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

***Rental City, Inc., Applicant
51 Fremont Street, LLC, Owner
51 Fremont Street
Map 75, Parcel 10
January 29, 2025***

Rental City, Inc. ("the Applicant") applied for a Special Permit to allow the use for an equipment rental service pursuant to Section 3.2.6.2(e) and to waive strict adherence to the number of required parking spaces and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, and 5.1.3 of the Zoning By-Law ("the By-Law") to allow the operation of an equipment rental service with accessory retail sales. The property is located in the Mixed Use-128 (MU-128) zoning district at 51 Fremont Street ("the Premises"). A public hearing was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue on Wednesday, January 29, 2025 at 7:30 p.m.

Documents of Record:

- Application for Hearing dated December 26, 2024, Clerk stamped December 26, 2024.
- Letter from George Giunta, Jr., dated December 26, 2024.
- Plot Plan prepared by Field Resources, Inc., stamped by Bradley Simonelli Professional Land Surveyor, dated December 10, 2024
- Memorandum in Support prepared by George Giunta, Jr. dated December 26, 2024.
 - Exhibit A – Marked Plot Plan
 - Exhibit B - Building Permit No.2313
 - Exhibit C – Items Available for Rent
 - Exhibit D – Interior Building Sketch
- Letter from Jay J. Derenzo, Manager, 51 Fremont Street, LLC.
- Letter from Joe Prondak, Building Commissioner, January 21, 2025.
- Letter from Lee Newman, Director of Planning and Community Development, January 21, 2025.

- Letter from Thomas Ryder, Town Engineer, January 21, 2025.
- Email from Tara Gurge, Assistant Public Health Director, December 31, 2024.
- Email from John Schlittler, Chief of Police, Police Department, December 31, 2024.
- Email from Thomas M. Conroy, Fire Chief, Fire Department, January 3, 2025.

January 29, 2025

The Board included Jonathan Tamkin, Chair; Howard S. Goldman, Vice-Chair; and Nikolaos Ligris. Also in attendance Peter Friedenberg, Associate Member, and Valentina Elzon, Associate Member. Mr. Tamkin opened the hearing at 7:30 p.m. by reading the public notice.

George Giunta, the attorney representing the Applicant, and George and Nanette LaRochelle were in attendance. The Premises is a corner lot located in the Mixed-Use 128 zoning district on Fremont and Wexford Streets. It contains approximately 32,943 square feet of land with 119.97 feet of frontage on Fremont Street and 294.09 feet of frontage on Wexford Street. The property contains an existing commercial building, three accessory buildings, off street parking and storage areas.

The Premises is divided into two areas (as identified in *Exhibit A - Marked Plot Plan*). The larger northern portion, to be occupied by the Applicant, contains a large single-story brick commercial building at the corner of Wexford and Fremont Streets. The smaller southern portion is occupied by Steelco, which is enclosed and delineated by a chain link fence, and includes three accessory buildings and a large outdoor storage area.

The commercial building contains 7,500 square feet of area and was built in 1957 for office and manufacturing use. It has been occupied by NPC Computer Corporation and Williamson Electrical Company, Inc. Currently it is vacant.

The Applicant has operated an equipment rental service for the past 40 years (known as Taylor's Rental) at 26 Washington Street, Wellesley, MA. They wish to relocate to Needham for its more efficient building layout and convenient location to Route 128.

The Applicant offers a wide range of items for rent as well as for sale. Most of these items are carried out by customers. As required under Section 3.2.6.2 (e) of the By-Law, all the equipment must be stored inside, this will include large items such as a bobcat skid steer loader, a mini-excavator and a mini-backhoe. These large rental items will be moved from inside the building to a truck or trailer to be transported to the rental location and back for storage.

Mr. Tamkin asked who transported the large equipment. Mr. LaRochelle said either the customer or the Applicant.

The Applicant proposes to sell propane gas at the Premises. The propane will be stored in an underground 500-gallon storage tank. This tank and the Premises will be surrounded by a fence. An employee will pump the propane in an area accessible for the customer by drive-up.

The general hours of operations will be 7:00 a.m. to 6:00 p.m. and open to the public from 7:30

p.m. to 4:00 p.m. Initially, they plan to operate six days a week and will be closed on Sundays, with the opportunity for a 7 day a week operation to respond to future business demand.

On average there will be six full-time employees on site, with an additional two seasonal employees during the summer

Mr. Giunta noted that the parking area, which has been in existence since the 1950s and 1960s and prior to the adoption of off-street parking regulations, does not comply with current parking design requirements relative to lighting, driveway openings, parking space size, parking layout, setbacks, landscape and trees.

The proposed equipment rental use falls within Section 5.1.2 (6) of the By-Law - *Required Parking for Retail or wholesale stores or services* - of one space per 300 square feet. The building contains 7,500 square feet of space, which results in a parking demand of 25 spaces.

There are a total of 19 parking spaces on site: 15 spaces along the front and side of the building, and four along the fenced-in side. This is less than the required 25 parking spaces; and a waiver of six spaces is required.

Mr. Giunta indicated that the Applicant's location in Wellesley has only 11 off-street parking spaces and these spaces have been adequate to support the use for more than 40 years of operation. Mr. Giunta maintained that there are sufficient parking spaces to meet the demand.

Comments received:

- The Building Commissioner agreed with Mr. Giunta's analysis and had no objection with the proposal.
- The Fire Department had no issues.
- The Police Department had no concerns.
- The Health Department had no comments.
- The Engineering Department requested a site plan showing all existing and proposed underground utilities for the proposed underground LP tank before the building permit is issued.
- The Planning Board had no comment.

There were no comments from the public.

Mr. Goldman thought it was a nice proposal and found the requested parking waivers to be appropriate.

Mr. Ligris was in support of the proposal. He found the parking/street boundaries to be ambiguous and confusing.

Mr. Tamkin noted the Applicant's positive business reputation, thought the location was appropriate for the area and was in support of the proposal.

Mr. Goldman moved to grant a Special Permit pursuant to Section 3.2.6.2 to allow the use for an

equipment rental service; and a Special Permit pursuant to Sections 5.1.1.5, 5.1.2, and 5.1.3 to waive strict adherence to the number of required parking and the parking plan and design requirements under of the By-Law per the plans submitted at 51 Fremont Street in the MU-128 zoning district, subject to the following conditions:

- the hours of operation will be from 7:00 a.m to 6:00 p.m. seven days a week.

Ms. Ligris seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:50p.m.

Findings:

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

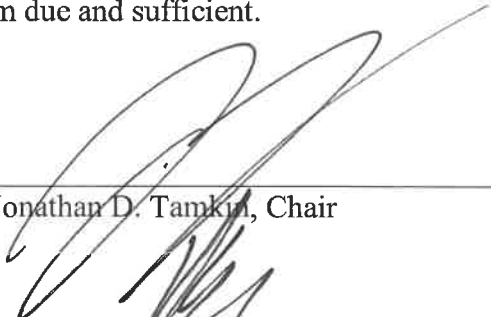
1. The Premises is a 32,943 square foot lot with frontage on Fremont Street and Wexford Streets. The Premises is improved by a 7,500 square foot, one-story, brick commercial building with three accessory buildings. The building was built in 1957 for office and manufacturing use with 19 off-street parking spaces located in the Mixed-Use 128 Zoning District.
2. The Premises is divided into two tenant spaces. One contains the commercial building located in the north larger portion of the property with frontage on Fremont and Wexford Streets and the other, on the south, contains the accessory structures accessed solely from Wexford Street. The smaller southern tenant space is occupied by Steelco for their fence business and is enclosed with a chain link fence.
3. The larger tenant space with the building has been occupied formerly by NPC Computer Corporation and Williamson Electrical Company, Inc. The building's interior is divided into a mix of office and storage space; and is currently vacant.
4. For more than 40 years, the Applicant has operated a rental equipment service with accessory retail services, known as Taylor Rental Services, 26 Washington Street, Wellesley, MA. The Applicant proposes to relocate its business to Needham in the vacant available space.
5. The Applicant seeks zoning relief under Section 3.2.6.2(e) of the By-Law for an *equipment rental service but not including any business that requires outside storage*. The proposed accessory retail sales are permitted as of right in the MU-128 District pursuant to Section 3.2.6.1(n) of the By-Law.
6. The Applicant proposes improvements to the facility including the installation of a perimeter fence along Wexford Street and the installation of an underground 500-gallon propane tank within the fenced area associated with the sale of propane gas, to be dispensed by staff through the filling of consumer tanks. All rental and sale equipment will be located and stored within the building.

7. The Applicant will operate its facility seven days a week. The hours of operation are 7:00 a.m. through 6:00 p.m. There will be a maximum of six full-time employees, with an additional two seasonal employees as needed during the summer.
8. The Applicant has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence under Section 5.1.2 (6), *Required Parking – Retail or wholesale stores or services*, of the By-Law. The total parking required as calculated based on one parking space per 300 square feet is 25 parking spaces (7,500 square feet/300 square feet = 25 spaces).
9. The total on-site parking is 19 spaces, 15 around the building along Fremont and Wexford Streets and four along the fence inside, leaving a shortfall of 6 spaces as required under the By-Law.
10. The Applicant represented that a portion of the building will be used for storage of items for rent and sale.
11. The Board finds that the existing parking at the property is adequate and that special circumstances exist to waive the required number of parking spaces pursuant to Sections 5.1.1.5 and 5.1.2 (6).
12. The parking lot has been in existence prior to the adoption of the off-street parking requirements and does not comply with the current design requirements of Section 5.1.3 of the By-Law relative to a) minimum lighting; d) driveway openings; f) parking size; h) parking space layout; j) parking setbacks; k) landscaping areas; and l) trees. The Applicant proposes no changes to the pre-existing parking lot. As it would not be possible to comply with design requirements without reductions in the number of spaces the Board finds there are special circumstances that justify the waiver of the By-Law's design requirements.
13. The proposed use is consistent with the general purpose of the Zoning By-Law, is compatible with the characteristics of the surrounding area, is not detrimental to the other uses at the Premises and is in harmony with the general intent and purposes of the By-Law pursuant to the requirements of Section 7.5 of the By-Law.

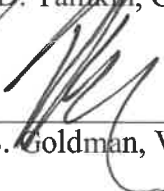
Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board, by unanimous vote, grants the Applicant (1) a Special Permit under Sections 3.2.6.2 (e) of the By-Law for equipment rental service but not including any outside storage at 51 Fremont Street, 2) a Special Permit under Section 5.1.1.5 of the By-Law waiving strict adherence with the requirements of Section 5.1.2 (Required Parking), and 3) a Special Permit under Section 5.1.3 (Parking Plan and Design Requirements) of the By-Law, subject to the following conditions:

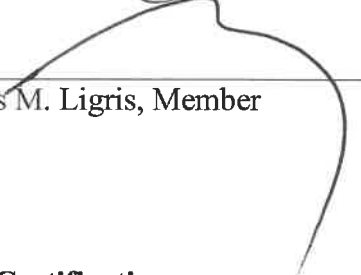
- A. The hours of operation shall be from 7:00 a.m. to 6:00 p.m. seven days a week.
- B. This Special Permit is issued to the Applicant only and may not be transferred set over or assigned by the Applicant to any other person or entity without the prior written approval of the Board of Appeals following such hearing and notice, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient. Any transfer of control by the person(s) or entities owning the business, directly or indirectly, or by operation of law, shall be deemed a transfer/assignment requiring approval of the Board.
- B. Failure to comply with each and any of the foregoing conditions at any time may constitute cause for the revocation of this Special Permit by the Board after hearing, with notice to the Applicant, and with such other notice as the Board, in its sole discretion, shall deem due and sufficient.



Jonathan D. Tamkin, Chair



Howard S. Goldman, Vice-Chair



Nikolaos M. Ligris, Member

Twenty-Day Appeal Certification

I certify that the 20-day statutory appeal period for this Decision by the Needham Zoning Board of Appeals has passed,

☐ *and there have been no appeals filed in the Office of the Needham Town Clerk or*

☐ *there has been an appeal filed.*

Date

Louise Miller, Town Clerk