooms including 4 bedrooms and 2 full baths. The house appears to have been built around 1840.
3. The present two-family use is allowed pursuant to 1963 Variance. The 1963 Variance did not specify or apply nor any particular structure. The variance authorized the "alteration of the one-family house in a single-family zone, for two family-use, subject however, to all other applicable regulations pertaining to two-family use."
4. The applicant proposes to demolish the existing house and replace it with a new two family house as shown on the plans filed with the application, and that complies with all density and dimensional requirements of the current By-Law.
5. If the two family house were legally non-conforming, the reconstruction would be

governed by Section 1.4.7 of the By-law. Since the two-family use is authorized by a variance, the use is not non-conforming. However, Section 1.4.7 provides guidance to the Board. The proposed new two-family will meet the dimensional requirements of Section 1.4.7 including the lot coverage ratio of 18%. The new two-family house will be appropriate in scale and mass for the neighborhood and the proposed reconstruction and enlargement will not be substantially more detrimental than the existing building.

6. One of the neighbors has requested plantings to screen the garage and the applicant has agreed.

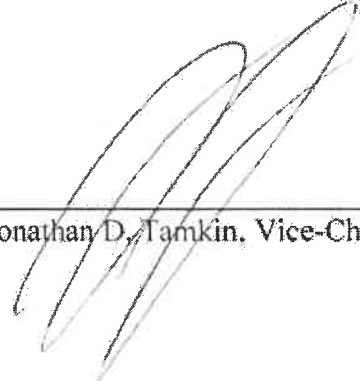
Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, determines that the two-family house and detached garage proposed in the plans submitted with the application may be constructed under the existing 1963 Variance, subject to the condition that the applicant will plant evergreen bushes or trees to the rear and north side of the new detached garage to screen the garage from the neighbors.



Jon D. Schneider, Chair

SIGNATORY PAGE – 460 CENTRAL AVENUE



Jonathan D. Tamkin, Vice-Chair

SIGNATORY PAGE – 460 CENTRAL AVENUE


Howard S. Goldman, Member

**TOWN OF NEEDHAM
MASSACHUSETTS**

BOARD OF APPEALS

JANUARY 18, 1951

RALLY AND JOSEPHINE PANDOLPH

Upon the application of Rally and Josephine Pandolf of 277 Brookline Street for variance of the zoning by-laws to permit them to convert their one-family house at the above location in a single residence district to a two-family dwelling, a public hearing was held at the Town Hall on Thursday, January 18, 1951, in the evening, pursuant to notice mailed to all interested parties and published in a local newspaper.

At the hearing Mr. and Mrs. Pandolf, together with their daughter and son-in-law, submitted a set of very clear drawings to show how they propose to extend their dwelling house eight feet to the rear, so as to enable them to add a rear stairway, a downstairs bathroom, and an upstairs kitchen, without changing the front or sides of the house, except for lengthening the sides. They pointed out, and the members of the board agreed unanimously, that the proposed changes would improve the general appearance of the house. The daughter and son-in-law, who now live with Mr. and Mrs. Pandolf, would occupy the newly created other suite.

The evidence tended to prove, also, that there are several other two-family dwellings in this locality, and that the proposed changes to the house in question would not affect detrimentally either the interests of the town or the interests of the property owners in the area. There were no opponents to the application.

The board voted unanimously to grant the variance and hereby directs the building inspector to issue the necessary permit.

Francis L. Guertin
Francis L. Guertin, Chairman

Enos G. Nickerson
Enos G. Nickerson, Member

Roger W. Nutt
Roger W. Nutt, Member

Herbert L. Moore
Herbert L. Moore, Special Member

**TOWN OF NEEDHAM
Massachusetts**



BOARD OF APPEALS

Public notice is hereby given that Rally and Josephine Pandolf, Needham, Massachusetts, have made application for variance of the Zoning By-Laws, Section 3, to permit them to convert a one-family house at 277 Brookline Street, a single residence district, to a two family dwelling.

Upon said application a public hearing will be held at the Needham Town Hall on Thursday, January 18, 1951 at 7:00 P. M., at which time and place all interested persons may appear and be heard.

Francis L. Guertin,
Chairman

Enos G. Nickerson

Roger W. Nutt

Herbert L. Moore

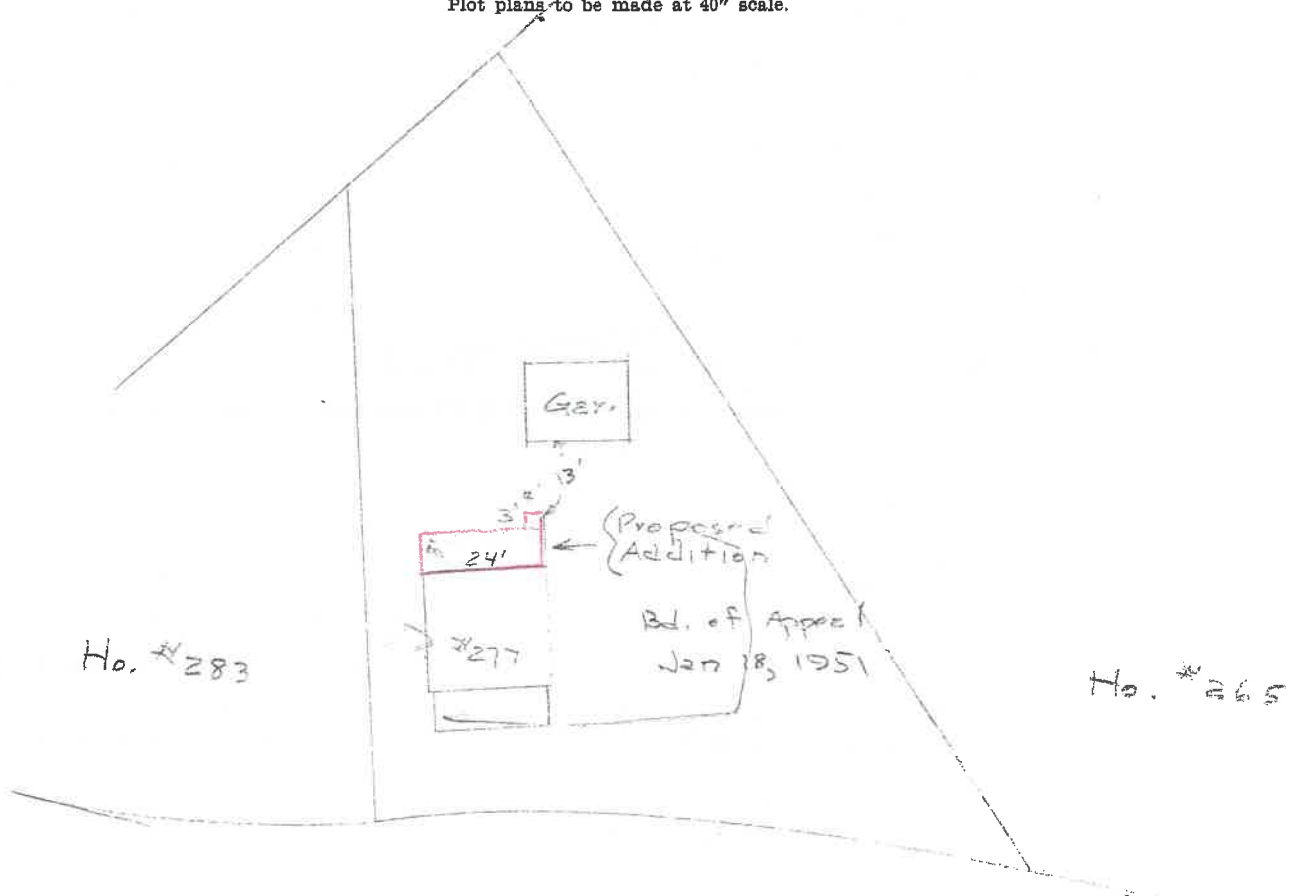
Board of Appeals.

TOWN OF NEEDHAM, MASS.
Building Inspection Department

Building Permit No. 88-25 No. 277 Brookline ~~Road~~
~~Street~~
~~Avenue~~
Area Addition Setback of adjacent buildings
Owner Rally Pandolf Builder P. Ricciardeili
Sewer Water Drain

(Cellar floor should be high enough to provide ample drainage for sewer and storm-water drain.)

Plot plans to be made at 40" scale.



I hereby certify that the lot corners, dimensions and offsets to the proposed building are accurately shown on this plan and will conform with the completed construction.

Signed: C. Fracchetti
Civil Engineer
Approved in accordance with Art. 37 of 1940

Date 3/23/51

J. R. [Signature]
Town Engineer
[Signature]
Supt. of Public Works

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 26, 2024

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Needham Enterprises, LLC
277 Brookline Avenue, Needham, MA

Dear Mrs. Collins,

In connection with the application of Needham Enterprises, LLC (hereinafter, the "Applicant") with respect to its property at 277 Brookline Avenue, Needham, MA 02492 (hereinafter the "Premises"), submitted herewith please find letter dated June 21, 2024 of Scott H. Melching AIA, LLED AP, GRP, of Scott Melching Architect, LLC. Said letter sets forth the calculation of floor area for the proposed replacement two-family dwelling at the Premises, as well as the floor areas for each floor of each unit. Same is provided to supplement the materials previously submitted.

Please let me know if you have any questions, comments or concerns.

Sincerely,



George Giunta, Jr.

Scott Melching Architect llc

AIA LEED GRP

21 June 2024

Matt Borrelli
Needham Enterprises
1175 Great Plain Avenue
Needham, MA 02492

RE : 277 Brookline – Floor Area Calculation

Dear Mr Borrelli,

Below is a summary of the floor area for the two-family structure located at 277 Brookline Street in Needham Massachusetts.

Floor Area Calculation

Lot Area = 13,560 SF * .36 = 4,881.6 SF

Front Unit (A)

Second Floor	1,079 SF
Ground Floor	1,089 SF
Total	2,168 SF
Half Story (Attic)	(574 SF)

Rear Unit (B)

Second Floor	1,147 SF
Ground Floor	1,157 SF
Total	2,304 SF
Half Story (Attic)	(650 SF)

Free Standing Shared Two Car Garage

24'-0" * 23'-6" = 564 SF < 575 SF
not included in floor area calculation

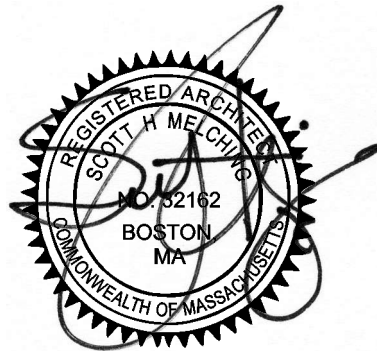
Floor Area Calculation

2,168 SF + 2,304 SF = 4,472 SF < 4,881.6 SF (DELTA = 409.6 SF)

Regards,



Scott H Melching AIA, LEED AP, GRP
116 Arch Street
Needham MA 02492



**Town of Needham
Joint Meeting
Select Board and Planning Board
Minutes for Monday, September 11, 2023
Needham Town Hall
and
Via YouTube**

5:00 p.m. Call to Order:
A joint meeting of the Select Board and Planning Board was convened by Chair Marianne Cooley. Those present were Kevin Keane, Heidi Frail, Marcus Nelson (via Zoom), Catherine Dowd, Adam Block, Jeanne McKnight, Artie Crocker, Paul Alpert (via Zoom at 5:15), and Town Manager, Kate Fitzpatrick.

5:01 p.m. Special Town Meeting Draft Warrant Article - Foster Property Open Space Zoning Non-Binding Resolution:

Ms. Cooley explained the Select Board placed the item into the draft Special Town Meeting Warrant, noting the Foster property continues to be challenging to bring to a close. She commented that Town Meeting a year ago expressed their strong support, voting to provide funding for the acquisition of 34 acres of open space at a price of \$2.5 million. She said the transaction has not occurred and a draft development agreement was never filed. Ms. Cooley commented on the number of affordable units changing to 25% from 5% under a LIP, per state requirements. She said all possible options continue to be pursued including a rezoning of the parcel (484 Charles River Street). She said zoning is different from what was presented to Town Meeting a year ago, noting Town Meeting should have the opportunity to weigh in again. She noted additional funding is not being sought by the Town, just the opinion of Town Meeting as to whether the Town should continue making the investment of time in acquiring the open space.

Mr. Block said the Planning Board has not had the opportunity to review or discuss the draft resolution until now.

Mr. Crocker said questions remain including the percentage of affordable housing and who will fund infrastructure upgrades along Charles Rivers Street related to the project.

Ms. Cooley said it would be expected that zoning changes would go through a regular zoning process, should the Select Board ask the Planning Board to take up the zoning, including holding public hearings.

Mr. Block pointed out that as with any other developer, they would be responsible for the costs of mitigation.

Mr. Crocker claimed that this was not what was stated last year, perhaps because the developer thought the project would go through a LIP. He stated the developer said they would not pay for infrastructure costs. Mr. Crocker said bringing any housing to Needham is necessary and great, yet questioned the percentage of affordable housing and to make sure there is enough buffer between the residents on Whitman Road and the project.

Ms. Cooley and Mr. Block concurred zoning would be specific on the amount of buffer and setback requirements (100 ft.) that might be required for the project, which was committed to previously.

Mr. Crocker said 100 ft is not enough setback between the neighbors and the project.

Ms. McKnight said she is not sure there is a plan approved by the Planning Board expressly stating access should be provided to the Charles River and that protecting the areas around the river is an important goal. She commented on a conservation easement and public access on a separate subdivision project the Planning Board worked on. She said she has followed the Charles River Street project closely and was very surprised that the state would approve a local initiative project with only 5% affordability. She commented that to hear the state will not approve the project unless there is 25% affordability does not surprise her. Ms. McKnight expressed concern over the town goal of uniformly applying a 12.5% affordability requirement throughout town, and is torn about getting away from that percentage on this project because the town wants to acquire the land. She wondered if any discussions were had with the proposed developer or land sellers asking if 12.5% would work?

Ms. Cooley stated 12.5% would be a less economically viable project and would require additional funding from the town, or the seller would have to cut the price. She said economics comes from a variety of factors, which would have to change in order to make 25% affordability possible.

Ms. McKnight concurred rezoning would likely be the kind the town typically does prior to the Planning Board recommending adoption. She said she assumes the zoning would require a special permit by use.

Discussion ensued on the Finance Committee, preliminary discussion, and the resolution.

Mr. Block stated Mr. Crocker and Ms. McKnight are speaking about a specific mechanics of the construction of the zoning bylaw, which is not currently contemplated. He said the current discussion is whether the Town Meeting will approve the non-binding resolution that the Planning Board take up zoning in an ordinary zoning planning process in time for the Annual Town Meeting.

Discussion ensued on time necessary to prepare a draft resolution of the zoning by-law, resolve the framework for the dimensional regulations, proposed language, and to hold a public hearing to bring zoning to May Town Meeting.

Mr. Block reiterated Town Meeting approved the authorization, for the global purpose for the benefit of the whole of the town, of acquiring 34 acres of open land to be made available as public land for use by residents including access to the Charles River. He said having that municipal benefit removes a question that some may have had about spot zoning, noting Town Meeting is a legislative, representative body of the Town, and if this is resolved in October by resolution, it behooves the Board to take it up.

Mr. Crocker said he is unsure how having public land as part of the deal takes away from the fact that it's spot zoning. He stated a traffic study of the area would be necessary, and that many other things need to be done for the May Town Meeting. Mr. Crocker said he is unsure whether there is enough time to do things correctly. He commented on a lower section of the property, wondering how much of the property is actually developable. He noted the developer could contemplate giving the Conservation Commission any undevelopable land, noting the town would, therefore, not have to pay taxes on that land. Mr. Crocker concluded he does not believe that question has been finalized.

Mr. Block said to Ms. Newman, Director of Planning that it might be helpful to find alternative resources, if necessary, in order to help with the preparation of the zoning bylaws to make May Town Meeting work.

Discussion ensued on the question of developable land.

Ms. Cooley offered to attend a Planning Board meeting, noting the purpose of meeting tonight was to provide a brief update.

Mr. Block suggested Town Counsel could have a conversation about the legal standard for spot zoning. He asked Mr. Crocker and Ms. McKnight "if the Town Meeting desires and approves the non-binding resolution to advance zoning at the following Town Meeting, will the Zoning Board take it up?" Ms. McKnight said she would agree, however she said she is hesitant if the resolution specifically states 5% affordability, saying more discussion is needed.

Mr. Crocker said it makes sense to take it up, noting the vote is a mandate, per se, as the Town Meeting already voted they wanted to do something. He said it also makes sense to take it up to see what the town can do to preserve space and for the affordable housing component.

Ms. Cooley said it is also important to take up the question for the seller to understand whether the Town remains interested in this process as well, or that they could decide to put the property back on the market for single family homes to clear

cut the site, noting there would not be the setbacks of the type Mr. Crocker is referencing.

Mr. Crocker stated he does not fear what might happen, but understands it is possible.

Discussion ensued on access to the Charles River, as brought up by Ms. McKnight and the Conservation Commissions' desire for the Town to acquire the parcel of land.

Ms. McKnight said the land is beautiful and wants the town to acquire it, but she is torn.

5:23 p.m. Executive Session: Exception 3 (Potential Litigation) relative to 1688 Central Avenue, Needham

Motion by Mr. Crocker that the Planning Board convene an Executive Session for the purpose of discussing strategy with respect to litigation, namely Needham Enterprises Inc. vs. Needham Planning Board, Land Court Miscellaneous Case #22 MISC 000158, where the Chair declares that doing so in Open Session will have a detrimental impact on the Planning Board's litigating position, with said Executive Session to include the Select Board, and to adjourn at the conclusion of the Executive Session without returning to Open Session.

Second: Ms. McKnight.

Christopher Heep, Town Counsel was asked, with consent of and through the Chairs, by resident Peter O'Neill "what the detrimental effect would be on the litigating position of the public body?"

Attorney Heep stated that discussion is expected to involve the decision of the trial court in this case, and whether or not to pursue or not an appeal of that decision. He said an open session would disclose to the public, among other things, counsel's analysis of the decision and the underlying law, and that such a discussion is properly conducted in Executive Session.

Motion approved 3-0-1 by roll call vote. Mr. Alpert abstained.

Motion by Mr. Keane that the Select Board convene an Executive Session for the purpose of discussing strategy with respect to litigation, namely Needham Enterprise's Inc. vs. Needham Planning Board, Land Court Miscellaneous Case #22 MISC 000158, where the Chair declares that doing so in Open Session will have a detrimental impact on the Planning Board's litigating position, with said Executive Session to include the Planning Board, and to adjourn at the conclusion of the Executive Session without returning to Open Session.

Second: Ms. Dowd.

Motion approved 5 – 0 by roll call vote.

A list of all documents used at this Select Board meeting is available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID>

NEEDHAM PLANNING BOARD MINUTES

May 14, 2024

The Needham Planning Board meeting, held in person in the Charles River Room at the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, May 14, 2024, at 7:00 p.m. with Messrs. Alpert, Crocker and McCullen, Ms. Espada, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block noted this is an open meeting that is being held in a hybrid manner per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes two public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

Public Hearing:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2007-10: Beth Israel Deaconess Hospital-Needham, Inc., 148 Chestnut Street, Needham, MA, Petitioner (Property is located at 148 Chestnut Street, Needham, MA 02492). Regarding request to construct a temporary addition to the Hospital at the former emergency room entrance on Lincoln Street to house medical imaging services during the renovation of the nuclear medicine suite.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:

VOTED: to waive the reading of the public hearing notice.

Mr. Block noted the following correspondence for the record: a memo, dated 4/8/24, from the Design Review Board with approval; an email dated 4/16/24 from Tree Warden Edward Olsen noting the hospital has not completed landscape improvements from several years ago and asking the hospital to revisit the landscaping; an email, dated 4/17/24, from Building Commissioner with comments; an email, dated 4/18/24, from Fire Chief Tom Conroy noting no issues; an email, dated 5/6/24, from Assistant Public Health Director Tara Gurge with comments and an email, dated 5/8/24, from Town Engineer Thomas Ryder with no comments or objections. There is nothing from the Police Chief.

Justin Mosca, of Vanasse Hangen Brustlin (VHB), stated the imaging suite at the hospital is being renovated. A trailer will be brought in to continue doing imaging during the renovation and will then be removed. There are a few minor site modifications needed to get the trailer in then they will bring it back to what it was. Dr. Gregory McSweeney, Healthcare Administrator/Internist, stated the hospital has experienced growth especially since Covid. There are 10,000 additional annual visits in the Emergency Department. It has been quite dramatic. There is a lot of demand for services from the community and a full-service hospital for in patients. The demand for radiology is high. There has been one camera identified that needs to be replaced. The least impact to the department would be to get the trailer.

Mr. Mosca noted the former Emergency Room entrance is on the Lincoln Street side. The canopy will come down temporarily and stored and the concrete wall will go away. The wall will be cut below grade and removed. The corner concrete walls along the side will get cut down then the trailer will come in. Most landscaping will be put in at this time to provide some coverage. The plantings will be dug up to remove the trailer and then replanted. The geometric walls will remain on either side and the landscaping will be cleaned up. John Fowler, of Margulies Perruzzi, showed the existing condition with the canopy and walls to be taken out and an image of the trailer to be used. The trailer has stairs and a lift for patients in wheelchairs. There will be a connector from the building to the trailer. There will be doors with egress out of the space between the building and the trailer and also exit stairs adjacent to get out of the building. The new enclosure will not obstruct the exit from the hospital.

Mr. Mosca noted the enclosure is rigid, affixed to the pavement and attached to the building. Mr. Block asked the timeframe. Mr. Fowler noted 6 months of construction will start once the trailer is in place for patients to use. Mr. Crocker asked how

patients in beds will get to the imaging center and, once there, how are they moved to the imaging machine? Mr. Fowler believes the patients would be put on stretchers, which the lift can accommodate, then moved around to the imaging platform. The lift can accommodate a stretcher and a person. He will verify this information. Ms. Espada asked if the stairs have handrails and was informed they do. She asked if patients would come out from the hospital, have the test and go back in the hospital? Mr. Fowler stated they would. Ms. Espada asked if there would be push bar egress. Mr. Mosca will have to check and will confirm how it is being locked. Mr. Fowler stated it is only being used as an emergency exit for people in the trailer.

Mr. Crocker asked if the egress being planned from the hospital is wide enough for everything. Mr. Fowler stated the egress will be wide enough and he showed conceptual views with landscaping and the walls removed. He also showed the final condition with the canopy back up and the trailer removed. Mr. Crocker asked what the need for the canopy was. Mr. Mosca noted it was an existing structure and has zero function. Ms. Newman noted removing the canopy is what allows the trailer to be brought in. Will Bradford, Director of Finance, stated, financially, it hurts him to put it back up. Mr. Block asked if there will be a generator, lighting plan and sprinkler system. Mr. Fowler noted there will not be a generator and there is no exterior lighting. They are hoping to install fire extinguishers. The code requirements are ambiguous, but it depends on what the Building Commissioner wants as it is his jurisdiction. There will be a dry pipe type of system. Mr. Alpert stated the Building Commissioner commented it needs to have a fire protection system. Ms. Newman noted that will be a condition. Mr. Block noted fire suppression measures need to be taken to the satisfaction of the Building Commissioner or Fire Department.

Mr. Block asked if there was a plan to come into compliance with the full previous landscape plan. Ms. Newman stated the Building Commissioner was talking about the parking lot on Chestnut Street. The Hospital had committed to do a revised landscape plan for the employee lot across the street. Mr. Block wants to see an updated landscape plan for the hospital to commit to. Mr. Crocker asked if there would be heating in the vestibule area. There will be heat in the trailer but not the vestibule. Mr. Block asked for the timeline. Mr. Fowler stated they will begin as soon as possible. The landscaping will be put in in the Fall with the full project completed by Spring.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:

VOTED: to close the hearing.

Decision: Amendment to Major Project Site Plan Special Permit No. 2001-02: Finitumus Associates Limited Partnership c/o Petrini Corporation, 187 Rosemary Street, Needham, MA, Petitioner (Property located at 464 Hillside Avenue, Needham, MA). Regarding request to convert approximately 815 square feet of general office space to medical office.

Mr. Alpert noted in Section 3.2 of the Conditions, last sentence, “The Petitioners request to convert approximately 815 square feet of general office space to medical office space is granted.” He feels the sentence should come out as the Board is only granting a parking waiver. Ms. Newman noted the original decision granted based on the distribution of use and the applicant has asked for an additional 815 square feet to convert to medical. Mr. Alpert noted the first sentence covers that. Also, in the first sentence, square “foot” should be changed to “feet.” All agreed.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to Grant: (1) an amendment to a Major Project Site Plan Review Special Permit No. 01-02 issued by the Needham Planning Board on June 5, 2001, amended October 21, 2003, May 10, 2004 and February 9, 2010, under Section 7.4 of the Needham Zoning By-Law and Major Project Site Plan Review Special Permit No. 01-02, Section 4.2; and (2) 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); subject to the following plan modifications, conditions and limitations.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to accept the decision with the 2 changes discussed.

Public Hearing:

7:45 p.m. – Amendment to Major Project Site Plan Special Permit No. 2004-01: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 609 Webster Street, Needham, Massachusetts). Regarding request to renovate 4 existing tennis courts, add 4 new tennis courts, install stormwater management improvements, ADA accessible walkways and landscape improvements. Note: This hearing has been continued from the Planning Board meetings of March 19, 2024 and April 2, 2024, and will be further continued to June 4, 2024.

Mr. Block noted a request from Town Counsel to continue the hearing to June 4, 2024 at 7:30 p.m.

Upon a motion made by Mr. Crocker, and seconded by Mr. Alpert, it was by a vote of the five members present unanimously:

VOTED: to continue the hearing to 6/4/24 at 7:30 p.m.

ANR Plan – Haven Development, LLC, Petitioner (Property located at 103 Lawton Road and 133 South Street, Needham, MA).

Paul Beaulieu, of Field Resources, noted this is 3 lots becoming 4 lots. Originally this was 103 Lawton Road and what remained of 133 South Street and a lot on South that was previously subdivided. That lot could tie into Lawton Road for better access for an egress rather than egress on South Street. Ms. Newman noted this has been reviewed by staff. All lots have required frontage on a way.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:

VOTED: to approve and endorse the ANR Plan as presented tonight.

Request to extend Belle Lane Subdivision Tripartite Agreement.

Ms. Newman noted the subdivision is done. This is the Off-Street Drainage bond. There is one house being constructed but it needs to set for a season.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:

VOTED: to extend the agreement as per the packet.

Appointment to Climate Action Committee.

Mr. Block stated there is a new charge now. Ms. Espada and Mr. Crocker were previously appointed.

Upon a motion made by Mr. McCullen, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:

VOTED: to nominate and appoint Mr. Crocker as the Planning Board appointee to the Climate Action Committee.

Minutes

Mr. Block noted on the minutes of 3/5/24, page 3, second paragraph under Reports, “that would meet the MBTAs easily” should be “that will meet MBTA compliance.” All agreed.

Upon a motion made by Ms. Espada, and seconded by Mr. Alpert, it was by a vote of four of the five members present (Mr. McCullen abstained):

VOTED: to approve the minutes of 3/5/24 as written in the packet with the change tonight.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of four of the five members present (Mr. McCullen abstained):

VOTED: to approve the minutes of 3/14/24 as presented.

Mr. Block noted on the minutes of 3/19/24, page 3, the paragraph regarding solar, “The proposed would expand the definition of solar to reduce any confusion” should say “The By-Law amendment would expand the definition of solar” and take out “to reduce any confusion.” In the next paragraph replace “ground mounted and parking canopies with “energy systems and their applications.”

Upon a motion made by Ms. Espada, and seconded by Mr. Alpert, it was by a vote of four of the five members present (Mr. McCullen abstained):

VOTED: to approve the minutes of 3/19/24 as in the packet and revised tonight.

Mr. Block revisited the 3/5/24 minutes. On page 1, 3rd paragraph, 2nd sentence, should be “property’s,” “he stated there were “issues” should be “questions” and the last sentence “at full build out” should be added after “95 cars” as it relates to a specific development. The last sentence should be “function of the site plan process” not “land.”

Summer Schedule

Ms. Newman stated the MBTA Communities zoning needs to get done as there is a timeline. On 6/18/24 the zoning will be reviewed and she will invite the people from 100 West Street in to discuss what their goals are, what they need and if changes need to be made. She feels comfortable with the zoning as sent to the state. She will hear back from the state on August 1 and will make any necessary changes. The Board discussed priorities going forward. After discussion the Board set 7/11/24 as a meeting date with a hold on 7/22/24 and 8/14/24 with a hold on 8/27/24 will be firmed up later.

Mr. Block noted there will not be detached ADUs. The Committee for the Large House Review will be brought back. It may be a 9-member Committee. Ms. Newman stated the structure should be discussed. Mr. Block would like it resolved and brought to Town Meeting by October 25. He would like to have a committee by the end of summer and have the first meeting after Town Meeting. Mr. Alpert stated Town Meeting wants a report from the Planning Board and the Board needs to show them a lot of progress. He stated the Board needs to work on the structure of the Committee in the next month by the end of June. Previously there were 2 Planning Board members, 2 Select Board members, 1 or 2 developers, Finance Committee, Zoning Board of Appeals, a Realtor, Architect and Historic Commission member. Mr. Block stated that will be discussed later. There was confusion on what the goals were and he wants to laser focus the goals. Mr. Alpert noted the MBTA is statutory and a priority. The make-up of the last housing committee seems reasonable to him. They should be ready to talk about this at the July meeting.

Report from Planning Director and Board members.

Ms. Newman discussed the MBTA Communities and the timeline. GPI is doing the traffic work with impacts on major intersections. They are hiring a consultant to come up with design guidelines that the Planning Board will ultimately adopt and are beginning to think through what it would look like. They will get back to the Board at the next meeting. Mr. Block stated, at Town Meeting, it was clear there was a conflict. Mr. Alpert and Ms. Espada disagreed. Mr. Block commented the Board needs to improve their conduct and respect each other. He feels there is a disfunction with the Board. Ms. Espada handed out NUARI paperwork. She feels this should be used as a guide for the Planning Board and be the mission of the Board. They looked at it a year ago and it went nowhere. The Board should set standards. Mr. Alpert suggested putting it on the agenda for 6/4/24. Mr. Crocker stated the Board has to look at the perception of what is going on. They need to be careful with everything they do.

Correspondence

Mr. Block noted correspondence from Jennifer Leonardschaffstein of 15 Abbott Street, dated 4/29/24, and Paula Dickerman, dated 5/9/24.

Upon a motion made by Ms. Espada, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:

VOTED: to adjourn the meeting at 9:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

June 4, 2024

The Needham Planning Board meeting, held in person in the Charles River Room at the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, June 4, 2024, at 7:00 p.m. with Messrs. Alpert, Crocker and McCullen, Ms. Espada, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block noted this is an open meeting that is being held in a hybrid manner per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes two public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

Reorganization

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:

VOTED: to elect Ms. Espada as Chairman and Mr. Crocker as Vice-Chairman.

Ms. Espada thanked Mr. Block for an amazing job and his leadership over the last 2 years.

Public Hearing:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2005-05: Blue on Highland Restaurant, LLC, 882-886 Highland Avenue, Needham, Massachusetts, Petitioner (Property is located at 882-886 Highland Avenue, Needham, Massachusetts). Regarding request to expand the existing restaurant (located at 882-886 Highland Avenue) by 650 square feet into the adjoining commercial space, formerly a nail salon at 890 Highland Avenue.

Upon a motion made by Mr. McCullen, and seconded by Mr. Block, it was by a vote of the five members present unanimously:

VOTED: to waive the reading of the public hearing notice.

Thomas Miller, Attorney for the applicant, noted the applicant would like to expand into the vacant, adjoining nail salon. The Board previously granted a permit for the old Heights Pharmacy for a restaurant. This will allow additional seating on the busy Friday and Saturday nights and small private function space separate from the dining facilities. This will not impact surrounding neighbors or the community. The renovation of the façade will benefit and enhance this main thoroughfare. The plan is to add 40 seats in the 650 square feet and expand the cooking facilities. The current bathroom in that space will be renovated. The basement will be for storage only. The entrance for the nail salon will be closed off and the façade will match the existing restaurant. There will be minimal impact.

Ms. Espada noted the following correspondence for the record: an email from Police Chief John Schlittler, dated 5/15/24, with no issues; an email from Assistant Town Engineer Justin Savignano, dated 5/29/24, with no issues; an email from Assistant Public Health Director Tara Gurge, dated 5/30/23, with comments and an email from Building Commissioner Joseph Prondak, dated 5/31/24, with comments. There were no comments from the Fire Department. Mr. Block asked if the applicant had reviewed the comments from the Board of Health. Scott Drago, COO and Operating Partner, stated he had reviewed the comments. Trash pickup is currently Monday, Wednesday, Friday and Saturday. He noted extra chairs may be put in the basement but no food. There is pest control currently. Mr. Block asked if Mr. Drago would accept all the requirements and was informed he would.

Mr. Crocker commented that this is a great restaurant and he is glad the applicant is able to expand. He asked if there was a back exit and was informed there was. Mr. Alpert had no comments. Mr. McCullen would like to see what comments the Fire Department has. Ms. Espada stated the window does not seem to meet the same elevation as the current. Mr. Drago noted the existing windows are wood and the new windows will be metal type vinyl. He would like, at some point, to replace the old windows with new ones and align them. Mr. McCullen asked for the timeline for Part 1 and Part 2. Mr. Drago would like to do this as soon as possible. After Part 1 is done he would then do Part 2 as the old windows are drafty. Ms. Newman would like the Design Review Board (DRB) to sign off on the change. She noted this should have gone to the DRB for a change of window style. There was a huge conversation when the windows originally went in. There is a history there that needs to be respected. She asked the applicant to go to the DRB and see if they would approve this and the change to the existing windows. Mr. Drago stated it would be beneficial to get approval all at one time. Mr. Alpert asked if the owner was prepared to go to the DRB next week. Mr. Drago stated he was prepared for at least this project. There were no public comments.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:

VOTED: to continue the hearing to 6/18/24 at 7:40 p.m.

Decision: Amendment to Major Project Site Plan Special Permit No. 2007-10: Beth Israel Deaconess Hospital-Needham, Inc., 148 Chestnut Street, Needham, MA, Petitioner (Property is located at 148 Chestnut Street, Needham, MA 02492). Regarding request to construct a temporary addition to the Hospital at the former emergency room entrance on Lincoln Street to house medical imaging services during the renovation of the nuclear medicine suite.

Mr. Alpert noted in Section 3.17, "Building Inspector" should be "Building Commissioner." Ms. Newman stated all issues have been addressed. The applicants' Attorney has reviewed and has no issues.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

TED:

to Grant: (1) the requested Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2007-10, dated November 13, 2007, revised July 28, 2009, July 12, 2011, September 20, 2011, December 4, 2012, October 24, 2017, March 5, 2019 and May 20, 2020; and (2) the requested Special Permit under Section 1.4.6 of the By-Law for the structural alteration, enlargement and/or reconstruction of a non-conforming structure, subject to the following plan modifications, conditions and limitations.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

TED:

to accept the decision as drafted with the one correction pointed out.

Correspondence

Ms. Espada noted the following correspondence for the record: a memo from Joe Matthews, undated, regarding Large Houses and an email from Kay Cahill, dated 5/28/24 regarding Large House Review. Ms. Newman noted a notice from the County of Norfolk Registry of Deeds, dated 5/20/24, regarding Community Preservation funds received by the Town.

Public Hearing

7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 2004-01: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 609 Webster Street, Needham, Massachusetts). Regarding request to renovate 4 existing tennis courts, add 4 new tennis courts, install stormwater management improvements, ADA accessible walkways and landscape improvements. Note: This

hearing has been continued from the Planning Board meetings of March 19, 2024 and April 2, 2024, and May 14, 2024.

Ms. Espada asked the applicant to review the project. Jonathan Charwick, of Activitas Landscape Architects, reviewed the existing conditions. He noted the existing gate location and the healthy stand of vegetation by the gate that is there now. That vegetation will not change and will be added to. The project is staying outside of the 25-foot setback with the exception of some plantings. For the drainage, the contours have all water going toward the parking lot. There is a slight swale on the northeast side within the 25-foot setback. Anything within the 25-foot setback will be maintained as it is today. The furthest west court has been shifted 6-feet toward the parking lot. There is just under a 10-foot pinch point from the walkway to the parking lot. It cannot be squeezed any closer. The orientation of the courts remains the same. The middle court is 38 feet at the closest pinch point and 67 feet at the furthest. There will be 33 new evergreens, 5 to 8 feet tall during installation with the final locations to be determined. The trees will be planted along the edge. The project is keeping the open strip of lawn space for access as needed and will be maintaining the lawn space.

Mr. Charwick stated the courts will be post tension concrete and will last about 50 years. They do not want to put utilities under the courts. All drainage from the courts is tied into drain pipes that go into the lawn areas then into the new infiltration system in the parking lot. There will be a 12-foot chain link fence that will go to 14 feet. The fence will be 12 feet along the endlines for the courts with 4-foot chain link fence in the middle and 12 feet around the edge of the courts. The berm will be built out a little bit between the grade difference and the courts and the slope is being built up a little so all the drainage will continue to go to the courts.

Mr. Heep reviewed the requirements from last time and the fence height was evaluated. The courts have been moved as close to the parking lot as possible, there is a vegetative buffer, dimensional site plan, hours of operation and concerns about pickleball. These have all been addressed by Mr. Charwick. The applicant is proposing a 2-foot higher fence, and the court has been moved while still allowing pedestrian access. There will be a solid line of new evergreens. Park and Recreation has considered the hours of operation and would like 7:00 a.m. to 8:00 p.m. Monday through Sunday for the new courts. The applicant would agree to tennis only and no pickleball. He feels all the issues have been resolved.

Ms. Espada noted the following correspondence for the record: an email from Justin Savignano, dated 5/30/24, with no comments or objections; an email from Jeremy Chao, dated 4/24/24, in support; an email from Alexandra Etscovitz, dated 4/29/24, in support of 5-6 courts; an email from Jessie Cawley, dated 4/30/24, with comments; an email from Julie and Ross Dananberg, dated 4/29/24, with comments; an email from Nicole Hagler, dated 6/4/24, with comments and an email from Natalie Spring, dated 6/4/24, with comments regarding green space. Mr. Block commented that this is a significant improvement. It addresses compromise and balance and the installation of new courts. He noted a number of municipal programs will no longer be on site. How are those programs going to be accommodated? Park and Recreation Director Stacey Mulroy stated all High School programs have been able to find alternate space. The Recreation program will use the football field and archery can be located in another location. This will enhance the summer programs and other programs. Mr. Block is glad this plan set has the additional information that was sought.

Mr. Crocker asked the distance between the courts. Mr. Charwick stated there is 13 feet from the center of the fence to the outer fence. They are trying to maintain 12 feet for emergency vehicles. Mr. Crocker asked if the courts drain toward the parking lot and was informed they do. He asked about the retaining wall and handicap access. Mr. Charwick noted there is an 18-inch retaining wall. It is a tight area. There is a handicap accessible sidewalk along the parking lot, which will mimic what is there today. Mr. Crocker asked where the archery is going. Ms. Mulroy feels ideally it would be on the softball field. Mr. Crocker noted it is light after 8:00 p.m. in the summer. Mr. Charwick stated the hours were chosen with the neighbors in mind. Mr. Alpert asked how the hours would be enforced in the summer and asked if the gates are locked? Ms. Mulroy stated the Recreation Department relies on the public now and the park ranger that works 12:00 p.m. to 8:00 p.m. There will be very frequent pass-bys at the beginning. She is hoping to get another park ranger in the future to cover additional hours. The pool is open just as late so there will be more staff working.

Mr. Heep stated the conditions will be enforceable by the park ranger but there would be a condition so it would be enforceable by the Building Commissioner also. It would be possible for the Building Commissioner to take an earlier drive by than the ranger. Mr. Block stated if there are complaints, and a violation of the special permit, the public could reach out to the Planning Director and Building Commissioner. The Town could be brought in if there is a violation. Mr. Alpert asked if the applicant is confident a 14-foot fence will keep balls from the neighbor's property. Mr. Charwick feels it will help but there is no assurance the fence will catch all the balls. Typically fences are 10 feet. These are currently 12 feet and going to 14 feet. Mr. Alpert noted the courts are 35 feet away from the property line so he does not think balls will go into yards. Mr. McCullen stated the new plans do address a lot of subsequent concerns. Ms. Espada noted there were a lot of abutter comments related to 6 courts rather than 8 courts. She asked if the applicants were able to verify 8 courts are needed. Mr. Heep confirmed with the Athletic Director that 8 courts are essential to optimize the program. This is a critical investment in student athletes. Ms. Espada opened the hearing to public comment. She reviewed the rules for public comments.

John O'Leary, of 46 Rosemary Street, expressed gratitude for the changes to plantings, shifting of courts and no pickleball, which are all positives. He would like to trade the 7:00 a.m. for 8:00 a.m. and allow tennis to go until dusk. He feels 7:00 or 7:15 Saturday morning could be disruptive. He does not care if people are out there until dusk. He would like signage for no pickleball and hours of operation. He can go out and tell people to look at the sign if there are issues. He appreciates the plantings but is concerned with tree health. Sometimes the plantings do not take. He would like plant health included as a condition. He feels if 8 courts are necessary this is ok but he still feels 6 courts would give enough and leave open green space. He feels this is overbalanced toward tennis and concrete as opposed to green space. He would like the hearing continued as this is the first time the abutters have seen this. They need time to study it.

Julie Dananberg, of 36 Rosemary Street, agrees with Mr. O'Leary. The field is used daily. She has heard the applicant will have other spaces but at the last meeting it was other spaces in the town. This is prioritizing tennis over everything else. She heard Mr. Crocker ask for a plan for 6 courts. That was not done at the last meeting and was brushed off. The big thing is getting rid of the field with green space. There is so little green space in Needham. Julia Salamone, of 18 Rosemary Street, echoed her neighbors. There is an environmental impact. There is no other place on this property with that type of space. It is unfortunate. This is being developed for one purpose and not multiple purposes. They were told 5 to 6 courts would meet the needs of the High School. Then the applicant asked for 8 for the Recreation camp needs. It is unclear if this is a High School need or a camp need. She has not heard that the applicant has looked at other areas in town for 8 courts. She appreciates the consideration to small details but most concerning is the loss of green space. If sports are moved to the turf field that field will not be open for public use any more. This needs to be considered for multi-purpose use and not just one sport for one season.

Mohamed Moazam, of 573 Webster Street, noted the fence is being raised to 14 feet. He had an in-law hit with a ball in his back yard. He asked if it was possible to have a retractable net at the top to prevent balls from coming onto his property. Mr. Heep noted the fence has been raised 2 feet in height to provide greater protection. It is a balancing act and they do not want to go too high for other impacts. Mr. Moazam asked if it is possible to have retractable nets over the courts. Mr. Charwick would not recommend that for maintenance purposes. Lynn Dudley, of 567 Webster Street, thanked the applicant for the improvements. She and Mr. Moazam feel it is much better. She is concerned because her home is 11 feet from the property line and not 35 feet. It should have been 25 feet at the beginning but was only 11 feet. She would like signage with the hours and to not bother the neighbors. She disagrees with Mr. O'Leary regarding the hours. She enjoys her backyard in the evening. Mr. Block stated when the Board deliberates signage should be talked about. He wants a thoughtful conversation. He is looking to satisfy as much as they can as well as satisfy statutory obligations. Ms. Espada stated communication and enforcement are critical issues.

Ms. Dudley agrees with her neighbors. She really likes the grass area. Mr. Heep stated a sign could be added with the ground rules. He will commit to that. Ms. Mulroy noted there will be sufficient and numerous signs. Park and Recreation is currently updating the signs at the other courts. Linda Keller Pike, of 24 Rosemary Street, appreciated the applicant's efforts but echoes the others. She longs for the green space. There need to be multiple signs and with a 4-foot-high section it will be harder to enforce. She wants clarification to understand the plan of existing

courts. Her take is the courts are edging closer north than the existing pad. Mr. Charwick stated they are maintaining the existing fence to the existing property line. The courts are being shifted slightly north and a 9-foot path is being put between them to get access between the courts and better access to the back courts. Ms. Keller Pike noted the project is getting closer to her property. She wanted on the record it is not the existing pad.

Ross Dananberg, of 36 Rosemary Street, wanted to highlight one point. Six courts versus 8 courts and they are giving away green space. Programs are being displaced. There are 8 sports at the High School, but they are being moved around for one sport and the original green space can't be taken back. He would like consideration for 6 courts. The applicant is trying to accommodate one sport. The project should save green space. There would still be an expansion and money would be saved.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to close the hearing.

This will be discussed on 6/18/24 and a vote will be taken at the 7/11/24 meeting.

Request to review and approve Landscaping Plan: 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner (Property located at 920 South Street, Needham, MA).

Ms. Espada noted a subdivision plan was approved with conditions. The Board asked for a landscape plan. The plan has not been received and work has begun. Ms. Espada noted the following correspondence for the record: a letter from Attorney Barry Fogel, dated 5/6/24, with comments and an email from Serguei Aliev, dated 5/29/24, with comments and concerns. Brian Connaughton, of 920 South Street, showed the landscape plan. There were 11 trees on the buffer originally and that has been increased to 15 Cupressina (Norway Spruce) which he feels is the best option. There is 50 feet planted now to the buffer with a couple of species in the island and a water feature.

Ms. Newman stated the Planning Board required landscape in the strip along the abutters property and an island within the cul-de-sac and a plan was needed. The subdivision plan is pretty much done with a couple of outstanding issues including the landscape plan. Mr. Block asked if Tree Warden Ed Olsen had reviewed the plan. Ms. Newman noted he had reviewed the plans and is ok with them. Mr. Block noted the Board received correspondence from an abutter requesting an increase in the number of trees beyond 15 and concerns with site mitigation measures regarding adverse impact to his property. Mr. Connaughton stated erosion controls are in place. There is no water to the site as he has not been able to hook up to the main. There is not much dust. There is one person running an excavator at a time. They are working on the other side of the property which is mostly ledge. If there was dust he could get a fire detail but, with the rain, he has not seen any dust issues.

Ms. Newman checked with the Board of Health. They visited the property and did not witness any dust. The abutter was told if there is dust the Town could mitigate it by requiring water. Mr. Block asked how long will there be no access to water? Mr. Connaughton stated he is at the mercy of the DPW and Engineering. The Town has awarded the contract and he hopes to have water soon. He cannot apply for water and utilities. Ms. Newman stated a lot of construction has been done already but approval is needed from the Planning Board. She explained the procedure. More sitework was done than anticipated. The plan needs to get approved and the documents on record. Mr. Connaughton stated he has permits with the DPW and has only started sewer and drainage. This is family property and he can work on it at his own risk.

Mr. Crocker stated one picture shows substantial work being done without protection. Mr. Connaughton stated there are erosion controls and there have been pre-site visits with the Conservation Commission. Everything is to their liking. Mr. Crocker noted there is a high mountain of dirt as compared to the driveway. He wants to make sure the property is being taken care of before and after. Mr. Connaughton stated all will be used as backfill for sewer and grading. Mr. Block would like more information on the planting plan. Mr. Connaughton noted 80 feet will be screened between the houses. Some existing vegetation and trees are being left. He is planning to plant 15 trees for 180 feet of coverage that is now 150 feet. He was able to track down 6 to 8 foot trees with about a 3 foot

base to start. Ms. Espada asked the purpose of the chain link fence. Mr. Connaughton stated he has 3 kids and 2 dogs. There are a lot of coyotes daily. He plans to fence the entire property or at least the rear of the property. The swale is already in and there will be double coverage where the houses are the closest.

Mr. Alpert stated the applicant presented a proposed planting plan and the abutter made some changes. He asked if the applicant has reviewed and is ok with the proposed changes. George Giunta Jr., Attorney for the applicant, stated he is not aware of any proposed changes to the restrictions. Mr. Alpert asked the applicant to review and get back to the Board. Mr. Giunta Jr. stated the last he heard it was alleged the plan was not submitted but it was. Ms. Newman noted the Tree Warden would prefer a mix of different species but is ok with the plan. Mr. Alpert would like something in writing by the Tree Warden with his thoughts on both suggestions. Mr. Connaughton stated he wants to screen as much as anyone. He wants his privacy.

Barry Fogel, Attorney for the abutter, stated he had previously communicated with Mr. Giunta Jr. and has not heard anything back. The intent is a covenant which would run with the land in perpetuity and not just a couple of years. He appreciates the Planning Board having the Town Arborist look at it and the landscaping being staggered. He hopes the Arborist will look at that. He would like the Planning Board to see the fence. He would like it on the owner's side of the landscaping and not the abutters' side. He hopes the Planning Board will be aggressive on nuisance control with regard to dust. Some deadlines should be put in as this has gone on further than expected. Dr. Serguei Aliev, of 31 Marant Drive, noted the applicant said he would increase the trees from 11 to 15. There was 60 feet and now he is talking 150 feet. The applicant did not increase the number of trees. He just stretched this out. There needs to be much more trees for a buffer. He collected 4 bids from landscapers and all the information was forwarded to Mr. Connaughton and the developer. He appreciates the Planning Board would like a written response from the Arborist. He would like an increase in the number of trees. He noted the developer is not a landscaper and not a professional. A professional landscaper would put trees 5 feet apart and not 10 feet apart. The trees should be staggered. He agrees with Mr. Fogel regarding the fence. He asks the Planning Board to reject the proposal for the fence. There are no fences in their neighborhood. If there is a fence it could be behind the swail. Mr. Alpert commented that the Board does not have the authority to prevent someone from putting a fence on their property.

Mr. Crocker asked if there has been a landscape architect on record for this. Ms. Newman stated there is no landscape architect plan. Mr. Crocker suggested the applicant get a landscape architect so there are no questions. It is a small but important part of the project to hear what the landscape architect says. Mr. Fogel showed his property where an abutter planted 2 rows of some trees staggered. It is possible to do a double row, staggered. Mr. Connaughton stated those are arborvitae which are different plantings. Mr. Block asked if the applicant is moving any segment of the mountains of earth prior to the installation of water and utilities. Mr. Connaughton stated he may for some backfill. Mr. Block stated moving may cause an adverse impact on the neighbors. He asked if it is possible to not move until he can mitigate and control measures.

Ms. Newman stated the problem is the construction is happening out of order. Mr. Giunta Jr. respectfully disagreed. They would not necessarily have water connections. Typically there is not a lot of water unless there is a noticeable dust issue. There is not a noticeable dust condition. It may not be different even if it was done by the book. Robert Place, of 914 South Street, stated the development is directly across the street. Five homes have been developed and they all have water off the street. He does not understand why there is no water. There is a huge amount of dirt moving around the property and a tremendous amount of dust that is not being mitigated. It is inappropriate for this type of construction. There are 5 major piles of rock and dirt on the property. He disagrees that this is just normal. The work for the water capture is already done and the water lines need to be completed. The applicant could have remediated the area, but no action was taken. The applicant has made representation he will keep the buffer on his line but took down almost everything. He had privacy before but now he sees the Aliev property on the other side of this property. He has been forced to provide visual protection for his property. The visual impacts have been totally cut down. They want their privacy. He has been severely and detrimentally impacted by this. The applicant is just building one house, but this is 15 months old, no utilities are in and the water is not in. The Conservation Commission plan associated with impacts at 50 feet and 100 feet will need to be reviewed.

Ms. Newman stated the Conservation Commission approved a plan that was submitted. She is not sure if there have been any violations. She stated the Board has never had a 2-lot subdivision with as many issues as this one. Ms. Espada asked what the building department has to say. Ms. Newman noted the applicant has not applied for a building permit as they have not gone through the process. Mr. Block stated there is quite a bit of frustration in all areas. They need to hit a reset button and make sure all is in order going forward. More construction has taken place outside the process. Ms. Newman noted it is important to agree on mitigation for landscaping to get that closed out and have conversations on how the site is being managed, including the Board of Health who were out there last week and on Monday. Mr. Block feels there should be no earth moving until there is a plan.

Mr. Giunta Jr. stated there should be a street opening permit in place overseen by the DPW. There are aspect of construction not usually overseen by anyone and are generally not a process. The DPW has oversight over the street opening permit and the Board of Health has oversight if there is an issue. Moving dirt around and sitework is not generally overseen. The real issue is dust that would have to be addressed. Any issues would go to the Board of Health and the DPW. Mr. Crocker noted they are talking about the east side of the property but should be talking about the west side also. Mr. Alpert stated it was not raised before and is not part of the decision. Mr. Fogel stated the Planning Board has acted under subdivision regulations. He feels the Planning Board has ample authority to hit the reset button, set some deadlines and impose some restrictions. Mr. Connaughton would like someone to come out and see when the excavator is working. He does not think the dust is bad. Ms. Espada feels that is reasonable but there needs to be a timeline for landscaping and when it will be done.

Ms. Newman noted it is important to get the landscape plan approved to get it on record. Mr. Connaughton commented he has been waiting since September for comments from Planning. Ms. Newman was waiting for the landscape plan to close it out. The protocol is to get a landscape plan stamped by a landscape architect. They should have it by the next meeting. Ms. Espada stated this cannot proceed without the landscape plan. There are 2 things needed – a landscape plan and the Tree Warden to review it. They need to make sure the DPW is ok with the work done so far. Mr. Connaughton stated he is happy to work with anyone. Both abutters have his phone number. He has made changes for Mr. Aliev that have cost him a lot of money. Mr. Alpert feels if the Tree Warden approved of what the Board has that should be fine. The Board has not required a landscape architect stamp. There may not be a need for a landscape architect if the Tree Warden is ok with what they have.

Request to Release Surety: Definitive Subdivision Amendment: Whittenton Management, LLC, 823 Newton Street, Chestnut Hill, MA, Petitioner (250 Cedar Street Realty, LLC, Dennis Paul, Manager, former Petitioner). (Property located at 250 Cedar Street in Needham, MA).

Ms. Newman noted this is an off-street drainage bond. The house has been built and has sat for 2 years. The Board of Health recommends the drainage is fine and the bond can be released.

Upon a motion made by Mr. Crocker, and seconded by Mr. Alpert, it was by a vote of the five members present unanimously:

to authorize release of the \$7,000 Off-Street Drainage Bond for the 2 lots.

Discussion of & Vote to Adopt Code of Conduct.

Ms. Espada stated, at the last meeting, she handed out the Code of Conduct created by NUARI and adopted by some of the other Board's. The members need to review it and see if there are questions. Mr. Alpert commented he had an issue. At Section 3.7 it says "conflict of interest actual or perceived would be disclosed to other members and the public." He has a perceived conflict coming up. He called Town Counsel Chris Heep and he agreed it could be perceived and gave him a form to complete and file, which he did. He asked if he should make an announcement and Mr. Heep said no. This section says an announcement should be made. Mr. Heep will look at that and has changes for the whole. Mr. Alpert noted Section 2.4 says "if permitted by Planning Board Member Remote Participation." That is a Select Board policy. Section 2.4 should say "Member Remote Participation." In Section 3.6, this was adopted by the Select Board before the Supreme Judicial Court ruled on the Baron Decision. He feels 3.6 should come out and all agreed.

Mr. Block stated the Board needs to manage their own conduct. Multiple times over the last few years conduct among the Board members has been vulgar. That is the reason the incoming Chair Ms. Espada felt there needed to be rules of conduct. Specifically suggesting incorporating in specific tactics such as the gavel to stop the behavior or they could recess for 5 minutes. Mr. Alpert looked at Section 3.2. He asked if that needed to be revised. Section 3.6 is about the public. He reread the Baron Decision. The Board is already asking the public to limit their remarks to 3 minutes and the Board can hold them to that. He suggests not changing Section 3.7. He went to the MA.gov website and read the Planning Board section. It is strongly recommended he disclose to the public so he will. Ms. Espada sees no problem with saying it.

Mr. Alpert noted in Section 4.3, the annual stipend is Select Board not Planning Board member. In Section 4.4, Mr. Heep had a problem and suggested saying “When the Board as a body is asked questions the Chair may place the question on an agenda for a Board meeting or the Chair may asked the Director of Planning and Community Development to respond” and take out “on behalf of the Board.” Ms. Espada suggested taking out Section 5.1 as that is for the Select Board. All agreed. Ms. Espada asked, in Section 6.1, can members talk directly to Town Counsel or does it go through the Chair? Ms. Newman noted all members can speak with Town Counsel. Mr. Block would like to see some specific addition between members so that no member shall disparage or impugn another member during a meeting, which has happened. Also, outside of meetings no member shall disparage or impugn another member in public, online or social media platform and will refrain from casting aspersions and promoting unfounded claims against another member. Ms. Espada asked Mr. Block to write it up and the members would look at it. Mr. Block will add sections and underline for members to see. Members should give their comments in advance.

Board of Appeals – June 20, 2024

Boston Swim School, LLC (d/b/a Goldfish Swim School) – 45 Fourth Avenue.

Adam Dangelo – 315 Chestnut Street.

Needbobocon, Inc. – 1257 Highland Avenue.

Ms. Espada has reviewed and has no comments on any of the agenda items. Mr. Alpert agreed.

Upon a motion made by Mr. Alpert, and seconded by Mr. Block, it was by a vote of the five members present unanimously:

VOTED: to make “No Comment” on all 3 items.

Planning Board Appointment to Community Preservation Committee.

Mr. Block suggested appointing Mr. Alpert as the Planning Board member to the Community Preservation Committee (CPC). Mr. Alpert noted he is only on this Board for one more year and the CPC appointment is a 3-year term. He is fine with Mr. Block doing it.

Upon a motion made by Mr. Crocker, and seconded by Mr. Alpert, it was by a vote of the five members present unanimously:

VOTED: to appoint Mr. Block as the Planning Board representative for the CPC.

Minutes

Mr. Alpert noted on the minutes of 4/2/24, page 2, first paragraph, he thought Mr. Block stated this is designed to include attic space... It is not clear if it was Mr. Block or Mr. Matthews. In the first line, before Mr. Matthews, it should say Mr. Block recognized Mr. Matthews, of 31 Rosemary Street, who is the proponent. Then “Mr. Matthew stated...” In the last paragraph, 3 lines down, it should be “zoning in Residential A as it does not control the size of houses at all.” Mr. Alpert noted on page 3, 2nd paragraph, insert “Mr. Bulian stated that this needs to be looked at again.” “Uses gross living area size factors” should be “dimensional factors.” Take out “reduce FAR.” It should

be “5-foot ceiling height” not “space.” Mr. Matthews proposed “dimensional factors could change.” Ms. Espada asked on page 4, 1st paragraph, what is the pause concept? Mr. Crocker noted it was to temporarily put on a hold. Ms. Espada noted on page 5, Ms. Espada noted tennis court “elevation” is lower. On page 6, 3rd paragraph, “submitted a letter with legal.” Ms. Espada noted to take off “with legal.” He was identifying a problem with pickleball.

Upon a motion made by Mr. Crocker, and seconded by Mr. Block, it was by a vote four of the five members present (Mr. McCullen abstained):

VOTED: to approve the minutes for 4/2/24 as amended.

On the minutes of 4/24/24, page 2, “it could be disclosed” should be “it should be disclosed” and “it was felt it would not be a conflict” should be removed and put in “the individual felt it could be perceived as a conflict” and change “it” to “the Board.” Ms. Espada noted on page 5, 2nd sentence, should be “if they have the budget” not “as they have the budget.”

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote four of the five members present (Mr. Crocker abstained):

VOTED: to approve the minutes of 4/24/24 as amended.

Upon a motion made by Mr. Block, and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to accept the minutes of 4/30/24.

Report from Planning Director and Board members.

Ms. Newman submitted the HONE guidelines into the state and the zoning was recently submitted to the Attorney General’s Office. They are looking at the language of the zoning. The Board should get comments back within 30 days. GPI has been retained to look at traffic impacts from the base scenario and the neighborhood housing plan. She should have that by the end of this month. If changes are needed by the Attorney General’s Office the Board will discuss. There should be a discussion regarding changes to 100 West Street. That will be on the agenda for the next meeting. Ms. Newman noted there was a preliminary meeting with the Housing Authority that is moving forward and they will be filing in August. There may be the need for an extra meeting in September to accommodate the Housing Authority proposal. She was thinking 9/10/24. The regular meetings will be 9/5/24 and 9/17/24. She had 9/24/24 as a hold as they may need 4 meetings in September.

Upon a motion made by Mr. Block and seconded by Mr. McCullen, it was by a vote of the five members present unanimously:

VOTED: to adjourn the meeting at 10:43 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Natasha Espada, Vice-Chairman and Clerk

Executive Office of Energy & Environmental Affairs FY25 Planning Assistance Grants

Name of Applicant: Town of Needham

Contact Information:

Gabby Queenan
Department of Public Works
781-455-7550 x 351
Gqueenan@needhamma.gov

Address: 500 Dedham Ave, Needham MA 02492

Project Title: Low Impact Development (LID) Parking Requirements Review to Reduce Impervious Cover and Support Climate Resiliency in Needham

Amount Requested: \$45,000

Total Project Match Amount: \$12,000

Section 1. Problem Statement

On August 8, 2023, Needham experienced a 1-in-1,000-year storm with some areas receiving six inches of rain per hour. The event resulted in an emergency declaration by the Needham Town Manager and impacts to 220 homes and businesses. According to NOAA, Norfolk County is anticipated to see a 9.9% increase in total precipitation by 2030 and a 25% increase in annual days with total precipitation >1 inch by 2050. As climate change increases the frequency of these short-term extreme flooding events, the management of stormwater runoff will be critical to ensure that Needham remains resilient to future extreme precipitation events.

Stormwater runoff from impervious surfaces is one of the most significant contributors to flooding in Needham and water quality degradation of the Charles River and its tributaries. Low Impact Development (LID) practices can be one of the most effective tools to manage stormwater by identifying opportunities to minimize impervious cover. As a participating community in the Executive Office of Energy and Environmental Affairs (EEA) Municipal Vulnerability Preparedness (MVP) funded Charles River Flood Model led by the Charles River Watershed Association (CRWA) and Weston & Sampson, the significance of reducing impervious cover has become increasingly apparent for Needham. The Charles River Flood Model identified a series of targeted solutions that would help to alleviate flooding in the watershed under modelled increased precipitation scenarios. In Needham, impervious cover reduction was identified overwhelmingly as the most effective solution to curtail flooding from future extreme storm events (see Figure 1).

In Needham, parking is responsible for a substantial portion of impervious cover in the community. Opportunities to utilize existing parking more effectively and reduce impervious cover from parking where possible also aligns with Needham's goals to support multimodal transit, encourage accessibility, and support sustainable, low impact development in the community.

Corresponding with discussions regarding flooding and stormwater runoff, Needham in 2009 developed a comprehensive plan for the future of the Needham Center commercial area, which is

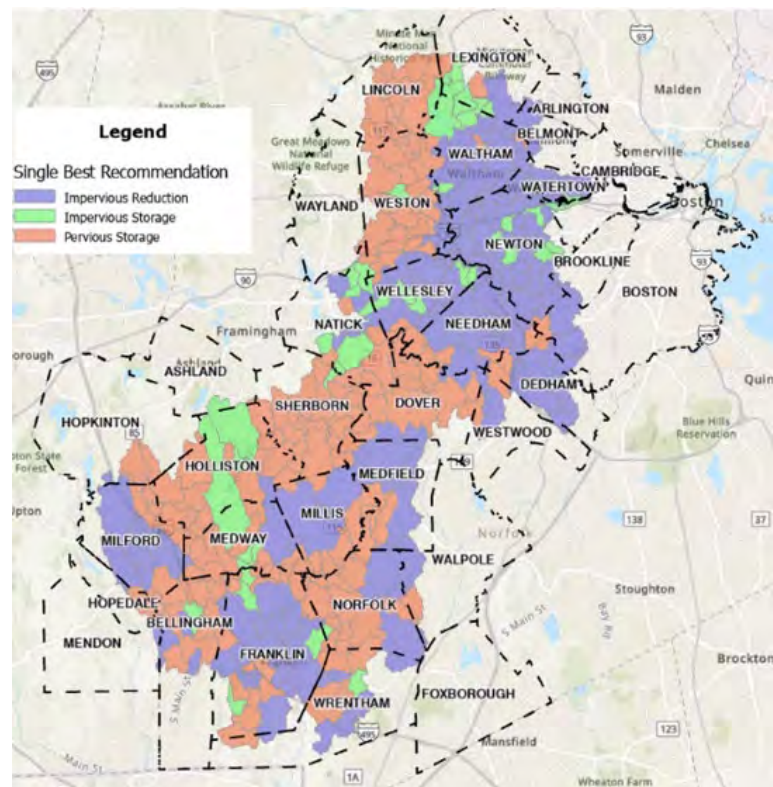


Figure 1. Single best recommendations to reduce flooding in the Charles River Watershed using the Charles River Flood Model. (Credit: Weston & Sampson, Charles River Watershed Association, 2024).

comprised of the Center Business district, the Chestnut Street Business district and the Business district along Highland Avenue. The plan addresses the overall objectives of fostering the economic development of Needham Center as a mixed-use local downtown shopping district, increasing housing opportunities, improving aesthetics and the pedestrian environment, and improving parking and traffic conditions. The goal of the Downtown Study planning effort is to create a mixed-use local downtown shopping district consistent with smart growth and transit-oriented development principles. A key follow-up component of this planning effort was the development of the 2023 Needham Center & Needham Heights Parking Study by Stantec on behalf of the Town of Needham. One of the central recommendations from this parking assessment was the need for adoption of a progressive zoning code in Needham that ensures growth in travel demand is absorbed by other travel modes, and that those requiring vehicle access utilize nearby parking resources and only construct new parking as needed. The Study emphasized that Needham's current zoning policy requirements are significantly higher than best practice and do not incentivize non-vehicle modes of transportation, connectivity, or accessibility.

Recognizing the potential multi-benefits of conducting a community-wide evaluation of Needham's parking-related standards and implementing improvements to support Low Impact Development (LID) parking practices, Needham has prepared the following project proposal.

Section 2. Project Goals

The primary goal of the project is to review, identify, and develop recommendations for improvements to Needham's parking-related standards in alignment with Low Impact Development (LID) parking practices. Off-street parking requirements will be the focus of this effort, with a particular emphasis on the benefits and implications of reducing parking requirements and introducing parking maximums. Shared parking mechanisms and in-lieu fees will also be evaluated, in addition to transportation demand management (TDM) mechanisms. Section 5.1 of the Zoning By-Law, Off-Street Parking Requirements (see Attachment A), will be the primary section that is updated for this project.

Section 3. Scope of Work

The scope of work for this project proposal assumes a project duration of six months. Task durations can be compressed based on the timing of funding award and contract completion. All project costs will be expended on or before the contract end date of June 30, 2025. Short-term project progress and success will be assessed by achievement of the deliverables outlined in the following tasks.

Task 1. Project Kick-Off

The Town of Needham will work with a qualified consultant to review the project subtasks and goals, discuss recommendations from prior studies including the Needham Center & Needham Heights Parking Study, and summarize key parts of the existing code where revisions are requested.

Deliverables for this task will include a summary of final project subtasks and goals for the project. This task will occur in Month 1 of the project. The Town of Needham will review final project subtasks and goals with a qualified consultant. The Town of Needham Director of

Planning and Community Development and Assistant Town Planner will lead this review. Consultation will also occur with the Sustainability Manager. For projected budget for this task, please refer to Section 5.

Task 2. Assessment of Existing By-Laws and Policies

The Town of Needham will work with a qualified consultant to conduct a review and analysis of existing by-laws, including a focus on gaps in regulatory oversight, as they relate to parking. The qualified consultant will focus on the following areas in their assessment of Needham's parking standards:

- **Baseline Parking Ratios Review** – The qualified consultant will compile parking data from recent parking studies, review the Town's off-street parking requirements for all zoning districts, and compare ratios to national standards, best practices and actual utilization levels to assist in determining appropriate parking ratios.
- **Parking Use and Operations Practices** – The qualified consultant will assess other parts of the code as they relate to parking use and disposition. This includes any shared parking standards and regulation of the location, ownership and control of accessory parking parcels, including shared parking accommodation.
- **Transportation Demand Management** – The qualified consultant will assess Town policies as they relate to transportation demand management (TDM) or related measures developers, property managers, or employers can use to encourage travel by building tenants by means other than single-occupancy vehicle travel. These measures may include requiring bicycle parking, improving walking amenities, promotion and marketing of travel incentives, subsidies for using different modes of travel (transit, walking, bicycling) and carpooling.
- **Future-Proofing** – The qualified consultant will also frame parking standards and design solutions in the context of electric vehicle servicing equipment (EVSE), autonomous vehicles, micro-mobility accommodation, rideshare and micro-transit pick-up/drop-off zones and more.

Deliverables for this task will include parking ratios comparison tables, a summary of parking standards as compared to best practices, and a summary of TDM standards as compared to best practices. This task will occur in Months 1 and 2 of the project. The Town of Needham will review the existing by-laws and policies with a qualified consultant. The Town of Needham Director of Planning and Community Development and Assistant Town Planner will lead this review. Consultation will also occur with the Sustainability Manager. For projected budget for this task, please refer to Section 5.

Task 3. Workshops

The Town of Needham will work with a qualified consultant to develop a series of three workshops to gather feedback regarding existing Town parking code standards. These workshops will allow Town staff, elected officials, merchants, community members, and developers to share their experiences working with the parking code. These three workshops will be conducted with some or all of Town staff, elected officials, merchants, community members, and developers who work in the Town, using attendee lists selected by the Town to ensure diverse representation across constituencies in the community.

Deliverables for this task will include a summary memorandum of workshop feedback. This task will occur in Months 3 and 4 of the project. The Town of Needham, led by the Town of Needham Director of Planning and Community Development and Assistant Town Planner, will be responsible for communication with workshop attendees, including initial outreach and scheduling. The qualified consultant will be responsible for preparation of slide material for the workshops, workshop facilitation, and assembling a meeting summary memorandum for distribution internal to the Needham project team after the meeting. For projected budget for this task, please refer to Section 5.

Task 4. Development of Best Practice Recommendations and Final Zoning Language Proposals

The Town of Needham will work with a qualified consultant to develop an assessment of existing parking requirements and summarize issues and opportunities found during workshops. Working iteratively with the Town, the qualified consultant will identify best practice approaches and changes or additions to Needham's zoning and development by-laws. These will be focused in the following areas:

- **Parking Ratios** – The qualified consultant will advise the Town regarding adjustments and clarifications to parking ratios in zoning to make them simpler to understand, potentially better reflect actual demand, be more context-sensitive and orient better towards broader Town goals, while ensuring viability in the local real estate market. Relevant zoning language will be provided, with supportive tables and graphics to be developed as appropriate.
- **Parking Location and Operational Standards** – The qualified consultant will advise the Town regarding recommended changes in zoning related to the location, ownership and operation of primary and accessory parking. This may include the use of more modern standards related to shared parking, demand management and the operation of downtown shared parking districts that can unlock unused supply. Relevant zoning language will be provided, with supportive tables and graphics to be developed as appropriate.
- **Transportation Demand Management Standards** – The qualified consultant will advise the Town regarding recommended TDM standards, including provision of bicycle parking and other standards that are supportive of the Town's sustainability goals.

Following confirmation of best practices and agreed-upon approaches to each focus area, the qualified consultant will work with the Town of Needham to draft modifications to the Zoning By-Law. These modifications will be drafted in a format similar to how they would appear in the Zoning By-Law.

Deliverables for this task will include the recommended draft parking-related zoning language. This task will occur in Months 4, 5, and 6 of the project. The Town of Needham Director of Planning and Community Development and Assistant Town Planner will support the drafting of modifications to the Zoning By-Law. Consultation will also occur with the Sustainability Manager. For projected budget for this task, please refer to Section 5.

Section 4. Evaluation Criteria

The proposed project will meet the program evaluation criteria in the following ways:

- Advances sustainable development. The proposed project advances sustainable development by acting on recommendations from the Needham Center & Needham Heights Parking Study to adopt a progressive zoning code that ensures growth in travel demand is absorbed by other travel modes, and that those requiring vehicle access utilize nearby parking resources and only construct new parking as needed. The Study emphasized that Needham's current zoning policy requirements are significantly higher than best practice and do not incentivize non-vehicle modes and their connectivity and access. Updates made to parking requirements across Needham, including Needham Center and Needham Heights, will encourage LID parking practices that utilize existing parking more effectively, reduce impervious cover from additional parking that is not needed, encourage multimodal transit, and promote accessibility and connectivity. The proposed project aligns with Needham's goals to support smart growth and transit-oriented development principles.

- Utilizes funding efficiently. The Town of Needham has not received an EEA Planning Assistance Grant previously.

While Needham does not have any state-identified EJ Census Block groups, Needham does have several priority populations. According to the 2022 American Community Survey, Needham has 31,957 residents, 28% of whom are under age 18 and 18% of whom are over age 65.

Approximately 2% of households are limited English-speaking and roughly 18% of households have one or more resident with a disability. Notably, 17% of Needham's population lives alone, and more than 50% of those living alone are over 65 years old. The Charles River Climate Compact, of which Needham is a member, has done additional data analysis on the full Charles River watershed as part of the groups equity focused work. That analysis identified multiple areas in

Needham with a relatively high percentage of low-income families when compared to all communities directly bordering Needham, other than Boston (see Figure 2).

- Implements prior plan recommendations. The proposed project aligns with the Town of Needham's Select Board FY2024-2025 Goals and Initiatives to support accessibility and connectivity by updating parking requirements in zoning (see Attachment B). In addition, the proposed project implements recommendations made in the 2023 Needham Center & Needham Heights Parking Study by Stantec on behalf of the Town of Needham (see

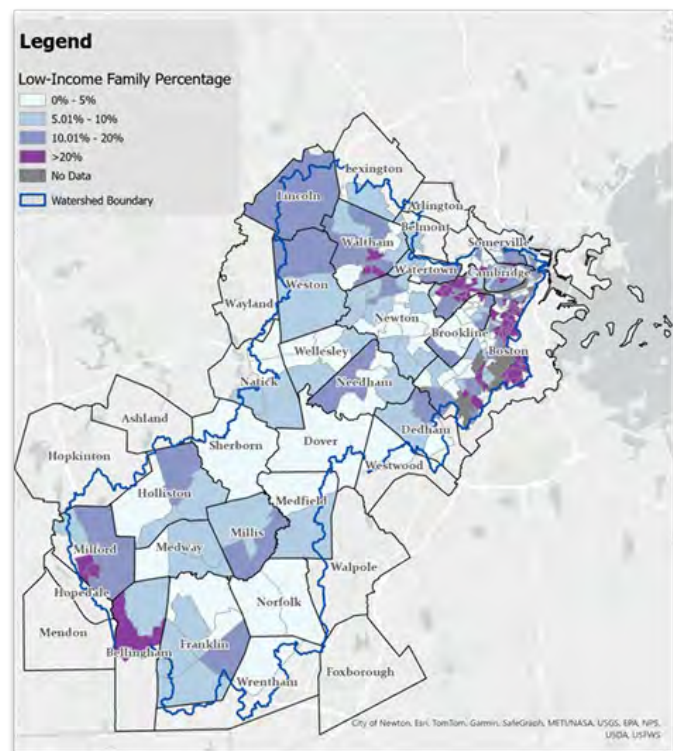


Figure 2. Charles River Climate Compact assessment of low-income family percentages in the Charles River Watershed. (Credit: Charles River Watershed Association, 2024).

Attachment C). These recommendations include the adoption of a progressive zoning code that ensures growth in travel demand is absorbed by other travel modes, and that those requiring vehicle access utilize nearby parking resources and only construct new parking as needed. The Study emphasizes that Needham's current zoning policy requirements are significantly higher than best practice and do not incentivize non-vehicle modes and their connectivity and access.

- Provides a match above the required 25%. This project is strongly supported by the Town of Needham (see Attachment D). The Town of Needham has committed to contributing \$4,100 in-kind match with planning staff time and \$7,900 of town funds to support this project, an approximately 27% match to the proposed grant funding request. Because this project touches on several areas of importance for the town, staff supporting this project will cross several disciplines and will be primarily led by the Town of Needham Director of Planning and Community Development and Assistant Town Planner, with support from the Sustainability Manager. The Town of Needham's Director of Communications and Community Engagement will also be consulted to ensure an effective engagement strategy is implemented successfully for outreach regarding the project workshops.
- Compliance with Ch. 40A Sec 3A. Needham has met the requirements for interim compliance with Ch. 40A Sec 3A, including the submission and approval of an Action Plan in January 2023. Needham received a Determination of Interim Compliance Letter from DHCD in March 2023. In order to remain in compliance, Needham must adopt compliant zoning by December 31, 2024. Needham is preparing to present proposed compliant zoning updates for approval at the October 2024 Special Town Meeting.
- Pursues a zoning practice eligible for a simple majority vote under Ch. 40A Sec 5. The proposed project would include a review and proposed improvements to zoning practices which are eligible for a simple majority vote under Ch. 40A Sec 5, specifically "Reducing the parking requirements for residential or mixed-use development under a special permit."
- Demonstrates consistency with MA Sustainable Development Principles. The proposed project strongly aligns with the MA Sustainable Development Principles. The project promotes climate resiliency by supporting LID parking practices which will lead to a reduction in impervious cover and a concurrent decrease in stormwater runoff. As a community that is surrounded on three sides by the Charles River and has experienced extreme flooding due to increasingly frequent intense precipitation events, Needham has a vested interest in supporting the reduction of impervious cover to support the health of the Charles River watershed and the resiliency of Needham to the impacts of climate change. In addition, the proposed project supports the development of zoning language which will incentivize multimodal transit and promote connectivity and accessibility. The adoption of a progressive zoning code will ensure that growth in travel demand in Needham will be absorbed by other travel modes, ensuring that those requiring vehicle access utilize existing nearby parking resources and only constructing new parking when all other options have been exhausted first.

Section 5. Project Budget

The scope of work for this project proposal assumes a project duration of six months. Task durations can be compressed based on the timing of funding award and contract completion. All project costs will be expended on or before the contract end date of June 30, 2025.

	Qualified Consultant	Town of Needham
TASK		
Task 1. Project Kick-Off	\$6,050	\$2,025*
Task 2. Assessment of Existing By-Laws and Policies	\$11,550	\$975*
Task 3. Workshops	\$10,600	\$1,100*
Task 4. Development of Best Practice Recommendations and Final Zoning Language Proposals	\$16,800	\$7,900**
TOTAL ESTIMATED COSTS	\$45,000	\$12,000

*Services provided in-kind by planning staff

**Town match funds

TOTAL IN-KIND CONTRIBUTIONS = \$4,100

TOTAL TOWN MATCH FUNDS = \$7,900

TOTAL GRANT FUNDS REQUESTED = \$45,000

TOTAL PROJECT COST = \$57,000

ATTACHMENT A

5. GENERAL REGULATIONS

5.1 Off-Street Parking Requirements

5.1.1 Applicability

5.1.1.1 General Provisions

Paved off-street parking spaces shall be provided for all uses and structures (excluding single and two family structures) as described in Section 5.1.2 in accordance with the provisions of this Section. No change of a structure or use from a use or uses as described in the categories of Section 5.1.2 to another such category that requires additional off-street parking shall be made unless in accordance with Sections 5.1.2 and 5.1.3 for the entire use of structure. Notwithstanding the above, a change of an existing structure or use from a use or uses as described in the categories of Section 5.1.2 to another such category that requires additional off-street parking of 9 or fewer spaces in the Center Business, Chestnut Street Business or Avery Square Business Districts or 3 or fewer spaces in all other Commercial and Industrial Districts may proceed without requiring special permit relief or waivers from Sections 5.1.2 and 5.1.3, unless the parking is not compliant with Section 5.1.3 (c) Handicapped Parking, the first sentence of (d) Driveway Openings, (m) Location, and/or (n) Bicycle Racks in which case special permit relief or waivers is required. The special permit or waiver requirements of this Section 5.1 shall not apply to any project which does not trigger the thresholds set forth in the preceding sentence. This Section shall apply to the cumulative total of all additions and changes in use from May 15, 1985 as to which special permit relief or waiver from Sections 5.1.2 and 5.1.3 was not granted prior to the addition or change in use that requires additional off-street parking.

5.1.1.2 Alterations and Additions

In the event a structure (other than a structure used for parking) is altered with or without a change in use to increase the floor area by 100 square feet or more, off-street parking shall be provided in accordance with Sections 5.1.2 and 5.1.3 for the total building floor area. This Section shall apply to the cumulative total of all additions from May 15, 1985.

5.1.1.3 Mixed Uses

No change or conversion of a use in a mixed use structure to a use which requires additional off-street parking shall be permitted unless off-street parking is provided in accordance with Sections 5.1.2 and 5.1.3 for the entire structure or said change or conversion does not exceed 1,000 square feet or 5 percent of the total building floor area, whichever is greater. Furthermore, a change or conversion of a use in a mixed use structure to a use or uses which require off-street parking of 9 or fewer spaces may proceed in the Center Business, Chestnut Street Business or Avery Square Business Districts without requiring special permit relief or waivers from Sections 5.1.2 and 5.1.3, unless the parking is not compliant with Section 5.1.3 (c) Handicapped Parking, the first sentence of

(d) Driveway Openings, (m) Location, and/or (n) Bicycle Racks in which case special permit relief or waivers is required; and a change or conversion of a use in a mixed use structure to a use or uses which require off-street parking of 3 or fewer spaces may proceed in all other Commercial and Industrial Districts without requiring special permit relief or waivers from Sections 5.1.2 and 5.1.3, unless the parking is not compliant with Section 5.1.3 (c) Handicapped Parking, the first sentence of (d) Driveway Openings, (m) Location, and/or (n) Bicycle Racks in which case special permit relief or waivers is required. The special permit or waiver requirements of this Section 5.1 shall not apply to any project which does not trigger the thresholds set forth in the two preceding sentences. This Section shall apply to the cumulative total of all changes or conversions in use from May 15, 1985 as to which special permit relief or waiver from Sections 5.1.2 and 5.1.3 was not granted prior to the change or conversion in use that requires additional off-street parking.

5.1.1.4 Exception

If a structure is destroyed or damaged by fire or other accidental cause, its replacement or reconstruction, provided the use is the same category of use or a category of use requiring the same or fewer spaces as described in Section 5.1.2, shall not be required to provide any additional off-street parking which might be required under this Section if said reconstruction or replacement does not exceed the floor area of the original building.

If a parking lot is required to be brought into compliance with federal and/or state law mandating creation, restriping, regrading or reconstruction of a handicapped accessible parking space or spaces, then no relief or waivers from this Section 5.1 need be sought to implement state or federal law.

5.1.1.5 Special Permit

The Board of Appeals may grant in all zoning districts excepting the Center Business District a special permit to waive strict adherence to the requirements of Section 5.1.2 and/or 5.1.3 where it can be demonstrated by an applicant with a parking plan prepared and reviewed in accordance with the provisions of Section 5.1.3 that a particular use, structure or lot, owing to special circumstances, does not warrant the number of parking spaces required by Section 5.1.2 and/or the application of certain design requirements contained in Section 5.1.3.

Such a special permit waiving strict adherence to the minimum number of required parking spaces may be granted only after it is demonstrated by an applicant that either:

- (i) special circumstances in a particular use of structure does not warrant the minimum number of spaces required under Section 5.1.2; or
- (ii) the extent of existing building coverage on a particular lot is such that in laying out parking spaces in accordance with the design requirements of Subsection 5.1.3, the requirement for minimum number of spaces under Section 5.1.2 can not be met.

Except in unique circumstances, special permits waiving strict adherence to the application of parking design requirements shall not be granted for Subsections 5.1.3 (c) Handicapped Parking, (e) Compact Cars, (f) Parking Space Size, (I) Width of Maneuvering Aisle.

In reviewing a request for a special permit under this Section 5.1.1.5, the Board of Appeals shall consider the following:

- (a) The issuance of a special permit 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 intent of this Zoning By-Law;
- (b) In the case of waiving strict adherence to the requirements of Section 5.1.2 under subparagraph (i) above, the special permit shall define the conditions of the use of structure so as to preclude changes that would alter the special circumstances contributing to the reduced parking need or demand;
- (c) In the Avery Square Business, Hillside Avenue Business, and Neighborhood Business districts, shared parking for uses having peak demands at different times, unusual age or other characteristics of site users, or user-sponsored demand reduction devices, such as car-pooling;
- (d) Provisions to demonstrate the ability to provide for additional parking consistent with Section 5.1.2 and/or parking designed in accordance with the particular requirements of Section 5.1.3; and
- (e) The granting of a special permit under this Section shall not exempt a structure, use or lot from future compliance with the provisions of Section 5.1.2 and/or 5.1.3.

5.1.1.6 Special Permit in the Center Business District

The Planning Board may grant in the Center Business District a special permit to waive strict adherence to the requirements of Section 5.1.2 and/or 5.1.3, if a proposed project satisfies the following conditions:

- Replaces or substantially improves an existing building or site;
- Promotes the goal of preserving and enhancing the CBD as a pedestrian-oriented local shopping and business district;
- Incorporates the recommendations of the Design Review Board; and
- Demonstrates that it is providing the maximum number of off-street parking spaces practicable.

5.1.1.7 Applicability for Parking Area

Except as provided or excepted by Sections 5.1.1.1, 5.1.1.3 and 5.1.1.4, the construction, enlargement, or alteration of a parking area containing 5 or more spaces shall adhere to all of the requirements of Section 5.1.3 Parking Plan and Design Requirements, unless strict adherence to the requirements of Section 5.1.3 is waived by a special permit granted by the Board of Appeals under the provisions of Subsection 5.1.1.5. Constructing, enlarging, or altering a parking area which results in a reduction of an existing non-conformance on the premises is not subject to the requirements of Section 5.1.2, providing that there are no changes to building(s) or use(s) as described in Subsections 5.1.1.1, 5.1.1.2, and 5.1.1.3. In the Avery Square Business District, legal on-street parking may be credited towards meeting these requirements if located between the premises' side lot lines on the same side of the street.

5.1.2 **Required Parking**

Use

Number of Off-Street Parking Spaces

1) Theater, gymnasium, auditorium or similar place of public assembly indoor or out-door with seating facilities

One space per three seats of total seating capacity

2) Medical, dental and related health service structures or clinics

One space per 200 square feet of floor area

3) Hospital

One space for each two beds plus one space for each two employees on the largest shift, plus one space for each three seats in a place of public assembly (if available)

4) Nursing home or a residential care institution or facility

One space for every two beds plus one space for each two employees on the largest shift

5) Boarding house, dormitory, fraternity

One space per rental or sleeping unit. Any bedroom or group of two beds in a single room constitutes a sleeping unit

6) Retail or wholesale stores or services

One space per 300 square feet of floor area

7) Offices, office buildings, and banks

One space per 300 square feet of floor area

8) Hotel or motel

One space for each sleeping unit plus one space for each 200 square feet of function or conference area, plus one space for each three employees on the largest shift

9) Restaurant

One space per 3 seats plus ten spaces per take-out service station

10) Laundry or Laudromat

One space per 300 square feet of floor area

11) Bowling alley, tennis or racquet ball court

Four spaces per alley or court

12) Colleges, vocational and high schools excluding boarding and office facilities which shall be computed separately in accordance with this section

One half of the design or expected enrollment

13) Research facilities, laboratories and company offices not open to the public

One space per 300 square feet of floor area. Occupancy by a single tenant of more than 50,000 square feet of floor area shall provide one space per 300 square feet floor area for the first 50,000 square feet and one space per 400 square feet of floor area in excess of 50,000 square feet

14) Warehouses, excluding retail and/or wholesale, on site sales and office space which shall be computed separately

One space per 850 square feet floor area or one space per every two warehouse employees on the largest shift, whichever is greater

15) Automotive and truck service, and related repair, including body repair

One space for employees and guests per 250 square feet of floor area

16) Automobile and truck sales and lease

One space for employees and guests per 250 square feet of floor area

17) Manufacturing or industrial establishment

One space per 400 square feet of floor area or one per two employees on the largest shift, whichever is greater

18) Indoor Athletic or Exercise Facility or Personal Fitness Service Establishment

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
19) Medical Facility, Pediatric	One (1) parking space per 290 square feet of floor area
20) Mixed uses	Sum of various uses computed separately
21) Any use permitted by this Zoning By-Law	Closest similar use as shall be determined by the Building Inspector

In the event that the Building Inspector is unable to determine if a particular use relates to any use within the table of ‘Required Parking’ (Section 5.1.2), the Planning Board shall recommend to the Building Inspector a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees of the proposed business, with said recommendations based on the ITE Parking Generation Manual, 2nd Edition, or an alternative technical source determined by the Planning Board to be equally or more applicable.

For purposes of this Section, “floor area” shall mean the sum, in square feet, of all horizontal areas of all floors of a building or several buildings on the same lot measured from the exterior face of exterior walls, or for office buildings from the center line of the glass exterior windows or party wall separating two buildings.

5.1.3 **Parking Plan and Design Requirements**

All parking areas shall be shown on a plan prepared by a Massachusetts Registered Architect, Landscape Architect, Professional Civil Engineer and/or Land Surveyor indicating the layout of the parking area including access, setbacks, dimensions of typical spaces, location of the trees and other landscaped areas, any proposed lighting, and provisions for surface drainage. Such plan shall be reviewed by the Building Inspector prior to the issuance of a special permit or building permit and shall conform to the following design requirements.

- (a) **Parking Lot Illumination** – All parking areas which are proposed to be illuminated shall provide an illumination level of an average of one foot candle. All illumination shall be shielded so as not to shine directly onto a public or private way or onto any property in a residential district.
- (b) **Loading Requirements** – Adequate off-street loading facilities and space with unimpeded access shall be provided for all new construction and for all building additions greater than 100 square feet of floor area. Facilities shall be so sized and arranged that no trucks shall be parked on a public way while loading, unloading, or waiting to do so.

- (c) **Handicapped Parking** – Parking spaces for the exclusive use of handicapped individuals shall be provided in accordance with the most recent rules and regulations of the Architectural Access Barriers Board, specifically Section 23 thereof.
- (d) **Driveway Openings**—Ingress and egress shall be located so as to minimize conflict with traffic on streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic. See Sections 4.4.5, 4.6.6 and 4.10.3 for Driveway Openings Regulations in Business, Industrial, and Industrial-1 Districts.
- (e) **Compact Cars** – Off-street parking areas may be designated to allow up to a maximum of 50% of the total number of parking spaces to be used by compact cars. Compact car spaces shall not be less than 8 feet by 16 feet.
- (f) **Parking Space Size** – Each parking space, except for the allowable percentage for compact cars, shall measure at least 9 feet in width and 18.5 feet in length; however, parallel parking spaces shall be at least 22 feet in length. The required parking space dimensions, including those for compact car spaces, shall not be reduced by obstructions, including, but not limited to, light poles and columns.
- (g) **Bumper Overhang** – The minimum length requirements stated in the above two paragraphs may include no more than one foot of area beyond the curb at the front or rear of a space, used for bumper over-hang.
- (h) **Parking Space Layout** – Required parking areas shall be designed so that each motor vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. In no case shall spaces be so located as to require the backing or maneuvering onto the sidewalk or into a public or private way upon entering or leaving the space.
- (i) **Width of Maneuvering Aisle** – The minimum width of aisles within parking areas providing access to parking spaces for one-way traffic shall be as follows:

<u>Angle of Parking Space</u>	<u>Minimum Width of Aisle</u>
90 degree	24 feet/25 feet*
60 degree	18 feet/19 feet*
45 degree	14 feet
30 degree	12 feet
parallel	12 feet

* The greater width shall be used where one foot of bumper overhang occurs.

The minimum width of maneuvering aisles within parking areas providing access to spaces for two-way traffic shall be twenty (20) feet or the width required above,

whichever is greater. The required width of all maneuvering aisles shall not be reduced by obstructions, including, but not limited to, light poles and columns.

- (j) **Parking Setbacks** – Parking spaces and maneuvering aisles shall be setback a minimum of ten (10) feet from a front lot line or street right-of-way line; except, however, that such setback shall be twenty (20) feet in a Business or Industrial District, if the conditions set forth in Subsection 4.4.4 or 4.5.2 of this By-Law apply. Such parking setback shall also be twenty (20) feet in an Industrial-1 District and Highway Commercial 1 District unless a deeper parking setback is required by Section 4.11. Parking spaces, maneuvering aisles and driveways shall be set back a minimum of four (4) feet from the rear and side lot lines. Except in an enclosed structure or in an unenclosed parking facility beneath a structure, no parking space, maneuvering aisle or driveway shall be located within five (5) feet of a building line at the first floor.
- (k) **Landscaped Areas** – Setback areas required under the above paragraph (j) shall be maintained as landscaped areas, except where driveway openings or sidewalks occur. Landscaped areas shall include trees, shrubs, flowers and grass. Planting beds shall be at least 4 feet wide. In any parking area requiring 10 or more spaces, ten (10) percent or more of such area shall be maintained as landscaped area. In parking areas requiring 20 or more spaces, a minimum of one-quarter of this amount shall be located in the interior of the parking area. Required landscape setback areas shall count towards the minimum ten percent requirement; provided, however, that the interior landscaped area requirement shall be met.
- (l) **Trees** – For all parking areas requiring 10 or more spaces, trees shall be required. One tree shall be provided for every 10 spaces or a fraction thereof. Such trees shall be located within or around the parking area so as to screen and soften the visual impact of parked vehicles as much as possible. They shall be at least 2” trunk diameter, with not less than 40 square feet of unpaved soil or other permeable surface area per tree. Planting beds shall be at least 4 feet wide.
- (m) **Location** – Off-street parking required by this Section shall be located on either the same lot as the principal use or uses or on a lot within 300 feet which is under the same ownership. In the Avery Square Business District, required parking for non-residential uses shall be either on the same premises as the activity it serves, or on a separate parcel, which may be shared with other uses, if the parcel is located within five hundred (500) feet (800 feet for employees) walking distance of the building entrance to be served, is located in a zoning district permitting or allowing on special permit the activity it serves, and is permanently committed to serving the use involved. In the Avery Square Business District, no parking shall be located within 10 feet of a street line.
- (n) **Bicycle Racks** – For parking areas of forty or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per twenty parking spaces required, or fraction thereof.

5.1.4 Off-Street Parking Requirements for Multi-Family Structures

On any lot upon which a multi-family structure (three or more dwelling units) is placed, built, or reconstructed, there shall be provided for each dwelling unit in all buildings on the lot not less than one and one-half (1-1/2), paved and readily accessible, off-street automobile parking spaces, covered or open, if the lot is in an Apartment District. In the event a multi-family structure is reserved for special occupancies such as the handicapped or elderly, the Board of Appeals may authorize a smaller number of spaces by special permit.

5.1.5 Applicability for Parking Structures

Parking facilities provided in an enclosed structure shall be subject to the provisions of this Section 5.1, except for the Subsections 5.1.3.k) and l). Unenclosed parking facilities beneath a structure shall be subject to the provisions of this Section, except for Subsection 5.1.3.l), and such parking level shall be deemed to be a story when its ceiling is four feet six inches or more above finished grade. Nothing contained herein shall exempt any parking structure from the requirements of the State Building Code or the applicable C.M.R.

5.1.6 Maintenance

Parking areas shall be kept clean, plowed and free from rubbish, debris and snow. All plant materials shall be maintained in a healthy condition and, whenever necessary, shall be replaced with new plant materials to insure continued compliance with landscaping requirements. All fences, barriers and walls shall be maintained in good repair and whenever necessary, shall be replaced. Whenever necessary, the surfacing, lighting and markings shall be repaired or replaced.

5.2 Earth Removal

The removal or relocation of any earth materials, including but not limited to sod, loam, sand, gravel, and stone, is hereby prohibited except in the following instances:

- (a) For the construction of building foundations or other allowable structures for which building permits have been issued.
- (b) For the construction of streets and the installation of utilities in a subdivision as approved by the Planning Board under General Laws, Chapter 41 and the Subdivision Regulations and Procedural Rules of the Planning Board.
- (c) For regrading a lot, tract, or parcel within the limits of that lot, tract, or parcel under one common ownership located totally within the Town of Needham.
- (d) For engineering works by a government agency.

- (e) For sale on the premises of humus or loam in conjunction with a farm, greenhouse, nursery, truck garden, or other permitted agricultural use.
- (f) In conjunction with a quarry or other extractive use subject to the grant of a special permit by the Board of Appeals.
- (g) For the regrading of a lot, tract, or parcel, requiring removal across a property line or across a Needham Town line subject to the issuance of a permit by the Building Inspector for quantities less than 25 cubic yards in the aggregate in any one year, except as otherwise permitted herein, and subject to the grant of a special permit by the Board of Appeals for quantities of twenty-five (25) cubic yards or more in the aggregate in any one year, except as otherwise permitted herein.

Special permits under paragraphs (f) and (g) of this Section may regulate, among other items, the amount of earth materials to be removed, the hours and periods of operation, the final grading and restoration after removal, the posting of a bond or other security and other related conditions.

5.3 General Design Requirements

The following shall apply to any development, other than single-family or two family dwellings, which creates either five or more off-street parking spaces, or 1500 square feet or more of gross floor area.

5.3.1 Access

Site arrangement and driveway layout shall provide sufficient access for emergency and service vehicles, including fire, police, and rubbish removal.

5.3.2 Drainage

Storm-water and snow melt drainage shall be provided for without causing surface flows across any public sidewalk and without creating more than a 10% increase in peak flows in any off-site drainage structures or water courses in a 25-year storm unless provisions have been made to accommodate that increase without public expense.

5.3.3 Water quality and erosion

Control measures shall be employed to mitigate any substantial threat to water quality or soil stability, both during and after construction.

5.3.4 Light

Off-site glare from headlights shall be controlled through arrangement, grading, fences, and planting. Off-site light over-spill from exterior lighting shall be controlled through luminaries selection, positioning, and mounting height so as to not add more than one foot candle to illumination levels at any point off-site.

5.3.5 Safety

Pedestrian and vehicular movement shall be protected, both within the site and egressing from it, through selection of egress points and provisions for adequate sight distances. Where apt, the design requirements of the then-current Subdivision Regulations of the Planning Board and the Needham Zoning By-Law shall be complied with for driveways.

5.3.6 Environment

Site arrangements and grading shall minimize the number of removed trees 8" trunk diameter or larger, the volume of earth cut and fill, and the area of wetlands vegetation affected.

5.4 Disposal of Low-Level Radioactive Waste

No land within any district in the Town shall be used for the collection, treatment, storage, burial, incineration, or disposal of radioactive waste, including but not limited to wastes classified as low-level radioactive waste, except that on-site produced waste may be temporarily stored pending disposal. For purposes of this By-Law, low-level radioactive waste shall be defined as radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by product material as defined in Section 11 e(2) of the Atomic Energy Act of 1954.

5.5 Signs

Signs within the Town are regulated and controlled by Article 5 of the Town's General By-Laws.

ATTACHMENT B

FY2024-2025 Initiatives

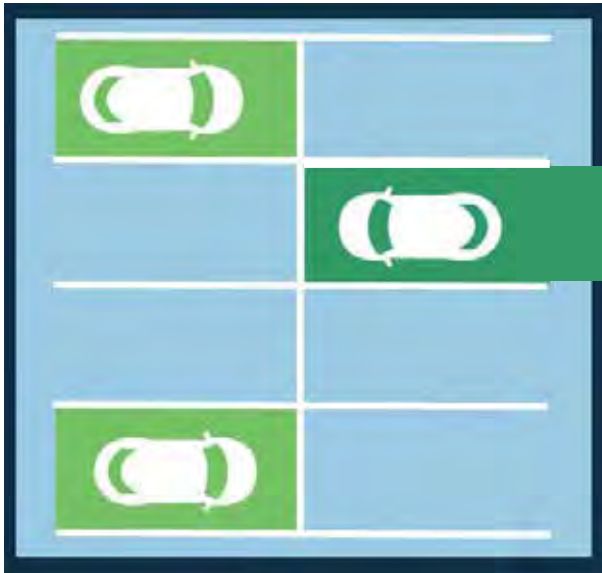
Initiatives to Begin: Now (0-18 months)

- Healthy and Socially Thriving
 - o Identify ways to institutionalize community conversation around race, diversity, equity, and inclusion, to build relationships and a stronger understanding of different perspectives and lived experiences.
 - o Make intentional efforts and identify creative ideas for community outreach to diversify the candidate pool for all appointed Boards and Committees; measure progress.
 - o Complete the Equity Audit, clarify objectives, and determine next steps.
 - o Provide support to other Boards and Committees on how to apply NUARI principles to their work, including training opportunities and sample goals.
 - o NUARI: Conduct Board and Committee member orientation sessions to include the Town's race equity vision statement.
 - o Hold a public hearing and determine if the Town will change Columbus Day to Indigenous People's Day.
 - o Invite various identity network groups to meet with the Select Board and introduce the work they do and the community they serve.
- Livable
 - o Work with the Planning Board on next steps related to the MBTA Community Housing Guidelines and the update to the Town's Affordable Housing Plan. Review updated demographics and impact on anticipated transit-oriented development and schools.
 - o Identify funding for School Master Plan projects and participate in the planning process.
 - o Evaluate RTS Service Delivery Model to guide long-term investment and review operational efficiencies in the short-term.
 - o Evaluate next steps for use of the Stephen Palmer Building.
 - o Evaluate expansion of off-leash dog areas.
 - o Support for the Needham Housing Authority redevelopment project.
- Accessible and Connected
 - o Implement the Parking Study
 - o Parking:
 - Update parking payment technologies to allow for credit card and/or app-based payments
 - Ask the Planning Board to update parking requirements in zoning
 - Pilot converting some on-street parking spaces for more active curb use (e.g., short customer visits, active loading areas)
 - Update the Town's parking regulations and permit program (including permit rules, time/day regulations, and pricing)
 - o Seek funding for noise reduction/Quiet Zone feasibility, design, and construction.

ATTACHMENT C

3

RECOMMENDATIONS



Historic communities such as Needham were not built around the car but became car-centric over time as travel patterns and policies changed. Fortunately, Needham has successfully held a strong line in limiting the growth of its off-street parking supply, attracting compatible development which has sought to limit its parking footprint.

Like most historic downtowns, Needham's parking system has evolved over time in a somewhat ad hoc way. This has resulted in a disjointed and at times confusing system that does not respond to today's travel patterns. As consumer spending rebounds following the worst of the COVID-19 pandemic, and new, mixed-use and denser development emerges in both the Center and the Heights, the time is right for a more coordinated approach to the parking system and how it can best support community goals over the coming years.

The following recommendations will help create a parking system that better meets Needham's goals while building in additional flexibility for the system to adapt as travel patterns continue to change and evolve.

GOALS



1. Document existing parking supply and daily demand



2. Improve parking management system for residents, employees, customers, and visitors



3. Investigate efficiency and user-friendliness of parking meters and other payment methods and find opportunities to improve



4. Identify and recommend parking supply efficiencies/ opportunities to unlock parking in areas of higher demand



5. Identify opportunities to better align policies with the long-term goals and growth of the two areas



6. Support the economies of the Needham Center and Needham Heights



7. Inform decision-making for future street improvement projects and zoning updates

RECOMMENDATIONS OVERVIEW

DRAFT RECOMMENDATIONS

- | | |
|--|-----------------------------------|
| 1 Performance-based pricing | 8 Payment technologies |
| 2 Permit spaces | 9 Introduce flexibility in zoning |
| 3 Long-term parking | 10 Parking supply opportunities |
| 4 Shared parking opportunities | 11 Multimodal improvements |
| 5 Enforcement | 12 Bike parking infrastructure |
| 6 Create more active curbs | 13 Clarity of regulations |
| 7 Improve parking signage and wayfinding | |

 Short-Term  Long-Term  Periodic Evaluation Required

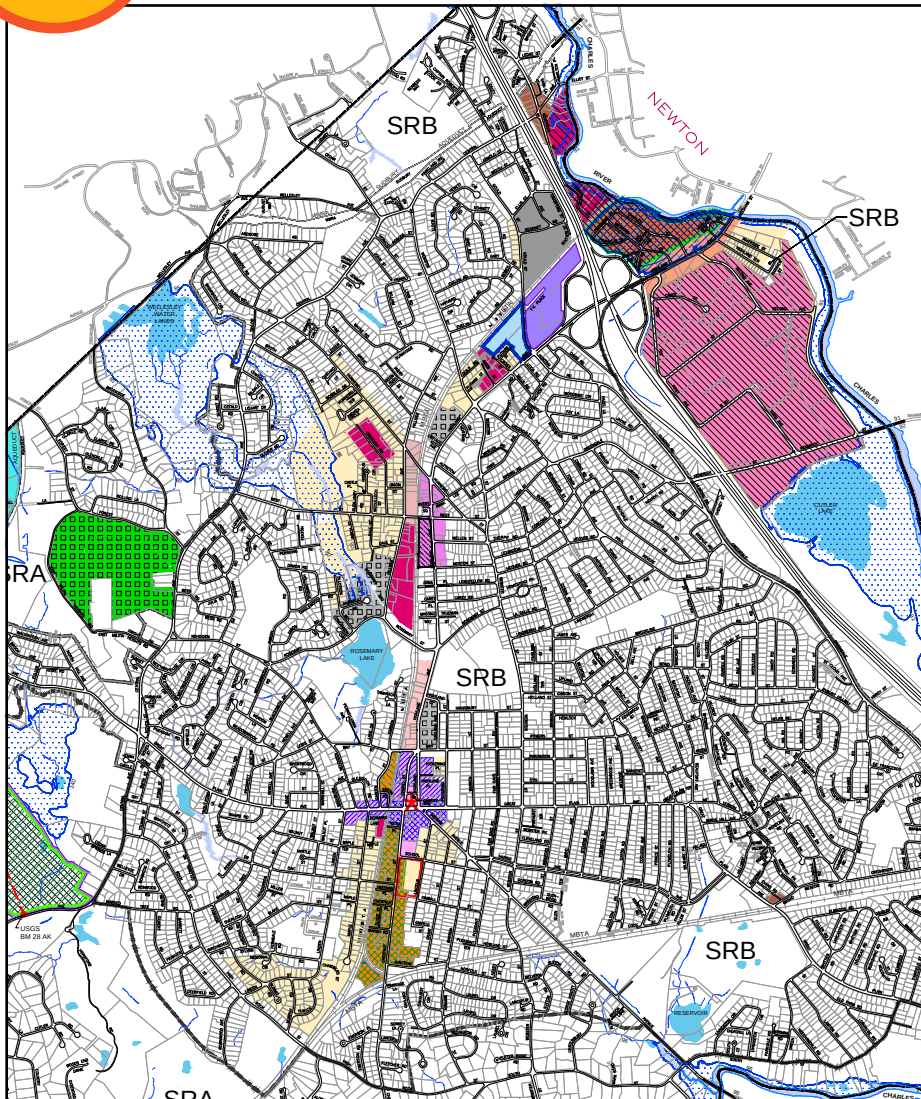
Best Practice Opportunities for Needham

Recommendation	Best Practice	Needham's Existing Practice
Downtown Parking Management		
Performance-based Pricing	Parking in a downtown should implement performance-based pricing to spread parking demand. All parking facilities should be well advertised and connected to the downtown.	Needham's one-size-fits-all pricing results in excess demand of prime spaces, while nearby spaces are highly underutilized.
Introduce Flexibility in Zoning	A progressive zoning code can ensure that growth in travel demand is absorbed by other travel modes, and that those requiring vehicle access utilize nearby parking resources and only construct new parking as needed.	The Town's zoning policy requirements are significantly higher than best practice, and don't incentivize non-vehicle modes and their connectivity/access.
Pursue Shared Parking Opportunities	Broadening the use of shared parking agreements between private landholders can ensure that growth in the restricted, off-street parking supply is kept to a minimum.	Needham does not currently have a parking district but has successfully supported shared parking agreements.
Parking Regulations and Permit Management		
Long-Term Parking Options + Permit Spaces	Pricing should be performance-based, using the cost of parking to achieve ideal parking availability by setting the cost of parking to allow users to pay more for the most desirable spaces. Permit spaces may be able to be shared by other users to maximize their use.	Unclear signage and the designated permit parking times in Needham reduce the optimal utilization of these designated spaces. Permit pricing does not align with their demand.
Update Payment Technologies	Mechanisms should provide an array of options for users (i.e. coins, credit card, smartphone). Mechanisms should use the same billing systems.	Needham's meters only accept a specific combination of coins, which is inconvenient and doesn't allow for flexibility to extend parking time.
Clearly Sign Regulations	Time limits are several hours or discouraged entirely to allow for more flexibility for visits; cost is a more appropriate mechanism to ensure parking spaces are valued appropriately by drivers.	Parking signage in Needham is present but unclear language can leave some regulations open to interpretation.
Focus Enforcement on Customer Service	Enforcement practices should be consistent and conducted during peak periods of demand. Officer training should include clarification about regulation signage, permit systems, and should emphasize education to parkers.	Parking enforcement in Needham is conducted during a limited period that doesn't include peak evening times. Variation of revenue alludes to a lack of consistency in practice.
Parking Supply Optimization		
Create Simple Long-Term Parking	Long-term parking areas can be identified in areas that are underutilized at the rear of lots or on-street areas that are less in demand, in order to maximize on existing supply and minimize the practice of prime customer spaces being utilized by employees.	Currently, there are no designated long-term parking areas that are centralized or advertised to incentivize employees from using spaces better matched for customers.
Create More Active Curbs	In strategic areas of high activity, some on-street spaces can be converted into uses that support other modes of travel, act as short-term/loading areas, or that contribute to street vitality and a stronger sense of place.	There are no short-term parking spaces in areas where short customer visits or rideshare pick-up/drop-off is higher in demand.
Consolidate Lots to Expand Supply	Opportunities to expand parking supply through consolidation of adjacent lots with existing barriers is a simple approach that should be prioritized before pursuing building new supply.	Several of the lots in Needham are divided by a minor physical barrier that limits the optimal use and access of either facility.
Improve Parking Signage + Wayfinding	Signage directing to parking should be located at various key locations throughout town, and signage at individual lots should be highly visible and informative. The signs should be recognizable, legible, and work in tandem with parking information on digital platforms.	Needham does not have a comprehensive, branded wayfinding signage system, and the few signs directing to parking are lacking visibility. The Town doesn't have a parking map available.
Encouraging Other Uses		
Improve the Multimodal Network	Connections to/from parking should be welcoming to pedestrians and bicyclists and prioritize their safety.	Sidewalk repairs/connections are needed at some locations, and crosswalks to/from key public parking areas is missing.
Increase Bike Parking Infrastructure	Bicycle parking should be located throughout town, especially concentrated near key destinations. Signage should be incorporated to direct bicyclists to these areas.	Bike parking is present at some locations throughout Needham but is not centralized and is lacking signage to direct bicyclists.

9

Introduce Flexibility in Zoning

Goals Aligned: 1 2 3 4 5 6 7



Description: A snapshot of Needham's zoning map

WHAT IS RECOMMENDED

This recommendation is to introduce flexibility and standardization into Needham's zoning code in the study areas - and potentially beyond - by:

- Standardizing regulations across the study areas
- Considering eliminating or lowering minimums
- Considering implementation of maximums
- Allowing reductions for mixed-use projects
- Expanding off-site parking allowances
- Expanding the use of the existing in-lieu fee program
- Considering the incorporation/expansion of transportation demand management elements

Together, these changes would allow parking to support rather than stand in the way of broader goals for the study areas and beyond.

WHY IT IS RECOMMENDED

Needham's minimum parking guidance exceeds observed demand and any national standards and offers limited flexibility for context. This may be limiting development downtown and/or encouraging developments to overbuild parking. This is evidenced by the number of zoning waivers requested recently in the area; the majority were requests to build no new parking. (See Appendix)

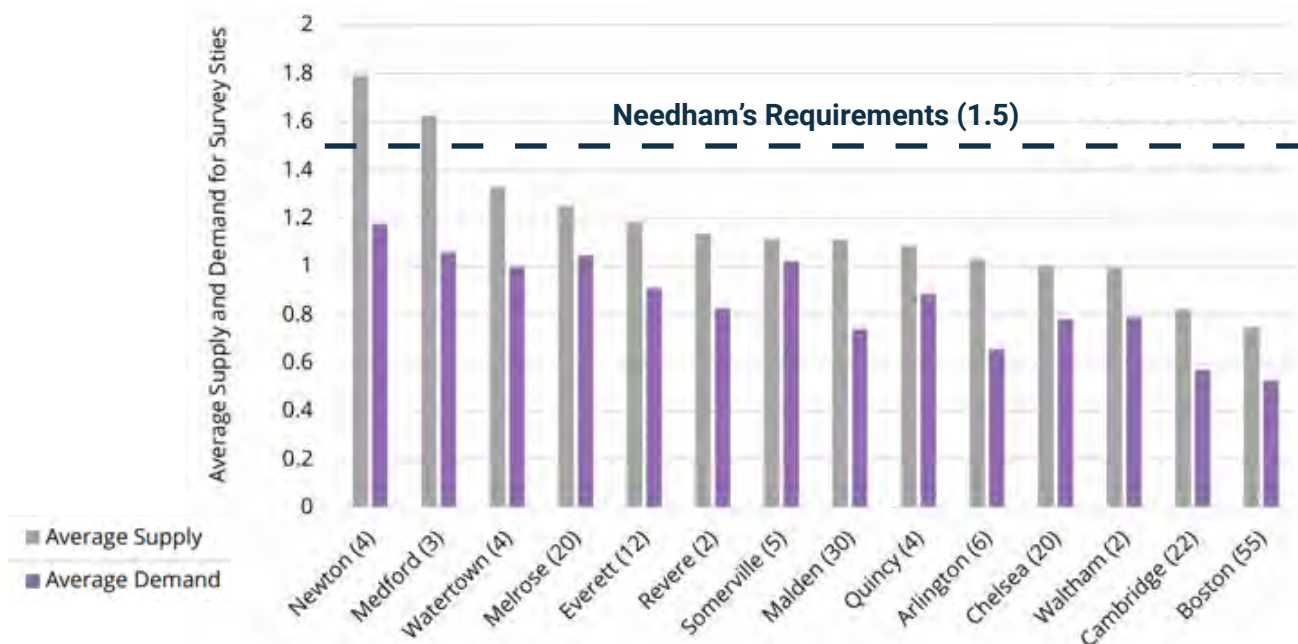
HOW IT WOULD WORK

Table 11. CASE STUDY- Somerville, MA
Zoning Ordinance Mixed-Use Reduction Table

Time of Day	Commercial	Evening Commercial	Residential	Total
6AM-9AM	(X) * 25%	(X) * 0%	(Y) * 100%	= row sum
9AM-7PM	(X) * 100%	(X) * 50%	(Y) * 65%	= row sum
7PM-11PM	(X) * 25%	(X) * 100%	(Y) * 100%	= row sum
11PM-6AM	(X) * 0%	(X) * 25%	(Y) * 100%	= row sum

A typical parking zoning regulation in mixed-use districts is to allow shared parking reductions, like those calculated in this example from Somerville.

Fig. 36- Average Residential Supply and Demand by Massachusetts Municipality



Needham's residential parking requirement of 1.5 spaces per unit far exceeds observed demand locally (only 0.9 cars per unit) or anywhere else in the region.

Source: Perfect Fit Parking Study
Numbers in parentheses indicate number of sites surveyed in each municipality

ATTACHMENT D



TOWN OF NEEDHAM
Town Hall
1471 Highland Ave
Needham, MA 02492-2669

July 1, 2024

Executive Office of Energy & Environmental Affairs
100 Cambridge Street, 9th Floor
Boston, MA 02114

Re: EEA FY25 Planning Assistance Grants on Behalf of the Town of Needham

Dear Ms. Dixon,

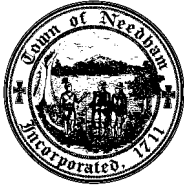
I certify as the Deputy Town Manager of the Town of Needham that the information provided herein is accurate to the best of my knowledge and belief, and that the proposed match using in-kind contributions and Town funds will be provided should the Town of Needham be awarded this grant opportunity. I also acknowledge that this grant funding is provided on a reimbursement basis.

I am in strong support of the Town of Needham's application for the Planning Assistance Grants program for Fiscal Year 2025, "Low Impact Development (LID) Parking Requirements Review to Reduce Impervious Cover and Support Climate Resiliency in Needham." We have submitted a \$45,000 funding request to conduct a community-wide evaluation of Needham's parking-related standards and implement improvements to our Zoning By-Law to align with Low Impact Development (LID) parking practices. This effort would help support multimodal transit, encourage accessibility, and support a reduction in impervious cover and stormwater runoff. Updating the Town's parking requirements has been a voted priority of both the Needham Planning Board and the Needham Select Board.

I hope you will give the Town of Needham's application a favorable review to support our climate resiliency as a community. If you have any questions regarding our proposal, please do not hesitate to reach out. Thank you for your consideration of our request.

Sincerely,

Kathleen King
Deputy Town Manager



TOWN OF NEEDHAM

TOWN HALL
Needham, MA 02492-2669

Office of the
TOWN MANAGER

TEL: (781) 455-7500
FAX: (781) 449-4569

June 18, 2024

Dr. Paul Aswad
161 Whitman Road
Needham, MA 02492

Re: Status of Belle Lane Subdivision

Dear Dr. Aswad:

I am writing in response to your letter dated June 8, 2024 concerning the Belle Lane subdivision. By way of background, the Planning Board issued the Definitive Subdivision Decision for this subdivision on September 28, 2010, and the approved definitive subdivision plan was recorded with the Norfolk Registry of Deeds on January 24, 2014. Included below is a response to each of the questions you asked concerning this subdivision:

1. Is the “original developer” still involved?

The original developer is no longer involved with this subdivision, with one exception (off-site drainage surety) noted below. The original developer sold all lots within the subdivision to purchasers between 2015 and 2021. Lot 1 was sold by deed dated March 26, 2019; Lot 2 was sold by deed dated December 15, 2015; Lot 3 was sold by deed dated March 16, 2017; Lot 4 was sold by deed dated March 16, 2017; Lot 5 was sold by deed dated March 16, 2017; Lot 6 was sold by deed dated November 7, 2018; Lot 7 was sold by deed dated May 27, 2021; and Lot 8 was sold by deed dated April 20, 2018.

The Town still holds off-street drainage surety that was provided by the original developer in the amount of \$28,000 (\$3,500 per lot in the subdivision) as required by condition 22 of the Planning Board’s Definitive Subdivision Decision. As far as the Town is aware, the original developer retains no further interest in the subdivision at his time.

2. Is an adequate bond still in place to cover finishing the road and other related work and is so, how much is the bond and who controls it?

The Planning Board does not hold any security for completion of the road and associated infrastructure at this time. The subdivision road and related

infrastructure have been fully completed. Therefore, in accordance with the Subdivision Control Law, the Town no longer hold security for completion of this work.

As noted above, the Town still holds off-street drainage surety in the amount of \$28,000 as required by condition 22 of the Definitive Subdivision Decision.

3. Are town inspection reports available to show the road was properly built?

Yes. Inspection reports were filed with the Town Engineering Department.

4. Have “as-built” drawings been provided by the developer?

Yes. An as-built plan dated March 7, 2018 was provided to the Town Engineering Department in accordance with the Planning Board’s subdivision approval.

5. This project involved the “disturbance” of over 1 acre of land and required a Federal NPDES permit covering the road and house lot activities regarding site development and drainage. Where are the reports showing permit compliance?

NPDES is a federal regulatory program; the Planning Board and the Town do not administer any NPDES permits as part of its review of a project under the Subdivision Control Law. For questions concerning compliance with applicable NPDES requirements, you may wish to contact MassDEP or the EPA.

6. Is there a homeowner’s association and are they aware of their responsibility to maintain this “private road” and answer the annual maintenance requirements set by the Planning Board’s original approval? Have any of the required annual reports been filed? If not, why not?

There is a homeowners’ association for this subdivision. The association was created by the “Declaration of Trust – Belle Lane Homeowners Trust Agreement” dated January 6, 2014 and recorded with the Norfolk Registry of Deeds in Book 32037, Page 600. The Town has not received annual reports from the association concerning maintenance of the private road. As a result, the Building Commissioner has contacted the association to discuss the filing of all required reports in the future.

7. Are the individual house lots being developed in compliance with the Planning Board, Building Department, Town Drainage Regulations and NPDES permit requirements? Have accurate “as-built” plans been filed?

The houses that have been completed within the subdivision comply with all applicable Town regulations, and the Building Department is in receipt of as-built plans for the houses that have been completed. As-built plans

for the completed houses were filed with the Building Department in connection with the close-out of the applicable building permits.

8. Where are Certificates of Compliance for each house lot and the road if they have complied with the referenced approval requirements and permits?

Certificates of compliance are typically required for lots that needed permitting from the Conservation Commission. All applicable certificates of compliance are on file with Conservation.

If there is any additional information that we can provide, please feel free to contact this office, or the appropriate Town permitting official with oversight over this subdivision.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kate Fitzpatrick".

Kate Fitzpatrick
Town Manager

cc: C. Heep
L. Newman
J. Prondak
T. Ryder
D. Anderson

LEGAL NOTICE

DOVER PLANNING BOARD

The Dover Planning Board will hold a public hearing on Monday, June 17, 2024 at 7:00 PM remotely on Zoom [To join by computer, laptop, tablet, or phone Zoom application: <https://us06web.zoom.us/j/89604840306?pwd=RhtKG7Wzmaj4jbCDaf72SE1BXjb4qt.1> Meeting ID: 896 0484 0306, Passcode: 808404, or dial: 1(646)876-9923 to connect via telephone] to consider the following additions to the Dover Rules and Regulations:

1. To see if the Town will vote to adopt Chapter 247 Small and Medium-Scale Ground-Mounted Solar Photovoltaic Installations of the Dover Rules and Regulations which adds specific language addressing the installation of Solar Photovoltaic Installations outside of the scope for Large-Scale Installations.
2. To see if the Town will vote to amend Chapter 240 Accessory Dwelling Units of the Dover Rules and Regulations which addresses changes that are required to appropriately interpret the Regulation.

Copies of the draft of these proposed revisions are available online and on file with the Town Clerk and the Planning Board and may be inspected, by appointment, during office hours. Any person interested or wishing to be heard should appear at the time and place designated.

Hometown Weekly Newspaper
5/30/24, 6/6/24

Carol Lisbon, Chair
Dover Planning Board



Massachusetts Department of Environmental Protection
Chapter 91 Waterways Water-Dependent, Nonwater Dependent, Amendment Application
Municipal Planning Board Notification

Note to Permittee: This form should be submitted, with the top portion completed, to the municipal Planning Board along with the complete application and project plans.

Thomas Ryder - Town of Needham Department of Public Works
Name of Permittee

470 Dedham Avenue
Project Address

Needham Reservoir
Name of Waterway

Needham
City/Town

Description of project and use or change in use (this field is not limited to the one line shown).

The Project consists of the removal of approximately 1,600 cubic yards of stormwater-deposited sediment in the western portion of the Needham Reservoir and installation of a water quality swale north and east of the Needham Department of Public Works yard. Additional Work will include restoration of portions of the perimeter Reservoir Trail and installation of an informational kiosk.

To be completed by the municipal Planning Board representative.

"I hereby certify that the project described above and more fully detailed in the Permittee's Waterways License application and plans have been submitted by the Permittee to the municipal Planning Board."

Lee Newman
Print Name of Municipal Planning Board Representative

July 10, 2024
Date

Lee Newman
Signature of Municipal Planning Board Representative

Dir. Planning and Community Development Department
Title

Needham
City/Town

Note: Any Planning Board recommendation shall be submitted in accordance with 310 CMR 9.13(5). Comments pertaining to this Application shall be submitted in accordance with 310 CMR 9.13(4); any comments submitted after the close of the public comment period shall not constitute a basis for standing in any appeal pursuant to 310 CMR 9.13(4) and/or 310 CMR 9.17.