

NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
Thursday, April 17, 2025 - 7:30PM

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID:820-9352-8479 To join the meeting click this link: https://us02web.zoom.us/j/82093528479
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Minutes Review and approve Minutes from March 20, 2025 meeting.

7:30 PM **0 Colgate Road (Continued from March 20, 2025)** -Patricia M. Connolly, appellant, has appealed a decision of a Building Inspector (ABID) dated December 2, 2024 who determined that the property “*appears to “front” on private property and therefore does not have adequate frontage along a public or private way as defined in the Zoning By-Law.*” The ABID asserts that the vacant lot has 95 feet of frontage on a private paved way which satisfies the minimum frontage of 80 feet for parcels in the Single-Residence B per Section 4.2.1 of the By-Law. The property is located at 0 Colgate Road, Needham, MA in the Single-Residence B (SRB) District.

7:30 PM* **282 Warren Street (Continued from March 20, 2025)** – Stephanie Cox and Joshua A. Shaller applied for a Variance to allow the divestment of a five-foot strip of land to the abutting property at 73 Pleasant Street. This divestment would make 282 Warren Street, currently a conforming lot, into a non-conforming lot with a build factor of 26.69 where a build factor of 20 or less is required under Sections 4.2.5 of the By-Law. The property is located in the Single-Residence B (SRB) District.

7:30 PM* **339 Chestnut Street** - Needham Enterprises, LLC, Owner, applied for a Comprehensive Permit under MGL Chapter 40B, Sections 20 through 23, and 760 CMR 56.00, to allow the development of six rental units consisting of one one-bedroom units and five two-bedroom units with 8 parking spaces. Two units will be affordable. The project involves the demolition of the existing two-story building and the redevelopment of the site. The property is located in the Chestnut Street Business (CSB) zoning district.

**Prior cases may delay the precise start time.*

Next ZBA Meeting – May 15, 2025

**NEEDHAM
ZONING BOARD OF APPEALS
MINUTES
THURSDAY, March 20, 2025 - 7:30PM**

Charles River Room Public Services Administration Bldg. 500 Highland Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 820-9352-8479
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Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA 02492 on Thursday, March 20, 2025 at 7:30 p.m.

BOARD MEMBERS PRESENT: Jonathan Tamkin, Chair; Howard Goldman, Vice-Chair; Nikolaos Ligris, Member; Valentina Elzon, Associate Member

BOARD MEMBERS ABSENT: Peter Friedenberg, Associate Member

STAFF PRESENT: Daphne M. Collins, Zoning Specialist

ATTENDANCE: See attached Sign-In Form

Jonathan Tamkin, Chair announced at 7:30 p.m. that the opening of the meeting would be delayed until about 8:00 p.m. so that there would be a quorum. Howard Goldman, Nikolaos Ligris and Valentina Elzon arrived and Mr. Tamkin opened the meeting at 8:00PM.

1. MINUTES OF FEBRUARY 27, 2025

Mr. Goldman moved to approve the minutes of January 29, 2025. Mr. Ligris seconded the motion. The motion was unanimously approved.

2. 0 COLGATE ROAD

APPEAL OF A BUILDING INSPECTOR DECISION

CONTINUED TO APRIL 17, 2025

The Applicant requested a Continuance to April 17, 2025. Staff was instructed to inform the Applicant that this would be the last Continuance and if another Continuance was needed that the Applicant should request a Withdrawal and to reapply if they wish to proceed. Any

additional materials are due by April 8, 2025. Mr. Goldman moved to continue the Public Hearing to April 17, 2025 at 7:30pm. Mr. Ligris seconded the motion. The motion was unanimously approved.

3. 282 WARREN STREET

VARIANCE

CONTINUED TO APRIL 17, 2025

The Applicant requested a Continuance to April 17, 2025. Additional materials are due by April 8, 2025. Mr. Goldman moved to continue the Public Hearing to April 17, 2025 at 7:30pm. Mr. Ligris seconded the motion. The motion was unanimously approved.

4. 76 FAIR OAKS PARK

SPECIAL PERMIT

APPROVED

Mr. Ligris moved to grant a Special Permit pursuant to Section 1.4.6 – Alteration of the By-Law to allow the total length of the left side wall on the second floor be extended from 43'1" to 55'3/4" as presented in the plans submitted. Ms. Goldman second the motion. The motion was unanimously approved. A written decision will be prepared.

The meeting adjourned at 8:30 p.m.

A summary of the discussions on each subject, a list of the documents and other exhibits used at the meeting, the decisions made, and the actions taken at each meeting, including a record of all votes, are set forth in a detailed decision signed by the members voting on the subject and filed with the Town Clerk. Copies of the Decisions are filed at the Board website linked here:

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

or by contacting Daphne Collins, Zoning Specialist, dcollins@needhamma.gov or 781-455-7550, ext. 72261.

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



ZBA Application For Hearing

RECEIVED TOWN CLERK
NEEDHAM, MA 02452

2024 DEC 30 PM 12:47

2024 DEC 30 PM 12:47

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	Patricia M. Connolly	Date:	12/30/24
Applicant Address	44 Colgate Road Needham, MA 02492		
Phone	617-921-1950	email	splitrockcd@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	Michael B. Cabral, Esq Gelerman and Cabral LLC		
Address	30 Walpole Street, Norwood, MA 02062		
Phone	781-769-6900	email	mcabral@gelermancabral.com
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____			
Contact ☐ Me ☒ Representative in connection with this application.			

Subject Property Information

Property Address	0 Colgate Road		
Map/Parcel Number	1990570002200000	Zone of Property	Single Family Residence 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 (select one): ☐ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☒ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Please see addendum attached.

Statement of Relief Sought:

Please see addendum attached.

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

Table of Regulation 4.2.3

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

	Existing Conditions	Proposed Conditions
Use	Vacant	Single Family Residential
# Dwelling Units	N/A	1
Lot Area (square feet)	10,063 sq.ft.	10,063 sq.ft.
Front Setback (feet)	N/A	TBD
Rear Setback (feet)	N/A	TBD
Left Setback (feet)	N/A	TBD
Right Setback (feet)	N/A	TBD
Frontage (feet)	95 feet	95 feet
Lot Coverage (%)	N/A	TBD
FAR (Floor area divided by the lot area)	N/A	TBD
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



ZBA Application For Hearing

Date Structure Constructed including additions:

Vacant Land

Date Lot was created:

prior to 1954

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 December 2, 2024
date of consult

Date: 12/30/24 Applicant Signature /s/ Michael B. Cabral, Esq.

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

Addendum to Application 0 Colgate Road

Existing Conditions:

0 Colgate Road is shown as Lot 14 (“Lot 14”) on Plan 1271 of 1954 (Plan Book 190), recorded with the Norfolk County Registry of Deeds (the “Registry”) as an approved subdivision of the Town of Needham (“1954 Subdivision Plan”). A current topographic plan showing Lot 14 is attached as **Exhibit A**. The 1954 Subdivision Plan is attached as **Exhibit B**. Lot 14 is a vacant lot located in the Single Residence B District. It has 95 feet of frontage on a private paved way which satisfies the minimum frontage of 80 feet for parcels in Single Residence B per Section 4.2.1 of the Needham Zoning Bylaws. See **Exhibit A**. Lot 14 contains 10,063 square feet and thus also satisfies the minimum lot size requirement of 10,000 square feet for the District. As a result, Lot 14 satisfies all the minimum thresholds for construction of a single-family detached dwelling.

Statement of Relief Sought and Pertinent Bylaw Definitions:

By request dated December 2, 2024, the Applicant requested a formal determination from the Building Commissioner relative to the buildability of Lot 14. In response to the Applicant’s request, the Building Inspector refused to issue a building permit because “Lot 14 appears to ‘front’ on private property and therefore does not have adequate frontage along a public or private way as defined in the Needham Zoning Bylaw.” See copy of the Building Inspector’s determination attached as **Exhibit B**.

Pursuant to the Needham Zoning By-Law, the terms “frontage” and “street or way” are defined as follows:

Frontage - a continuous portion of a sideline of a way, public or private, between the sidelines of a lot in common ownership and in the case of a corner lot, between a sideline of such lot and the intersection of sidelines of ways or the midpoint of the curve connecting such sidelines. No lot shall be required to have frontage on more than one way. No lot shall be deemed to have frontage unless there exists safe and convenient vehicular access from said lot to a street or way.”

Street or Way – any public way or any private way shown on a plan approved under the provisions of the Subdivision Control Law or in existence when the provisions of said Subdivision Control Law became effective in the Town of Needham, having in the opinion of the Planning Board suitable width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation

to the proposed use of land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

1954 Subdivision Plan:

The Applicant, in preparation for her request and inquiry to the Building Inspector, ordered a title examination of Lot 14, the surrounding ways, and 66 Colgate Road. The title examination was prepared by Quirk Associates LLC, and a copy is attached as **Exhibit C**.

Lot 14 is shown on Plan 1271 of 1954 (Pl. Bk. 190) recorded at the Registry as a 10,000 sq.ft. ± lot fronting on a way known at that time as Old Cart Road (n/k/a Colgate Road), i.e., the 1954 Subdivision Plan. See **Exhibit A** and **Exhibit C, at p. 46**. The Plan demonstrates that, as far back as 1954, Lot 14 was recognized as a separate buildable lot with adequate frontage along a way. Paper streets, such as Old Cart Road, are ways “shown on a recorded plan but never built on the ground.” *Shapiro v. Burton*, 23 Mass.App.Ct. 327, 328 (1987). Elimination of a paper street may only be accomplished by recordable releases from all property owners having rights in the way, *Anderson v. Devries*, 326 Mass. 127, 132 (1950), or by a court judgment. Here, Old Cart Road was a paper street pursuant to the 1954 Subdivision Plan.

It is important to note that today, Colgate Road is no longer a paper street, including the private way portion abutting Lot 14, it having been improved no later than construction of a dwelling at 66 Colgate Road in 1984. Today, the entire length of the way from Oak Hill Road past 0 Colgate Road and to 66 Colgate Road is paved. Even if the way (being Old Cart Road n/k/a as Lot A2) was never constructed, the Applicant has a continued right to use Old Cart Road (n/k/a Lot A2) as a way because Lot 14’s access has not been extinguished, on record or otherwise.

Based on the 1954 Subdivision Plan alone, it is clear that the Applicant has proper frontage on a way within the meaning of the Bylaw, and therefore meets all the requirement for buildability.

1974 Subdivision Plan and Covenant:

The rights of Lot 14 in the way were reaffirmed in years subsequent to the 1954 Subdivision Plan. Further research finds that, in connection with a certain recorded Covenant, described further below, a subdivision plan of land entitled “Definite Plan of the Subdivision of Land in the Town of Needham, situated off Oak Hill Road,” dated July 11, 1974, was submitted by Dawson Development Corporation, approved by the Planning Board, and subsequently recorded at the Registry as No. 144 in 1975 in Pl. Bk. 248 (the “1974 Subdivision Plan”). A copy of the 1974 Subdivision Plan is attached as **Exhibit C, at p. 20**. The 1974 Subdivision Plan was submitted and approve in connection with the subdivision of Lot 15 into three separate

lots, and shows Lot 14 and what was previously known as Old Cart Road as Colgate Road¹ and Lot A2. At the time this plan was prepared, Lot A2 was owned by Robert C. Dawson and Beatrice J. Dawson (the “Dawsons”).

On March 7, 1975, the Dawsons, still owners of Lot A2, Dawson Development Corporation, and the Town, in connection with a subdivision application and approval by the Town, executed a certain Covenant, recorded in Book 5116, Page 174 on March 27, 1975 at the Registry (the “Covenant”). The Covenant, along with the signed 1974 Subdivision Plan, serves as the Planning Board’s approval of the subdivision application. A copy of the Covenant is attached as **Exhibit C, at p. 14**. In pertinent part, the Covenant states as follows:

II. This Covenant shall run with the land and shall be binding upon the executor, administrators, heirs, assigns to the respective owners and developer, and their successors in title to the premises shown on said plan.

III (B). Lot A2, 18,427 square feet, bounded and described as shown on the aforementioned Definitive Plan, shall not constitute a separate building lot and ***shall remain free of any other improvements which would be inconsistent with said lot serving as an access to Greendale Avenue primarily for the benefit of the portion of lot A1 abutting lot A2 and any other properties abutting lot A2 as their respective interest may appear in providing for the public convenience and necessity when the need arises.*** In consideration of the developer agreeing to the condition stated herein, the Planning Board will waive the requirements for the construction of a permanent turnaround as described in Section 3.3.5 of the “Subdivision Regulations and Procedural Rules of the Planning Board” and will allow the developer to construct a temporary back-up strip as outlined in condition III,C. of this covenant

(Emphasis supplied.)

Pursuant to the Covenant, which binding upon Dawson, and their successors, and the Town, there is a clear and definite agreement between the parties that Lot A2 shall serve as a way primarily for the benefit of any properties abutting lot A2, a condition required to waive Planning Board rules regarding subdivision road construction, i.e., the requirement for a permanent turnaround. The Applicant, as owner of Lot 14 – which abuts Lot A2 – is an express

¹ By Order of Taking for Town Way dated June 8, 1976 (“Order of Taking”) a portion of Oak Hill Road was accepted as a town way. See **Exhibit C, at p. 29**.

intended beneficiary of the Covenant.² The Applicant, or her predecessors, did not release or otherwise waive the benefits expressly promised by the Covenant, and there are no releases of record of the Covenant by any other party. Therefore, pursuant to the Covenant, the Applicant presently has frontage along a way, Lot A2, within the meaning of the Bylaw.

1975 Grant of Easement and Public Taking:

By Grant of Easement dated January 23, 1975 and recorded at the Registry on September 22, 1975 in Book 5163, Page 530, Robert C. Dawson, as owner of Lot A2, granted a 30 foot temporary backup easement extending from Colgate Road to the Inhabitants of the Town of Needham. See **Exhibit C, at p. 27**. This temporary grant of easement was permitted by the Town because, pursuant to the Covenant, the abutters of Lot A2 were given access over Lot A2. Colgate Road was soon thereafter taken as public way by the Town. Pursuant to the Order of Taking in 1976 – because this easement onto Lot A2 was included in the Acceptance Plan referenced therein, see **Exhibit C, at p. 33** – the easement was including in the taking and thereby made permanent. See **Exhibit C, at p. 29**. This public easement extending from Colgate Road onto Lot A2 directly abuts Lot 14 by a width of 30 feet. See **Exhibit C, at p. 33**.

Further Title History:

By deed dated December 5, 1984, Lot A2 was granted to Jerome Derenzo. See **Exhibit C, at p. 35**. Thereafter, Lot A2 was granted to Ellen Lynn Hurvitz by deed dated November 6, 1984. See **Exhibit C, at p. 38**. By deed dated February 4, 1988, Lot A2 was granted to Ellen Lynn Hurvitz and Barry David Stasnick. See **Exhibit C, at p. 41**. None of the aforementioned deeds contain reference to the Covenant. The Covenant therefore remains in effect.

Notably, a driveway from the Applicant's property (Lot 14) to Lot A2 could likely be constructed so that the only portion of Lot A2 used by the occupants of Lot 14 would be the 30-foot public easement portion leading directly to Colgate Road, a public way.

Given the above title and subdivision approval history, Lot 14 clearly has rights along a private way, over a public way/easement, and along Colgate Road, which meet the Zoning Bylaw's definition of "frontage." Such rights first arose prior to the existence of Colgate Road via Old Cart Way by way of the 1954 Subdivision Plan, and were later reaffirmed by way of the 1974 Subdivision Plan, recorded in 1975, which continues to show Lot 14 fronting on a way. Lot 14's rights in a way are also further confirmed under the Covenant.

² Pursuant to § 302 of the Restatement (Second) of Contracts (1981): "(1) Unless otherwise agreed between promisor and promisee, a beneficiary of a promise is an intended beneficiary if recognition of a right to performance in the beneficiary is appropriate to effectuate the intention of the parties and either (a) the performance of the promise will satisfy an obligation of the promisee to pay money to the beneficiary; or (b) the circumstances indicate that the promisee intends to give the beneficiary the benefit of the promised performance. (2) An incidental beneficiary is a beneficiary who is not an intended beneficiary."

Without this access, Lot 14 would be unfairly landlocked in contravention of Massachusetts law involving subdivision ways, paper streets, Planning Board Covenants, and use of public easements; and further in contravention of public safety which undergirds the reason for the conditions placed on the Town's subdivision approvals. Any alternative finding would leave Lot 14 as landlocked and unbuildable. While it appears from the recorded documents that the initial intent was to extend Colgate Road all the way to Greendale Avenue, the Applicant here is willing to only seek access to Colgate Road from Lot A2 by way of the existing public easement, which is already paved and abutting Lot 14, and not Greendale Avenue.

Applicant's Ownership in a Portion of Lot A2 Pursuant to Derelict Fee Statute:

Though the Applicant does not require ownership in the pertinent way to establish frontage within the meaning of the Zoning Bylaw, to the extent that ownership of Lot A2 arises as an issue in the ZBA's consideration of the application, the Applicant owns to the centerline of the way per Massachusetts General Laws Chapter 183, Section 58 (the "Derelict Fee Statute"). "The statute establishes an authoritative rule of construction that 'every deed of real estate abutting a way includes the fee interest of the grantor in the way.'" *Conway v. Caragliano*. 102 Mass. App. Ct. 773 (2023), citing *Tattav*.

Moreover, in *Carmel v. Baillargeon*, 21 Mass. App. Ct. 426 (1986), the court recognized that abutters of a private way are entitled to use it for all purposes for which a public way may be used, reinforcing the rights of abutting landowners to utilize the private way. Here, Lot 14 was conveyed by deed from William H. Carter to Jennie Little in 1954. See **Exhibit C, at p. 48**. The deed references the 1954 Subdivision Plan. In fact, it was William H. Carter who was responsible for the creation of the 1954 Subdivision Plan which was approved by the Planning Board, which shows Lot 14 abutting Old Cart Road. The deed also describes the frontage of Lot 14 as 95 feet of land still owned by Carter. Notably, in the deed conveying Lot 14, Carter makes no explicit reservation of rights in the way nor does he prohibit or exclude rights in the way. Thus, in accordance with G.L. c.183, §58 and decades of supporting case law, Lot 14 not only fronts along the way, but also was conveyed with ownership rights in a portion of the way.

Conclusion:

Based on the foregoing, the Applicant requests that the Board reverse the determination of the Building Inspector and confirm the buildability of Lot 14 as a single-family detached dwelling as it satisfies the Town requirements for both frontage along a way and lot area.

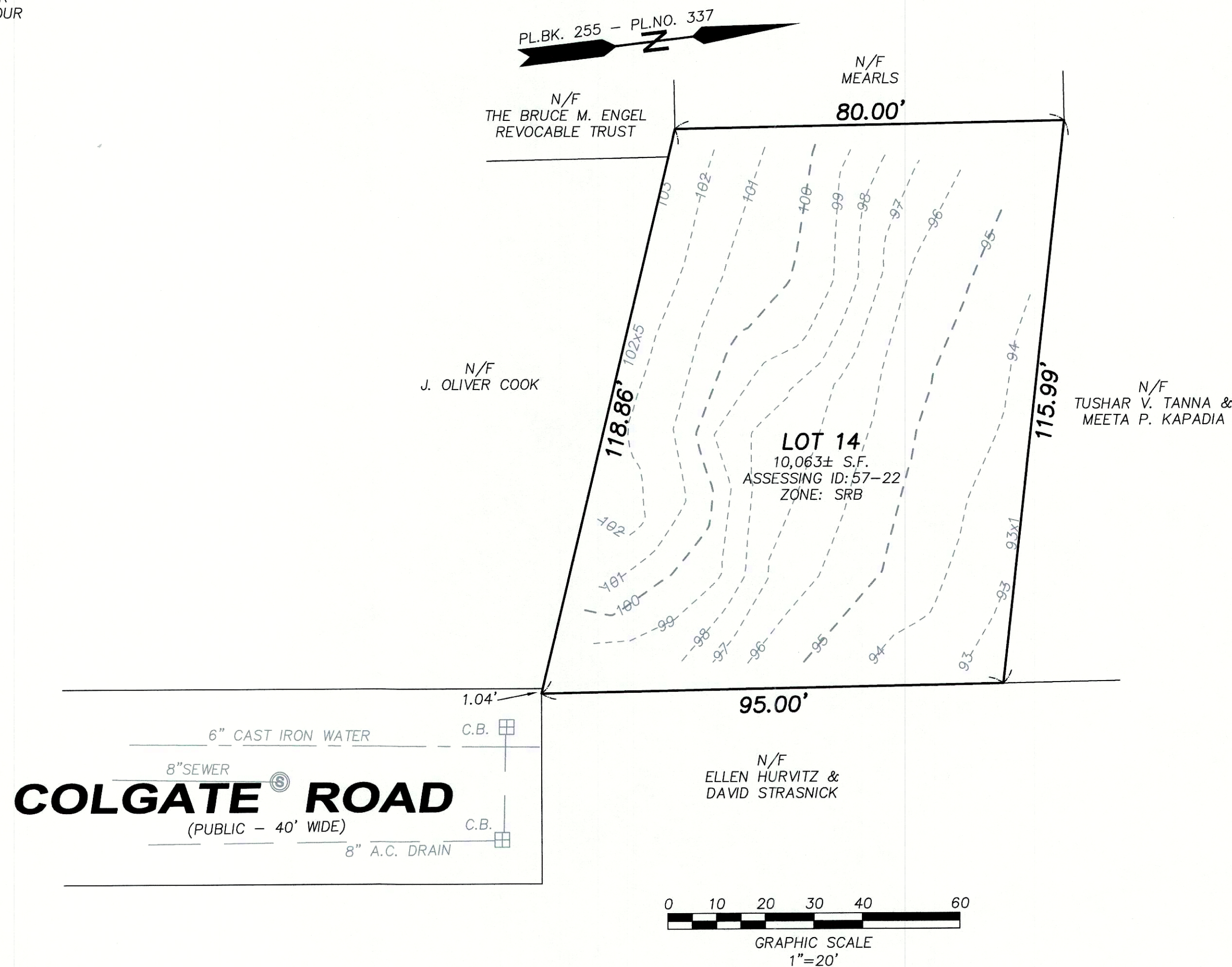
EXHIBIT A

LEGEND

BIT.	BITUMINOUS
ETW	EDGE OF TRAVELED WAY
F.F.	FINISHED FLOOR
GG	GAS GATE
INV.	INVERT
PP	POWER POLE
SMH	SEWER MANHOLE
GAR.	GARAGE
TH	THRESHOLD
T.O.C.	TOP OF CONCRETE
-100-	EXISTING CONTOUR
-100-	PROPOSED CONTOUR

NOTES:

- SUBJECT TO ANY STATEMENT OF FACT AN UP-TO -DATE ABSTRACT OF TITLE WOULD DISCLOSE.
- SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.
- UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES, IF ANY, HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM A FIELD SURVEY AND RECORD LOCATIONS, THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN, SIZE, TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION. CALL TOLL FREE, DIG SAFE CALL CENTER AT 1-888-3444-7233 SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION.

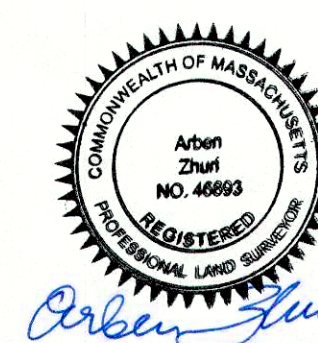


OWNER INFORMATION:
PATRICIA M. CONNOLLY
BOOK 5305, PAGE 675

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL
KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN IS
BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD.

TOPOGRAPHIC PLAN
#0 COLGATE ROAD
NEEDHAM, MASSACHUSETTS
NORFOLK COUNTY
AS PREPARED FOR
SPLIT ROCK CONSTRUCTION LLC

 **CHENEY
ENGINEERING, LLC**
53 MELLE STREET
NEEDHAM, MA 02494
TEL. 508-785-2100
office@cheney-eng.com



DATE: 9/06/2024

PROJECT # 5338

REV.

EXHIBIT B

OF ENOCEPTAL

PAUL

REVERE

R.D.

5

FALCON

OAK HILL

RD.

EDWARD E. RICK
P.K.

GREENDALE

AVE.

John A. Bernard
and Gertrude F. Bernard

Clara 1000
H. Douglas
Let

Lot 4.

1075/1. 27.11.1957

Lot 15.
31460. Sq. Ft. ±

Box 14.

Verde S. Wagner.

Norfolk Registry of Deeds
Dedham, Mass.
Received Sept 27 1952 with Deed
William H. Carter to
Amelia Cimino
Filed as No. 1271 1952 Pl. Bk. 190
Attach (Signature) Register

Filed as No. 1271-1954 Pl. Bk. 190

Compiled Plan of Land owned now
or formerly by William H. Carter,
Block W. Carleeta Park.

LAND IN NEEDHAM, MASS.

Scale: 1 in. = 40. ft. Frank L. Cheney,
April 1952. Civil Engineer
Revised May 7, 1952.

Note: This plan compiled from all known available data and subject to an accurate survey.

Edward A. Bower
Eugene M. Hill
Spring H. Owens
Robert L. Woodling

EXHIBIT C

----- Forwarded Message -----

From: Joseph Prondak <jprondak@needhamma.gov>

To: sallen . <sallen@gelermancabral.com>

Sent: Tuesday, December 3, 2024 at 08:15:15 AM EST

Subject: RE: 0 Colgate Road - Request for Determination of Buildability

Hello Attorney Allen,

This email confirms your clients' right to appeal my decision on Lot 14/0 Colgate Rd., as provided for in MGL Ch. 40A, Sections 8 & 15.

Sincerely,

Joe Prondak

Needham Building Commissioner

781-455-7550 x308

From: sallen . <sallen@gelermancabral.com>

Sent: Monday, December 2, 2024 5:12 PM

To: Joseph Prondak <jprondak@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>; Daphne Collins <dcollins@needhamma.gov>; Jeffery D. Ugino <jugino@gelermancabral.com>; Michael Cabral <mcabral@gelermancabral.com>

Subject: Re: 0 Colgate Road - Request for Determination of Buildability

Thank you, Joe,

Can you please confirm our client has the right appeal this denial to the Needham Zoning Board of Appeals per G.L. c. 40A, ss. 8 & 15?

Thank you

Steve Allen

Stephen T. Allen, Esq.

Gelerman and Cabral, LLC

30 Walpole Street

Norwood, MA 02062

P: (781) 769-6900

F: (781) 769-6989

sallen@gelermancabral.com

www.GelermanCabral.com

On Monday, December 2, 2024 at 01:36:54 PM EST, Joseph Prondak <jprondak@needhamma.gov> wrote:

Dear Attorney Allen,

This email will serve to confirm my refusal to issue a building permit for lot 14 as requested, based on the information submitted by you and for the following corresponding reasons.

1. The 1975 sub-division dealt only with the dividing of then lot #15 into 3 separate lots, to be numbered 15A, 15B and 15C.
2. The proposed extension of Colgate Rd. ends at the dividing sideline between lots 14 and 15C.
3. Lots 12, 13 and 14 were existing lots, bordering on then lot A2.
4. The inset utility plan only addresses lots 15A, B and C.
5. The 1954 plan shows the existing lot 15 prior to the 1975 sub-division.
6. The current plan by Cheney Engineering now shows the parcel formerly shown as Lot A2 on the 1975 plan, as being contiguous to lot 12.
7. This (Cheney) plan references a plan of 1984 which combined lot A2 with lot 12.
8. A copy of the 1984 plan has not been provided.

Based on the above, Lot 14 appears to “front” on private property and therefore does not have adequate frontage along a public or private way as defined in the Needham Zoning Bylaw.

Further, this office will not make any determinations of the appropriateness or legality of prior land transactions or decisions of Planning or Zoning Boards.

I will be happy to review and consider any additional documentation you provide that may further your clients' intentions.

Sincerely,

Joe Prondak

Needham Building Commissioner

781-455-7550 x308

From: sallen . <sallen@gelermancabral.com>
Sent: Monday, December 2, 2024 9:08 AM
To: Joseph Prondak <jprondak@needhamma.gov>
Cc: Michael Cabral <mcabral@gelermancabral.com>; Jeffery D. Ugino <jugino@gelermancabral.com>
Subject: 0 Colgate Road - Request for Determination of Buildability

Dear Building Commissioner Prondak,

On behalf of our clients Patricia Connolly, Brian Connolly and Joe Morrell, we are hereby requesting a formal determination from you, as Building Commissioner for the Town of Needham, on the buildability of 0 Colgate Road.

0 Colgate Road is shown as Lot 14 on Plan 1271 of 1954 (Plan Book 190), recorded with the Norfolk County Registry of Deeds. It is also shown on Subdivision Plan 144 of 1975. Lot 14 has 95 feet of frontage on a private way (Lot A2, shown on Plan 144 of 1975), which satisfies the minimum frontage of 80 feet for parcels in Single Residence B per Section 4.2.1 of the Needham Zoning Bylaws. 0 Colgate Road also satisfies the minimum lot size of 10,000 sf per the Needham Zoning Bylaws. As a result, 0 Colgate Road satisfies all the minimum thresholds required to apply for and be granted a permit to construct a residential dwelling.

Should you disagree with this, we hereby request a formal denial letter, including the necessary language for our client to validly appeal your decision to the Needham Zoning Board of Appeals (“you may appeal this denial to the Needham Zoning Board of Appeals per G.L. c. 40A, ss. 8 & 15”), as well as the specific reason or reasons for denial.

Please let us know if you have any questions. Thank you for your time and consideration.

Sincerely,

Steve Allen

Stephen T. Allen, Esq.

Gelman and Cabral, LLC

30 Walpole Street

Norwood, MA 02062

P: (781) 769-6900

F: (781) 769-6989

sallen@gelermancabral.com

www.GelmanCabral.com

EXHIBIT D

Quirk Associates LLC
4 Dorothy Lane
Dedham, MA 02026
781-326-1202 * Fax: 781-326-0916
Email Address: Quirkassociates@gmail.com

Date: June 25, 2024
To: Stephen T. Allen, Esquire
From: Tim Quirk
Re: 0 & 66 Colgate Road, Needham

Steve,

We have researched the above properties with a focus on any easement or right of way that may exist for the benefit of 0 Colgate Road.

66 Colgate Road:

We ran title on this property from June 14, 1960 to date.

Matters affecting this property:

1. Covenant, 5116-174 (Sheet 14)
2. Rights reserved in deed, 5116-181 (Sheet 22)
3. Rights reserved in deed, 5116-182 (Sheet 23)
4. Grant of Temporary Easement, 5163-530 (Sheet 27)
5. Taking for the layout of Colgate Road, 5231-159 (Sheet 29)
6. Notice of Intention to Prevent Easement, 6661-179 (Sheet 40)
7. Any existing rights over Cart Road shown on plans, 3798-635 & PB 190 #1271 (Sheets 7-8)

0 Colgate Road:

We have run title on this property from September 10, 1954 to date.

Matters affecting this property:

1. Any existing rights over Cart Road, PB 190 #1271 (Sheet 46)

Please review Covenant 5116-174. Section III (B) would appear to allow access to Greendale Road for abutters of Lot A2, which would include 0 Colgate.

Please review the enclosed and let me know if you have any questions or need additional research.

Regards,


Tim Quirk

66 Colgate Road

Property Information

Property Location:66 COLGATE RD

Class:R-RESIDENTIAL

Use Code (LUC):101-SINGLE FAMILY RESIDENCE

District:MA199 - NEEDHAM

Deeded Acres:.6700

Square Feet:29,185

Owner

Owner	Co-Owner	City	Address	State	Zip Code	Deed Book/Page
HURVITZ, ELLEN LYNN &	STRASNICK, BARRY DAVID	NEEDHAM	66 COLGATE RD	MA	02492	7876/204

Sales

Sale Date (D/M/Y)	Book/Page	Sale Price	Grantee:	Grantor:	Cert Doc #
10-12-1984	7876-204	\$279,000	HURVITZ, ELLEN LYNN &	DERENZO	

Owner History

1 of 23

Tax Year2024

Owner:HURVITZ, ELLEN LYNN &

Co-Owner:STRASNICK, BARRY DAVID

Sale Care Of

State:MA

City:NEEDHAM

Address:66 COLGATE RD

Zip Code:02492

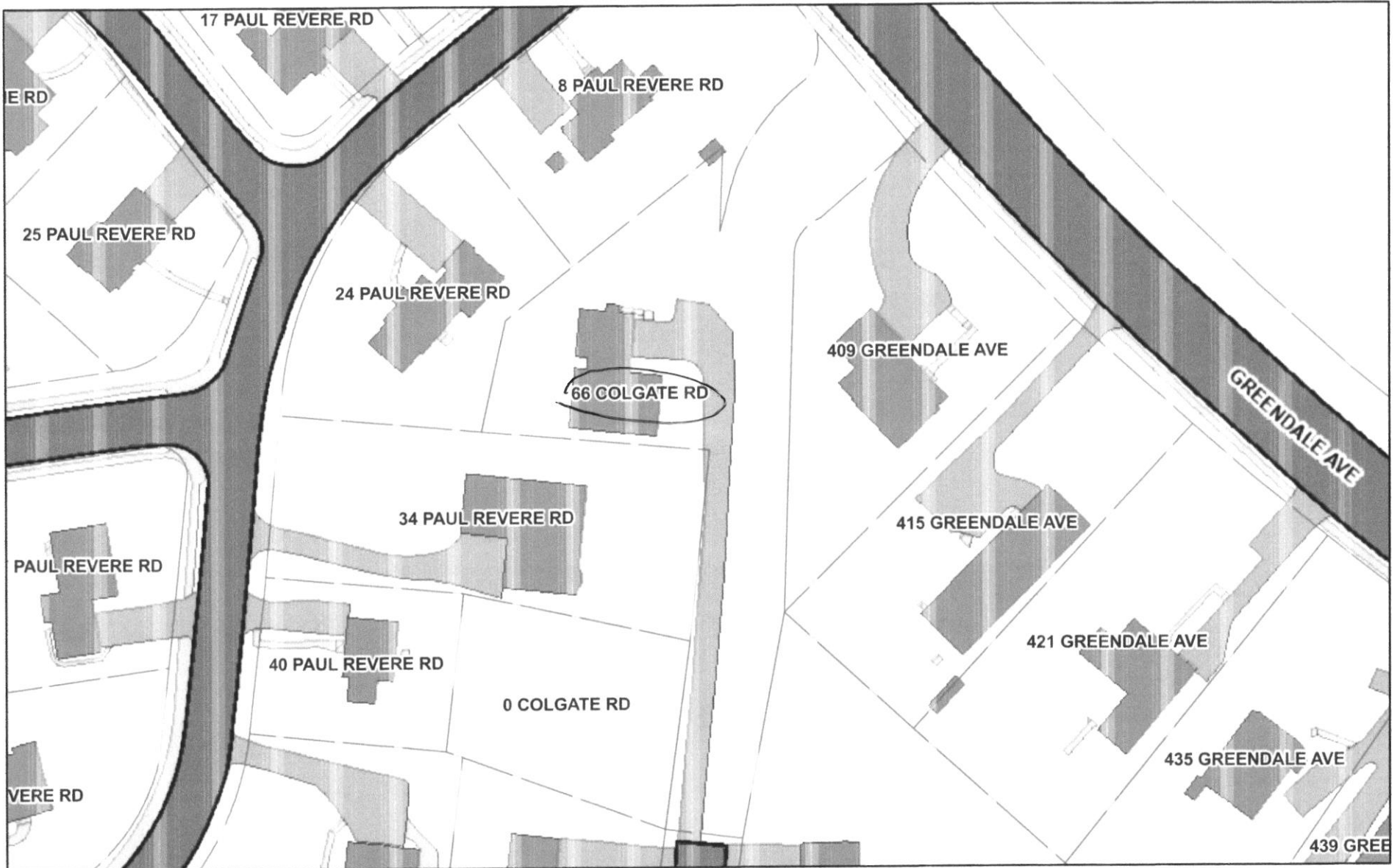
Deed Book/Page7876/204

Land

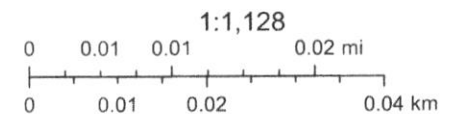
Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Market Value	Assessed Value
1	S-SQUARE FOOT	P-PRIMARY	101-SINGLE FAMILY RESIDENCE	10,000	.23	N						55		551,800
2	A-ACREAGE	R-RESIDUAL	101-SINGLE FAMILY RESIDENCE	19,036	.44	N						18,675		18,675
Total:														0 570,475

Printed on Thursday, June 20, 2024, at 1:13:30 PM EST

Town of Needham



6/20/2024, 2:07:14 PM



Filed as No. 1498 1984
Book 6561 Page 352
Attest: *[Signature]*
Register

I CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

PLAN OF LAND
IN
NEEDHAM—MASS

NOV. 4, 1984 SCALE 1" = 50'

GEORGE N. GIUNTA R.L.S.
76 NEHOIDEN ST.
NEEDHAM, MASS.

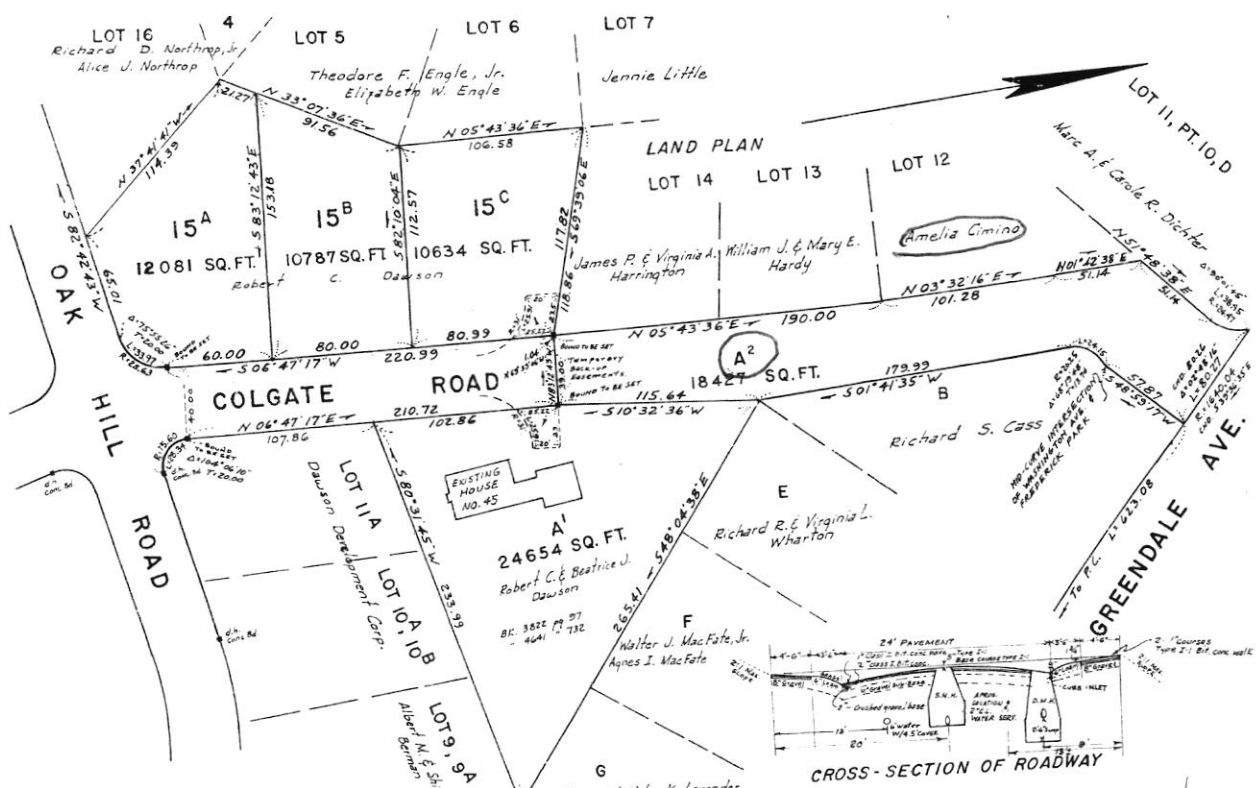
Note: See Plan by Frank L. Cheney dated April 1952 in Plan Book 170 Plan 1271 and plan by Roland W. Lin dated Nov 22, 1946 Book 2658 Page 60



66
College

5

PB 248
H 144

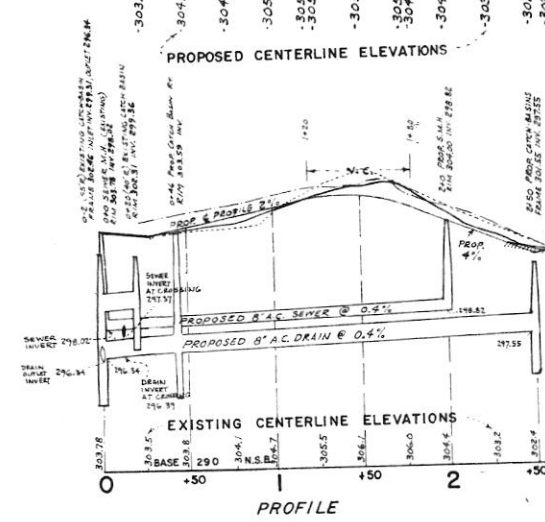
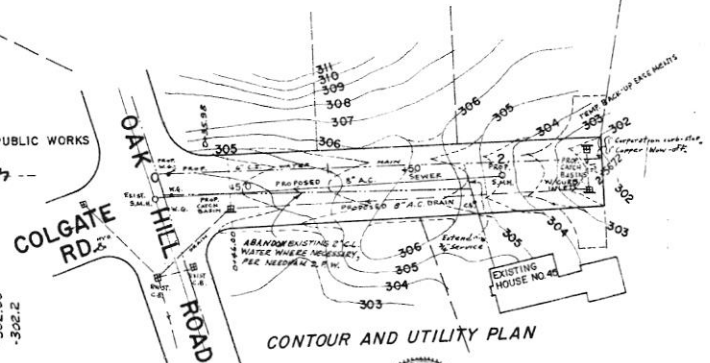


APPROVED IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41A OF THE GENERAL LAWS, AS AMENDED, 11/12/74 AND ENDORSED.

APPROVED 11/12/74 NEEDHAM PLANNING BOARD
 [Signature]
 [Signature]
 [Signature]

APPROVED JAN 30 1975 SUPT. OF PUBLIC WORKS
 [Signature]

APPROVED Jan 30 1975 TOWN ENGINEER
 [Signature]



Noted: [Signature]
 Received Mar 27 1975 with Cert.
 Dawson Development Corp. to
 Town of Needham
 Filed No. 148 1975 P. 248
 [Signature]

TOWN CLERK'S CERTIFICATE OF NO APPEAL
 I, TOWN CLERK of the Town of Needham, hereby certify that the notice of approval of this plan by the Needham 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.

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 PLANNING BOARD OF THE TOWN OF NEEDHAM. [Signature]

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM SITUATED OFF OAK HILL RD.	
DATE JULY 11, 1974	
OWNER	ROBERT C. AND BEATRICE J. DAWSON
DEVELOPER	DAWSON DEVELOPMENT CORPORATION
SURVEYOR	CHENEY ENGINEERING CO., INC. 317 CHESTNUT ST., NEEDHAM, MASS.
SHEET 1 OF 1 SHEETS	PRELIMINARY PLAN 3/26/74
HORIZONTAL SCALE 1" = 40'	DEFINITIVE PLAN
VERTICAL SCALE 1" = 4'	REVISIONS DATED

3798-635

NOT AN OFFICIAL COPY
Compiled Plan of Land in
NEEDHAM, MASS.
OFFICIAL COPY

Scale: 1 in. = 40 ft. Cheney Engineering Co.
Needham, Mass.

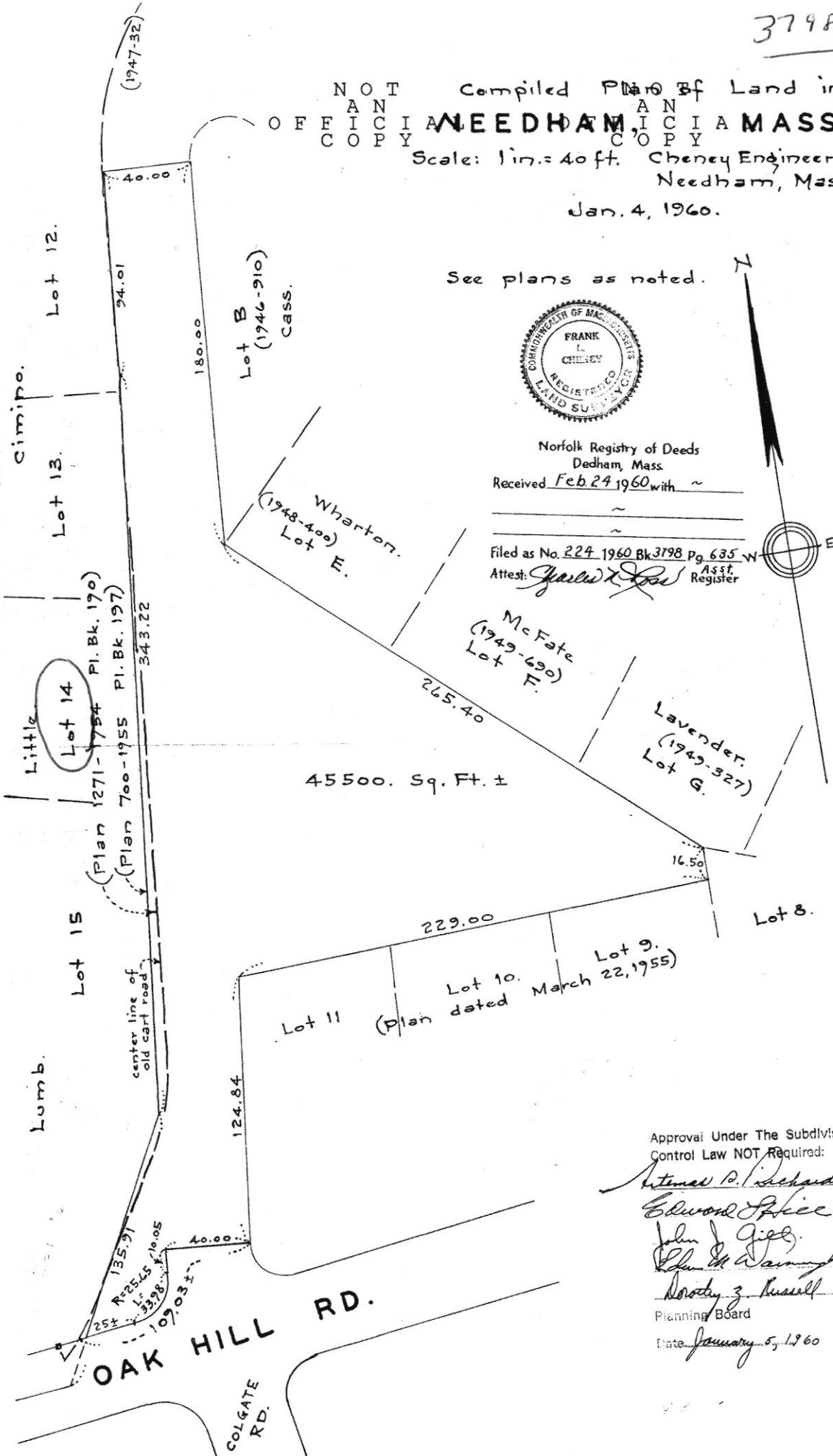
Jan. 4, 1960.

See plans as noted.



Norfolk Registry of Deeds
Dedham, Mass.
Received Feb. 24, 1960 with ~

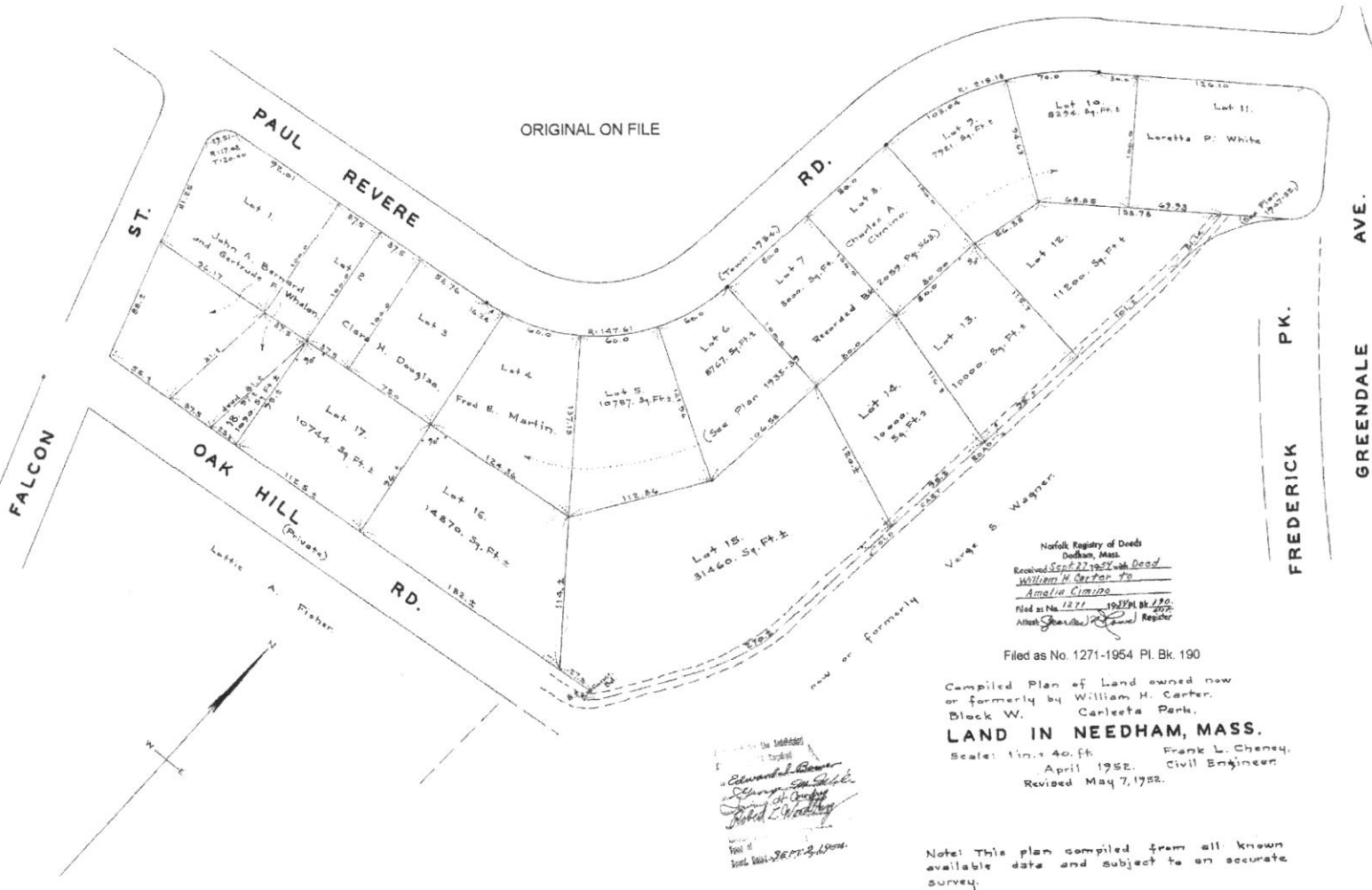
Filed as No. 224 1960 Bk 3798 Pg. 635
Attest: *Frank L. Cheney* Ass't. Register



Approval Under The Subdivision
Control Law NOT Required:

Antonia P. Richardson
Edward Price
John J. Giff
Edmund W. Wainwright
Norman J. Russell
Planning Board
Date: January 5, 1960

PB 190
1271



Norfolk Registry of Deeds
Needham, Mass.
Received Sept 27, 1952, with Deed
William H. Carter to
Amelia Cimino
Filed as No. 1271 - 1952, Pl. Bk. 190
Attest: [Signature] Register

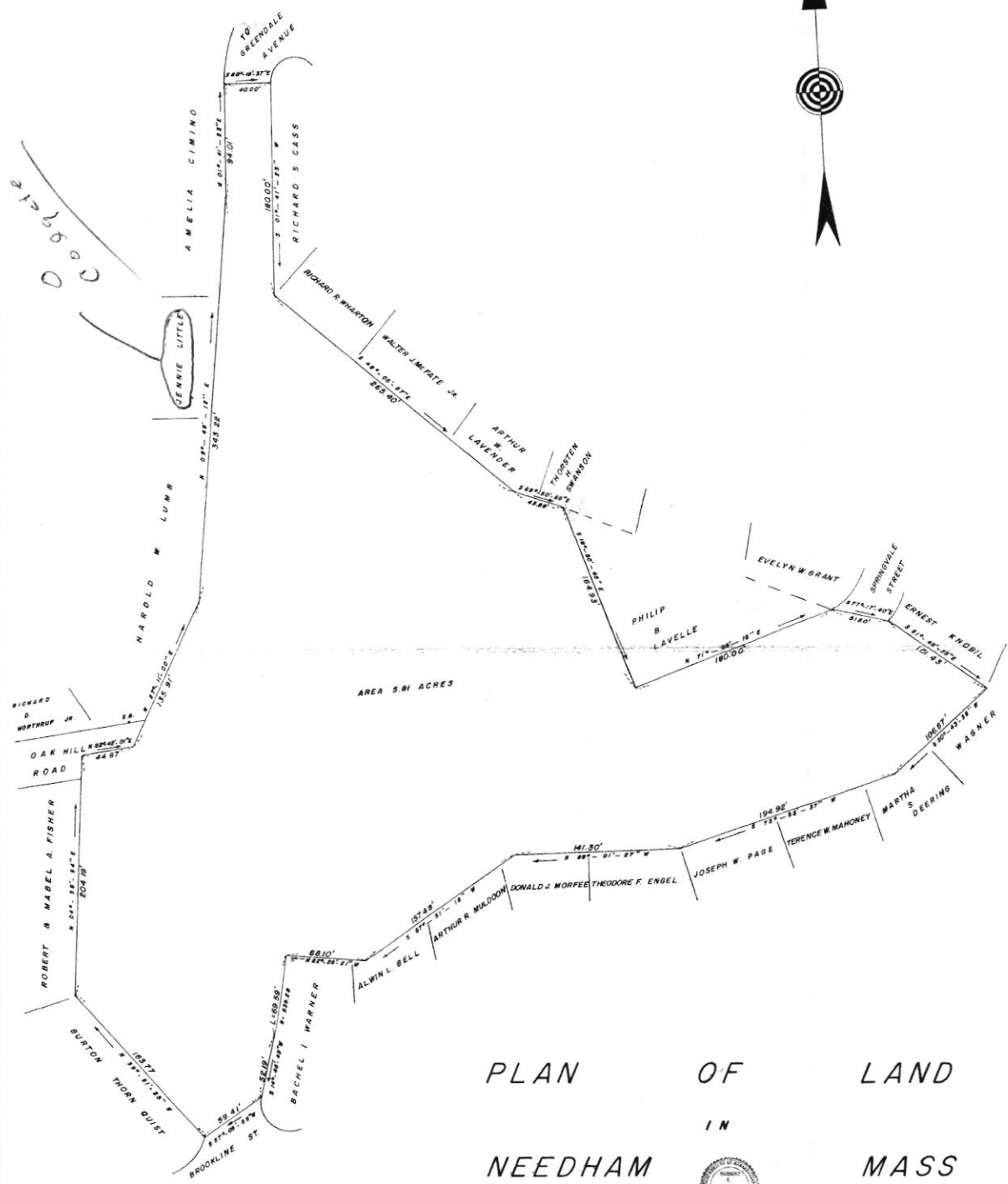
Filed as No. 1271-1954 Pl. Bk. 190

Compiled Plan of Land owned now
or formerly by William H. Carter.
Block W. Carlesta Park,
LAND IN NEEDHAM, MASS.

Scale: 1 in. = 40. ft. Frank L. Cheney,
April 1952. Civil Engineer
Revised May 7, 1952.

PB 197
#700

30,552



PLAN OF LAND
IN
NEEDHAM MASS



SCALE: 1" = 40'

FEBRUARY 28, 1955

SURVEY BY: MAC CARTHY ENGINEERING SERVICE INC.

NATICK, MASS.

APPROVAL UNDER THE SUB-DIVISION
CONTROL LAW NOT REQUIRED
NEEDHAM PLANNING BOARD

James M. Little
James P. B. Little
James P. B. Little

DATE: 1/10/55

Natick Registry of Deeds
Dorham, Mass.
Received June 3, 1955
Filed as Map 700 1955 Pl. Bk. 197
Attest: *James P. B. Little* Register

OFFICIAL

OFFICIAL



0.89 sec

SUB-DIVISION OF LAND

IN

NEEDHAM,



MASS.

SCALE: 1" = 40'

MARCH 22, 1933

SURVEY BY: MAC CARTHY ENGINEERING SERVICE INC.
NATICK, MASS.

APPROVED BY
TOWN ENGINEER

Frederick
DATE

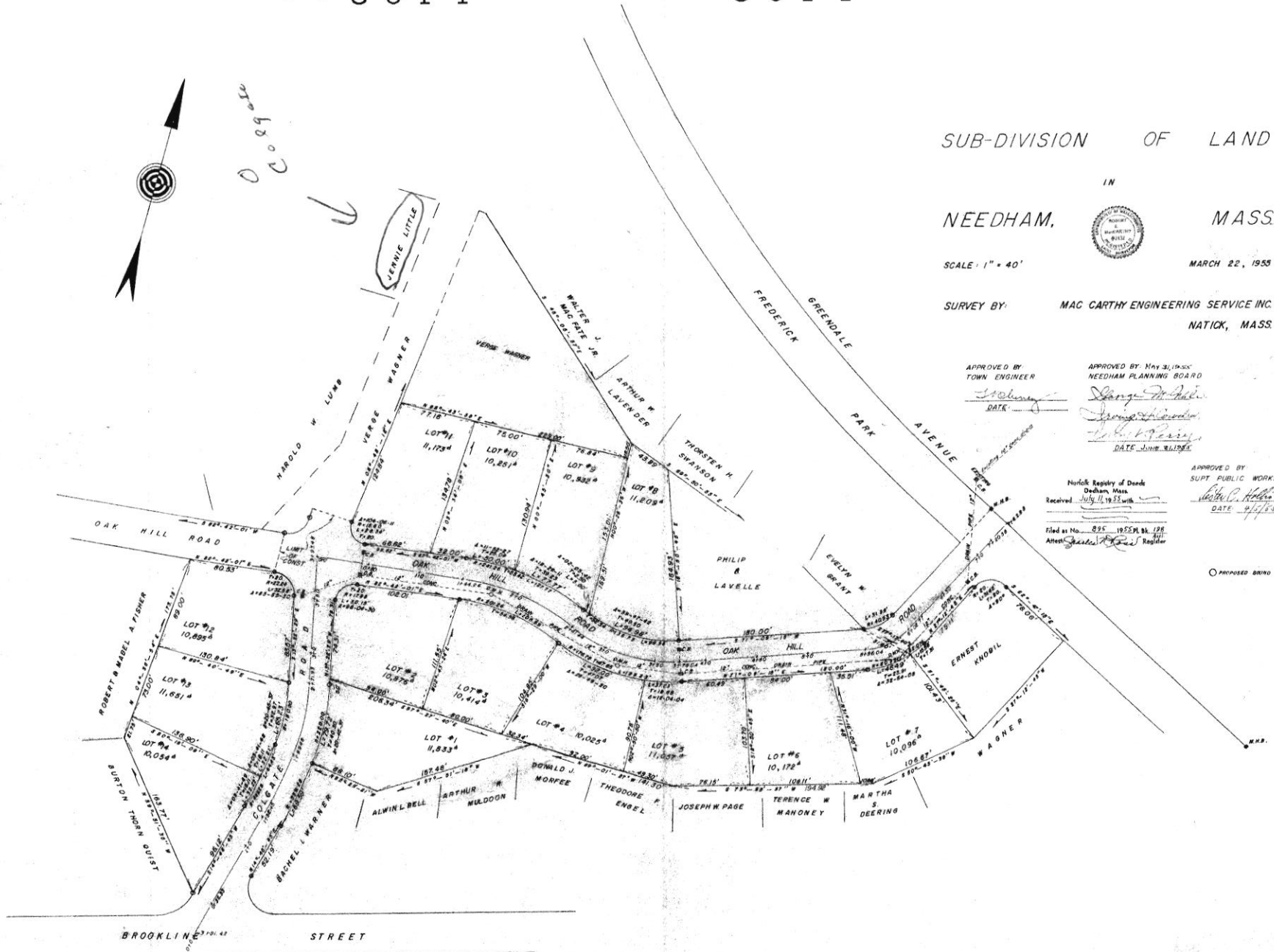
APPROVED BY: MAY 31, 1933
NEEDHAM PLANNING BOARD

George M. Hill
George M. Hill
DATE: JUNE 15, 1933

APPROVED BY
SUPT. PUBLIC WORKS

Norfolk Registry of Deeds
Dedham, Mass.
Received July 11, 1933 with
Filed as No. 895 1933 PL BK 128
Attest: *Sheldon R. Rice* Registrar

PROPOSED BRIND



We, VERGE S. WAGNER and HELEN C. WAGNER, husband and wife, the holders of a mortgage by ROBERT C. DAWSON and BEATRICE J. DAWSON, husband and wife, to VERGE S. WAGNER and HELEN C. WAGNER, husband and wife, dated June 3, 1955

recorded with

Book 3372

Page 596

Norfolk County

Registry of Deeds,

for consideration paid, release to ~~Robert C. Dawson and Beatrice J. Dawson~~ and all claiming by through or under them,

all interest acquired under said mortgage in the following described portions of the mortgaged premises

The lot marked "45500. Sq. Ft. +" on a plan entitled "Compiled Plan of Land in Needham, Mass., Scale: 1 in. = 40 ft., Cheney Engineering Co., Needham, Mass., Jan. 4, 1960," recorded with Norfolk County Registry of Deeds as Plan No. 224 of 1960, Book 3798, Page 635.

Witness our hand and seal this tenth day of June 1960

x *Verge S. Wagner*
x *Helen C. Wagner*

The Commonwealth of Massachusetts

Norfolk,

ss.

June 13, 1960

Then personally appeared the above named Verge S. Wagner and Helen C. Wagner and acknowledged the foregoing instrument to be their free act and deed, before me

Ernest R. Neigh
Notary Public

My commission expires

19

ERNEST R. NEIGH
NOTARY PUBLIC

My Commission Expires March 22, 1962

Recorded June 14, 1960 at 3h.06m.P.M.

DAWSON DEVELOPMENT CORPORATION, a corporation duly organized under the laws of the Commonwealth of Massachusetts, and having an usual place

of business at Needham,

Norfolk County, Massachusetts,

~~has heretofore~~ for consideration paid, grant to ROBERT C. DAWSON and BEATRICE J. DAWSON, husband and wife, as tenants by the entirety, both

of Needham, said Norfolk County

with quitclaim covenants

the land with buildings thereon situated in said Needham, bounded and described as follows:

(Description and encumbrances, if any)

SOUTHERLY, EASTERLY, and SOUTHERLY again, by Oak Hill Road, 109.03 feet, more or less;

EASTERLY by Lot 11 on a plan hereinafter mentioned, 124.84 feet;

SOUTHERLY by Lots 11, 10, and 9 on said plan, 229.00 feet;

EASTERLY by Lot 8 on said plan, 16.50 feet;

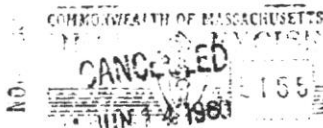
3822

98

NORTHEASTERLY by Lots E, F, and G on said plan, 265.40 feet;
 Easterly again, by Lot B on said plan, 180.00 feet;
 Northerly by unmarked land on said plan, 40.00 feet; and
 Westerly by Lots 12, 13, 14, and 15 on said plan, by three lines measuring 94.01 feet, 343.22 feet, and 135.91 feet, respectively.

CONTAINING 45,500 square feet of land, more or less, according to said plan.

Said premises are shown as a lot marked "45500. Sq. Ft. ±" on a plan entitled "Compiled Plan of Land in Needham, Mass., Scale: 1 in. = 40 ft., Cheney Engineering Co., Needham, Mass., Jan. 4, 1960," recorded with Norfolk County Registry of Deeds, as Plan No. 224 of 1960, Book 3798, Page 635.
 For title see deed from Robert C. Dawson et ux, dated June 15, 1959, and recorded with Norfolk County Registry of Deeds, Book 3740, Page 461.



The undersigned _____ husband, wife of said grantor

releases to the grantee all rights of tenancy by the entirety, dower and homestead and other interests in the granted premises.

Executed as a sealed instrument this _____ tenth day of June 19 60

See NO. 45 recorded:
 Norfolk Deeds,
 book 3686, Page 154

LAWSON DEVELOPMENT CORPORATION

By: *Robert C. Dawson*
 President-Treasurer



The Commonwealth of Massachusetts

Norfolk, ss. June 13, 19 60

Then personally appeared the above named Robert C. Dawson, President-
 Treasurer,

and acknowledged the foregoing instrument to be the free act and deed, ~~224 of 1960~~ of
 Dawson Development Corporation, before me,

Ernest R. Keith
 Notary Public

My Commission expires 19 61

ERNEST R. KEITH
 NOTARY PUBLIC
 My Commission Expires March 18, 1961

Recorded June 14, 1960 at 3h.06m.P.M.

12

Quirk Associates, LLC

4 Dorothy Lane

Dedham, MA 02026

(781) 326-1202 • FAX (781) 326-0916

pl 224 & 1960, 3798.635

A 2

	Robert C. Dawson		
	Bernice J. Dawson (Moynihan)		
	(6/13/60 - 10/10/84)		
1960	3822-97 (deed w)	(C)	
1968	4478-423 (Aq.+) pl 3.22.85	(NL)	
	App. 11-15-86		
	OAK HILL & Colgate		
1968	plan 4478-426, 9A, 10B	(NL)	
1975	5116-174 (Covenant) pl 248 & 144	(C)	
1975	5116 - 180 (deed) Dawson	(C)	
"	- 181 (deed)	(C)	
	A1		
"	- 182 (deed) Needham Bldg	(C)	
"	5163-530 (Grant) Town	(C)	
	A-2, 5163-528		
1976	5231-159 (TRG) Colgate Rd.	(C)	
	255 # 337		
1983	6241-496 (deed) DeRenzo	(C)	
	A 2		
1984	6559-486 (deed) DeRenzo	(C)	

COVENANT

UNDER PROVISIONS OF GENERAL LAWS, Chapter 41, Section 81-U:

WHEREAS, DAWSON DEVELOPMENT CORPORATION, A Massachusetts corporation duly organized and existing and having a usual place of business at 42 Falcon Street, Needham, Massachusetts, hereinafter referred to as the "Developer", has filed with the Planning Board of the Town of Needham, hereinafter referred to as the "Town", a certain subdivision plan of land in said Needham, the plan being entitled, "Definitive Plan of the Subdivision of Land in the Town of Needham, situated off Oak Hill Road," by Cheney Engineering Co., Inc. Needham, Mass., dated July 11, 1974, and

WHEREAS, said Robert C. Dawson, individually, is the owner of record of a certain portion of the premises shown on said plan, and Robert C. Dawson and Beatrice J. Dawson, husband and wife, as tenants by the entirety, are the owners of the premises shown on said plan, hereinafter referred to as the "owners".

NOW THEREFORE, said Robert C. Dawson and Beatrice J. Dawson, in their respective capacity as owners, for themselves and their successors and assigns likewise join the Developer and hereby covenant and agree with the said Town as follows:

I. The said Robert C. Dawson and Beatrice J. Dawson are the owners of record of the premises shown on said Definitive Plan.

II. This Covenant shall run with the land and shall be binding upon the executor, administrators, heirs, assigns to the respective owners and developer, and their successors in title to the premises shown on said plan.

III. In addition to the regular requirements relative to the grading and construction of streets and the installation of municipal services, said subdivision shall be subject to, and have the benefit of the following conditions:

A. All lots shall be graded so that there will be no standing water.

B. Lot A2, 18,427 square feet, bounded and described as shown on the aforementioned Definitive Plan, shall not constitute a separate building lot and shall remain free of any other improvements which would be inconsistent with said lot serving as an access to Greendale Avenue primarily for the

RED
309

benefit of that portion of lot A1 abutting lot A2 and any other properties abutting lot A2 as their respective interests may appear in providing for the public convenience and necessity when the need arises. In consideration of the developer agreeing to the condition stated herein, the Planning Board will waive the requirements for the construction of a permanent turnaround as described in Section 3.3.5 of the "Subdivision Regulations and Procedural Rules of the Planning Board" and will allow the developer to construct a temporary back-up strip as outlined in condition III.C. of this covenant.

C. The temporary back-up strip on Colgate Road as located on the Definitive Plan shall be constructed in accordance with the "Subdivision Regulations and Procedural Rules of the Planning Board" of the Town of Needham, as indicated in Appendix G, and shall also be constructed in accordance with the requirements of the Department of Public Works, Town of Needham.

IV. Except as hereinafter provided, until the following improvements and conditions have been completed or fulfilled in accordance with the specifications and requirements referred to or enumerated below, with respect to any lots in the subdivision which in the opinion of the Town are affected by such conditions and improvements, no such lot or lots shall be built upon or conveyed, except by a mortgage deed, nor shall building permits for such lot or lots be applied for or issued:

A. All streets, including walks, berms, curbing, street name signs, bounds, retaining walls, slopes and fences, and all utilities, including but not limited to storm drains, sanitary sewers, water mains and their appurtenances such as manholes, catch basins, curb inlets, gates, valves, hydrants, and headwalls, shall be constructed or installed at the expense of the Developer to the entire limits of the subdivision in strict compliance with the "Subdivision Regulations and Procedural Rules of the Planning Board of the Town of Needham, Massachusetts" as amended to October 21, 1969, including the "Standard Specifications for Highways" and the "Standard Cross-Section for Street Construction" referred to therein, as most recently revised, which Subdivision Regulations and Procedural Rules and Standard Specifications are specifically incorporated herein by reference, and to the satisfaction of

CRB
BAG

the Director of Public Works of the Town of Needham, including all maintenance and repairs necessary to maintain said streets and utilities in a condition satisfactory to the Town until all lots and all sureties, as provided in Section IV, above, have been released by the Town upon the completion of all terms and conditions of this covenant except as otherwise presented in said Definitive Plan.

B. Street construction work shall consist of:

Excavation and fill to the surface of the sub-grade fifteen (15) inches below the finished surface grade for the roadway and the necessary excavation and fill for sidewalks and berms within the total width of the street; application of ten (10) inch depth of gravel sub-base and a two (2) inch depth of crushed bank gravel base, the surface of which shall be treated with one (1) application of bitumen; application of bituminous concrete pavement Type I-1 to be constructed in two (2) courses to a total depth of three (3) inches after rolling, application of eight (8) inch depth of gravel sidewalks with bituminous concrete surface applied in two (2) one inch courses four and one-half (4½) feet wide as indicated in paragraph "K" below and including all driveway entrances; application of six (6) inch depth of loam and seeding for grass plots between the edge of the roadway and the walk or the sidelines of the street; granite or reinforced concrete curbing to be installed on all curves having a radius of sixty (60) feet or less, except for temporary turnarounds.

C. A contractor approved by the Superintendent of the Water Division shall be engaged by the Developer at their expense for the installation of the water mains in accordance with the requirements of and to the satisfaction of the Superintendent of said Water Division..

(1) A certified check covering the estimated cost of all materials to be furnished by the town, including all pipes, hydrants, gate valves, boxes, and fittings as required, shall be deposited with the Town of Needham.

(2) Upon the completion of such installation a

final estimate, including the cost of supervision, inspection, and labor furnished by the Town shall be given.

(3) This estimate shall also include the cost of all materials plus a 5% overhead charge on all materials furnished by the Town.

(4) The Developer shall pay the total cost less any amounts deposited before the water shall be turned into the new main.

D. Sanitary sewers shall be constructed by an approved contractor at the expense of the Developer as shown on approved plans and profiles, in accordance with the standard specifications of the Town of Needham; and to the satisfaction of the Superintendent of the Sewer Division.

(1) The Town shall have the right to extend said sewer, without cost to the Developer, beyond the limits of the sewer as shown on the development plans and profiles.

(2) The Developer shall pay to the Town a fee equal to seventy cents (70¢) per linear foot of sewer to be constructed, to pay for the cost of the engineering service, supervision, and inspection furnished by the Town.

E. Storm water drains shall be installed in accordance with the approved plan and profile to the satisfaction of the Public Works Department and all lots shall be graded in accordance with the proposed contours of land as shown on said definitive plan.

F. Granite or concrete bounds, at least four feet long, shall be set at all points in every street or other permanent marks acceptable to and approved by the Town Engineer shall be set within the subdivision. After installation of such bounds, the Developer shall submit, to the Town Engineer, a written certification by a registered land surveyor stating that the said bounds are located as shown on the subdivision plans recorded in the Norfolk Registry of Deeds or in the Land Court.

G. The Developer shall grant to the Town of Needham a perpetual right and easement to construct, repair, replace, extend, operate, use and forever maintain all streets, water mains, sewer mains and all surface and subsurface storm water drains in, through or under the streets and easements as indicated on definitive plans. The above shall not be construed to relieve the Developer and their successors in title to a portion of the land or a street in the subdivision, of responsibility to complete all construction, as required by the Developer's Agreements with the Town of Needham and to thereafter maintain all streets and municipal services and utilities in satisfactory condition until they are accepted by the Town. Such grant shall be executed and delivered to the Planning Board within a reasonable time, but, in any event, prior to the transfer or conveyance of any lot or interest therein. Notwithstanding the aforesaid grants to the Town, the Developer agrees for himself that as long as he remains the Developer of said premises he will keep all catch basin inlets and access thereto clear and free of all debris and/or other materials which might interfere with the proper operation of said drains, and thereafter the owners of said premises will keep catch basin inlets and access thereto clear and free of all debris and/or other materials which might interfere with the proper operation of said drains.

H. The estimated costs of construction and

RG

installations are as follows:

(1) Streets	\$ 4,845.00
(2) Sewer	3,415.00
(3) Drain	4,597.00
(4) Water	1,050.00
	<u>SUB-TOTAL \$13,907.00</u>
15% price escalation	<u>2,386.00</u>
	<u>TOTAL \$18,293.00</u>

I. Street name signs will be erected at all entrances, the name to be in conformity as to size and quality with signs now generally in use in the Town of Needham.

(1) Co-incident with the start of any street within a subdivision, temporary street signs shall be installed at all points where permanent signs will be required. These signs may be painted using black block lettering not less than four inches high on a light ground.

(2) Complete visibility of these signs must be maintained at all times until they are replaced with the permanent signs specified in Section I.

J. Install bounds to define the street line at the direction of the Town Engineer and submit to said Town Engineer a certificate by a Registered Land Surveyor that said bounds have been so installed.

K. That the name of the proposed street shall be Colgate Road.

L. Prior to the commencement of construction on all major phases of the subdivision including installation of sewer, water drains, and street construction, the developer will notify the Director of Public Works.

V. That prior to the completion of all the work required herein, the Planning Board may, at its discretion, in accordance with the provisions of Subsection (1) of Section 81-U, Chapter 41, release any or all of said lots for purposes of sale or for the issuance of permits for building thereon, upon the furnishing to the Town by the Developer an agreement and a surety acceptable to the Town, to secure the completion of such part or all of the work specified above, as, at the discretion of the Planning Board should be completed for the proper use of said lots in accordance with the purposes of this Covenant, said surety to be in a penal sum or amount equal to the cost, as estimated by said Director of Public Works, of completing said works. Said release by the Planning Board shall be evidence by a certificate enumerating the lots released and signed by a majority of said Planning Board, in proper form for recording in the Registry of Deeds or registration in the Registry District of the Land Court.

VI. The enforcement of the terms herein shall be made as provided for by General Law, Chapter 41, Section 81-X and 81-Y, in the name of the Town, and upon any breach thereof the Town shall be entitled to an injunction restraining any further sale of any lots included in said plans until the said breach has been cured or security given therefore satisfaction to the then Planning Board of the said Town.

VII. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said Subdivision plan or of all lots not previously released by the Planning Board, nor a conveyance of any lot or lots, subject to this Covenant, by any of the parties named herein to any other person.

VFCB
BJS

EXECUTED AS A SEALED INSTRUMENT, this 7th day of MARCH 1975.

DAWSON DEVELOPMENT CORP.

BY:

Robert C. Dawson
Robert C. Dawson, Its' President
and Treasurer

Robert C. Dawson
Robert C. Dawson

Beatrice J. Dawson
Beatrice J. Dawson

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

March 7, 1975

Then personally appeared the above-named Robert C, Dawson and Beatrice J. Dawson and acknowledged the foregoing instrument to be their free act and deed, and the free act and deed of DAWSON DEVELOPMENT CORPORATION, before me,

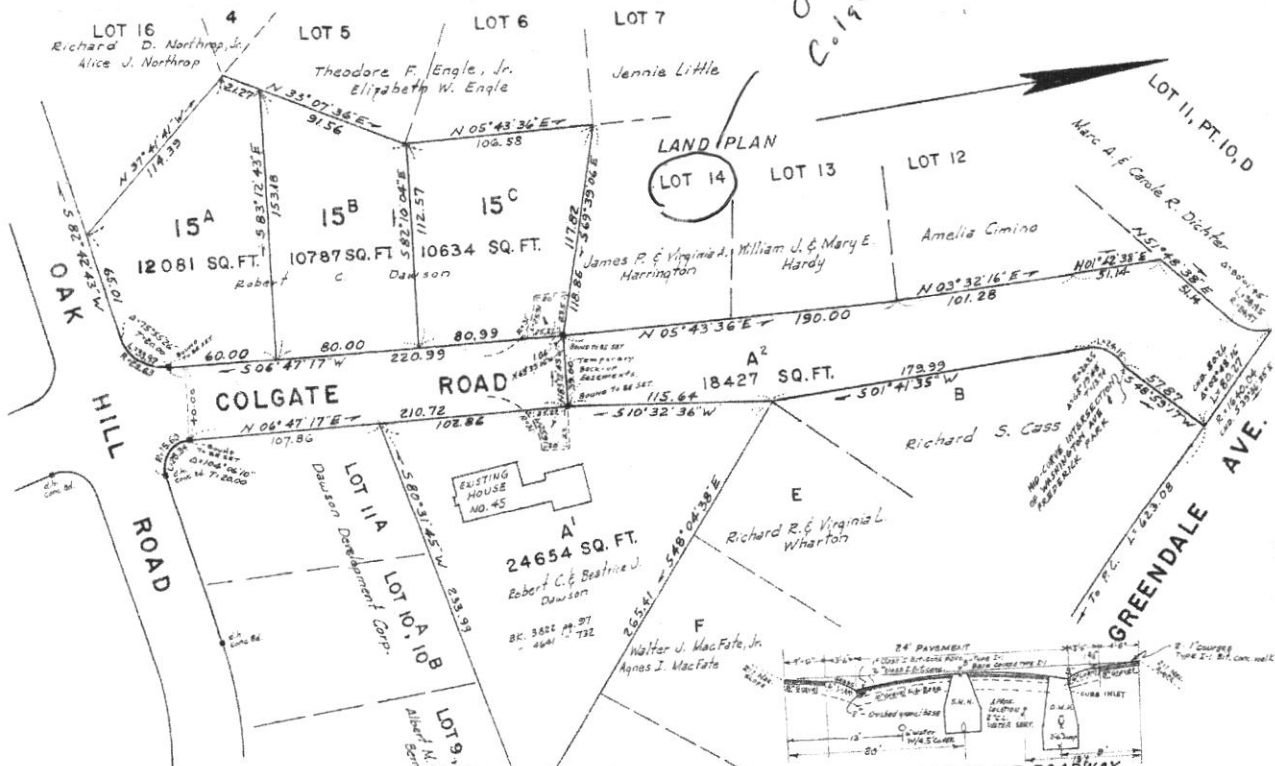
Richard H. Jensen
Notary Public My Comm Exp
Richard H. Jensen MAY 27, 1977

Approved as to form:

William A. Cross
Town Counsel

-6-

Recorded Mar. 27, 1975 at 2h. 47m. P. M.



APPROVED IN ACCORDANCE WITH SECTION 81-U
OF CHAPTER 41A OF THE GENERAL LAWS,
AS AMENDED. 11/11/75 HUB ENDORSE 1

APPROVED 3-11-75 NEEDHAM PLANNING BOARD

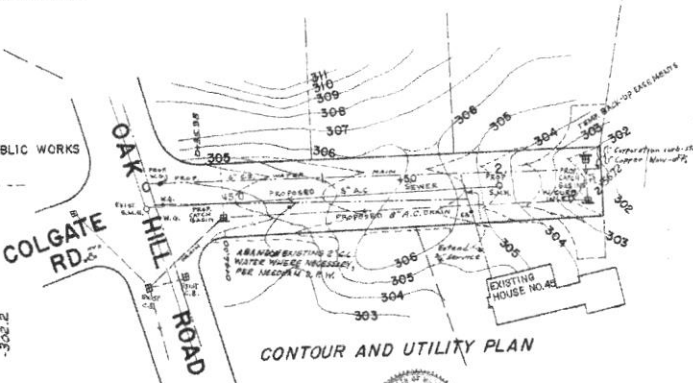
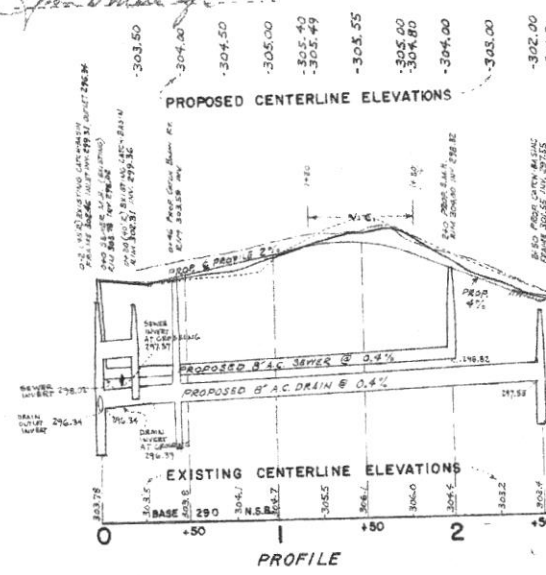
[Signatures]

APPROVED JAN 30 1975 Supt. of Public Works

[Signature]

APPROVED 3-31-75 TOWN ENGINEER

[Signature]



Noted by Clerk of Board
March 27, 1975 with Cmt.
Dawson Development Corp. to
Town of Needham
Filed as 148 1975 H 248
Attest *[Signature]* Register

TOWN CLERK'S CERTIFICATE OF NO APPEAL

I, TOWN CLERK of the Town of Needham, hereby certify that the notice of approval of this plan by the Needham 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.

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 PLANNING BOARD OF THE TOWN OF NEEDHAM. *Sidney R. Vaughan*

DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM SITUATED OFF OAK HILL RD.	
DATE JULY 11, 1974	
OWNER	ROBERT C. AND BEATRICE J. DAWSON
DEVELOPER	DAWSON DEVELOPMENT CORPORATION
SURVEYOR	CHENEY ENGINEERING CO., INC. 317 CHESTNUT ST., NEEDHAM, MASS.
SHEET 1 OF 1 SHEETS	PRELIMINARY PLAN 3/26/74
HORIZONTAL SCALE 1" = 40'	DEFINITIVE PLAN
VERTICAL SCALE 1" = 4'	REVISIONS DATED

180

WE, ROBERT C. DAWSON and BEATRICE J. DAWSON, husband and wife as tenants by the entirety, both of Needham, Norfolk County, Massachusetts,

~~have purchased~~ for consideration paid, and in full consideration of less than One Hundred (\$100.00) dollars

grants to ROBERT C. DAWSON

of 42 Falcon St., Needham, Norfolk County, Mass. with quitclaim returns

the land in said Needham, together with the buildings thereon, bounded and described as follows:

[Description and encumbrances, if any]

SOUTHERLY EASTERLY and SOUTHERLY again by Oak Hill Road, 109.03 feet more or less;

EASTERLY by lot 11 on a plan hereinafter mentioned, 124.84 feet;

SOUTHERLY by Lots, 11, 10 and 9 on said plan, 229.00 feet;

EASTERLY by Lot 8 on said plan 16.50 feet;

NORTHEASTERLY by Lots E, F, and G on said plan, 265.40 feet;

EASTERLY again, by Lot B on said plan, 180.00 feet;

NORTHERLY by unmarked land on said plan, 40.00 feet; and

WESTERLY by Lots 12, 13, 14 and 15 on said plan, by three lines measuring 94.01 feet; 343.22 feet, and 135.91 feet, respectively.

CONTAINING 45, 500 square feet of land more or less, according to said plan.

Said premises are shown as a lot marked "45500. Sq. Ft. ±" on a plan entitled "Compiled Plan of Land in Needham, Mass., scale: 1 in. = 40 Ft., Cheney Engineering Co., Needham, Mass., January 4, 1960" recorded with Norfolk County Registry of Deeds as Plan No. 224 of 1960 in Book 3798, Page 635.

This conveyance is subject existing mortgage with the Needham Cooperative Bank in the original principal amount of \$28,000.00, dated June 18, 1968 and recorded with Norfolk County Registry of Deeds, book 4519, Page 659.

For our title see deed of Dawson Development Corporation dated June 10, 1960 and recorded with Norfolk County Registry of Deeds in Book 3822, Page 97.

Witness OUR hands and seals this 25th day of February 1975

Beatrice J. Dawson

The Commonwealth of Massachusetts

Norfolk ss.

February 25 1975

Then personally appeared the above named Beatrice J. Dawson

and acknowledged the foregoing instrument to be her free act and deed before me

My commission expires Jan. 22, 1976

Recorded Mar. 27, 1975 at 2h. 47m. P. M.

I, ROBERT C. DAWSON,

181

of Needham, Norfolk

County, Massachusetts

~~Amended~~, for consideration paid, and in full consideration of less than one hundred
(\$100.00) dollars
grants to Beatrice J. Dawson

of 45 Colgate Road, Needham, Norfolk County, Mass. with quitclaim covenants

~~description~~ A certain parcel of land, together with the buildings thereon, situated in said Needham, and shown as Lot A1 on a plan of land entitled "Definitive Plan of the ^(Description and encumbrances, if any) Subdivision of Land in the Town of Needham, situated off Oak Hill Road", by Cheney Engineering Co., Inc. Needham, Massachusetts, dated July 11, 1974, which plan is to be herewith recorded, which lot is bounded and described according to said plan as follows:

WESTERLY by Colgate Road and Lot A2 as shown on said plan, by two (2) lines measuring 102.86 feet and 115.64 feet, respectively;

NORTHEASTERLY by lot E, F, and G as shown on said plan, 265.41 feet;
SOUTHEASTERLY by lot 9, 9A, Lot 10A, 10B and 11A as shown on said plan, 233.99 feet, or however otherwise lot A1 may be bounded measured, or described.

Said Lot A1 contains according to said plan 24.654 square feet of land.

Together with the right to use the streets and ways as shown on said plan for all purposes for which streets and ways are commonly used in the Town of Needham; subject to the rights of others entitled thereto.

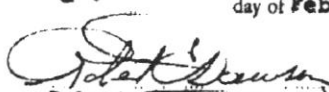
This conveyance is subject to easement as shown on said plan and to a taking by the Town of Needham for right to maintain drains in Oak Hill Road and Falcon Street, filed with Norfolk Deeds in Book 4496, Page 608.

Grantor reserves for himself, his heirs, or transferees from Colgate Road and Lot A2 as shown in said plan, a twenty (20) foot wide temporary construction easement to enter said lot A1 for the purpose of construction of said Colgate Road, the temporary turnaround therein, and any extension of Colgate Road over lot A2 as provided in Covenant granted the Town of Needham, to be herewith recorded. Grantor covenants for himself, his successors and assigns to restore said Lot A1 to its proper or existing condition upon completion of any work to be performed under this temporary easement.

This conveyance is subject to mortgage given to the Needham Cooperative Bank in the original principal amount of \$28,000.00, dated June 18, 1968, and recorded with Norfolk Deeds, Book 4519, Page 659, which mortgage the grantee agrees to assume and pay.

Being a portion of the premises conveyed to this grantor by deed of Robert C. Dawson and Beatrice J. Dawson, husband and wife, as tenants by the entirety, to be herewith recorded.

Witness my hand and seal this

25th day of Feb. 19 75

 Robert C. Dawson

The Commonwealth of Massachusetts

Norfolk ss.

February 25, 19 75

Then personally appeared the above named Robert C. Dawson

and acknowledged the foregoing instrument to be his free act and deed, before me

Richard H. Jensen-

Notary Public - ~~Massachusetts~~

My Commission Expires May 27,

19 77

Recorded Mar. 27, 1975 at 2h. 47m. P.M.

MASSACHUSETTS QUITCLAIM DEED INDIVIDUAL (LONG FORM) 682

I, Robert C. Dawson,

of Needham, Norfolk

County, Massachusetts

~~being considered~~, for consideration paid, and in full consideration of Twenty-four Thousand (\$24,000.00) dollars grants to Needham Builders, Inc., a Massachusetts corporation duly organized and existing of P.O. Box #6, Needham, Norfolk County, Mass. with quitclaim covenants

the land in Needham, Norfolk County, Massachusetts bounded and described as follows:

(Description and encumbrances, if any)

PARCEL 1: Three (3) certain parcels of land shown as lots 15A, 15B and 15C on a plan of land entitled "Definitive Plan of the Subdivision of land in the Town of Needham, situated off Oak Hill Road", by Cheney Engineering Co., Inc., Needham, Massachusetts, dated July 11, 1974, which plan is to be herewith recorded and to which plan reference is made for a more particular description.

Said lots contain 12,081 square feet of land, 10,787 square feet of land and 10,634 square feet of land, respectively according to said plan.

PARCEL 2: The land shown as "Colgate Road" on the aforementioned plan and to which plan references is made for a more particular description, together with a Twenty (20) foot wide temporary construction easement over lot A1, shown on said plan, as set forth in deed from Robert C. Dawson to Beatrice J. Dawson, dated February 25, 1975, to be herewith recorded.

Said Grantor reserves for himself and for those claiming by, through and under him the following rights and easements:

1. The right to use said Colgate Road as shown on said plan for all purposes for which streets and ways are commonly used in the Town of Needham, subject to the rights of others entitled thereto.

2. Any and all necessary rights and easements over and under the aforementioned Colgate Road for the purpose of extending said Colgate Road and the public utilities to be installed therein (sewer, water, drain, telephone, electricity, etc.) over and under lot A2 to Greendale Avenue, as shown on said plan. The Grantor or those claiming by, through or under him upon completion of any work in said Colgate Road under this reservation, shall restore said Colgate Road to good order and condition.

For Grantor's Title see deed of Robert C. Dawson and Beatrice J. Dawson to Robert C. Dawson, dated February 25, 1975 and recorded herewith.



Witness my hand and seal this 27th day of March, 1975.

Robert C. Dawson
Robert C. Dawson

The Commonwealth of Massachusetts

Norfolk ss.

March 27, 1975

Then personally appeared the above named Robert C. Dawson

and acknowledged the foregoing instrument to be his free act and deed, before me

Richard H. Jensen-

Richard H. Jensen
Notary Public

My Commission Expires

May 27, 1977

Recorded Mar. 27, 1975 at 2h. 47m. P. M.

A/

I, BEATRICE J. DAWSON,

of Needham,

Norfolk County, Massachusetts

do hereby convey for consideration paid, ~~sum of~~ and in full consideration of \$73,000, grant to Charles F. Yardley and Isabelle A. Yardley, husband and wife, as tenants by the entirety, of 45 Colgate Road, Needham, Norfolk County, ~~Massachusetts~~ Massachusetts, with quitclaim covenants a certain parcel of land, together with the buildings thereon, situated in said Needham, and shown as Lot A1 on a plan of land entitled "Definitive Plan of the Subdivision of Land in the Town of Needham, situated off Oak Hill Road", by Cheney Engineering Co., Inc., Needham, Massachusetts, dated July 11, 1974, which plan has been recorded with Norfolk Deeds on March 27, 1975 as Plan No. 144 of 1975, which lot is bounded and described as ~~subscribed~~ follows:-

WESTERLY: by Colgate Road and Lot A2 as shown on said plan, by two (2) lines measuring 102.86 feet and 115.64 feet, respectively;

NORTHEASTERLY: by lot E, F, and G as shown on said plan, 265.41 feet;

SOUTHEASTERLY: by lot 9, 9A, Lot 10A, 10B and 11A as shown on said plan, 233.99 feet, or however otherwise Lot A1 may be bounded, measured, or described.

Said Lot A1 contains according to said plan 24,654 square feet of land.

Together with the right to use the streets and ways as shown on said plan for all purposes for which streets and ways are commonly used in the Town of Needham, subject to the rights of others entitled thereto.

This conveyance is subject to easement as shown on said plan and to a taking by the Town of Needham for right to maintain drains in Oak Hill Road and Falcon Street, filed with Norfolk Deeds in Book 4496, Page 608.

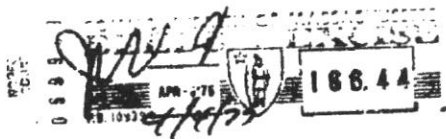
This conveyance is subject to a reservation to Robert C. Dawson, his heirs or transferees, from Colgate Road and Lot A2 as shown on said plan, a twenty (20) foot wide temporary construction easement to enter said Lot A1 for the purpose of construction of said Colgate Road, the temporary turn-around therein, and any extension of Colgate Road over Lot A2, as provided in covenant granted the Town of Needham, as provided in a deed of Robert C. Dawson to said Beatrice J. Dawson hereinafter referred to.

25

36 Being the same premises conveyed to this Grantor by deed of Robert C. Dawson, dated February 25, 1975, recorded with said Norfolk Deeds on March 27, 1975 as Document No. 7463.

Witness my hand and seal this 4th day of April, 1975.

Beatrice J. Dawson
Beatrice J. Dawson



The Commonwealth of Massachusetts

Norfolk, April 4, 1975

Then personally appeared the above named

Beatrice J. Dawson

and acknowledged the foregoing instrument to be her free act and deed.

before me,

John O. Rhone
JOHN O. RHONE Notary Public
State of the Mass.

My commission expires Jan 22, 1976

Recorded Apr. 4, 1975 at 10h. 47m. A. M.

GRANT OF TEMPORARY EASEMENT

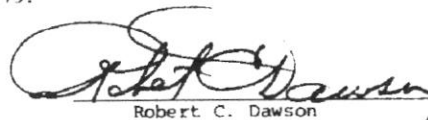
530

I, ROBERT C. DAWSON, of Needham, County of Norfolk, Massachusetts, owner, for consideration paid, grant to the Inhabitants of the Town of Needham, a municipal corporation, located in Norfolk County, Massachusetts and their successors and assigns, a temporary backup easement in a certain parcel of land in Needham, Norfolk County, Massachusetts situated on Lot A² at Colgate Road, as shown on a plan entitled "Temporary Easements, to be acquired at Colgate Road in Needham, Mass.", John D. Marr, Jr., Town Engineer, dated June, 1975, to be recorded herewith and being bounded and described as follows:

Beginning at a point on the easterly sideline of Colgate Road, a private way, said point being the northerly limit of said Colgate Road, thence running along the northerly limit of said Colgate Road N-83°-12'-43"-W a distance of 39.00 feet, thence turning and running along the westerly lot-line of lot A²-N-05°-43'-36"-E a distance of 30.01 feet, thence turning and running S-83°-12'-43"-E a distance of 41.67 feet, thence turning and running along the easterly lot line of lot A² S-10°-32'-36"-W a distance of 30.06 feet to the point of beginning.

The grant of easement referred to above includes the right to maintain a guard rail acceptable to the Planning Board and the Department of Public Works. The terms of this easement shall not be deemed, nor shall it be construed, to establish a road, street or way to satisfy the minimum requirement of the Subdivision Control Law applicable to any abutting lot not otherwise qualified.

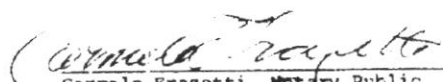
IN WITNESS WHEREOF, I, the said ROBERT C. DAWSON hereunto set my hand and seal this 23rd day of July, 1975.


Robert C. Dawson

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss

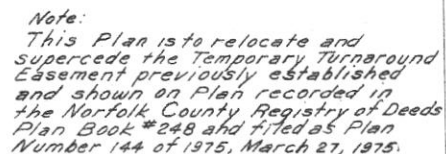
Then personally appeared the above-named ROBERT C. DAWSON and acknowledged the foregoing to be his free act and deed before me.


Carmelo Frazetti, Notary Public
My Commission expires March 26, 1976

APPROVED AS TO FORM:


Town Counsel

Recorded Sept. 22, 1975 at 1h. 50m. P. M.



APPROVED Sgt 9, 1975

Order of Taking for Town Way
and Betterment Assessments
(to be filed at Registry)

Form 3



Town of Needham

IN BOARD OF SELECTMEN

WHEREAS, in the opinion of the Board of Selectmen of the Town of Needham the public necessity and convenience require that a town way be laid out, ~~guidance and~~ ~~as and in the location hereinafter described~~, which is substantially the present location of a way known as COLGATE ROAD

from Oak Hill Road

to Northerly 211'

WHEREAS said Board, having first complied with all preliminary requirements described by law, held a hearing at 7:40 o'clock P.M. of the 23rd day of March 1976

WHEREAS said Board did on the 13th day of April, 1976 approve said layout, verified by our signatures, as shown on the plan and profile dated March 31, 1976, attached hereto and by reference made a part thereof. It is thereby

ORDERED that said COLGATE ROAD

from Oak Hill Road

to Northerly 211'

be and the same is hereby laid out, ~~guidance and~~ ~~as and in the location hereinafter described~~ as a town way of the Town of Needham as shown on said plan and profile, and it is further

ORDERED that an easement in and over the following described parcel of land be and the same is hereby taken for all purposes of a town way.

Beginning at a point in the westerly sideline of Colgate Rd., said point being 10.05 feet northerly of a bound in the sideline of Colgate Rd., as accepted in 1973; thence running S-06°-47'-17"-W a distance of 210.95 feet to a bound; thence turning and running S-65°-39'-06"-E a distance of 1.04 feet; thence running S-83°-12'-43"-E a distance of 39.00 feet to a bound; thence turning and running S-06°-47'-17"-W a distance of 210.72 feet to a bound; thence turning and running N-83°-13'-40"-W a distance of 40.02 feet to the point of beginning.

For further reference see plan to be recorded herewith entitled "Acceptance Plan of Valley Road, 1968 Acceptance to End 345 feet; Colgate Road, Oak Hill Road Northerly 211 feet, in Needham, Mass." Scale 1 in. = 40 ft., John D. Marr, Jr., Town Engineer, dated March 31, 1976.

Also included in this taking or acceptance are easements as shown on the Acceptance Plan referred to above.

The following named persons and mortgagees are believed to be the owners of the fee thereof and said Board of Selectmen do hereby assess and award as the damages sustained by said owners of land, rights and interests caused by the laying out, grading and construction of said way, whether for land taken or for damages to the remaining lands:

LOT	NAMES	AMOUNTS
15 ^A	Richard W. & Dianne Y. Crook, Husband & Wife Needham Co-Operative Bank, Mortgagee	None None
12 ^A	Foster F. & Vivian W. Comstock, Husband & Wife Needham Co-Operative Bank, Mortgagee	None None
15B	Carmella A., Ann M. & Theresa C. DeLucia Shawmut Bank of Boston N.A.	None None
15D	Thomas J. & Patricia Connolly, Husband & Wife Needham Co-Operative Bank, Mortgagee	None None
A-1	Charles F. & Isabelle A. Yardley, Husband & Wife Mutual Bank for Savings, Mortgagee	None None
A ² (No Lot No. in dead)	Robert C. Dawson No Mortgagee Known	None

And the Board of Selectmen hereby adjudge that all abutting lots on said ~~lot~~ **161**
 from Oak Hill Road
 to Northerly 211'

as shown on said plan which is attached hereto and made a part hereof, will receive benefit or advantage other than the general advantage to the community from said improvement.

And it is hereby estimated that the several abutting lots shown on said plan will be assessed the following amounts:—

LOT NUMBER	OWNER	AMOUNT
15 ^A	Richard W. & Dianne Y. Crook, Husband & Wife	None
11 ^A	Poster F. & Vivian W. Comstock, Husband & Wife	None
15B	Carmella A., Ann M. & Theresa C. DeLuca	None
15D	Thomas J. & Patricia Connolly, Husband & Wife	None
A-1	Charles F. & Isabella A. Yardley, Husband & Wife	None
A ² (No Lot No. in Deed)	Robert C. Dawson	None

And it is further

ORDERED: That the trees located within the proposed berm upon the land taken for purposes of a town way are hereby taken and are not to be removed by abutting owners. But, other trees, structures and fences appurtenant thereto which may obstruct the construction of said way are not taken and the owners are allowed sixty (60) days from the adoption of this order to remove the same.

Selectmen of Needham

C. Loretta Reynolds
Richard M. LaCruz
Francis C. Foxworth

June 8, 1976

The following is an extract from the records of the 1976 Annual
 Town Meeting held May 3, 1976 said meeting being finally dissolved 11:05 P.M.
 May 12, 1976

Under Article 18 it was

VOTED: That the Town accept the following streets or portions thereof, constructed by developers under the requirements of the Subdivision Control Law and as laid out by the Board of Selectmen according to plans on file with the Town Clerk:

Colgate Road	- Oak Hill Road Northerly 211 feet
Gatewood Drive	- White Pine Road Northerly 885 feet
Springdale Road	- Gatewood Drive Easterly 160 feet
Valley Road	- 1968 Acceptance to End 345 feet
White Pine Road	- Country Way to Gatewood Drive 650 feet.

including the taking or acceptance of easements as shown on said plans.

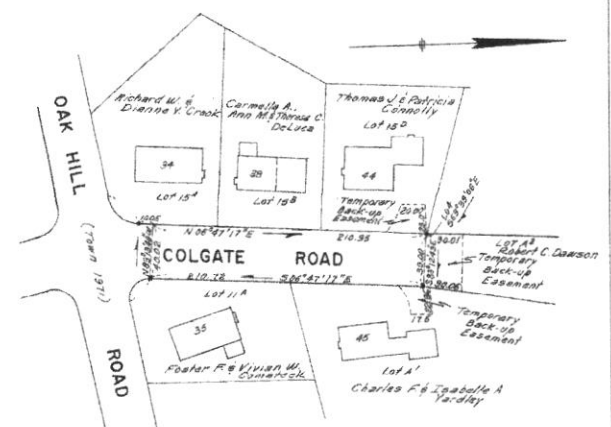
UNANIMOUS VOTE

A true copy. Attest:



Rose O. Mendez
 Town Clerk of Needham.

Recorded June 11, 1976 at 9h. 34m. A.M.



Monday 1. (11)
 Robert Brown
 Ellen H. Brown

Norfolk Registry of Deeds
Needham, Mass.
Received June 11 1976 with Taking by
Town of Needham
Filed as No. 357 to 76 of 255
Attest [Signature] Registrar

ROBERT C. DAWSON, of Center Tuftsbere, New Hampshire, formerly of

Needham, Norfolk

County, Massachusetts.

being married, for consideration paid, and in full consideration of Five Thousand (\$5,000.00)

grants to JEROME DEWENZO

of 14 Dartmouth Avenue, Needham, Norfolk County, Mass with quitclaim covenants

the land in said Needham, Norfolk County, Massachusetts being shown as Lot A² on a Plan of Land entitled DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, OWNER, Robert C and Beatrice J Dawson, Developer-Dawson Development Corporation, Surveyor, Cheney Engineering Co., Inc., 317 Chestnut Street, Needham, Mass said Plan being recorded with Norfolk Registry of Deeds as Plan No. 144 of 1975, Pl n Book 248.

Said Lot 2A is more particularly bounded and described according to said plan as follows:

NORTHEASTERLY	by Groendale Avenue, 80.27 feet;
SOUTHEASTERLY	by land of Richard S. Cass, indicated as Lot B on said plan, 57.87 feet;
EASTERLY	by land of said Richard S. Cass and Lot A' in three lines respectively measuring 24.15 feet, 179.99 feet and 15.64 feet;
SOUTHERLY	by Colgate Road, 40.4 feet;
WESTERLY	by lots 14, 13 and 12, in 3 lines respectively measuring 190.00 feet, 101.28 feet, 51.14 feet
NORTHWESTERLY	by land of Marc A. and Carol R. Dickter in two lines respectively measuring 51.14 feet and 38.45 feet.

Containing, according to said plan, 18427 square feet.

For title reference is made to deed of Verna S. Wagner and Helen C. Wagner to Robert C. Dawson and Beatrice J. Dawson dated June 3, 1955, Book 3372 Page 396, deed of Robert C. Dawson and Beatrice J. Dawson to Dawson Development Corporation dated June 15, 1959, recorded Norfolk Deeds, Book 3740, Page 401, Deed from Dawson Development Corporation to Robert C. Dawson and Beatrice J. Dawson, dated June 10, 1960, recorded Norfolk Deeds Book 3822, Page 97, and deed of Robert C. Dawson and Beatrice J. Dawson to Robert C. Dawson dated Book 5116, Page 180.

Witness my hand and seal this 10th day of August 1983.
 Robert C. Dawson
 Robert C. Dawson

STATE OF NEW HAMPSHIRE

ss.

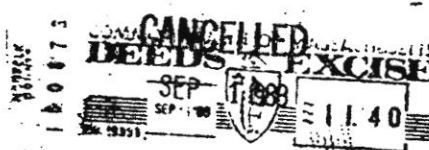
August 10 1983

Then personally appeared the above named ROBERT C. DAWSON

and acknowledged the foregoing instrument to be his free act and deed, before me

Notary Public - *Robert C. Dawson*

My commission expires 12/9/86



I, Beatrice J. Moynihan, formerly Beatrice J. Dawson, now of Manchester, New Hampshire, formerly of Needham, Massachusetts

being unmarried, for consideration paid, and in full consideration of ONE (\$1.00) Dollar

grants to Jerome Derenzo of 14 Dartmouth Avenue, Needham, Norfolk County, Mass. and those claiming by, through or under said Jerome Derenzo as their interests may appear of record with QUITCLAIM COVENANTS

all my right, title and interest in the land in Needham, Norfolk County, Massachusetts being shown as Lot A2 on a Plan of Land entitled "DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN (Description and encumbrances, if any)"

THE TOWN OF NEEDHAM, OWNER, Robert C. and Beatrice J. Dawson, Developer-Dawson Development Corporation, Surveyor-Cheney Engineering Co., Inc., 317 Chestnut Street, Needham, Mass., said Plan being recorded with Norfolk Registry of Deeds as Plan No. 144 of 1975, Plan Book 248.

Said Lot A2 is more particularly bounded, and described according to said plan as follows:

NORTHEASTERLY by Greendale Avenue, 80.27 feet;
SOUTHEASTERLY by land of Richard S. Cass, indicated as Lot B on said plan, 57.87 feet;
EASTERLY by land of said Richard S. Cass and Lot A1 in three lines respectively measuring 24.15 feet, 179.99 feet and 115.64 feet;
SOUTHERLY by Colgate Road, 40.4 feet;
WESTERLY by Lots 14, 13 and 12 in three lines respectively measuring 190.00 feet, 101.28 feet and 51.14 feet; and
NORTHWESTERLY by land of Marc A. and Carol R. Dichter in two lines respectively measuring 51.14 feet and 38.45 feet.
Containing, according to said plan, 18,427 square feet.

For title reference is made to deed of Verge S. Wagner and Helen C. Wagner to Robert C. Dawson and Beatrice J. Dawson, dated June 3, 1955, Book 3372, Page 396, deed of Robert C. Dawson and Beatrice J. Dawson to Dawson Development Corporation dated June 15, 1959, recorded Norfolk Deeds Book 3740, Page 401, deed from Dawson Development Corporation to Robert C. Dawson and Beatrice J. Dawson, dated June 10, 1960, recorded Norfolk Deeds Book 3822, Page 97 and deed of Robert C. Dawson and Beatrice J. Dawson to Robert C. Dawson recorded said deeds Book 5116, Page 180.

Witness my hand and seal this 5th day of December 1984.

Beatrice J. Moynihan
Beatrice J. Moynihan

STATE OF NEW HAMPSHIRE

HILLSBOROUGH

Then personally appeared the above named Beatrice J. Moynihan

and acknowledged the foregoing instrument to be her free act and deed, before me

Elaine D. Bernier
Notary Public

My commission expires December 23, 1986



RECEIVED
1984 DEC 10 PM 3-20

35

Quirk Associates, LLC

4 Dorothy Lane

Dedham, MA 02026

(781) 326-1202 • FAX (781) 326-0916

A Z

Jerome DeRusso

(8/10/83 - 12/10/87)

1983

6241-496 (dood w)

A Z

(C)

1984

6559-486 (dood w)

A Z

(C)

"

- 487 (dood)

Hurwitz

(C)

12 + A Z

QUITCLAIM DEED

I, JEROME DERENZO, of Needham, Norfolk County, Massachusetts for consideration paid and in full consideration of TWO HUNDRED SEVENTY NINE THOUSAND (\$279,000) DOLLARS

GRANT to ELLEN LYNN HURVITZ
of 66 Colgate Road, Needham, Norfolk County, Massachusetts
with
QUITCLAIM COVENANTS

TWO (2) certain parcels of land together with the buildings thereon situated in Needham, Norfolk County, Massachusetts and being bounded and described as follows:

FIRST PARCEL

Lot 12 as shown on a plan of land in said Needham entitled "Compiled Plan of Land in Needham, owned now or formerly by William H. Carter, Block W, Carleeta Park, Land in Needham, Frank L. Cheney, Civil Engineer, April 1952, Revised May 7, 1952" said plan being recorded in Norfolk Registry of Deeds as Plan No. 1271 of 1954, Plan Book 190.

Said Lot 12 is more particularly bounded and described according to said Plan as follows:

WESTERLY	by Lot 9, as shown on said Plan, fifty six and 38.100 (56, 38) feet;
NORTHEASTERLY	by Lots 10 and 11, as shown on said plan, one hundred thirty eight and 78/100 (138, 78) feet;
EASTERLY	by land marked "Now or formerly of Verge S. Wagner" fifty one and 14.100 (51.14) feet and ONE HUNDRED ONE (101) feet, as shown on said Plan;
SOUTHERLY	by Lot 13, as shown on said plan, one hundred fifteen (115) feet.

Containing, according to said plan, 11,271 square feet.

Meaning and intending to describe and convey all and the same premises conveyed to this Grantor by deed of Amelia Cimino dated August 23, 1983 and recorded with Norfolk Registry of Deeds in Book 6235 Page 460.

SECOND PARCEL

Lot A² on a Plan of Land entitled "DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, Owner, Robert C. Dawson and Beatrice J. Dawson, Developer, Dawson Development Corporation, Surveyor, Cheney Engineering Co., Inc. Needham, Mass." said Plan being recorded with the Norfolk Registry of Deeds as Plan No. 144 of 1975, Plan Book 248.

Said Lot A² is more particularly bounded and described according to said plan as follows:

NORTHEASTERLY	by Greendale Avenue, 80.27 feet;
SOUTHEASTERLY	by land of Richard S. Cass indicated as Lot B, 57.87 feet;
EASTERLY	by land of said Richard S. Cass and Lot A ¹ in three (3)

address of property - 66 Colgate Road, Needham, Mass

RECEIVED RECORDED
1984 DEC 10 PM 3:20

See RD # 1498 of 1984 Record Book 6561 Page 352

Declaration of Homestead Vol 6661 P177

488

lines respectively measuring 24.15, 179.99 and 115.64 feet;
 SOUTHERLY by Colgate Road, 40.4 feet;
 WESTERLY by Lots 14, 13 and 12 in three lines respectively measuring
 190 feet, 101.28 feet and 38.45 feet.
 NORTHWESTERLY by land of Marc A and Carol R. Dichter in two lines respectively
 measuring 51.14 and 38.45 feet and containing, according to said plan
 18427 square feet.
 Meaning and intending to describe and convey all and the same premises conveyed
 to this Grantor by deed of Robert C. Dawson dated August 10, 1983 recorded with
 Norfolk Deeds Book 6241, Page 496.

Said FIRST PARCEL and SECOND PARCEL are together shown on a Plan of Land
 entitled "Plan of Land in Needham, Mass. George N. Giunta, Surveyor," dated
 November 4, 1984 herewith recorded, *as shown on the plan*

Witness my hand and seal this sixth day of November, 1984

Jerome Derenzo

 Jerome Derenzo

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

November 6, 1984

Then personally appeared the aforesaid Jerome Derenzo and acknowledged
 the foregoing instrument to be his free act and deed, before me.

Victor D. Scull

 Victor D Scull - Notary Public

My Commission expires
 January 21, 1988



Quirk Associates, LLC

4 Dorothy Lane

Dedham, MA 02026

(781) 326-1202 • FAX (781) 326-0916

16, pc 1498 + 1984

AZ, pc 141 + 1975 PB 218

Ellen L. Hurvitz

Barry D. Strassnick

(11/6/84 - date)

1984

6559-787 (deed in)

(C)

1985

6661-179 (NOTE)

(C)

1988

7876-204 (deed) STRASSNICK

(C)

→

6-21-21

39

Berlin, Clarey & Green

ATTORNEYS AT LAW

73 TREMONT STREET BOSTON, MASSACHUSETTS 02108

(617) 227-0720

OF COUNSEL
LINDA G. LEFFERTGERALD A. BERLIN
JACK GREEN, P.C.
RICHARD D. CLAREY
GEORGE C. DEPTULA
ALAN S. GEISHER, JR.
NEWTON H. LEEVE
ALVIN LEVIN
RENEE RASTORFER
KAREN D. HURVITZ

April 5, 1985

Mr. and Mrs. Charles F. Yardley
45 Colgate Road
Needham, MA 02192Re: NOTICE OF INTENTION TO PREVENT
ACQUISITION BY CUSTOM PURSUANT
TO MASS. GENERAL LAWS CHAPTER 187,
SECTION 3

Dear Mr. and Mrs. Yardley:

This letter shall constitute notice, pursuant to the provisions of Mass. General Laws Chapter 187, Section 3, of the intent of Ellen Hurvitz to prevent the acquisition by you of an easement in or on her property at 66 Colgate Road. Specifically, you are put on notice that your paved driveway encroaches upon the Hurvitz property for an area of approximately forty square feet.

Very truly yours,


 Karen D. Hurvitz, Attorney
 for Ellen Hurvitz
RETURN OF SERVICE

I hereby certify and return that on April 11, 1985, I served a copy of this Notice of Intention to Prevent Acquisition by Custom Pursuant to Mass. General Laws Chapter 187, Section 3 upon the above-named individuals in the following manner: by delivering in hand to Mr. Charles F. Yardley and by leaving at the last and usual place of abode of Mrs. Charles F. Yardley, (known to me as Isabel Yardley), 45 Colgate Road, Needham.
Fees \$26.00

April 12, 1985
 DATE

DATE OF SERVICE:

4/11/85

 DEPUTY SHERIFF

9169

QUITCLAIM DEED

I, Ellen Lynn Hurvitz, of Needham, Norfolk County, Massachusetts for nominal consideration paid

GRANT TO ELLEN LYNN HURVITZ and BARRY DAVID STRASNICK, husband and wife, as tenants by the entirety, all of my right, title and interest in

A certain parcel of land containing 29,018 square feet together with the building labeled #16 as shown on a plan of land in Needham, entitled "Plan of Land in Needham, Massachusetts, November 4, 1984," said plan being recorded in the Norfolk Registry of Deeds as Plan No. 1498 of 1984, which building and land are situated in Needham, Norfolk County, Massachusetts known and numbered as 66 Colgate Road and are more particularly bounded and described as follows:

SOUTHERLY: by Colgate Road, measuring Forty and 40/100 (40.4) feet (but shown on the Plan as measuring thirty-nine (39.00) feet); then

EASTERLY: by Lots A¹, E and B in a line measuring One Hundred Fifteen and 64/100 (115.64) feet for Lot A¹, a corner point of Lot E, and lines measuring respectively One Hundred Seventy Nine and 99/100 (179.99) feet, Twenty Four and 15/100 (24.15) feet and Fifty Seven and 87/100 (57.87); then

NORTHEASTERLY: by Greendale Avenue, Eighty and 27/100 (80.27) feet; then

NORTHWESTERLY: by Lot 11 in a line measuring Thirty-Eight and 45/100 (38.45) feet and Ninety-Five and 68/100 (95.68) feet; then

WESTERLY: by Lot 11 measuring Fifty-One and 14/100 (51.14) feet; then

NORTHWESTERLY: by Lot 11 measuring One Hundred Thirty-Eight and 78/100 (138.78) feet; then

WESTERLY: by Lot 9 measuring Fifty-Six and 38/100 (56.38) feet; then

SOUTHERLY: by Lot 13 measuring One Hundred Fifteen (115) feet; then

WESTERLY: by Lots 13 and 14 measuring One Hundred Ninety (190) feet.

Grantee's Property Address: 66 Colgate Road, Needham, MA.

RECORDED - FEB 10 1982

Meaning and intending to describe and convey all and the same premises conveyed by deed of Amelia Cimino dated August 23, 1983 and recorded with Norfolk Registry of Deeds in Book 6235 Page 460, and all and the same premises conveyed by deed of Robert C. Dawson dated August 10, 1983 recorded with Norfolk Registry of Deeds in Book 6241, Page 496.

For my title see Deed of Jerome Derenzo to grantor, dated November 4, 1984 and recorded with Norfolk Registry of Deeds in Book 6559 at Page 487.

The property herewith conveyed is designed to and will be held as an estate of homestead in accordance with M.G.L. c. 188 as amended.

Witness my hand and seal this 4th day of February, 1988.

Ellen Lynn Hurvitz
Ellen Lynn Hurvitz

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

February 4, 1988

Karen D. Hurvitz
Karen D. Hurvitz, Notary Public

My Commission expires
September 22, 1989



0 Colgate Road

Page datalets/datalet.aspx?mode=agriculture not registered

PARID: 1990570002200000

CONNOLLY, PATRICIA M

MUNICIPALITY: NEEDHAM

0 COLGATE RD

LUC: 131

PARCEL YEAR: 2024

Property Information

Property Location: 0 COLGATE RD

Class: R-RESIDENTIAL

Use Code (LUC): 131-VACANT LAND - POTENTIALLY DEVELOPABLE

District: MA199 - NEEDHAM

Deeded Acres: .2300

Square Feet: 10,019

Owner

Owner	Co-Owner	City	Address	State	Zip Code	Deed Book/Page
CONNOLLY, PATRICIA M		NEEDHAM	44 COLGATE RD	MA	02492	5305/675

Sales

Sale Date (D/M/Y)	Book/Page	Sale Price	Grantee:	Grantor:	Cert Doc #
07-02-1977	5305-675	\$5,000	CONNOLLY, PATRICIA M	LITTLE	

Owner History

1 of 23

Tax Year: 2024

Owner: CONNOLLY, PATRICIA M

Co-Owner:

Sale Care Of:

State: MA

City: NEEDHAM

Address: 44 COLGATE RD

Zip Code: 02492

Deed Book/Page: 5305/675

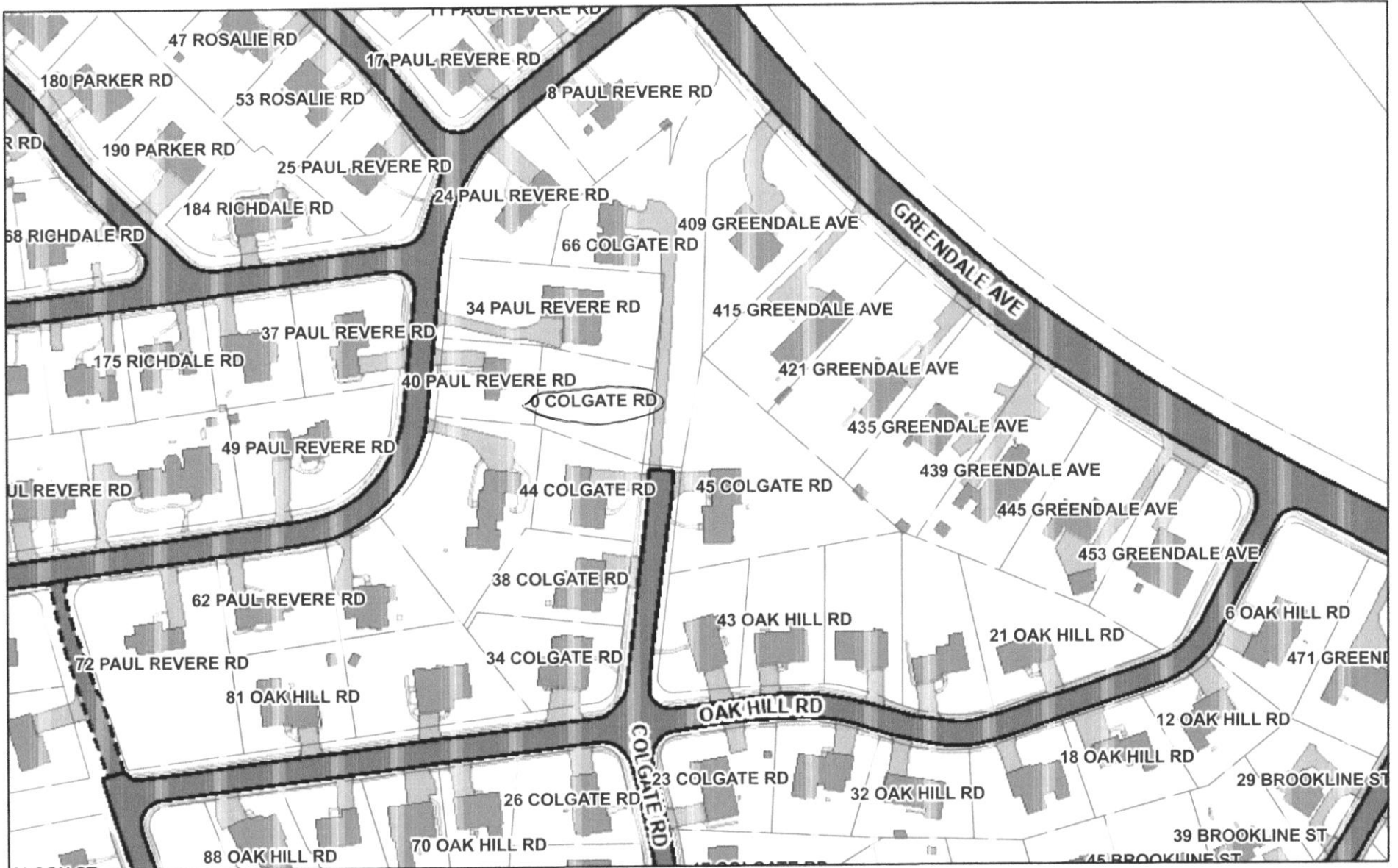
Land

Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Market Value	Assessed Value
1	S-SQUARE FOOT P-PRIMARY		131-VACANT LAND - POTENTIALLY DEVELOPABLE	10,000	.23	N						55	551,800	
Total:													0	551,800

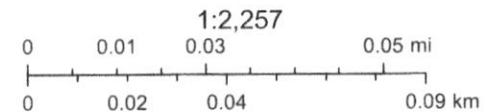
Printed on Thursday, June 20, 2024, at 1:11:47 PM EST

44

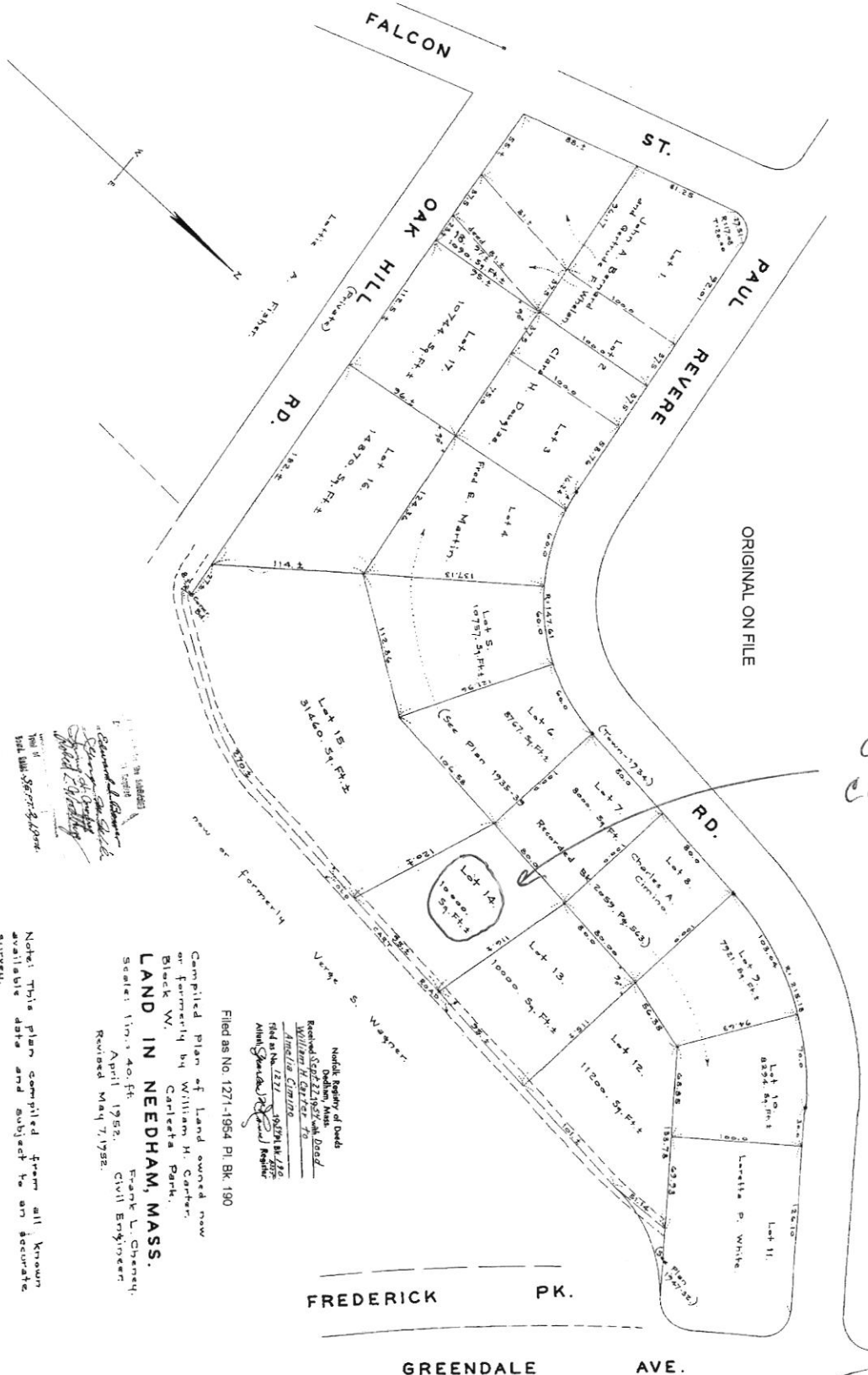
Town of Needham



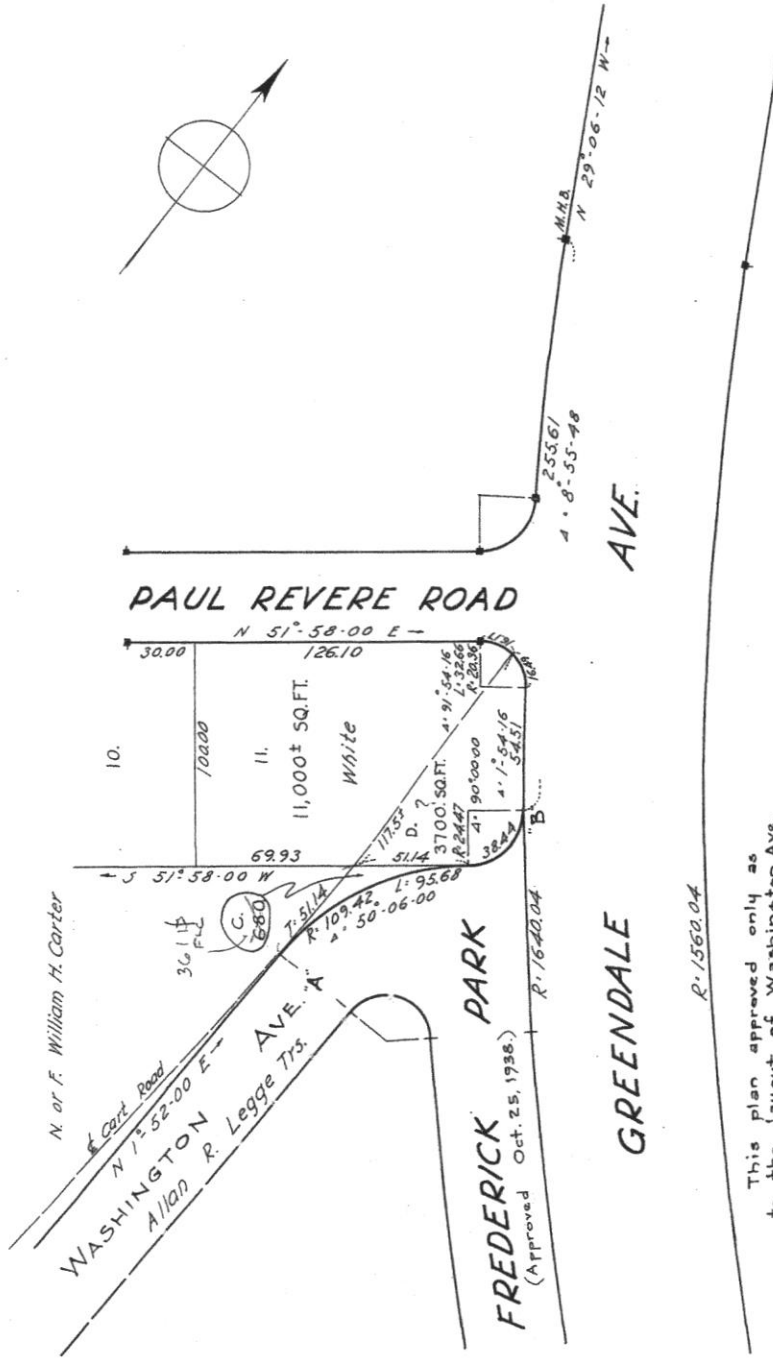
6/20/2024, 2:08:15 PM



PB 190
#1271



2658-60



This plan approved only as to the layout of Washington Ave. between points "A" and "B."

PLAN OF LAND
IN
NEEDHAM - MASS.
OWNED & DEVELOPED BY
Allan R. Cegge, Trs.
SCALE 1 in = 40 ft. • NOV. 22, 1946
ROLAND UHLIN • CIVIL ENG.
NATICK • MASS.

Approved by the
Planning Board
Walter R. Chamberlain
Robert L. Moor
Paul L. McKeown
Richard W. Nelson

Approved by the
Supt. of Public Works
Walter C. Foster
Approved: Dec. 3, 1946.
Frank L. Cheney
Town Engineer

Norfolk Registry of Deeds
DEDHAM, MASS.
Received Jan. 13, 1947 with Par. Rel.
to William J. Hildebrand et ux.
to Allan R. Cegge, Trs. or est.
Filed as No. 32-1947 Bk. 2658 Pg. 60
Attest:
F. Thomas Blum Register.

3303

246

I, William H. Carter,

of Needham,

Norfolk County, Massachusetts

~~being~~ for consideration paid, grant to Jennie Little, being unmarried,

of Needham, Norfolk County, Massachusetts

with quitclaim covenants

the land in Needham, Norfolk County, Massachusetts, and being designated and shown as Lot 14 on a plan entitled "Compiled Plan of Land owned now or formerly by William H. Carter, Block W, Carleeta Park, Land in Needham, Mass., Frank L. Cheney, Civil Engineer, April 1952, Revised May 7, 1952", said plan to be recorded herewith.

The aforesaid Lot 14 is more particularly bounded and described, according to said plan, as follows:

WESTERLY by Lot 7, as shown on said plan, eighty (80) feet;
 NORTHERLY by Lot 13, as shown on said plan, one hundred sixteen (116) feet, more or less;
 EASTERLY by land marked on said plan "Now or formerly Verge S. Wagner", ninety-five (95) feet, more or less; and
 SOUTHERLY by Lot 15, as shown on said plan, one hundred twenty (120) feet, more or less; and

Containing 10,000 square feet of land, more or less, according to said plan.

For my title see deed from Vernon Dawson to William H. Carter dated January 10, 1922 and recorded with Norfolk County Registry of Deeds, Book 1506, Page 374.

This conveyance is made subject to all assessments, betterments and other municipal liens, if any.

U. S. Federal Revenue Stamps

In sum of \$ 5.50

affixed and cancelled on back of this instrument.

Massachusetts Deed Excise Stamps
 in sum of \$ 1.00
 affixed and cancelled on back of this instrument.

I, Hazel M. Carter,

~~husband~~
wife

of said grantor

release to said grantee all rights of ~~tenancy by the entirety~~ dower and homestead and other interests therein

Executed as a sealed instrument this 10th day of September 1954

William H. Carter
Hazel M. Carter

Commonwealth of Massachusetts

Norfolk

ss.

September 10 1954.

Then personally appeared the above named William H. Carter

and acknowledged the foregoing instrument

to be his free act and deed, before me



Herbert W. Firth
 Notary Public

My commission expires Jan. 31, 1958
 HERBERT W. FIRTH, Notary Public
 My commission expires Jan. 31, 1958

Recorded Sept. 27, 1954 at 2h.P.M.

48

Quirk Associates, LLC

4 Dorothy Lane

Dedham, MA 02026

(781) 326-1202 • FAX (781) 326-0916

Jennie Little
Arthur Little

(9/10/51 - 2/7/77)

1951 3303 - 246 (deed in) (c)

1977 5305-675 (deed) Connors (c)

Quirk Associates, LLC

4 Dorothy Lane

Dedham, MA 02026

(781) 326-1202 • FAX (781) 326-0916

14

Patricia M. Connolly

(1/24/77 - date)

1977

5305-675 (deed in)

©

78-27

x

6-23-27

50

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 19

ARTHUR E. LITTLE

of 16 James Street, Malden, Middlesex

County, Massachusetts

for consideration of five thousand (\$5,000) Dollars
 paid, grant to PATRICIA M. CONNOLLY of Colgate Road, Town of Needham,
 County of Norfolk, Commonwealth of Massachusetts,

with QUITCLAIM COVENANTS

the land in Needham, Norfolk County, Massachusetts, and being designated
 and shown as Lot 14 on a plan entitled "Complied Plan of Land owned now
 or formerly by William H. Carter, Block W, Carleeta Park, Land in
 Needham, Mass., Frank L. Cheney, Civil Engineer, April 1952, Revised
 May 7, 1952", said plan being recorded in the Norfolk Registry of Deeds,
 Plan Book 190, Page 1271 of 1954

The aforesaid Lot 14 is more particularly bounded and described according
 to said plan, as follows:

WESTERLY by Lot 7, as shown on said plan, eighty (80) feet;
 NORTHERLY by Lot 13, as shown on said plan, one hundred sixteen (116)
 feet, more or less;
 EASTERLY by land marked on said plan "Now or formerly Verge S. Wagner",
 ninety-five (95) feet, more or less; and
 SOUTHERLY by Lot 15, as shown on said plan, one hundred twenty (120)
 feet, more or less; and

Containing 10,000 square feet of land, more or less, according to said
 plan.

For title see deed from William H. Carter to Jennie Little dated
 September 10, 1954 and recorded with Norfolk County Registry of Deeds,
 Book 3303, Page 246, and further the Estate of said Jennie Little,
 Norfolk Probate, Docket No. 191848.

This conveyance is made subject to the restrictions of record which are
 now in force and apply.

Witness my hand and seal this 24 day of January 1977



Arthur E. Little

The Commonwealth of Massachusetts

Norfolk, ss

January 26 1977

Then personally appeared the above named Arthur E. Little

and acknowledged the foregoing instrument to be his free act and deed, before me

Richard M. Deliel
 Notary Public

My commission expires

April 8, 1977

Recorded Feb. 7, 1977 at 2h. 22m. P. M.

Grantee's address: 44 Colgate Road, Needham, Mass. 02192



STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
A. MIRIAM JAFFE
SHERMAN H. STARR, JR.
BARBARA D. DALLIS
KATHRYN K. WINTERS
KATHERINE BRAUCHER ADAMS
FRANKLIN J. SCHWARZER
ADAM M. SCHECTER

1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267
TELEPHONE (617) 965-3500
FAX (617) 965-6824
www.sab-law.com

February 18, 2025

VIA EMAIL

Zoning Board of Appeals
Town of Needham
Public Service Administration Building
500 Dedham Avenue
Needham, MA 02492

Re: Building Permit Denial for 0 Colgate Road

Dear Mr. Chairman and Ms. Collins,

As requested at the Board's meeting on January 29, 2025, I am submitting this letter in support of the Building Commissioner's decision to deny a building permit for 0 Colgate Road. My clients, Ellen Hurvitz and Barry Strasnick, are the owners of 66 Colgate Road. A portion of 66 Colgate Road abuts 0 Colgate Road. Below, I outline the reasoning behind our position and address several critical points regarding the nature of the land in question.

Background for 66 Colgate Road

My clients have owned their property at 66 Colgate Road since 1983. This uniquely shaped lot consists of two parcels and has a total area of 29,018 square feet. The deeded lot area of 66 Colgate includes both Lot A2 and Lot 12, as reflected in the purchase deed (see Exhibits A and B).

The configuration of 66 Colgate Road has been accepted by the Town of Needham for over 40 years. Notably, the town has never recognized Lot A2 as a public or private way, and it remains a part of my clients' assessed property (see Exhibit C). Needham's Zoning By-law explicitly defines a lot as a single area of land in one ownership, excluding any part of a way, public or private, that adjoins it.¹ Based on this definition, 66 Colgate Road meets the criteria of

¹ "**Lot** – a single area of land, in one ownership throughout, defined by metes and bounds or boundary lines as shown in a recorded deed or on a recorded plan. The area of a lot shall not include any part of a way, public or private, which adjoins the lot."(Section 1.3 of the Zoning By-Law)

a lot, with no portion of it designated as a way. Exhibit D is a photo of the mailbox for 66 Colgate, which is installed at the end of 66 Colgate's driveway, where it meets with Colgate Road. The Town does not plow or otherwise maintain the driveway for 66 Colgate as it would for a road or way.

Lack of Frontage for 0 Colgate Road

The building permit applicant for 0 Colgate Road ("the Applicant") claims that Lot A2 is a private way that can provide frontage for 0 Colgate Road (Lot 14). However, this claim is inconsistent with Needham's Zoning By-law, which defines a street or way as one either approved under the Subdivision Control Law or deemed suitable by the Planning Board for vehicular traffic and municipal services.²

Lot A2 has never been designated as a way on any subdivision plan. In 1975, a subdivision plan for the area was approved by the Planning Board and recorded (see Exhibit E). Colgate Road ends where Lot A2 begins. An easement recorded at the time of the Planning Board's acceptance of the 1975 subdivision plan explicitly excluded Lot A2 from being considered a way (see Exhibit F). This easement, granted by Robert Dawson to the Town of Needham, provided for a 30-foot turnaround for public vehicles, but did not establish a road, street, or way. The easement states that "the terms of this easement shall not be deemed, nor shall it be construed, to establish a road, street or way to satisfy the minimum requirement of the Subdivision Control Law applicable to any abutting lot not otherwise qualified."

Expired Covenant and Legal Precedents

The Applicant argues that a covenant recorded by Mr. Dawson grants her access rights to use Lot A2 as frontage for Lot 14. However, this argument is flawed for two reasons:

1. The purpose of the covenant (which was also recorded in connection with the 1975 subdivision, see Exhibit G) was to ensure that Lot A2 remained clear of obstructions for potential access to Greendale Avenue, an access point that was never formalized.
2. Massachusetts General Laws Chapter 184, Section 23 imposes a statutory expiration of conditions and restrictions on real property after thirty years. The covenant in question expired by statute in 2005 (see Exhibit H).

² **"Street or Way** – any public way or any private way shown on a plan approved under the provisions of the Subdivision Control Law or in existence when the provisions of said Subdivision Control Law became effective in the Town of Needham, having in the opinion of the Planning Board suitable width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon." (Section 1.3 of the Zoning By-Law)

The intent of Section 23 is to prevent indefinite encumbrances on land, ensuring that property remains adaptable to changing circumstances. Therefore, any argument relying on this covenant is untenable.³

Additional Concerns Regarding the Development of 0 Colgate Road

Should the Board consider overturning the Building Inspector's determination, my clients have several concerns about the potential development of 0 Colgate Road:

- **Sewer Connection:** My clients' sewer connection runs to Greendale Avenue. Would the Applicant need to tie into this existing connection? How would she do so without trespassing on my clients' land?
- **Construction Impact:** 66 Colgate Road has landscaping, a driveway, and sprinklers on Lot A2. How will these be protected during construction?
- **Environmental Concerns:** The water table in the area is high, with properties built on ledge. How will construction impact adjacent homes?
- **Tree Removal:** What measures will be taken to ensure that tree removal does not negatively affect neighboring properties?

Conclusion

The Building Commissioner's decision to deny the building permit for 0 Colgate Road should be upheld. Lot A2 is not a public or private way and therefore cannot provide the necessary frontage for 0 Colgate Road.

Thank you for your time and consideration. I look forward to discussing this matter further at the Board's next meeting on February 27, 2025.

Sincerely,



Katherine Braucher Adams

cc: Ellen Hurvitz and Barry Strasnick

³ Section 27 of Chapter 184 makes provision for the extensions of covenants. The covenant in question was not extended prior to the expiration of thirty years.

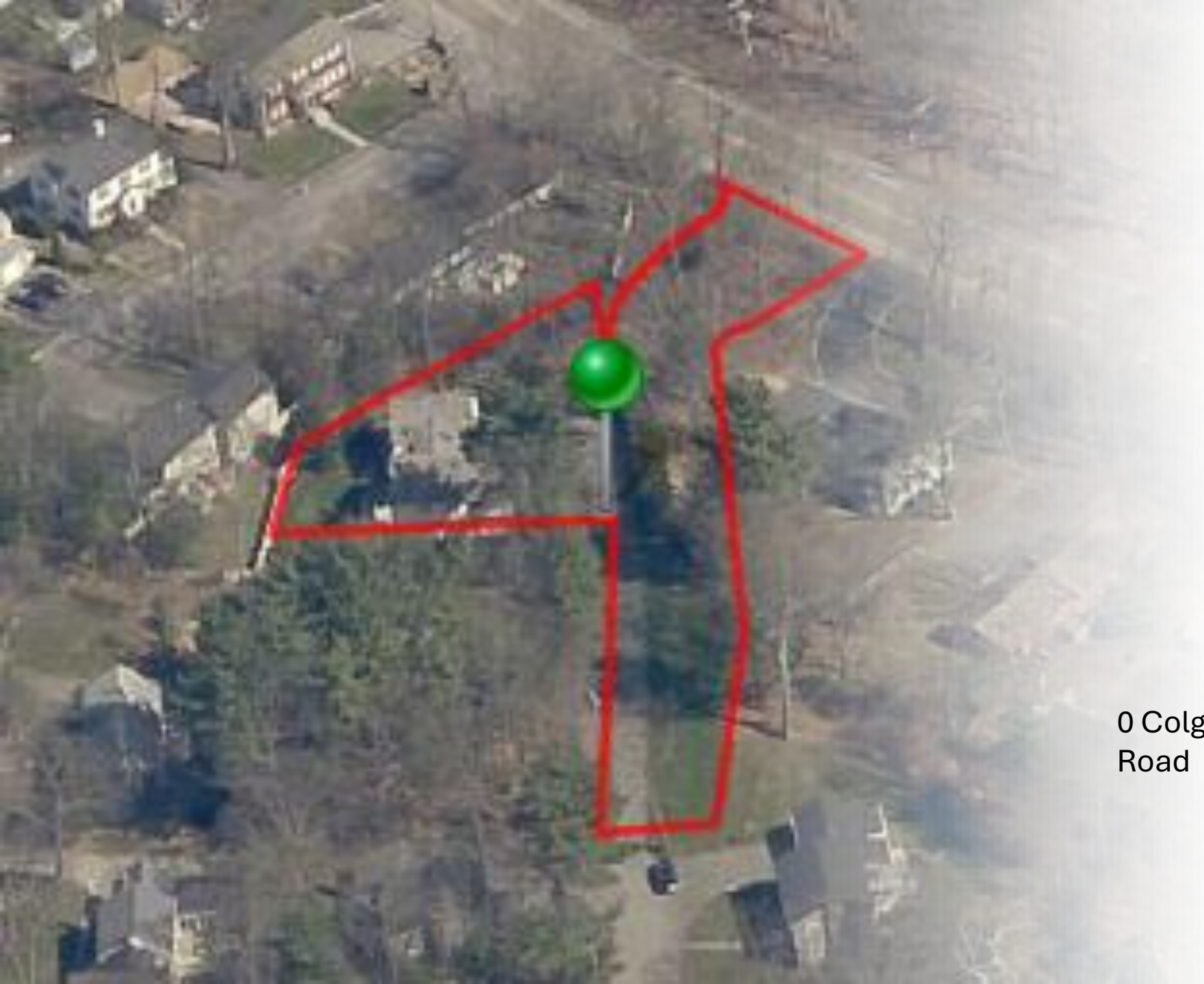
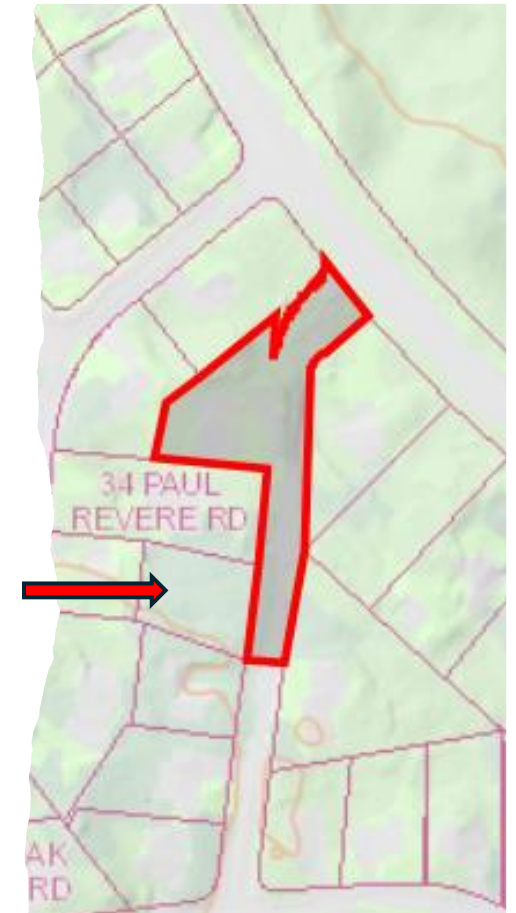


Exhibit A:
66 Colgate Road
configuration as
shown on Needham
assessor's database

0 Colgate
Road



I, JEROME DERENZO, of Needham, Norfolk County, Massachusetts for consideration paid and in full consideration of TWO HUNDRED SEVENTY NINE THOSAND(\$279,000) DALLARS

GRANT to ELLEN LYNN HURVITZ
of 66 Colgate Road, Needham, Norfolk County, Massachusetts
with
QUITCLAIM COVENANTS

TWO (2) certain parcels of land together with the buildings thereon situated in Needham, Norfolk County, Massachusetts and being bounded and described as follows:

FIRST PARCEL

Lot 12 as shown on a plan of land in said Needham entitled "Compiled Plan of Land in Needham, owned now or formerly by William H. Carter, Block W, Carleeta Park, Land in Needham, Frank L. Cheney, Civil Engineer, April 1952, Revised May 7, 1952" said plan being recorded in Norfolk Registry of Deeds as Plan No. 1271 of 1954, Plan Book 190.

Said Lot 12 is more particularly bounded and described according to said Plan as follows:

WESTERLY	by Lot 9, as shown on said Plan, fifty six and 38.100 (56; 38) feet;
NORTHEASTERLY	by Lots 10 and 11, as shown on said plan, one hundred thirty eight and 78/100 (138, 78) feet;
EASTERLY	by land marked "Now or formerly of Verge S. Wagner" fifty one and 14.100 (51.14) feet and ONE HUNDRED ONE (101) feet, as shown on said Plan;
SOUTHERLY	by Lot 13, as shown on said plan, one hundred fifteen (115) feet.

Containing , according to said plan, 11,271 square feet.

Meaning and intending to describe and convey all and the same premises conveyed to this Grantor by deed of Amelia Cimino dated August 23, 1983 and recorded with Norfolk Registry of Deeds in Book 6235 Page 460.

SECOND PARCEL

Lot A on a plan of Land entitled "DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM, Owner, Robert C. Dawson and Beatrice J. Dawson, Developer, Dawson Development Corporation, Surveyor, Cheney Engineering Co., Inc. Needham, Mass" said Plan being recorded with the Norfolk Registry of Deeds as Plan No. 144 of 1975, Plan Book 248.

address of property- 66 Colgate Road, Needham, Mass

RECEIVED RECORDED
1984 DEC 10 PM 3:20

Exhibit B

Lot 12 and Lot A2

- Deeded to Ellen Hurvitz in 1983

- Deeded to Ellen Hurvitz and Barry Strasnick in 1984

Exhibit C: Needham
assessing records –
29,036 square feet
lot, 2 parcels

PARID: 1990570002000000				MUNICIPALITY: NEEDHAM				LUC: 101						
HURVITZ, ELLEN LYNN &				66 COLGATE RD				PARCEL YEAR: 2025						
Land														
Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Market Value	Assessed Value
1	S-SQUARE FOOT	P-PRIMARY	101-SINGLE FAMILY RESIDENCE	10,000	.23	N						77		772,500
2	A-ACREAGE	R-RESIDUAL	101-SINGLE FAMILY RESIDENCE	19,036	.44	N						26,519		26,519
Total:													0 799,019	

Exhibit D - mailbox of 66 Colgate, located at end of driveway in easement area. Note limits of Town plowing.

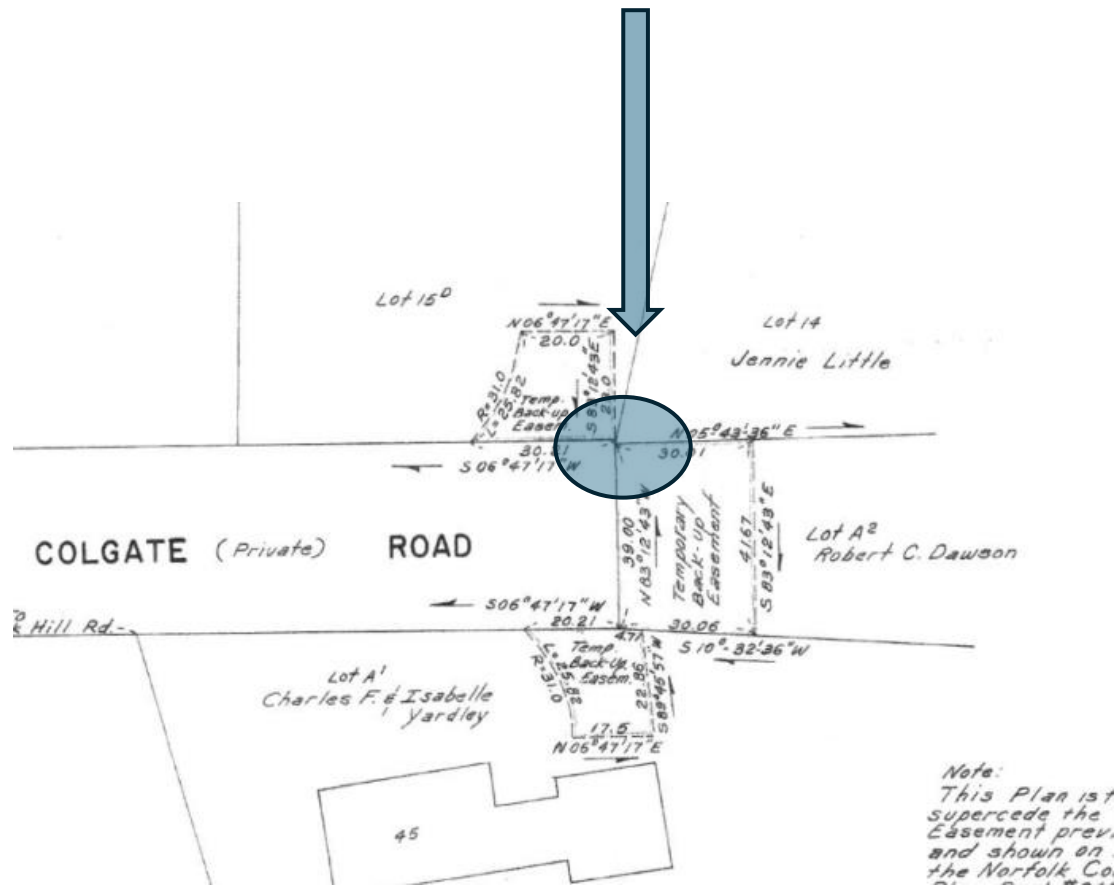


Exhibit E

1975 Subdivision Plan

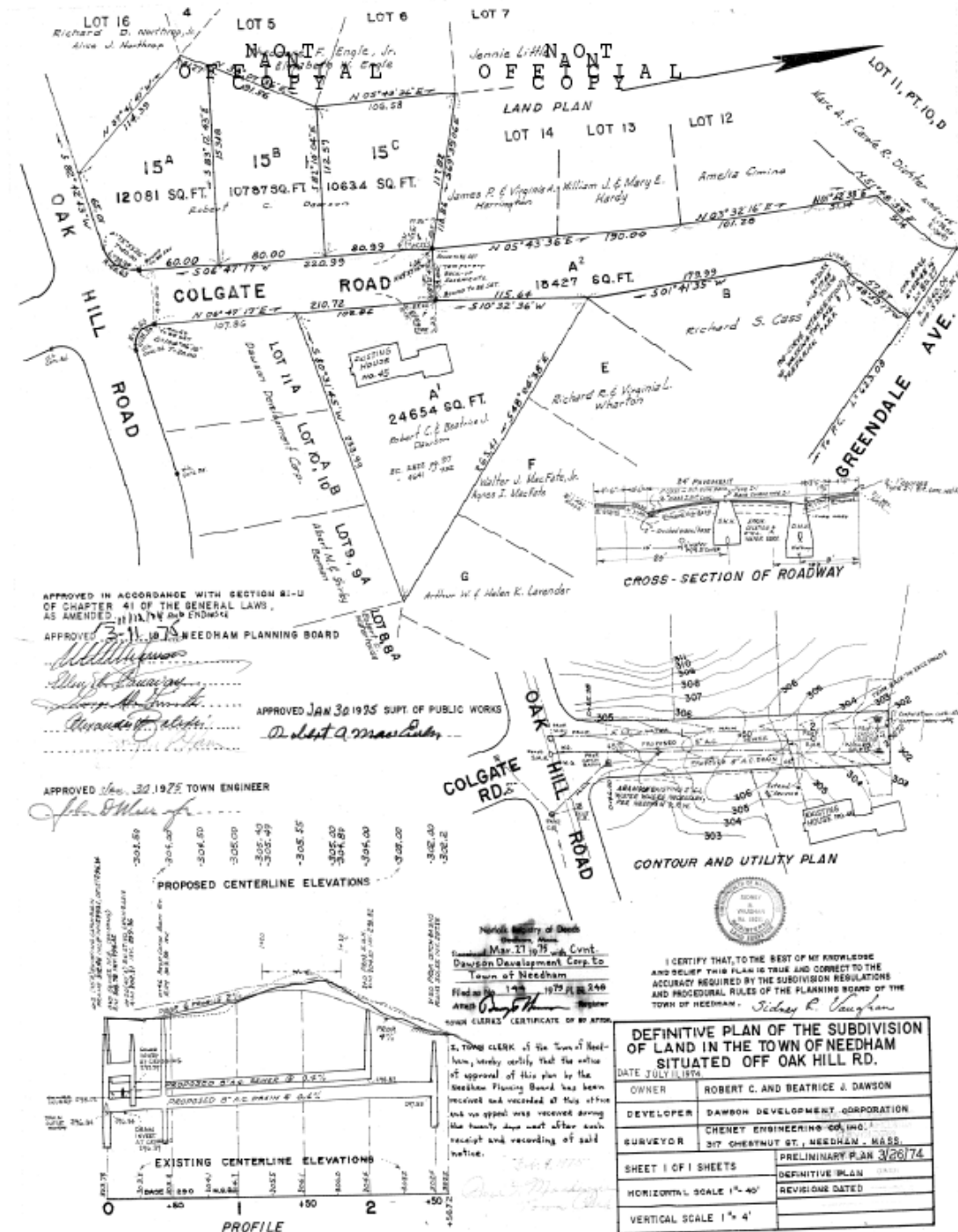


Exhibit F – Recorded Easement

GRANT OF TEMPORARY EASEMENT

530

I, ROBERT C. DAMSON, of Needham, County of Norfolk, Massachusetts, owner, for consideration paid, grant to the Inhabitants of the Town of Needham, a municipal corporation, located in Norfolk County, Massachusetts and their successors and assigns, a temporary backup easement in a certain parcel of land in Needham, Norfolk County, Massachusetts situated on Lot A² at Colgate Road, as shown on a plan entitled "Temporary Easements, to be acquired at Colgate Road in Needham, Mass.", John D. Marr, Jr., Town Engineer, dated June, 1975, to be recorded herewith and being bounded and described as follows:

Beginning at a point on the easterly sideline of Colgate Road, a private way, said point being the northerly limit of said Colgate Road, thence running along the northerly limit of said Colgate Road N-83°-12'-43"-W a distance of 39.00 feet, thence turning and running along the westerly lot-line of lot A²-N-05°-43'-36"-E a distance of 30.01 feet, thence turning and running S-83°-12'-43"-E a distance of 41.67 feet, thence turning and running along the easterly lot line of lot A² S-10°-32'-36"-W a distance of 30.06 feet to the point of beginning.

The grant of easement referred to above includes the right to maintain a guard rail acceptable to the Planning Board and the Department of Public Works. The terms of this easement shall not be deemed, nor shall it be construed, to establish a road, street or way to satisfy the minimum requirement of the Subdivision Control Law applicable to any abutting lot not otherwise qualified.

“The terms of this easement shall not be deemed, nor shall it be construed, to establish a road, street or way to satisfy the minimum requirement of the Subdivision Control Law applicable to any abutting lot not otherwise qualified.”

Exhibit G - Recorded Covenant

II. This Covenant shall run with the land and shall be binding upon the executor, administrators, heirs, assigns to the respective owners and developer, and their successors in title to the premises shown on said plan.

III (B). Lot A2, 18,427 square feet, bounded and described as shown on the aforementioned Definitive Plan, shall not constitute a

separate building lot and *shall remain free of any other improvements which would be inconsistent with said lot serving as an access to Greendale Avenue primarily for the benefit of the portion of lot A1 abutting lot A2 and any other properties abutting lot A2 as their respective interest may appear in providing for the*

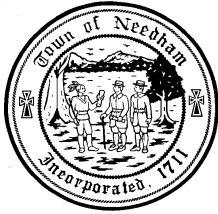
public convenience and necessity when the need arises. In consideration of the developer agreeing to the condition stated herein, the Planning Board will waive the requirements for the construction of a permanent turnaround as described in Section 3.3.5 of the "Subdivision Regulations and Procedural Rules of the Planning Board" and will allow the developer to construct a temporary back-up strip as outlined in condition III,C. of this covenant

Exhibit H - MGL Chapter 184, Section 23: Restrictions on property expire after 30 years

Section 23: Conditions or restrictions; term of years; applicability

[Print Page](#)[< Prev](#)[Next >](#)

Section 23. Conditions or restrictions, unlimited as to time, by which the title or use of real property is affected, shall be limited to the term **of thirty years after the date of the deed or other instrument** or the date of the probate of the will creating them, except in cases of gifts or devises for public, charitable or religious purposes. This section shall not apply to conditions or restrictions existing on July sixteenth, eighteen hundred and eighty-seven, to those contained in a deed, grant or gift of the commonwealth, or to those having the benefit of section thirty-two.



Town of Needham
Building Department
500 Dedham Ave.
Needham, MA 02492

Tel. 781-455-7550 x 72308

January 21, 2025

Town of Needham / Zoning Board of Appeals
500 Dedham Ave.
Needham, MA. 02492

Re: 0 Colgate Rd.

Dear Board Members,

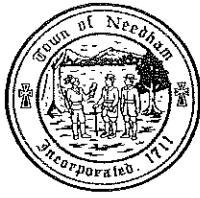
I have reviewed the appeal of my decision submitted by Attorney Cabral relative to 0 Colgate Rd.

The only addition to the comments in my initial denial via email, dated 12/2/24 are that an applicant for a Building Permit is required to provide a current plot plan, stamped and signed by a Massachusetts Registered Land Surveyor. This plan must show the parcel has frontage along a public or private way. No such plan has been submitted.

Further, determining the appropriateness/ legality of the 1984 plan which now shows the former path/way as belonging to the property at 66 Colgate Rd. or whether a private way still exists over that parcel is not within the jurisdiction of the Building Department.

Sincerely,

Joe Prondak
Building Commissioner



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

January 21st, 2024

Needham Zoning Board of Appeals
Needham Public Safety Administration Building
Needham, MA 02492

RE: Case Review-Determination of Buildability
0 Colgate Road- Determination of Buildability

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced project for the determination of buildability of the empty lot at 0 Colgate.

The documents submitted for review are as follows:

- Application for Special Permit dated 12/30/24.
- Addendum of Application
- Exhibit A: Topo Plot Plan of 0 Colgate Road by Cheney Engineering dated 9/06/24
- Exhibit B: Subdivision Plan dated 5/7/1952
- Exhibit C: Email Chain Denying the Buildability of 0 Colgate Rd.

Our comments and recommendations are as follows:

- There is a cloud on the title for 0 Colgate that might need to be resolved by the Land Court

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas A Ryder
Town Engineer

Daphne Collins

From: Tom Conroy
Sent: Friday, January 3, 2025 3:14 PM
To: Daphne Collins
Subject: RE: 0 Colgate Road - ZBA Review Due January 17, 2025

Hi Daphne,
Approved by Fire Dept.
Thanks,



Thomas M. Conroy

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

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, December 31, 2024 1:24 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 0 Colgate Road - ZBA Review Due January 17, 2025

Good Afternoon-

0 Colgate Road – Patricia M. Connolly, appellant, has appealed a decision of a Building Inspector (ABID), dated December 2, 2024, who determined that the property *“appears to “front” on private property and therefore does not have adequate frontage along a public or private way as defined in the Zoning By-Law.”* The ABID asserts that the vacant lot has 95 feet of frontage on a private paved way which satisfies the minimum frontage of 80 feet for parcels in the Single-Residence B per Section 4.2.1 of the By-Law. The property is located at 0 Colgate Road, Needham, MA in the Single-Residence B (SRB) District.

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

I appreciate your comments no later than **January 17, 2025** to allow time for the applicant to respond prior to the hearing.

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

Thank you,

Daphne M. Collins

Daphne Collins

From: Tara Gurge
Sent: Friday, January 17, 2025 11:54 AM
To: Daphne Collins
Subject: FW: 0 Colgate Road - ZBA Review Due January 17, 2025 - Public Health comments
Attachments: 0 Colgate Rd - Application.pdf; 0 Colgate Rd - Notice Legal Ad.doc

Daphne –

The Public Health Division conducted the Zoning Board review for the proposal for the property located **at #0 Colgate Rd.** The Public Health Division has no comments to share at this time.

Thanks,

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



please consider the environment before printing this email

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From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, December 31, 2024 1:24 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 0 Colgate Road - ZBA Review Due January 17, 2025

Good Afternoon-



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

January 21, 2025

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

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

At its meeting of January 21, 2025, the Planning Board reviewed the applications to be heard by the Board of Appeals on January 29, 2025, and made the following recommendations:

1. **250 Highland Avenue – Rainbow Angel, Inc.** (*Continued*) applied for a Special Permit to allow the use for a dine-in restaurant with accessory take-out under Section 3.2.5.2 and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law to allow the operation of a Taiwanese restaurant. The property is located in the Highland Commercial-128 (HC-128) zoning district.

The Planning Board previously commented on this case by letter dated November 19, 2024. The comments were as follows: The Planning Board makes NO COMMENT.

2. **51 Fremont Street - Rental City, Inc.** applied for a Special Permit to allow for equipment rental services with accessory retail use pursuant to Section 3.2.6.2 and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law to allow the operation of an equipment rental services with accessory retail sales. The property is located in the Mixed Use-128 (MU-128) zoning district.

The Planning Board makes NO COMMENT.

3. **378 Manning Street –Nick Koslov and Megan Waldvogel** applied for an Appeal of a Building Inspector Decision (ABID) of Building Permit BC24-11078 issued to Arthur Elzon dated November 19, 2024, for the reconstruction of a two-family at 378 Manning Street. The ABID asserts that the Building Permit plans on file do not comply with the terms of Section 1.4.7.4 of the By-Law that the building as reconstructed have a footprint no greater in area than that of the original non-conforming building. The property is located in the Single-Residence B (SRB) District.

The Planning Board makes NO COMMENT.

4. **282 Warren Street** – Stephanie Cox and Joshua A. Shaller applied for a Variance to allow the divestment of a five-foot strip of land to the abutting property at 73 Pleasant Street. This divestment would make 282 Warren Street, currently a conforming lot, into a non-conforming lot with a build Factor of 26.69 where a build factor of 20 or less is required under Sections 4.2.5 of the By-Law. The property is located in the Single-Residence B (SRB) District.

The Planning Board makes NO COMMENT.

5. **0 Colgate Road** -Patricia M. Connolly, appellant, has appealed a decision of a Building Inspector (ABID) dated December 2, 2024 who determined that the property *“appears to “front” on private property and therefore does not have adequate frontage along a public or private way as defined in the Zoning By-Law.”* The ABID asserts that the vacant lot has 95 feet of frontage on a private paved way which satisfies the minimum frontage of 80 feet for parcels in the Single-Residence B per Section 4.2.1 of the By-Law. The property is located at 0 Colgate Road, Needham, MA in the Single-Residence B (SRB) District.

The Planning Board makes NO COMMENT.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman

Director of Planning and Community Development



Kim K. Dooley
857.728.3641
kdooley@daintorpy.com

RECEIVED TOWN CLERK
NEEDHAM MA 02492

2024 DEC 20 AM 11:17

December 19, 2024

VIA FEDERAL EXPRESS

Town Clerk's Office
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

RE: 282 Warren Street ZBA Application for Variance

Dear Town of Needham Zoning Board of Appeals:

Enclosed please find the following:

1. A check made payable to the Town of Needham in the amount of \$200.00;
2. ZBA Application;
3. Survey for 282 Warren Street and 73 Pleasant Street;
4. Plot plan for 282 Warren Street;
5. Plot plan for 73 Pleasant Street; and
6. Seven copies of items #3 - #5.

Please note that the Legal Notice for the Needham Times should be billed directly to:

Jonathan Chan and Jamie Chan
73 Pleasant Street
Needham, MA 02492
Email: jchan@brplusa.com; jamie.l.singer@gmail.com
Telephone Number: 617.852.6536; 857-891-8937

Please contact me at kdooley@daintorpy.com or 857.728.3641 should you have any questions. Thank you.

Sincerely,
/s/ Kim K. Dooley
Kim K. Dooley



ZBA Application For Hearing

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2024 DEC 20 AM 11:17

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	Joshua A. Shaller and Stephanie Cox			Date:	12/18/24
Applicant Address	282 Warren Street, Needham, MA 02492				
Phone	3025473262	3392048980	email	stephanieacox@gmail.com; j.shaller@rivers.org	
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other _____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name	Timothy A.M. Fraser and Kim Khuu Dooley of Dain, Torpy, Le Ray, Weist, Garner P.C.				
Address	175 Federal Street, Suite 1500, Boston, MA 02110				
Phone	617-542-4800		email	tfraser@daintorpy.com; kdooley@daintorpy.com	
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____					
Contact ☐ Me ☒ Representative in connection with this application.					

Subject Property Information

Property Address	282 Warren Street, Needham, MA 02492		
Map/Parcel Number	1990410004100000	Zone of Property	Single Residence 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 ☒ N/A			
Do the spaces meet design requirements? ☐ Yes ☐ No ☒ N/A			
Application Type (select one): ☐ Special Permit ☒ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

2024 DEC 20 AM 11:20

Existing Conditions:

282 Warren Street ("Lot 1") is currently a preexisting conforming lot with a Build Factor of 52.60. As of August 22, 1985, any residential lot recorded or endorsed thereafter must be a Build Factor of 20 or less pursuant to the formula outlined in Section 4.2.5.

Statement of Relief Sought:

Lot 1 would like to divest its interest in a five (5) foot strip of land ("Parcel B") directly abutting 73 Pleasant Street ("Lot 2") which would make Lot 1 a nonconforming lot with a Build Factor of 26.69. Lot 1 seeks a variance as it is a de minimis deviation from the current zoning due to the unique shape of Lot 1.

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

4.2.5 Build Factor Formula

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:

September 21, 1944; June 3, 2024

Date Lot was created:

September 21, 1944

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)	N/A
Electronic submission of the complete application with attachments (Required)	✓
Elevations of Proposed Conditions (when necessary)	N/A
Floor Plans of Proposed Conditions (when necessary)	N/A

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 12/16/2024
date of consult

Date: 12/18/2024 Applicant Signature _____

DocuSigned by:

Stephanie Cox

BE0D81E3E71A4D8

Signed by:

Joshua D. Shaller

31F67D2467D949E

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

5.09'

193.22'

142.75'

87.00'

55.00'

109.55'

20.00'

149.10'

12.6'

20.3'

ADDITION CERT 6/3/24

2. STORY WOOD FRAME #282

25.6'

21.4'

56.96'

90.00'

PROPOSED INFILTRATION

SEWER

WATER

12,680 SF

COVERAGE = 10.7%(1342 SF)

**FINAL AS BUILT
PLAN OF LAND
282 WARREN STREET
NEEDHAM, MASS.**

Field Resources, Inc.
LAND SURVEYORS

JULY 24, 2024

SCALE 1"=30'

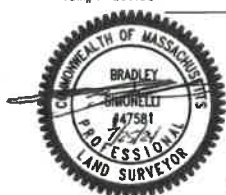
P.O. BOX 324

281 CHESTNUT ST.

AUBURN, MA
508 832 4332

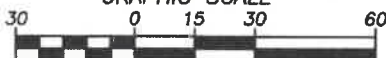
NEEDHAM, MA.
781 444 5936

fieldresources@hotmail.com



011-06

GRAPHIC SCALE



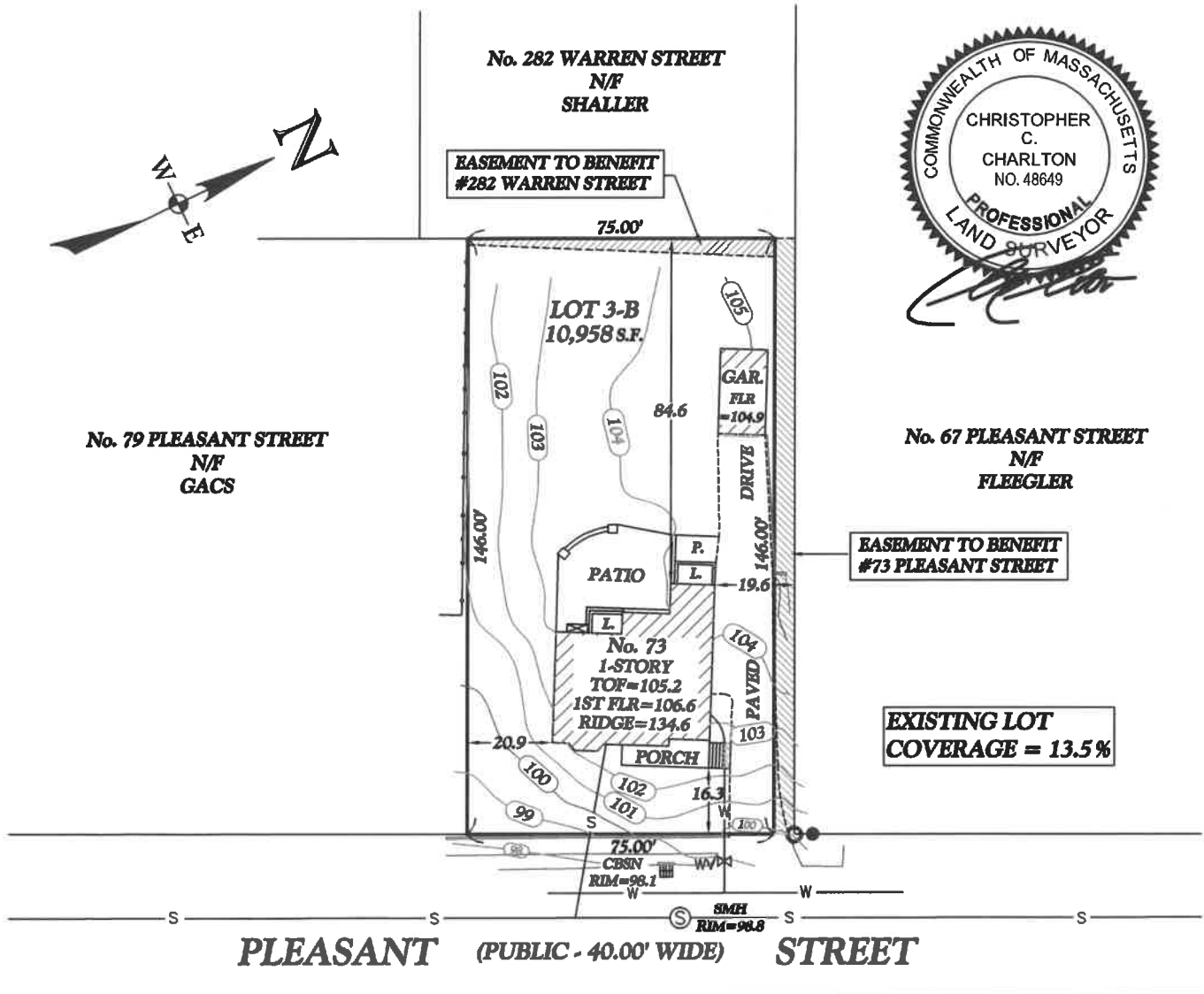
TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Assessor's Map & Parcel Number: **MAP NO. 41, PARCEL 24**
Building Permit Number: _____ Zoning District: **SRB**
Lot Area: **10,958 S.F.** Address: **No. 73 PLEASANT STREET**
Owner: **JONATHAN J. & JAMIE L. CHAN** Builder: _____

EXISTING CONDITIONS PLOT PLAN

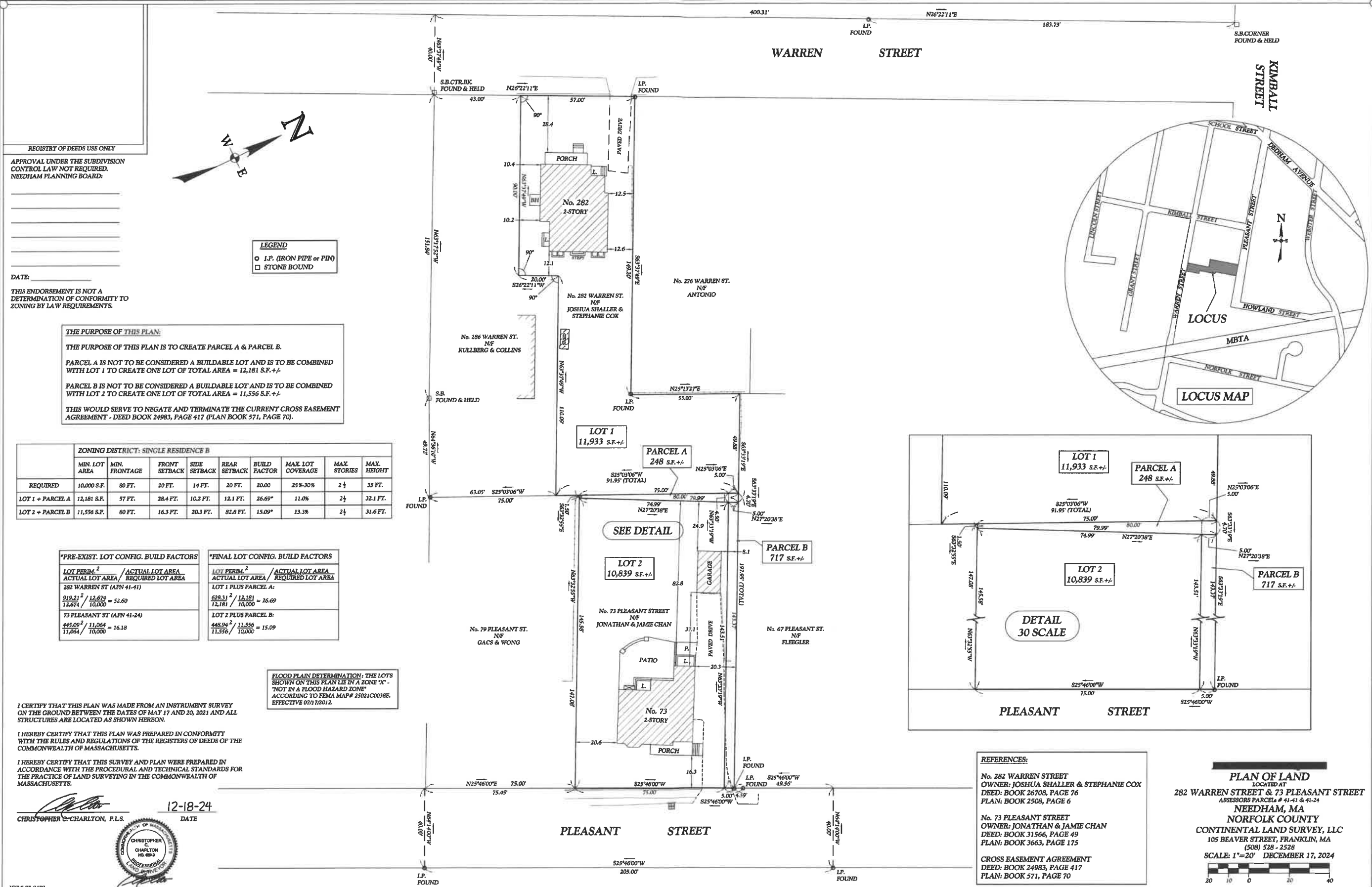
40' Scale



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, gaslines, 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 22nd day of SEPTEMBER 20 23.
Name CHRISTOPHER C. CHARLTON Registered Land Surveyor No. 48649 License Expiration Date 06/30/2024
Address 105 BEAVER STREET City FRANKLIN State MA Zip 02038 Tel. No. (508) 528-2528
Approved _____ Director of Public Works Date _____
Approved _____ Building Inspector Date _____



REGISTRY OF DEEDS USE ONLY

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED. NEEDHAM PLANNING BOARD:

DATE: _____

THIS ENDORSEMENT IS NOT A DETERMINATION OF CONFORMITY TO ZONING BY LAW REQUIREMENTS.

THE PURPOSE OF THIS PLAN:

THE PURPOSE OF THIS PLAN IS TO CREATE PARCEL A & PARCEL B.

PARCEL A IS NOT TO BE CONSIDERED A BUILDABLE LOT AND IS TO BE COMBINED WITH LOT 1 TO CREATE ONE LOT OF TOTAL AREA = 12,181 S.F. +/-

PARCEL B IS NOT TO BE CONSIDERED A BUILDABLE LOT AND IS TO BE COMBINED WITH LOT 2 TO CREATE ONE LOT OF TOTAL AREA = 11,556 S.F. +/-

THIS WOULD SERVE TO NEGATE AND TERMINATE THE CURRENT CROSS EASEMENT AGREEMENT - DEED BOOK 24983, PAGE 417 (PLAN BOOK 571, PAGE 70).

ZONING DISTRICT: SINGLE RESIDENCE B								
	MIN. LOT AREA	MIN. FRONTAGE	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	BUILD FACTOR	MAX. LOT COVERAGE	MAX. STORIES
REQUIRED	10,000 S.F.	80 FT.	20 FT.	14 FT.	20 FT.	20.00	25%-30%	2 1/2
LOT 1 + PARCEL A	12,181 S.F.	57 FT.	28.4 FT.	10.2 FT.	12.1 FT.	26.69*	11.0%	2 1/2
LOT 2 + PARCEL B	11,556 S.F.	80 FT.	16.3 FT.	20.3 FT.	82.8 FT.	15.09*	13.3%	2 1/2

*PRE-EXIST. LOT CONFIG. BUILD FACTORS	*FINAL LOT CONFIG. BUILD FACTORS
LOT PERIM. ² / ACTUAL LOT AREA 282 WARREN ST (APN 41-41) 919.21 ² / 12,674 12,674 / 10,000 = 52.60	LOT PERIM. ² / ACTUAL LOT AREA LOT 1 PLUS PARCEL A: 629.31 ² / 12,181 12,181 / 10,000 = 26.69
73 PLEASANT ST (APN 41-24) 445.09 ² / 11,064 11,064 / 10,000 = 16.18	LOT 2 PLUS PARCEL B: 445.09 ² / 11,556 11,556 / 10,000 = 15.09

FLOOD PLAIN DETERMINATION: THE LOTS SHOWN ON THIS PLAN LIE IN A ZONE "X" - "NOT IN A FLOOD HAZARD ZONE" ACCORDING TO FEMA MAP# 25021C0038E, EFFECTIVE 07/17/2012.

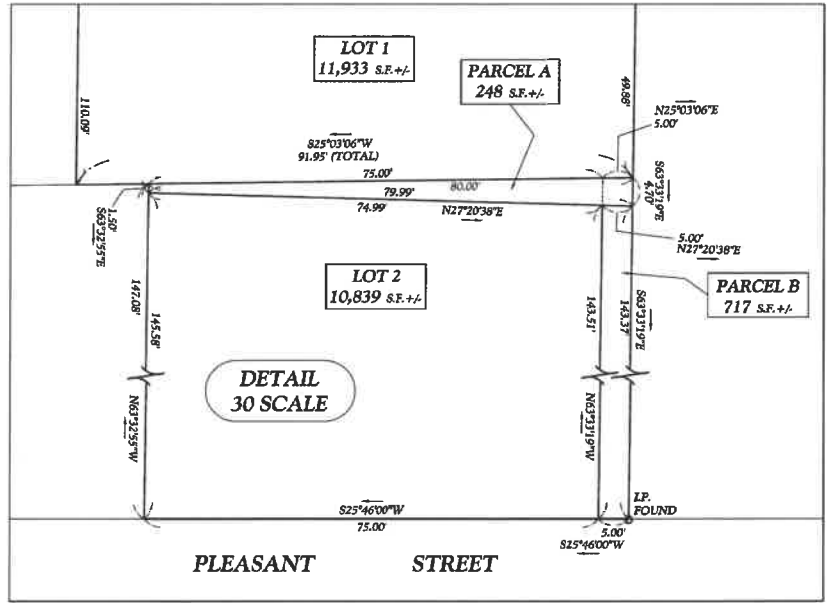
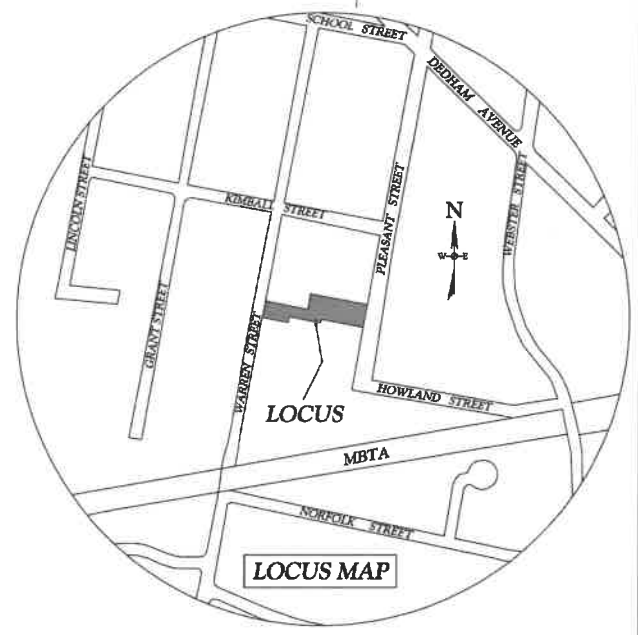
I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND BETWEEN THE DATES OF MAY 17 AND 20, 2021 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

I HEREBY CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.


CHRISTOPHER C. CHARLTON, P.L.S.
DATE: 12-18-24





REFERENCES:

No. 282 WARREN STREET
OWNER: JOSHUA SHALLER & STEPHANIE COX
DEED: BOOK 26708, PAGE 76
PLAN: BOOK 2508, PAGE 6

No. 73 PLEASANT STREET
OWNER: JONATHAN & JAMIE CHAN
DEED: BOOK 31566, PAGE 49
PLAN: BOOK 3663, PAGE 175

CROSS EASEMENT AGREEMENT
DEED: BOOK 24983, PAGE 417
PLAN: BOOK 571, PAGE 70

PLAN OF LAND
LOCATED AT
282 WARREN STREET & 73 PLEASANT STREET
ASSESSORS PARCELS # 41-41 & 41-24
NEEDHAM, MA
NORFOLK COUNTY
CONTINENTAL LAND SURVEY, LLC
105 BEAVER STREET, FRANKLIN, MA
(508) 528 - 2528
SCALE: 1"=20' DECEMBER 17, 2024



**MEMORANDUM IN SUPPORT OF VARIANCE APPLICATION FOR
282 WARREN STREET, NEEDHAM, MASSACHUSETTS**

Summary

The applicant, Joshua A. Shaller and Stephanie Cox (the “Applicant”) seeks a variance from compliance with Section 4.2.5 Build Factor Formula (the “Build Factor”) of the Zoning By-Law of the Town of Needham (the “Code”). This relief is being requested in connection with a proposed redrawing of the lot line boundaries of two adjacent, irregularly shaped lots: the Applicant’s lot, 282 Warren Street (“282 Warren”), and the adjacent lot, 73 Pleasant Street (“73 Pleasant”).¹ The proposed new lot lines (the “Lot Reconfiguration”) will allow 73 Pleasant, currently a non-conforming lot, to become compliant with the Code. The Lot Reconfiguration also allows 282 Warren to become more compliant with the Code. However, the Lot Reconfiguration triggers a Build Factor violation with respect to 282 Warren, even though no construction or alteration of any building on either lot is being proposed in this matter.

Lot / Property History

The Applicant owns and resides at 282 Warren (Needham Tax Assessor Parcel ID: 41-41), which is situated in a Single Residence B District. The 282 Warren lot was created in 1944 by the “Plan of Land in Needham, Mass” dated Sept. 21, 1944 by E.W. Pilling, Engineer and recorded in the Norfolk Registry of Deeds (“Norfolk Deeds”) on September 28, 1944 as Plan No. 393 in Book 2508, Page 6. The 282 Warren lot was created in a highly irregular shape, in that it includes a 5-ft. wide x 146-ft. long (~ 730 sq. ft.) strip of land which provides 282 Warren with direct access to Pleasant Street (the “Carriage Alley”).² Most relevant to this matter: 282 Warren was created in 1944, over 40 years before the adoption of the Build Factor.

The adjacent lot, 73 Pleasant, was created in 1958 by the plan “Subdivision of Land in Needham, Mass.” dated June 1958 prepared by C. Franzetti, Surveyor and recorded in Norfolk Deeds on August 27, 1958 at Plan No. 851 in Book 3663, Page 175.

With the passage of time, 282 Warren’s need for direct access to Pleasant Street became obsolete, as did its use of the Carriage Alley. Thus, the prior owners of both lots executed a Cross Easement Agreement recorded on July 12, 2007 in Norfolk Deeds Book 24983, Page 417 (the “Cross Easement”). In the Cross Easement, the prior owners of 282 Warren granted an easement to 73 Pleasant to access the strip land that comprises the Carriage Alley (the “Carriage Alley Easement”). Simultaneously, 73 Pleasant granted an easement of 75 ft. x ~4.5 ft. (~225 sq. ft.) in its rear yard in favor of 282 Warren (the “Rear Yard Easement”). With the Cross Easements the prior owners, as well as subsequent owners, and the current owners of 73 Pleasant and 282 Warren have all

¹ The Applicant and owner of the subject property in this matter has authorized the owner of the abutting lot at 73 Pleasant Street, Jonathan and Jamie Chan, to apply for the Variance in this matter on their behalf.

² On information and belief, the 282 Warren lot would have been created in this shape to provide for direct access by horse-drawn carriage to Pleasant Street.

operated based on the property lines depicted in *Illustration A*, below.



Illustration A: Current Lot Lines & Easements. The current legal property lines are depicted above, with 282 Warren having the benefit of the Rear Yard Easement (shaded in yellow), and 73 Pleasant having the benefit of the Carriage Alley Easement (shaded in red).

Argument in Support of Relief

In the proposed Lot Reconfiguration, the owners of both lots propose to redraw the lot boundary lines by permanently transferring their respective easements to each other. No construction of or alteration to any building is being proposed on either lot; however, the net change in 282 Warren’s lot area—approximately 500 sq. ft.—triggers a Build Factor violation with respect to that lot.

Needham Has Reason and Authority to Grant the Requested Relief

Massachusetts General Laws Chapter 40A, Section 10 allows a “permit granting authority” to grant a variance where due to the “soil conditions, shape, or topography of such land ... a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.” As the permit granting authority, the Town of Needham Zoning Board of Appeals (the “Board”) may properly grant the variance, and as detailed below, the relief requested in this case meets the requirements set forth in M.G.L. c. 40A § 10.

Literal Enforcement of the Build Factor Would Involve Substantial Hardship to the Applicant.

Although including the Carriage Alley as part of the shape of 282 Warren made sense when the lot was created in 1944, it has no practical use in modern times, and has not been used in that manner in decades. Via the Cross Easement, the prior owners of these two lots attempted to memorialize the boundary lines in a manner that was more consistent with their actual use. However, the Applicant remains the legal owner of the land which comprises the Carriage Alley, and thus continues to pay property taxes on the entire parcel. The Applicant must also maintain hazard insurance on the entire parcel, including the 5 ft. x 146 ft. strip of land which provides no



beneficial use for the Applicant. In fact, the Applicant will essentially never be able to make use of the land which comprises the Carriage Alley in any meaningful manner because it is so narrow, irregularly shaped, and directly abuts 73 Pleasant. Thus, the shape and topography of 282 Warren are such that a literal enforcement of the Build Factor provisions would involve substantial hardship to the Applicant in this matter.

Relief Can be Granted Without Derogating from the Intent of the Build Factor and Without Substantial Detriment to the Public Good.

As noted above, the 282 Warren lot was created in 1944, prior to the adoption of the Build Factor. The Build Factor requires that any lots recorded or endorsed after August 22, 1985 shall not exceed a maximum build factor of 20 in a Single Residence B District.³ The Build Factor is calculated according to the following formula:

$$\frac{\text{Lot Perimeter}^2}{\text{Actual Lot Area}} \div \frac{\text{Actual Lot Area}}{\text{Required Lot Area}}$$

Under this formula, 282 Warren currently has a build factor of 52.60, and because it was created in 1944, it is considered a preexisting conforming lot. However, because the lot lines are being redrawn, the proposed Lot Reconfiguration technically creates a “new” lot, and 282 Warren therefore must comply with the Build Factor requirements of lots “recorded or endorsed” after 1985—meaning it has exceeded the allowed Build Factor of 20, even though no construction or building alterations have occurred.

The language of Section 4.2.5 begins by stating that the intent of the Build Factor is to “limit the degree to which a lot may have an irregular shape.”⁴ Thus, although 282 Warren will still exceed the Build Factor after the proposed Lot Reconfiguration, the new lot lines provide for a result that squarely aligns with the Town of Needham’s intent in adopting the Build Factor: the new lot lines correct the highly irregular shape of 282 Warren by eliminating the Carriage Alley Easement. In addition, 73 Pleasant is currently a preexisting, non-conforming lot because it does not have the required minimum frontage (it has 75 ft. vs. the required 80 ft.). However, adding the 5-ft.-wide Carriage Alley to the lot brings 73 Pleasant into compliance with the dimensional regulations of the Code. Thus, the benefits of the proposed Lot Reconfiguration are threefold: it creates a more rectangular lot at 73 Pleasant, it allows 73 Pleasant to become a conforming lot, and it creates a much less-irregular lot shape at 282 Warren, as depicted in *Illustration B*, below.

³ Needham, MA, Zoning By-Law § 4.2.5 (2024).

⁴ *Id.*



Illustration B: Proposed Property Lines. The new lot lines correct the highly irregular shape of 282 Warren by eliminating the Carriage Alley Easement and result in a more rectangular, dimensionally conforming lot at 73 Pleasant.

The extent of the irregularity of the shape of 282 Warren is best illustrated by calculating the change in the Build Factor after the Lot Reconfiguration. After losing the lot area of the Carriage Alley (730 sq. ft.) and adding the lot area of the Rear Yard Easement (225 sq. ft.), the net reduction in 282 Warren’s lot area is 505 sq. ft.—from 12,657 sq. ft. to 12,152 sq. ft.⁵ However, because the lot shape is so irregular, eliminating just 505 sq. ft. reduces the Build Factor almost 50%—from its current 52.60 to 26.69, an arguably *de minimis* deviation from the Code. Based on the plain language of Section 4.2.5, “to limit the degree to which a lot may have an irregular shape,” providing the Applicant with the requested relief is in harmony with the Code, and does not frustrate the purpose, intent, or goals of the Build Factor, in fact, it would meet those goals and intents directly by creating two much more regularly shaped lots and allowing a non-conforming lot to become conforming.

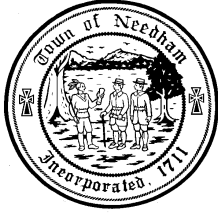
The relief requested in this matter can also be granted without substantial detriment to the public good. The Lot Reconfiguration does not involve any publicly used or accessed land, or any public ways, but rather, it involves an arrangement between two private landowners concerning two privately owned parcels. Further, the Applicant is not requesting relief related to dimensional requirements such as lot area, frontage, height, or setback requirements, many of which were enacted to protect abutting landowners and public access to roads and sidewalks. Additionally, it appears that during the prior two (2) calendar years, no applications for Build Factor variances were submitted for hearing to the Board; thus, if the Board were to grant relief for this specific lot, which is uniquely affected by its irregular shape, it would not likely create an outpouring of requests for Build Factor variances. Finally, returning to the plain language of Section 4.2.5, the Build Factor was enacted to limit irregularly shaped lots and by its enactment, the Town of Needham must have deemed it a benefit to the public. Thus, granting the requested relief, which creates a more rectangular, conforming lot at 73 Pleasant, and a much less-irregular lot shape at 282 Warren, will not cause substantial detriment to the public good.

⁵ Even without the Carriage Alley, 282 Warren’s lot size still exceeds the minimum required lot size in a Single Residence B District of 10,000 sq. ft.. Needham, MA, Zoning By-Law § 4.2.2 (2024).



Conclusion

In summary, the Applicant respectfully requests that the Board grant a variance for 282 Warren to exceed the Build Factor of 20, and allow a build factor of 26.69. The shape and topography of 282 Warren are such that a literal enforcement of the Build Factor provisions would involve substantial hardship to the Applicant in this matter. The plain language of Section 4.2.5 specifies its intent was to “limit the degree to which a lot may have an irregular shape”; thus, providing the Applicant with the requested relief is in harmony with the Code, and does not frustrate the purpose, intent, or goals of the Build Factor, in fact, it would meet those goals and intents directly by creating a much less-irregular lot shape at 282 Warren and a more rectangular, conforming lot at 73 Pleasant.



Town of Needham
Building Department
500 Dedham Ave.
Needham, MA 02492

Tel. 781-455-7550 x 72308

January 21, 2025

Town of Needham / Zoning Board of Appeals
500 Dedham Ave.
Needham, MA. 02492

Re: 282 Warren St.

Dear Board Members,

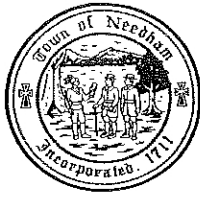
I have reviewed the proposed subdivision of land located at 282 Warren St. and 73 Pleasant St as submitted by Attorneys Fraser and Dooley.

I agree that relief in the form of a variance, only for the lot at 282 Warren St., is required due to the “creation” of a new lot which exceeds current Build Factor requirements prescribed in Section 4.2.5 of the Zoning Bylaw.

This office has no objection or other comments related to this proposal.

Sincerely,

Joe Prondak
Building Commissioner



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

January 22nd, 2024

Needham Zoning Board of Appeals
Needham Public Safety Administration Building
Needham, MA 02492

RE: Case Review-Variance Review
282 Warren Street- Variance Review

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced project for the proposed variance at 282 Warren Street.

The documents submitted for review are as follows:

- Application for Special Permit dated 12/18/24.
- Cover Letter by Kim Dooley of Dain Torpy dated 12/19/24
- Survey plan of 282 Warren Street and 73 Pleasant Street dated 12/18/24
- Plot Plan of 282 Warren Street dated 7/25/24
- Plot Plan of 73 Pleasant Street dated 6/30/24
- Memorandum in Support of Variance by Dain Torpy

Our comments and recommendations are as follows:

- We have no comment and defer to the building commissioner and planning board to make a determination.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas A Ryder
Town Engineer

Daphne Collins

From: Tom Conroy
Sent: Friday, January 10, 2025 10:00 AM
To: Daphne Collins
Subject: RE: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025

Hi Daphne,
Fire Dept. approves.
Thank you,
Tom



Thomas M. Conroy

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

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Thursday, January 9, 2025 7:37 PM
To: Alexandra Clee <aclee@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: FW: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025

Good Evening Folks-

The applicant of 282 Warren Street submitted additional information to their application which you received in December.

Attached for your review of this case, please find the Memo of Support.

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

Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 72261
dcollins@needhamma.gov
www.needhamma.gov

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

Daphne Collins

From: Tara Gurge
Sent: Tuesday, December 31, 2024 9:20 AM
To: Daphne Collins
Subject: FW: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025 - Public Health comments
Attachments: 282 Warren St - Notice Clerk.doc

Daphne –

The Public Health Division conducted the Zoning Board review for the proposal for the property located **at #282 Warren St**. The Public Health Division has no comments to share at this time.

Thanks,

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



 please consider the environment before printing this email

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From: Daphne Collins <dcollins@needhamma.gov>
Sent: Monday, December 30, 2024 3:17 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025

Good Afternoon –

Daphne Collins

From: John Schlittler
Sent: Tuesday, December 31, 2024 10:45 AM
To: Daphne Collins
Subject: RE: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025

Police has no issues

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Monday, December 30, 2024 3:17 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 282 Warren Street - ZBA Administrative Review - Due January 17, 2025

Good Afternoon –

288 Warren Street - Stephanie Cox and Joshua A. Shaller applied for a Variance to allow the divestment of a five-foot strip of land to the abutting property at 73 Pleasant Street. This divestment would make 282 Warren Street, currently a conforming lot, into a non-conforming lot with a build Factor of 26.69 where a build factor of 20 or less is required under Sections 4.2.5 of the By-Law.

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

I appreciate your comments no later than **January 17, 2025** to allow time for the applicant to respond prior to the hearing.

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

Thank you,

Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 72261
dcollins@needhamma.gov
www.needhamma.gov

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



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

January 21, 2025

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

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

At its meeting of January 21, 2025, the Planning Board reviewed the applications to be heard by the Board of Appeals on January 29, 2025, and made the following recommendations:

1. **250 Highland Avenue – Rainbow Angel, Inc.** (*Continued*) applied for a Special Permit to allow the use for a dine-in restaurant with accessory take-out under Section 3.2.5.2 and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law to allow the operation of a Taiwanese restaurant. The property is located in the Highland Commercial-128 (HC-128) zoning district.

The Planning Board previously commented on this case by letter dated November 19, 2024. The comments were as follows: The Planning Board makes NO COMMENT.

2. **51 Fremont Street - Rental City, Inc.** applied for a Special Permit to allow for equipment rental services with accessory retail use pursuant to Section 3.2.6.2 and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law to allow the operation of an equipment rental services with accessory retail sales. The property is located in the Mixed Use-128 (MU-128) zoning district.

The Planning Board makes NO COMMENT.

3. **378 Manning Street –Nick Koslov and Megan Waldvogel** applied for an Appeal of a Building Inspector Decision (ABID) of Building Permit BC24-11078 issued to Arthur Elzon dated November 19, 2024, for the reconstruction of a two-family at 378 Manning Street. The ABID asserts that the Building Permit plans on file do not comply with the terms of Section 1.4.7.4 of the By-Law that the building as reconstructed have a footprint no greater in area than that of the original non-conforming building. The property is located in the Single-Residence B (SRB) District.

The Planning Board makes NO COMMENT.

4. **282 Warren Street** – Stephanie Cox and Joshua A. Shaller applied for a Variance to allow the divestment of a five-foot strip of land to the abutting property at 73 Pleasant Street. This divestment would make 282 Warren Street, currently a conforming lot, into a non-conforming lot with a build Factor of 26.69 where a build factor of 20 or less is required under Sections 4.2.5 of the By-Law. The property is located in the Single-Residence B (SRB) District.

The Planning Board makes NO COMMENT.

5. **0 Colgate Road** -Patricia M. Connolly, appellant, has appealed a decision of a Building Inspector (ABID) dated December 2, 2024 who determined that the property *“appears to “front” on private property and therefore does not have adequate frontage along a public or private way as defined in the Zoning By-Law.”* The ABID asserts that the vacant lot has 95 feet of frontage on a private paved way which satisfies the minimum frontage of 80 feet for parcels in the Single-Residence B per Section 4.2.1 of the By-Law. The property is located at 0 Colgate Road, Needham, MA in the Single-Residence B (SRB) District.

The Planning Board makes NO COMMENT.

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman

Director of Planning and Community Development

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

TELEPHONE (781) 449-4520

FAX (781) 465-6059

February 24, 2025

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Needham Enterprises, LLC
339 Chestnut Street, Needham, MA
Comprehensive Permit

Dear Ms. Collins,

Please be advised this office represents Needham Enterprises, LLC, 105 Chestnut Street, Needham, MA 02492 (hereinafter, the Applicant and "Needham Enterprises") in connection with the proposed redevelopment of the property known and numbered 339 Chestnut Street (hereinafter the "Premises"). In particular, Needham Enterprises desires to transform the Premises from a commercial office property to an affordable housing development containing six units. In connection therewith, submitted herewith, please find the following:

1. Twenty copies of a Completed Application for Hearing;
2. Twenty copies of plot plan and architectural plans;
3. Twenty copies of Determination of Project Eligibility d. January 22, 2025;
4. Twenty copies of Memorandum in Support of Application of Needham Enterprises, LLC;
5. Twenty Copies of List of Requested Exemptions; and
6. Check in the amount of \$2,600.00 for the applicable filing fee.

The Premises is located in the Chestnut Street Business District and is currently improved with a two-story building; most recently used for office purposes. Needham Enterprises is proposing to demolish the existing building in its entirety and replace it with a new three-story residential

dwelling and associated parking, to be developed under the Local Initiative Program. The new building will contain a total of six units over three floors, two on each floor. There will be a total of eight off-street parking spaces, accessed from Chestnut Street, one of which will be a handicap space.

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

Sincerely,

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

George Giunta, Jr.



ZBA Application For Hearing

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

Applicant Information

Applicant Name	Needham Enterprises, LLC	Date:	2/24/2025
Applicant Address	105 Chestnut Street, 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	339 Chestnut Street, Needham, MA 02492		
Map/Parcel Number	Map 46 / Parcel 54	Zone of Property	Chestnut Street Business (CSB)
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☒ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (<i>select one</i>): ☐ Special Permit ☐ Variance ☒ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Two story building on a non-conforming lot, most recently used for office purposes.

Statement of Relief Sought:

Comprehensive permit pursuant to M.G.L. c.40B to authorize a six unit residential building and associated parking, as shown on the plans submitted herewith.

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

3.2.2, 4.4 et. seq., 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 (<i>square feet</i>)		
Front Setback (<i>feet</i>)		
Rear Setback (<i>feet</i>)		
Left Setback (<i>feet</i>)		
Right Setback (<i>feet</i>)		
Frontage (<i>feet</i>)		
Lot Coverage (%)		
FAR (<i>Floor area divided by the lot area</i>)		
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



ZBA Application For Hearing

Date Structure Constructed including additions:

1904

Date Lot was created:

1911

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.

the Applicant and

I certify that I have consulted with the Building Inspector on or before Feb 24, 2025

date of consult

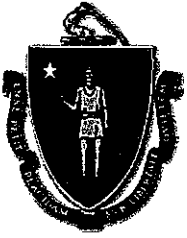
Needham Enterprises, LLC,
by its attorney,

Date: February 24, 2025

Applicant Signature

George Giunta Jr
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*



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus, Jr., Secretary

January 22, 2025

Kate Fitzpatrick
Town of Needham
1471 Highland Avenue
Needham, Massachusetts 02492

Matthew Borrelli, Manager
Needham Enterprises, LLC
105 Chestnut Street
Needham, Massachusetts 02492

RE: Chestnut Village, Needham, Massachusetts
Determination of Project Eligibility under the Local Initiative Program (LIP)

Dear Ms. Fitzpatrick and Mr. Borrelli:

I am pleased to inform you that your application for project eligibility under the Local Initiative Program (LIP) for the proposed Chestnut Village project has been approved. This approval is based on your application that sets forth a plan for the development of six rental units. The proposed rents for the LIP units are generally consistent with the standards for affordable housing to be included in a community's Chapter 40B affordable housing stock.

As part of the review process, Executive Office of Housing and Livable Communities (EOHLC) staff has performed an on-site inspection of the proposed project site. EOHLC has made the following findings:

1. The proposed project appears generally eligible under the requirements of LIP, subject to final program review and approval;
2. The site of the proposed project is generally appropriate for residential development;
3. The conceptual plan is generally appropriate for the site on which the project is located;
4. The proposed project appears financially feasible in the context of the Needham housing market;
5. The initial pro forma for the project appears financially feasible and consistent with cost examination and limitations on profits and distributions on the basis of estimated development costs;
6. The project sponsor and the development team meet the general eligibility standards of LIP;

7. The project sponsor has an executed Purchase and Sale agreement for the site.

The proposed project must comply with all state and local codes not specifically exempted by a comprehensive permit.

Please provide us with a copy of the comprehensive permit as soon as it is issued. The EOHLC legal office will review the comprehensive permit and other project documentation. Additional information may be requested as is deemed necessary. Following the issuance of the comprehensive permit, the specifics of this project must be formalized in a regulatory agreement signed by the municipality, the project developer, and EOHLC prior to starting construction.

As stated in the application, the Chestnut Village project will consist of six units, two of which will be affordable; all will be eligible for inclusion in the Town's subsidized housing inventory. The affordable units will be marketed and rented to eligible households whose annual income may not exceed 80% of area median income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development.

The conditions that must be met prior to final EOHLC approval include:

1. A final affirmative fair marketing and lottery plan with related forms shall be submitted that reflects LIP requirements including consistency with the *Comprehensive Permit Guidelines, Section III, Affirmative Fair Housing Marketing Plans*;
2. Any changes to the application EOHLC has just reviewed and approved, including but not limited to alterations in unit mix, rents, development team, unit design, site plan and financial pro forma reflecting land value, must be approved by EOHLC;
3. The project must be organized and operated so as not to violate the state anti-discrimination statute (M.G.L. c151B) or the Federal Fair Housing statute (42 U.S.C. s.3601 et seq.). No restriction on occupancy may be imposed on the affordable unit (other than those created by state or local health and safety laws regulating the number of occupants in dwelling units); and
4. The Town shall submit to EOHLC the finalized details of the comprehensive permit.

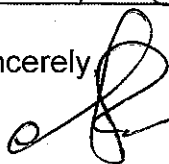
As the Chestnut Village project nears completion of construction, EOHLC staff may visit the site to ensure that the development meets program guidelines.

When the units have received certificates of occupancy, the developer must submit to both EOHLC and the Select Board a project cost examination for the comprehensive permit project.

This letter shall expire two years from this date or on January 22, 2027, unless a comprehensive permit has been issued.

We congratulate the town of Needham and Needham Enterprises, LLC on your efforts to work together to increase the Town's supply of affordable housing. If you have any questions as you proceed with the project, please contact Rieko Hayashi at rieko.hayashi@mass.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'Catherine Racer', written over the word 'Sincerely,'.

Catherine Racer
Undersecretary

cc: Lee Newman, Director of Planning and Community Development
Jonathan Tamkin, Zoning Board of Appeals
Office of the Chief Counsel, EOHLC

Enc.

RESPONSIBILITY FOR COST CERTIFICATION:

By your signature below, Needham Enterprises, LLC, acknowledges and accepts this approval letter, including the obligation under law to provide the Executive Office of Housing and Livable Communities and the town of Needham with a project cost examination.

Signature: _____

Name (print): _____

Date: _____

Upon receipt, please make a copy of this letter and return a signed copy to the Executive Office of Housing and Livable Communities, 100 Cambridge Street, Boston, MA 02114 ATTN: Local Initiative Program.

Chestnut Village, Needham, Massachusetts

LOCAL INITIATIVE PROGRAM – COMPREHENSIVE PERMIT**Sponsor:**

Needham Enterprises, LLC
105 Chestnut Street
Needham, MA 02492

Project Addresses:

339 Chestnut Street
Needham, MA 02492

This project will provide rental opportunities according to the following breakdown:

Type of Unit	# of Units	# of Baths	Gross SF	Utility Allowance	Maximum Rent
A. LIP Units					
One Bedroom	1	1	900	\$164	\$2,605
Two-Bedroom	1	2	980	\$240	\$2,931
Total LIP Units	2				
B. Market Units					
One Bedroom	2	2	900	N/A	\$2,939
Two-Bedroom	2	2	980		\$3,229
Total Market Units	4				
Total Units in Project	6				

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

February 24, 2025

MEMORANDUM IN SUPPORT OF
APPLICATION OF
NEEDHAM ENTERPRISES, LLC
Comprehensive Permit
Chestnut Village
339 Chestnut Street, Needham, MA

The applicant, Needham Enterprises, LLC (hereinafter, jointly and interchangeably, the “Applicant” and “Needham Enterprises”), seek a Comprehensive Permit pursuant to the applicable provisions of M.G.L. c.40B, to permit the redevelopment of the property known and numbered 339 Chestnut Street (hereinafter the “Premises”) as a six unit affordable housing development; and all other relief as may be necessary and appropriate to permit the construction at the Premises of a new six unit residential dwelling with associated off-street parking, as shown on the plans and described in the materials submitted herewith.

PRESENT USE / EXISTING CONDITIONS

The Premises is shown as parcel 54 on sheet 46 of the Assessor’s Map for the Town of Needham and is located in the Chestnut Street Business (CSB) Zoning District. It is located across Chestnut Street from a McDonald’s restaurant and is bounded on the remaining three sides by commercial properties. It is conveniently located within approximately 600 feet of the MBTA Junction Commuter Rail Station and is within walking distance of Needham Center, with numerous restaurants, shopping and an additional commuter rail station, as well as the Beth Israel Deaconess Hospital Needham.

The Premises contains approximately 6,200 square feet of land with 40 feet of frontage on Chestnut Street and was created as a separate lot on or before 1911.¹ It is currently occupied by an existing two-story building, built in 1904, and associated parking and driveway areas, and was most recently used for office purposes.² There are a total of eight designated parking spaces

¹ See deed of David Simon and Sammuell Rosenblat to Ellen Ahearn, dated March 11, 1911, recorded with Norfolk County Registry of Deeds in Book 1170, Page 367

² See Exhibit A, Assessor’s Information, attached hereto.

currently in existence at the Premises, located behind the existing building, as well as a paved open asphalt area in front of the building. All the spaces are compact size, the maneuvering aisle accessing the spaces is only 19' wide, and the parking otherwise does not comply with several applicable design requirements.

PROPOSED ALTERATION

Needham Enterprises is proposing to redevelop the entire property by demolishing the existing building and parking and replacing them with a new building and new parking. The proposed new building will contain a total of six residential units, two of which will be affordable (as that term is used pursuant to M.G.L. c.40B, as applicable). One unit will contain one bedroom and one bathroom, and the remaining five units will contain two bedrooms and two bathrooms. The first floor will contain one of the affordable units, and both units on that floor will be accessible. The remaining affordable unit is designated for the third floor. Each floor will have a laundry room and there will be a package room on the first floor for mail and packages.

The exterior of the building is designed to blend in with the commercial nature of the surrounding area, while maintaining residential features. The building will be set back from Chestnut Street approximately 75 feet, and will be approximately 34.2' high. A total of eight off-street parking spaces are proposed, six full size, including one handicap space, and two compact. The spaces are all located in the front of the building, between the building and Chestnut Street. The building will have an entrance facing and accessible from Chestnut Street, off the proposed parking area. There will be a second means of egress from the hall on the first floor in the middle of the building.

LAW

Massachusetts General Laws, Chapter 40B, Sections 20-23 provides for a streamlined, consolidated permitting process for subsidized low or moderate income housing through "comprehensive permits". Pursuant to c.40B, comprehensive permits are granted by the Zoning Board of Appeals following a public hearing process and may supersede local requirements and regulations, including zoning.

Prior to seeking a comprehensive permit, a developer must first seek project and site eligibility, either on their own, or in cooperation with the municipality through a Local Initiative Program ("LIP"). If a municipality endorses the LIP application, it is understood by DHCD that

the municipality and a developer are working in concert on a project that meets the community's housing need.

The Local Initiative Program is a state program, established in 1990, that encourages the creation of affordable housing by providing technical assistance to communities and developers who are working together to create affordable rental opportunities. Projects proceeding under the LIP receive technical assistance from the Executive Office of Housing and Livable Communities ("EOHLC"). M.G.L. c.40B has been interpreted and applied to define low and moderate-income housing as "any housing subsidized by the federal or state government under any program to assist the construction of low or moderate-income housing." The technical assistance pursuant to the LIP qualifies as such "subsidy". In addition, the LIP may also issue a site eligibility letter for a project, a prerequisite for a developer to apply for a Comprehensive Permit. Unlike conventional housing subsidy programs, in which a state or federal agency must approve every aspect of financing, design and construction, a LIP allows most of these decisions to be made by the municipality, with applicable regulations and guidelines addressing those program components that must be reviewed and approved by EOHLC.

Pursuant to applicable requirements, profits and developer fees from LIP homeownership projects are limited to no more than 20 percent (20%) of the total development costs. For rental and cooperative housing projects, the LIP regulatory agreement, signed by the community, developer, and EOHLC, limits distribution of return to a maximum of 10 percent (10%) equity per year during the time when the affordability restrictions are in place.

DISCUSSION / ANALYSIS

Needham Enterprises approached the Town of Needham in the fall of 2024 relative to its intention to redevelop the Premises as a residential 40B project and asked for support to proceed as a LIP project. The Selectboard approved the LIP approach and endorsed an application to the EOHLC. This resulted in a Determination of Project Eligibility, dated January 22, 2025, provided herewith. Thus, EOHLC has made a determination that the project is eligible, and it is appropriate to proceed with the project at the site under the provisions of c.40B and the LIP.

The project requires several exemptions from current zoning requirements, as set forth at the List of Requested Exemptions provided herewith. Nevertheless, the project is consistent with the spirit and intent of the underlying zoning, as well as current uses and structures, both in the vicinity and in the district at large.³ The Premises is in an excellent location to afford access to MBTA commuter rail service, and is within walking distance of numerous shops, restaurants and essential services.

Certain of the requested exemptions (e.g., relating to lot area and frontage and parking), are aspects that could be waived by special permit and would likely be applicable to commercial redevelopment of the Premises. The remaining exemptions are all directly related to the use of the Premises for exclusively residential purposes, with a relatively small number of units, including two affordable units. For example, the use of the first floor for residential purposes, the creation of a full third story, as opposed to a half-story, and the slight increase in FAR all arise out of the proposed residential use. Moreover, none of these exemptions is overly drastic or significantly inconsistent with the spirit and intent of the By-Law.

Based on the foregoing and the general need for additional housing in the Town of Needham, specifically including affordable housing, Needham Enterprises asserts that the request for comprehensive permit, including the requested exemptions, is proper and appropriate. Needham Enterprises therefore respectfully requests issuance of such permit.

Respectfully submitted,
Needham Enterprises, LLC
by its attorney,



George Giunta, Jr., Esq.
281 Chestnut Street
Needham, Massachusetts 02492
781-449-4520

³ Note, for example, the Chestnut Hollow, affordable housing development a short walk from the Premises at 141 Chestnut Street.

EXHIBIT A
Assessor's Information

PARID: 1990460005400000
NEEDHAM ENTERPRISES LLC

MUNICIPALITY: NEEDHAM
339 CHESTNUT ST

LUC: 340
PARCEL YEAR: 2025

Commercial

Card: 1
Building Number: 1
Structure Code: 353
Year Built: 1904
Effective Year Built: 1904
Grade: C-
Class: 340-GENERAL OFFICE
Other Improvements:
Other Imp Value:
Gross Building Area: 0
Cost Value: \$190,070

Type	Line #	Item	Area
Commercial	1	OFFICE - 400:OFFICE	710
Commercial	2	OFFICE-BSMT - 401:OFFICE-BSMT	710
Commercial	3	OFFICE-BSMT - 401:OFFICE-BSMT	156

LIST OF REQUESTED EXEMPTIONS
TO
APPLICATION OF
NEEDHAM ENTERPRISES, LLC
Comprehensive Permit
339 Chestnut Street, Needham, MA

The following exemptions to local requirements and regulations are hereby requested for the reasons set forth:

1. Zoning Exemptions

The following table set forth current applicable zoning requirements, existing conditions and proposed conditions:

Section of By-Law	Requirement	Existing Condition	Proposed Condition
3.2.2 - Use	Office allowed as of right; Apartment or multifamily allowed on second floor and in half-story directly above second floor by special permit; consistent with density requirements of A-1 (18 units / acre)	Office	Multifamily on three floors, including ground floor, with density of 33 units / acre
4.4.1 – Min Lot Area	10,000 SF	6,200 SF	6,200 SF
4.4.1 – Min Frontage	80'	40'	40'
4.4.2(c) – Max FAR	.7	.25	1
4.4.3 – Max Height – Stories	2 ½	2	3

4.4.3 – Max Height	35'	31.87'	34.2'
4.4.4 – Front Setback	20'	36.6'	75.0'
4.4.5 – Driveway Openings	2 driveways for every 150 feet of frontage' 18-25' wide	1 driveway – 40' wide	1 driveway – 24' wide
4.4.9 – Building Entrance	Building entrance available from Chestnut Street	Entrance available from Chestnut Street	Entrance available from Chestnut Street

As indicated by the above table, the project requires the following zoning exemptions:

- a. **Ground Floor Use.** Exemption from applicable provision of Section 3.2.2 limiting residential use at the Premises to the second floor and half-story above the second floor. This exemption is required for the proposed residential use on the first / ground floor and is necessary to redevelop the Premises for entirely residential use.
- b. **Residential Unit Density.** Exemption from applicable provision of Section 3.2.2 limiting the density of residential at the Premises to 18 units per acre. Without the exemption, the Premises would be limited to a maximum of only 2 residential units.
- c. **Lot Requirements.** Exemption from applicable provisions of Section 4.4.1 relative to minimum required lot area and frontage. The Premises, which was established as a separate lot prior to the adoption of zoning, contains 6,200 square feet of area and 40' of frontage. As a result, the exemption is required to make any use of the lot.
- d. **Floor Area Ratio.** Exemption from the maximum applicable .7 maximum Floor Area Ratio as set forth in Section 4.4.2(c). The proposed new building will have an FAR of 1, in excess of the requirement. This exemption is required so that the proposed building can contain 6 units over three floors.
- e. **Maximum Stories.** Exemption from the applicable provision of Section 4.4.3 limiting the maximum height to two and one-half stories. This exemption is required to allow a full third floor so that the proposed building can contain 6 units over three floors.

2. Parking Exemptions

The following table set forth current applicable parking requirements, existing conditions and proposed conditions:

Section of By-Law	Requirement	Existing Condition	Proposed Condition
5.1.2 – Required Parking – Office	1 space /300 SF: 6 Total Spaces	8 Spaces (Compact)	N/A
5.1.4 – Off-Street Parking for Multifamily Structures (applicable to lots in Apartment District)	1.5 spaces / unit; 9 Total Spaces	N/A	8 Spaces (6 Full (including 1 HP space), 2 Compact)
5.1.2(a) – Parking Lot Illumination	Average of one foot candle	Less than one foot candle	Less than one foot candle
5.1.2 (c) – Handicapped Parking	1 Space	No Spaces	1 Space
5.1.3(e) – Compact Cars	Maximum of 50% of spaces	100%	25%
5.1.3(f) – Space Size	9’ Wide x 18.5’ Long	8 Spaces @ 8.5’ x 15.5’	6 Spaces @ 9’ x 18.5’ 2 Spaces @ 8’ x 16’
5.1.3 (i) - Width of Maneuvering Aisle	24’	19’	20’
5.1.3(j) – Parking Setbacks	20’ from front Chestnut Street 4’ from rear and side lot lines 5’ from building at first floor	0 from Chestnut Street 5.4’ from right lot line >5’ @ Rear of Building	0 from Chestnut Street 1’ from left lot line 5’ from Building Front

5.1.3 (k) – Landscaped Areas	Setbacks areas pursuant to 5.1.3(j) to be landscaped with trees, shrubs, flowers and grass	Minimal	Minimal
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As indicated by the above table, the project requires, or may require, the following zoning exemptions:

a. **Number of Required Spaces.** To the extent that Section 5.1.4 of the By-Law applies to the proposed project, exemption from number of parking spaces required,. If such Section applies, it would require a total of 9 parking spaces, based on 1.5 spaces per unit. However, there is only room on site for a maximum of 8 spaces, which includes one handicapped space. Therefore, an exemption is required for number of spaces.

b. **Illumination.** Exemption from Section 5.1.2(a) requiring an average of one foot candle illumination in throughout the parking area. Not all areas of the parking area will necessarily have an average of one foot candle illumination. However, given the nature of the proposed project and the overall level of ambient lighting in the area around the Premises, the Applicant asserts there is adequate lighting and the one foot candle and additional lighting in compliance with this Section is not necessary.

c. **Width of Maneuvering Aisle.** Exemption from Section 5.1.3(i) relative to minimum required maneuvering aisle. Due to the narrow width of the Premises, it is not possible to provide both a reasonable number of parking spaces and a compliant maneuvering aisle.

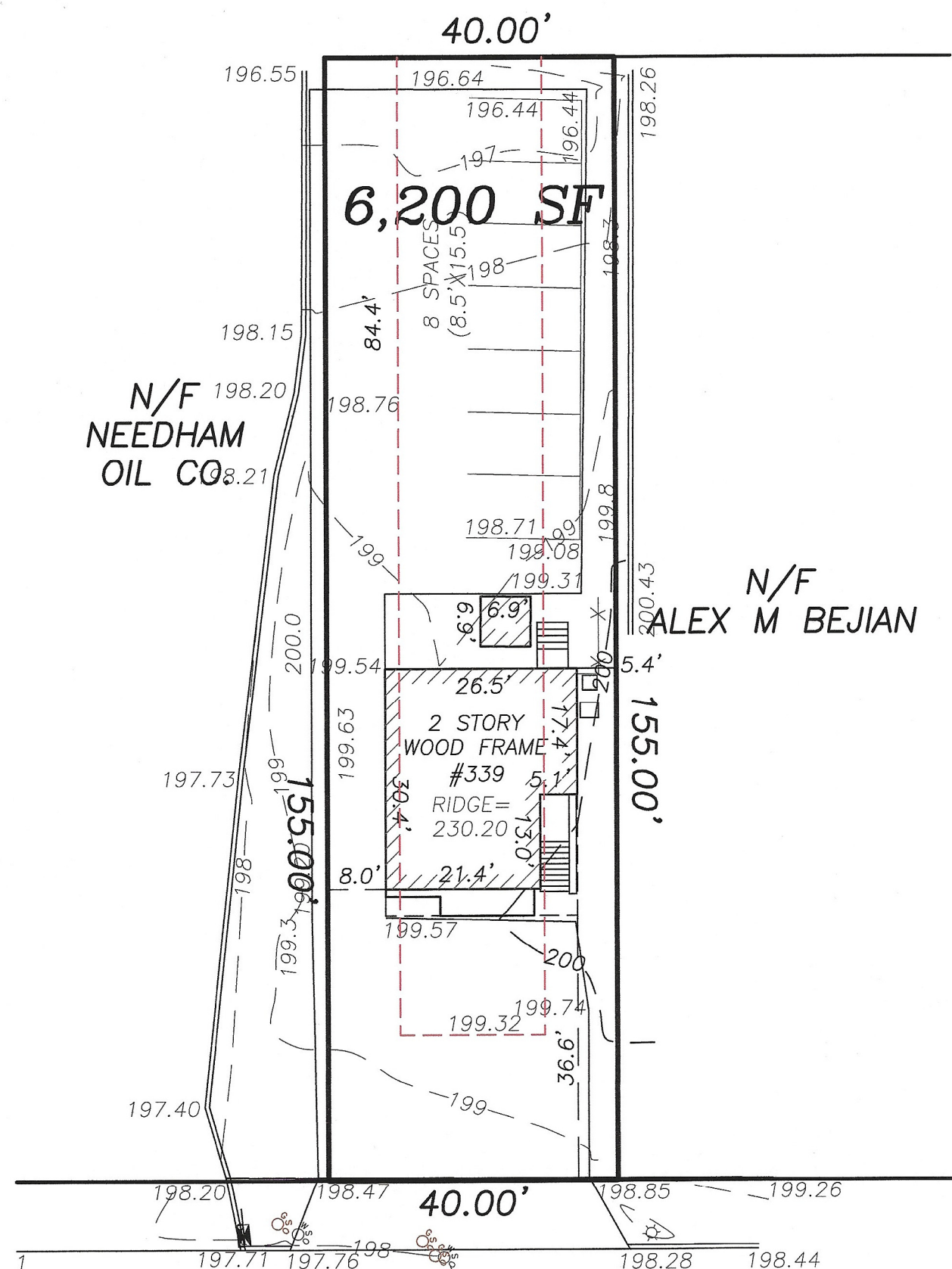
d. **Parking Setbacks.** Exemption from Section 5.1.3(j) relative to parking setbacks. Because of the small size and narrow width of the Premises, it is not practicable to provide a reasonable number of parking spaces, a reasonable maneuvering aisle and comply with applicable parking setbacks.

e. **Required Landscaping.** Exemption from Section 5.1.3(k) requiring that landscaping be provided in required setback areas. As indicated above, it is not practicable to comply with applicable parking setbacks and still provide reasonable parking and maneuvering aisles at the Premises. As a result, it is also not practicable to comply with the requirement for landscaping within such parking setback areas.

3. Procedural Exemptions

a. **Site Plan Review.** Pursuant to Section 7.4.2 of the Zoning By-Law, the construction or reconstruction of any amount of gross floor area in the Chestnut Street Business District constitutes a Major Project requiring Site Plan review as set forth in Section 7.4 et. Seq. An exemption is therefore requested from such requirement in favor of the Comprehensive Permit process with the Board of Appeals.

b. **Design Review.** Pursuant to Section 7.7.2.2 of the Zoning By-Law, all new structures in the Chestnut Street Business District requires design review with the Design Review Board. An exemption is therefore requested from such requirement in favor of the Comprehensive Permit process with the Board of Appeals.



CHESTNUT STREET

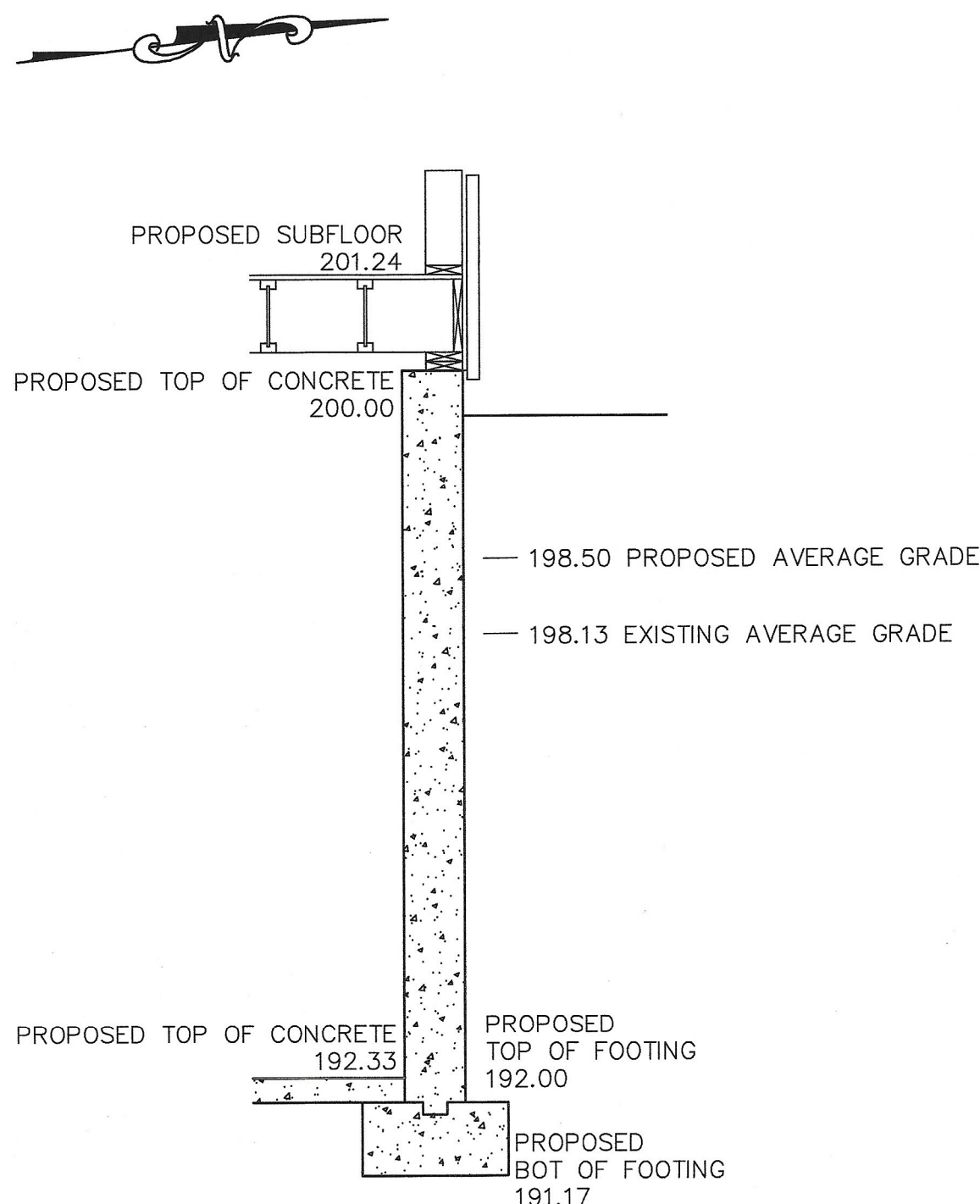
PARKING SPACE SUMMARY

339 CHESTNUT

	FULL SIZE	COMPACT	HANDICAP
EXISTING		8 SPACES	
PROPOSED	6 SPACES INCLUDES HP SPACE	2 SPACES	1 SPACE

ZONING INFORMATION: CHESTNUT STREET BUSINESS (CSB)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	6,200 SF	6,200 SF
MINIMUM LOT FRONTAGE	80 FEET	40 FEET	40 FEET
MINIMUM FRONT SETBACK	20 FEET	36.6 FEET	75.0 FEET
MINIMUM SIDE YARD	10 FEET	8.0 FEET	5.0 FEET
		5.4 FEET	5.0 FEET
MINIMUM REAR YARD	N/A	84.4 FEET	5.0 FEET
MAXIMUM FLOOR AREA RATIO	0.7	SEE ARCHITECTS DOCUMENTS	
MAXIMUM BUILDING HEIGHT	35 FEET	31.87 FEET	34.17 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 STORIES	3 STORIES



FOUNDATION WALL SECTION
NOT TO SCALE

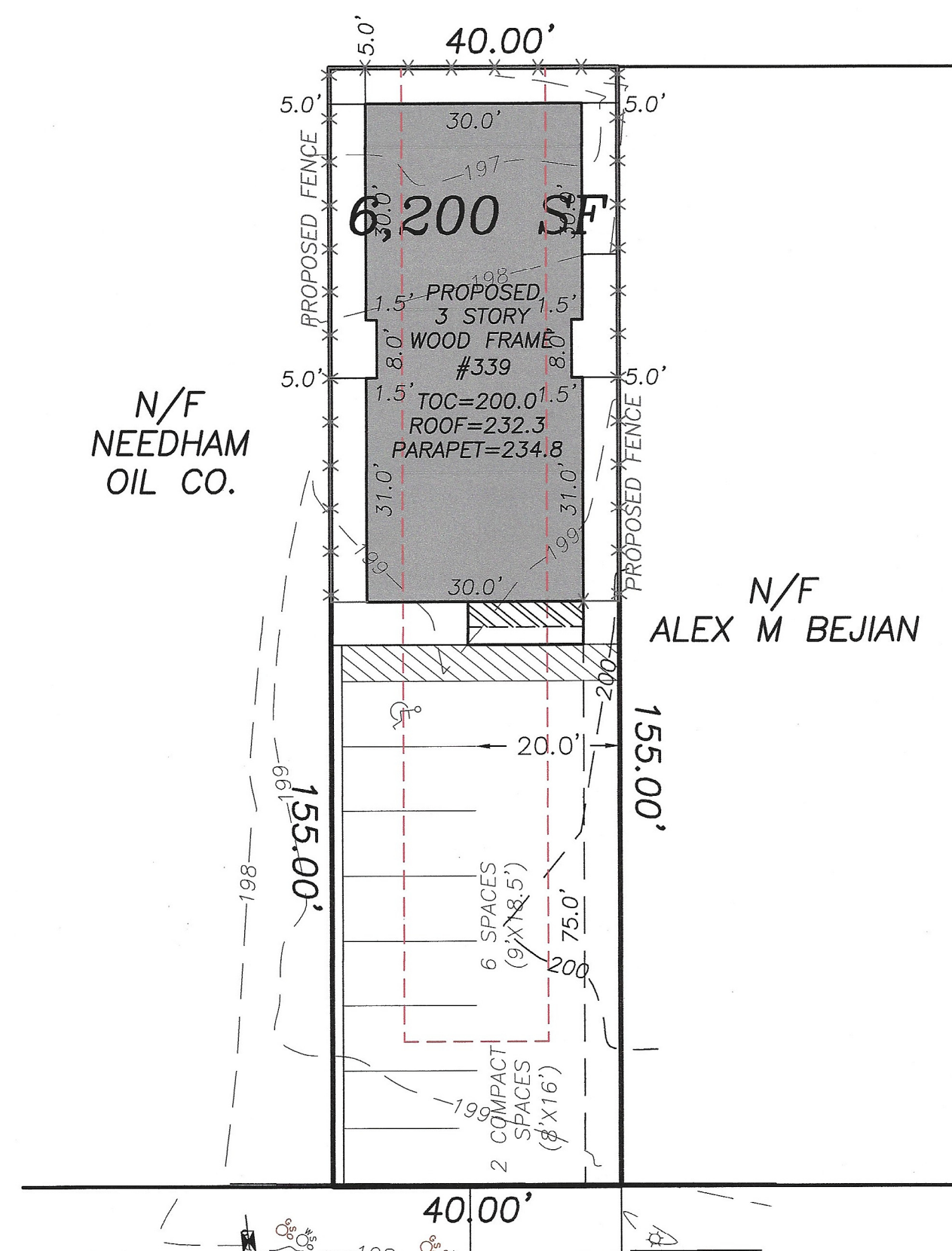
- ELEVATIONS REFER TO PROJECT DATUM
- CONTOUR INTERVAL EQUALS ONE (1) FOOT.
- UTILITY INFORMATION SHOWN IS BASED ON BOTH A FIELD SURVEY AND THE LATEST PLANS OF RECORD. THE LOCATIONS OF UNDERGROUND PIPES AND CONDUITS HAVE BEEN DETERMINED FROM THE AFOREMENTIONED RECORD PLANS AND ARE APPROXIMATE ONLY. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED AND THE ACTUAL LOCATION OF SUB-SURFACE STRUCTURES SHOULD BE DETERMINED IN THE FIELD. CALL, TOLL-FREE, THE DIG SAFE CALL CENTER AT 1-888-344-7233 (1-888-DIG-SAFE) SEVENTY-TWO HOURS PRIOR TO EXCAVATION.

PROPERTY REFERENCE

BOOK 36596 PAGE 548

ZONING REFERENCE

ASSESSORS MAP 46, PARCEL 54
ZONING DISTRICT: CSB

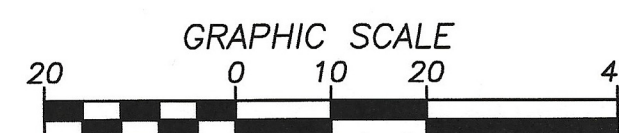


CHESTNUT STREET

PROPOSED SITE PLAN FOR COMPREHENSIVE PERMIT 339 CHESTNUT STREET NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

OCTOBER 29, 2024 SCALE 1"=30'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com



REVISED: FEBRUARY 12, 2025

042-08



ILLUSTRATIVE FRONT ELEVATION - VIEW FROM CHESTNUT STREET

339 CHESTNUT STREET, NEEDHAM, MA 02492

PROJECT TEAM

OWNER / BUILDER

NEEDHAM ENTERPRISES, LLC
105 CHESTNUT STREET
NEEDHAM MA 02492
E : NEEDHAMENTERPRISES105@GMAIL.COM

SURVEYOR

FIELD RESOURCES
281 CHESTNUT STREET
NEEDHAM, MA 0249201760
T: 781.444.5936
W: WWW.FIELDRESOURCES.NET

ARCHITECT

SCOTT MELCHING ARCHITECT LLC
116 ARCH STREET
NEEDHAM MA 02492
E : SCOTT@SCOTTMELCHINGARCHITECT.COM
W : WWW.SCOTTMELCHINGARCHITECT.COM

STRUCTURAL ENGINEER

PROJECT INFORMATION

APPLICABLE CODES:

- C.1 MASSACHUSETTS STATE BUILDING CODE 780 10TH EDITION
- C.2 MASSACHUSETTS STATE ELECTRICAL CODE 524 CMR 12:00
- C.3 MASSACHUSETTS STATE COMPREHENSIVE FIRE SAFETY CODE 527 CMR 1.00 (NFPA 2021)
- C.4 MASSACHUSETTS STATE UNIFORM PLUMBING CODE 249 CMR 10.00
- C.5 MASSACHUSETTS STATE FUEL GAS CODE 249 CMR 4.00
- C.6 IECC 2018 W/ MASSACHUSETTS AMENDMENTS
- C.7 MASSACHUSETTS ACCESS BOARD 521 CMR

PROJECT SUMMARY

PROPOSED 3-STORY 6 UNIT MULTI-FAMILY RESIDENTIAL STRUCTURE WITH FULL HEIGHT BASEMENT. BASEMENT TO BE POURED-IN-PLACE CONCRETE WITH WOOD FRAMED CONSTRUCTION ABOVE. BUILDING TO BE FULLY SPRINKLERED AND ALL ELECTRIC, I.E. NO FOSSIL FUELS. OFF-STREET PARKING IS PROVIDED ALONG THE ENTRY DRIVE AISLE. 6 DEDICATED RESIDENTIAL PARKING SPOTS ARE TO BE PROVIDED ALONG WITH TWO VISITOR PARKING SPACES. ONE PARKING SPOT WILL BE VAN ACCESSIBLE. 2 UNITS WILL BE DESIGNATED AFFORDABLE, PART OF INCLUSIONARY HOUSING PROGRAM.

ADDRESS : 339 CHESTNUT STREET, NEEDHAM MA 02492
ZONING DISTRICT : CHESTNUT STREET BUSINESS (CSB)
ZONING SUBDISTRICT (OVERLAY): LOWER CHESTNUT STREET OVERLAY DISTRICT (LC)
EXISTING USE : COMMERCIAL / RESIDENTIAL
PROPOSED USE : MULTI-FAMILY RESIDENTIAL
LOT AREA : +/- 6,200 SF

GROSS FLOOR AREA (FAR)

FLOOR	SQUARE FOOTAGE (SF)	USE
LEVEL 01	2,048 SF	LOBBY, LAUNDRY ROOM & 2 DWELLING UNITS
LEVEL 02	2,094 SF	LAUNDRY ROOM & 2 DWELLING UNITS
LEVEL 03	2,094 SF	LAUNDRY ROOM & 2 DWELLING UNITS
TOTAL	6,234 SF	
GROSS FAR	1,005	

INCLUSIONARY HOUSING SUMMARY

2 AFFORDABLE UNITS / 6 TOTAL UNITS = 33% AFFORDABLE UNITS

AFFORDABLE UNITS TO A MIX OF FIXED AND FLOATING. ALL UNITS TO HAVE THE SAME LEVEL OF INTERIOR FINISH. UNIT 1A TO BE A FIXED AFFORDABLE UNIT. UNIT 3B TO BE A FLOATING AFFORDABLE UNIT.

SEE UNIT SUMMARY FOR THE PROPOSED UNIT LOCATIONS & SIZES.

DWELLING UNIT INFORMATION

FLOOR	DESCRIPTION	GROSS SQUARE FOOTAGE (SF)	USE
LEVEL 01	UNIT 1-A	598 SF	1 BEDROOM / 1 BATH (ACCESSIBLE & AFFORDABLE)
	UNIT 1-B	900 SF	2 BEDROOM / 2 BATH (ACCESSIBLE)
LEVEL 02	UNIT 2-A	986 SF	2 BEDROOM / 2 BATH
	UNIT 2-B	900 SF	2 BEDROOM / 2 BATH
LEVEL 03	UNIT 3-A	986 SF	2 BEDROOM / 2 BATH
	UNIT 3-B	900 SF	2 BEDROOM / 2 BATH (AFFORDABLE)

6 TOTAL DWELLING UNITS

339 CHESTNUT STREET

NEEDHAM MA 02492

NEEDHAM ENTERPRISES

NEEDHAM MA 02492

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NOT FOR CONSTRUCTION

REVISIONS | SUBMISSIONS DATE

ZBA SUBMISSION 2025 02-07
LOCAL INITIATIVE PROJECT SUBMISSION 2024 11-05
SELECT BOARD MEETING 2024 10-14

SCOTT MELCHING ARCHITECT LLC
ARCHITECT
NEEDHAM, MA 02492 | (T) 718.578.3354

PROJECT:
339 CHESTNUT STREET
NEEDHAM | MA | 02492

DRAWING TITLE:
TITLE PAGE, RENDERING,
DWG LIST & BUILDING DEPT.NOTES

SHEET NUMBER :

T - 1
1 OF 6

SCALE:

DATE : 2025 02 - 07

ISSUE : ZBA SUBMISSION

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339

CHESTNUT STREET

NEEDHAM MA 02492

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REVISIONS SUBMISSIONS	DATE
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ZBA SUBMISSION	2025 02-07
LOCAL INITIATIVE PROJECT SUBMISSION	2024 11-05
SELECT BOARD MEETING	2024 10-14
ISSUED FOR OWNER REVIEW	2024 10-07
ISSUED FOR OWNER REVIEW	2024 10-03
ISSUED FOR OWNER REVIEW	2024 05-23

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DRAWING TITLE:
FOUNDATION PLAN

SHEET NUMBER:

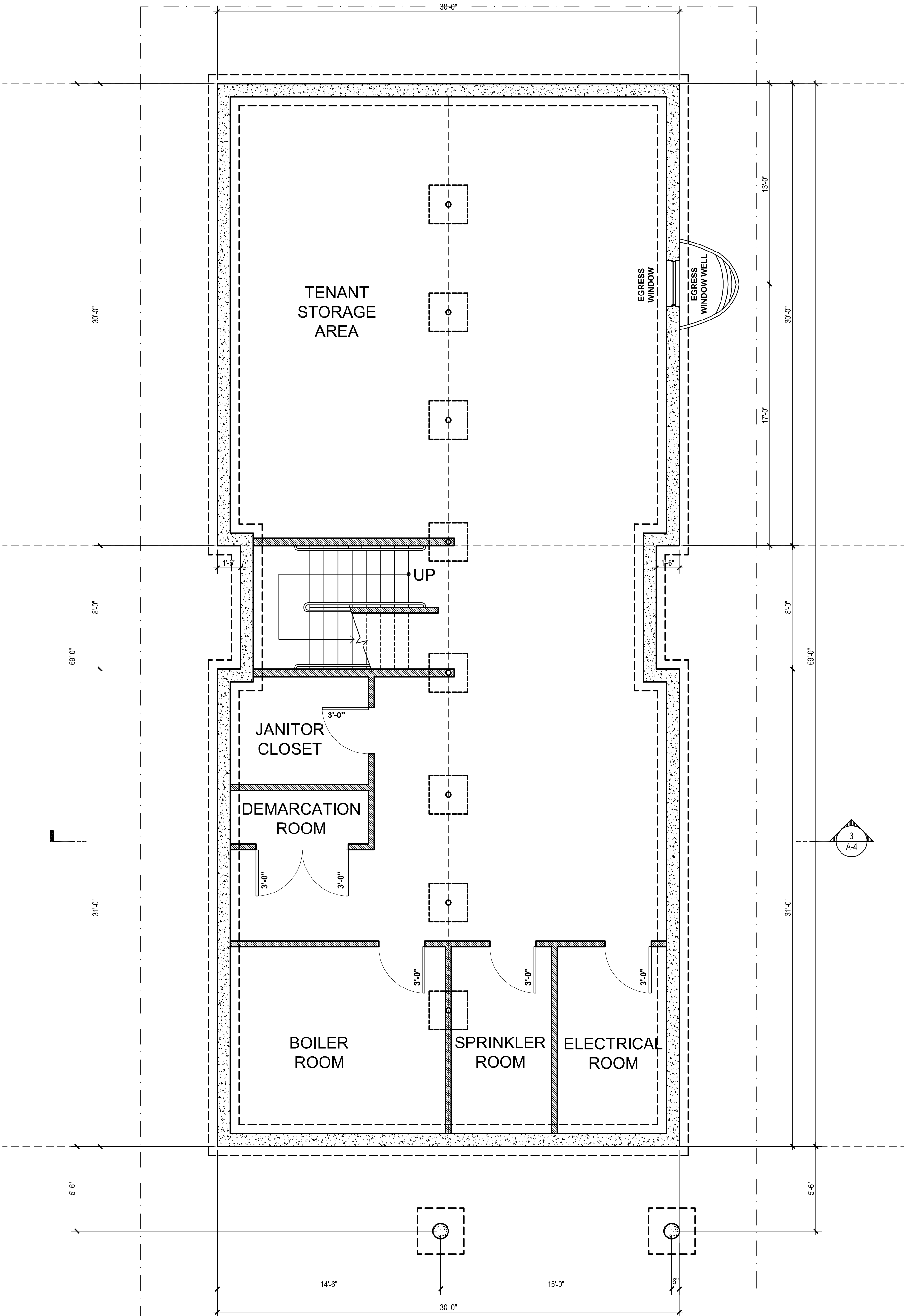
A-1
2 OF 6

SCALE:

DATE: 2025 02 07

ISSUE: ZBA SUBMISSION

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1 FOUNDATION PLAN

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

339

CHESTNUT STREET

NEEDHAM MA 02492

NEEDHAM
ENTERPRISES
NEEDHAM MA 02492

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REVISIONS | SUBMISSIONS | DATE

ZBA SUBMISSION	2025 02-07
LOCAL INITIATIVE PROJECT SUBMISSION	2024 11-05
SELECT BOARD MEETING	2024 10-14
ISSUED FOR OWNER REVIEW	2024 10-07
ISSUED FOR OWNER REVIEW	2024 10-03
ISSUED FOR OWNER REVIEW	2024 05-23

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ARCHITECT
NEEDHAM, MA 02492 | (T) 718.578.3354

PROJECT:
339 CHESTNUT STREET
NEEDHAM | MA | 02492

DRAWING TITLE:
**GROUND FLOOR &
SECOND FLOOR PLANS**

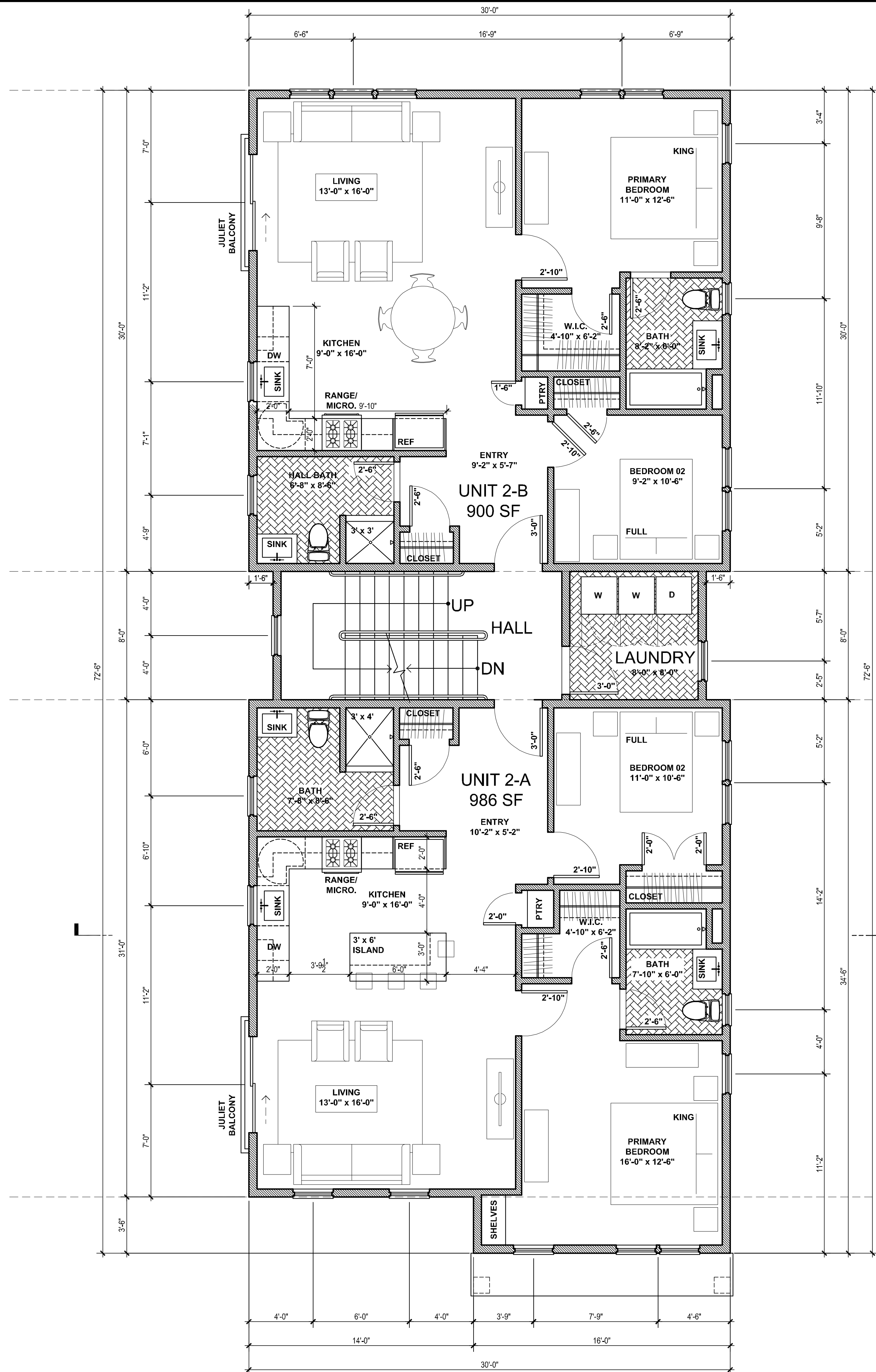
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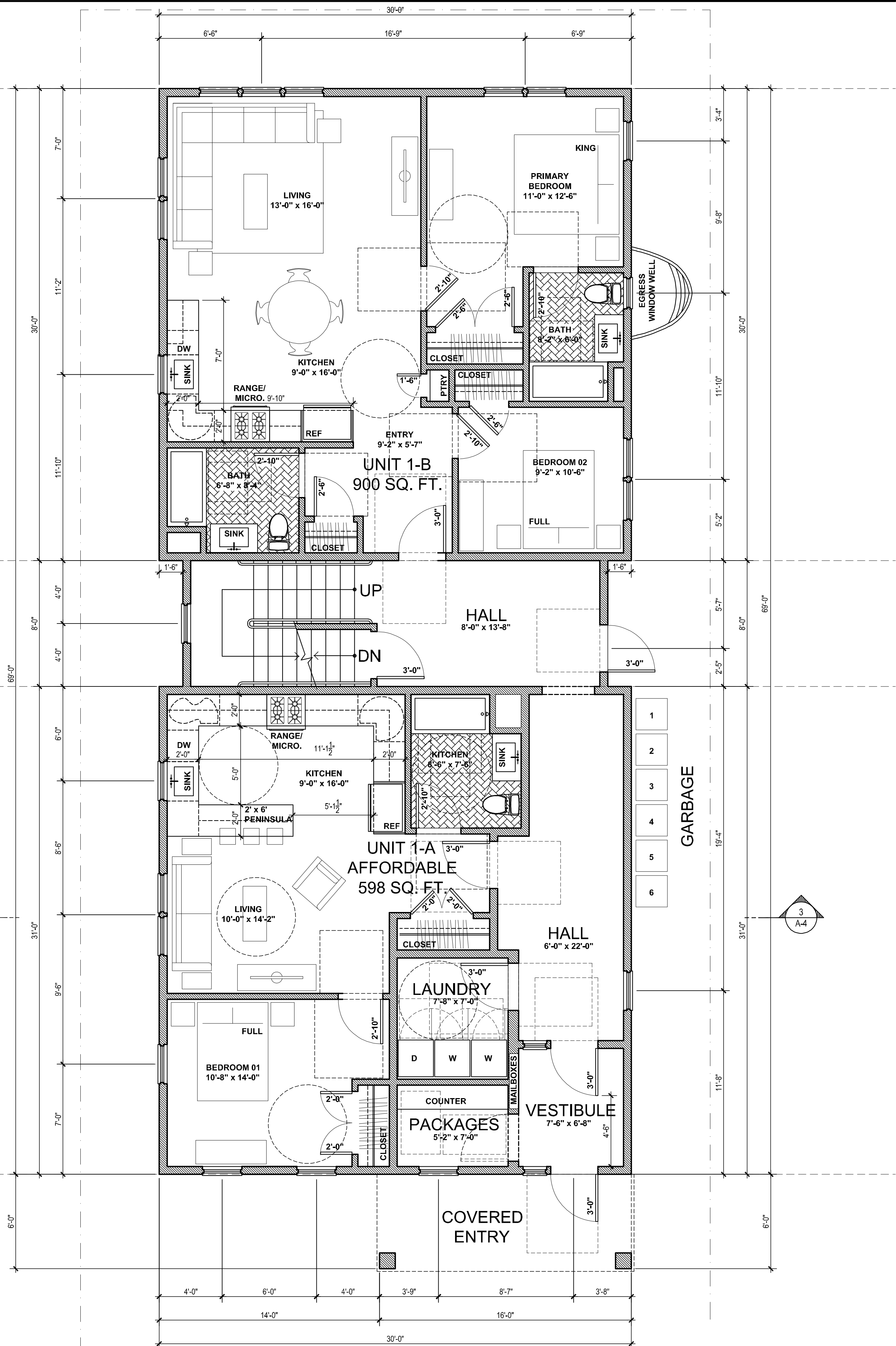
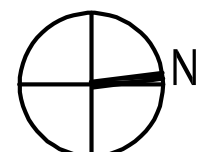
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SCALE:
DATE:
ISSUE: ZBA SUBMISSION

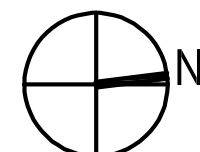
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2 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



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



339

CHESTNUT STREET

NEEDHAM MA 02492

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REVISIONS | SUBMISSIONS | DATE

ZBA SUBMISSION	2025 02-07
LOCAL INITIATIVE PROJECT SUBMISSION	2024 11-05
SELECT BOARD MEETING	2024 10-14
ISSUED FOR OWNER REVIEW	2024 10-07
ISSUED FOR OWNER REVIEW	2024 10-03
ISSUED FOR OWNER REVIEW	2024 05-23

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ARCHITECT
NEEDHAM, MA 02492 | (T) 718.578.3354

PROJECT:
339 CHESTNUT STREET
NEEDHAM | MA | 02492

DRAWING TITLE:
**THIRD FLOOR PLAN &
ROOF PLAN**

SHEET NUMBER:

A-3

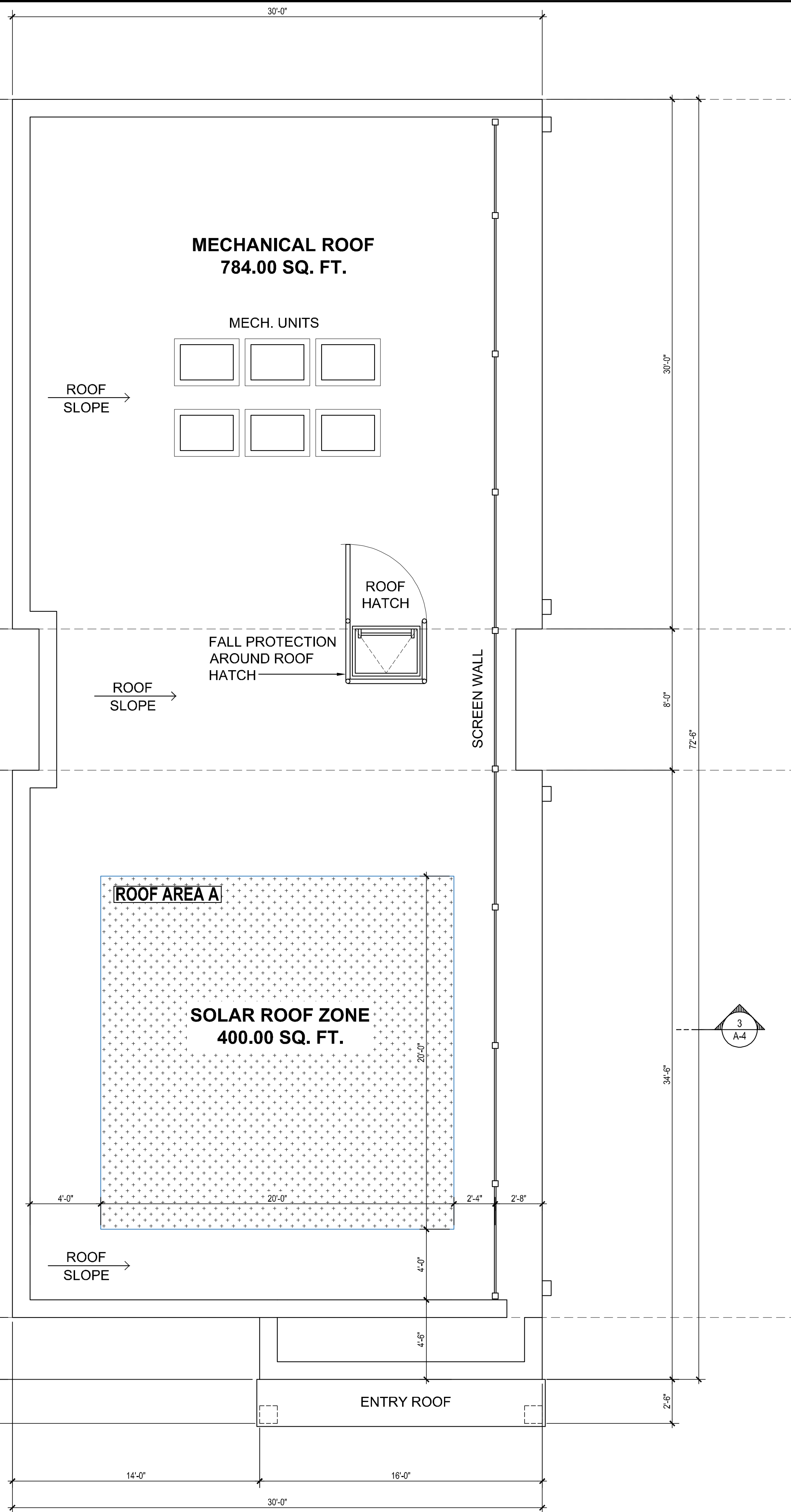
4 OF 6

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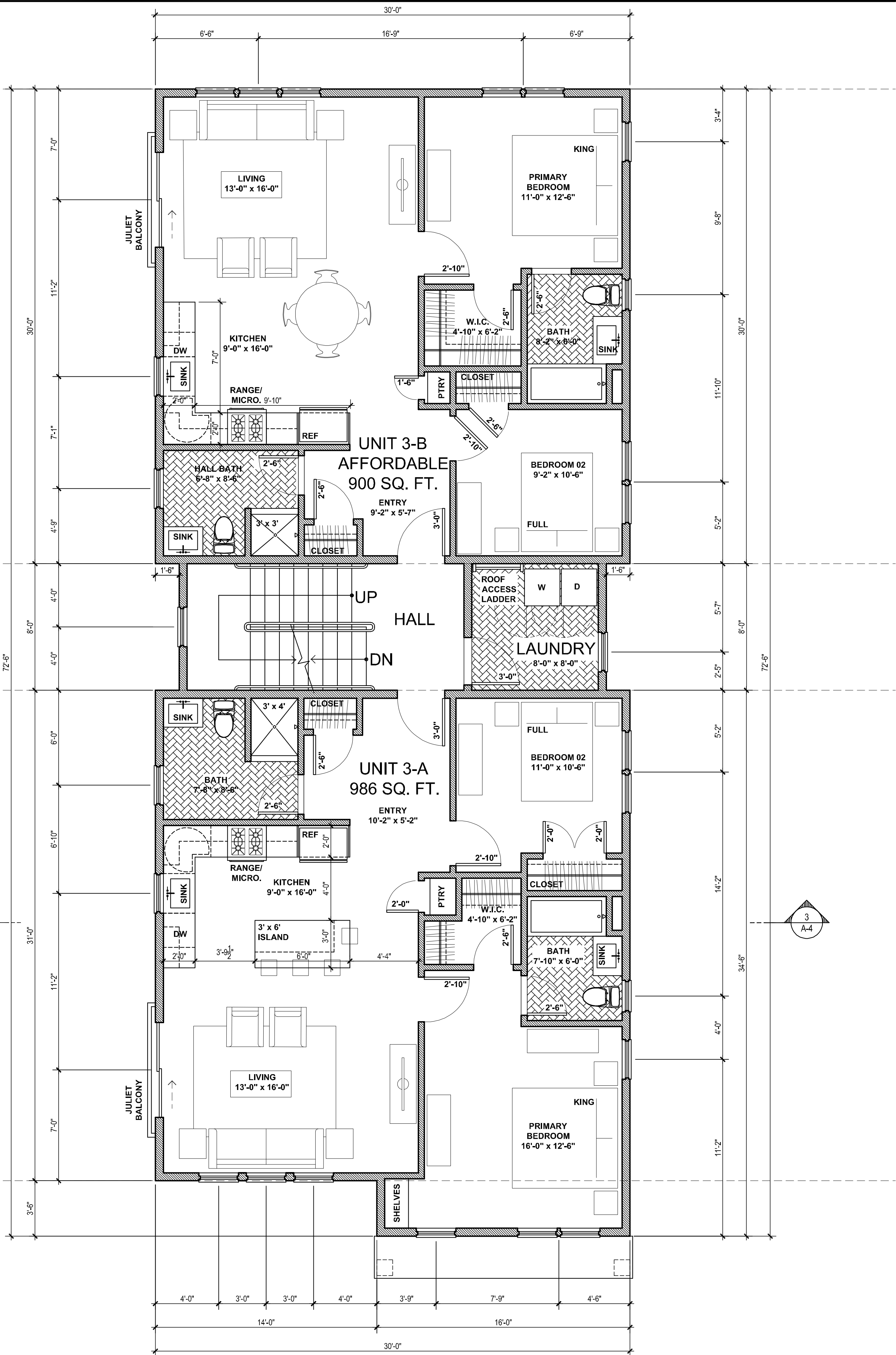
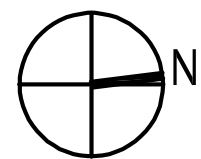
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ISSUE: ZBA SUBMISSION

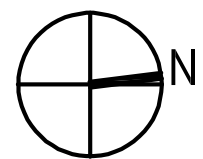
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2 ROOF PLAN
SCALE: 1/4" = 1'-0"



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



339 CHESTNUT STREET

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NEEDHAM ENTERPRISES
NEEDHAM MA 02492

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ZBA SUBMISSION	2025 02-07
LOCAL INITIATIVE PROJECT SUBMISSION	2024 11-05
SELECT BOARD MEETING	2024 10-14
ISSUED FOR OWNER REVIEW	2024 10-07
ISSUED FOR OWNER REVIEW	2024 10-03
ISSUED FOR OWNER REVIEW	2024 05-23

SCOTT MELCHING ARCHITECT LLC
ARCHITECT
NEEDHAM, MA 02492 | (T) 718.578.3354

PROJECT:
339 CHESTNUT STREET
NEEDHAM | MA | 02492

DRAWING TITLE:
EXTERIOR ELEVATIONS FRONT & RIGHT, & BUILDING SECTION

SHEET NUMBER:

A-4

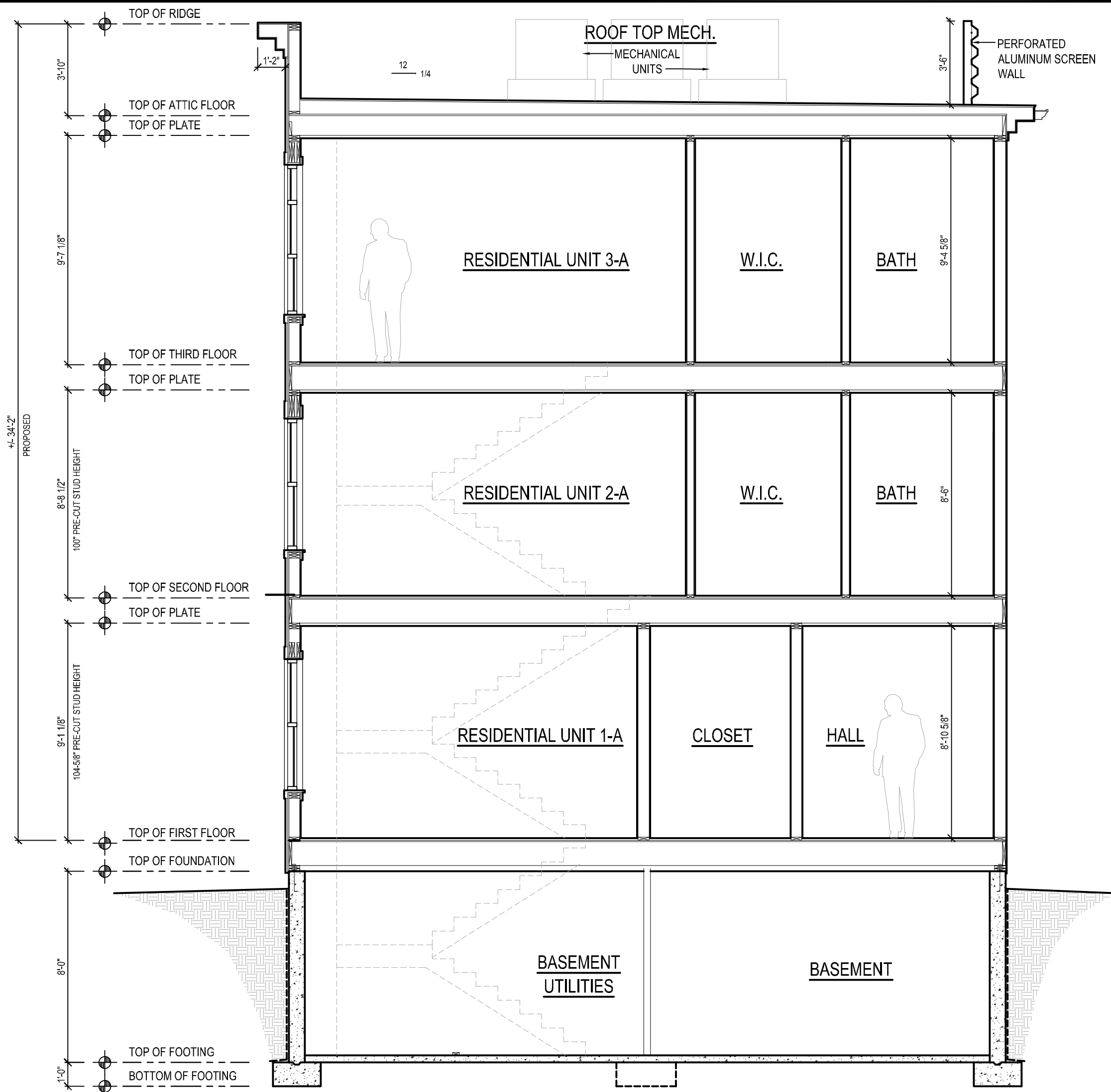
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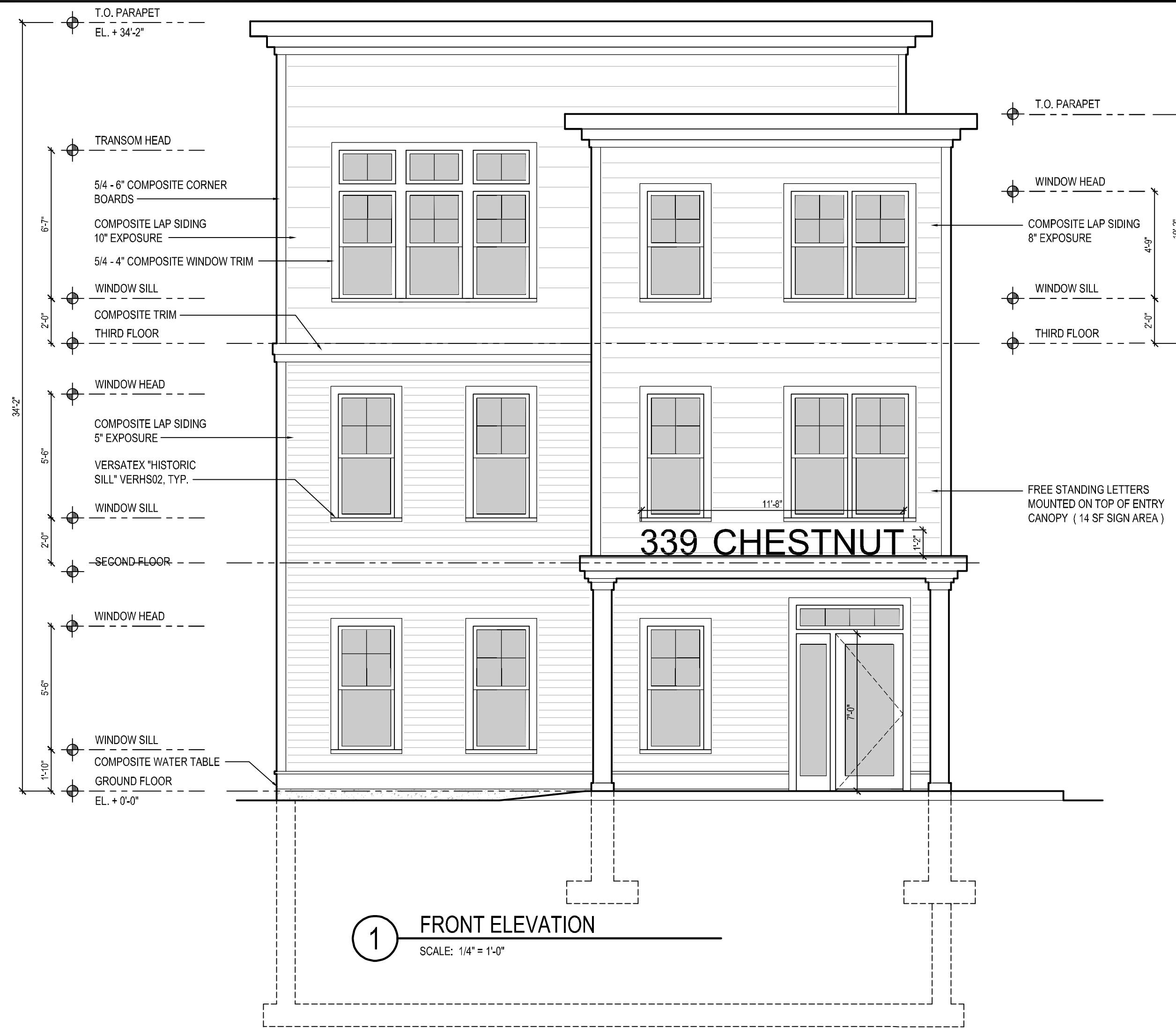
DATE: 2025 02 07

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



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



2 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

339 CHESTNUT STREET

NEEDHAM MA 02492

NEEDHAM
ENTERPRISES
NEEDHAM MA 02492

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NEEDHAM, MA 02492 | (T) 718.578.3354

PROJECT:
339 CHESTNUT STREET
NEEDHAM | MA | 02492

DRAWING TITLE:
**EXTERIOR ELEVATIONS
REAR & LEFT**

SHEET NUMBER:

A-5

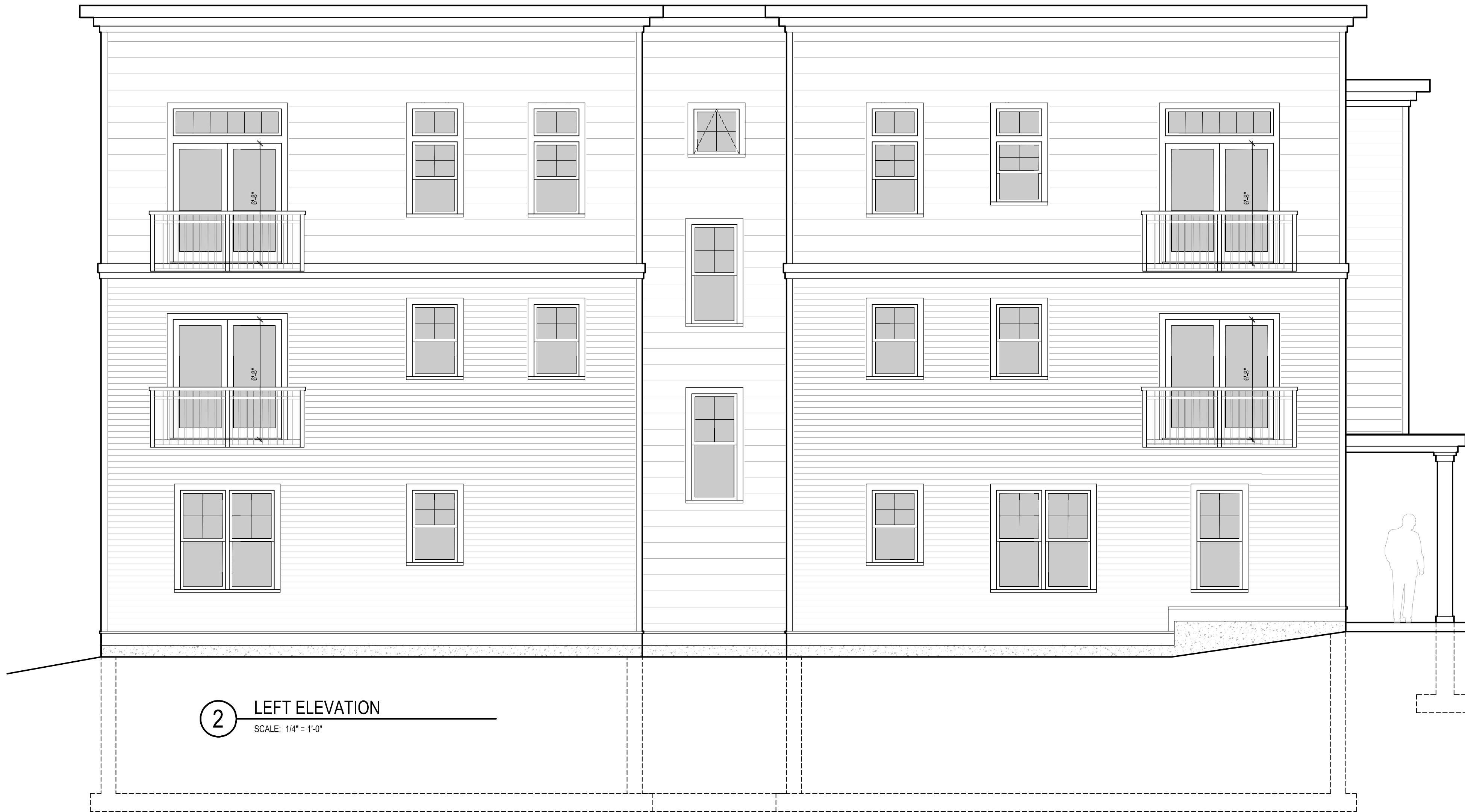
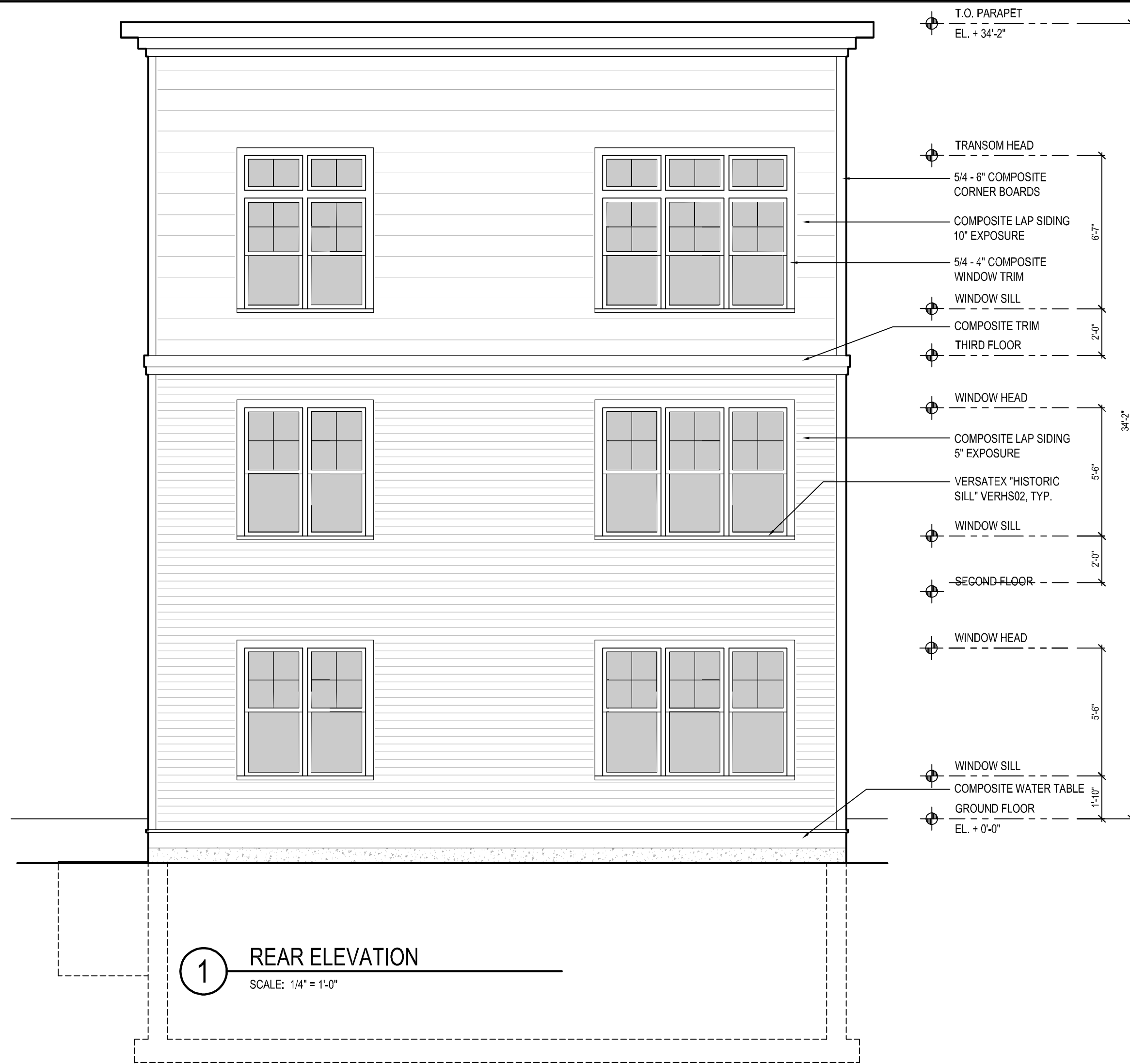
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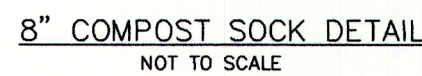
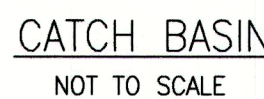
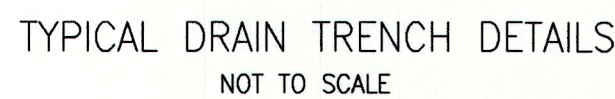
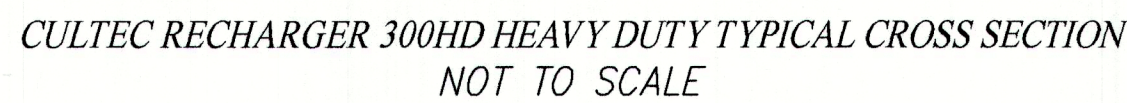
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DATE: 2025-02-07

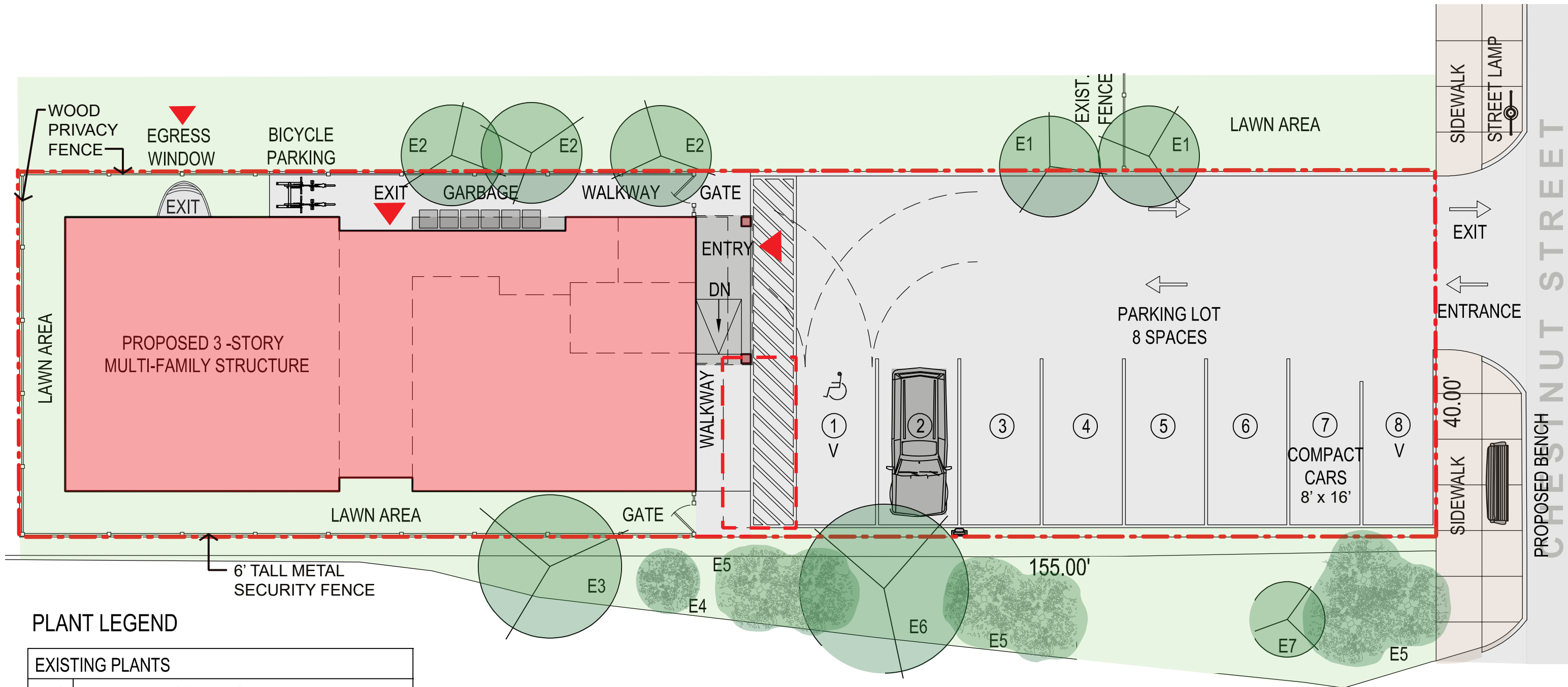
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TYPICAL SEWER TRENCH DETAIL
NOT TO SCALE



PLANT LEGEND

EXISTING PLANTS	
TAG	DESCRIPTION
E1	WHITE OAK TREE (QUERCUS ALBA)
E2	SUGAR MAPLE (ACER SACCHARUM)
E3	EASTERN HEMLOCK (TSUGA CANADENSIS)
E4	AZALEA (AZALEA x CONLEC)
E5	BURNING BUSH (EUONYMUS ALATUS)
E6	EASTERN WHITE PINE (PINUS STROBUS)
E7	RED MAPLE (ACER RUBRUM)



SECURITY FENCE

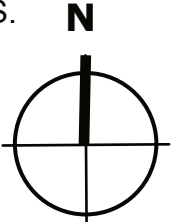


PRIVACY FENCE



PROPOSED BENCH

NOTE:
PLANTING SHOWN ARE APPROXIMATE LOCATIONS
OF EXISTING PLANTS ON ADJACENT PROPERTIES.



SCALE : 3/32" = 1'-0"
18 MARCH 2024

PROPOSED

4 | LANDSCAPE PLAN

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

TELEPHONE (781) 449-4520

FAX (781) 465-6059

April 4, 2025

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Needham Enterprises, LLC
339 Chestnut Street, Needham, MA
Comprehensive Permit

Dear Ms. Collins,

This letter is submitted in connection with the pending application of Needham Enterprises, LLC, 105 Chestnut Street, Needham, MA 02492 (hereinafter, the Applicant and "Needham Enterprises") concerning the property known and numbered 339 Chestnut Street (hereinafter the "Premises"). In particular, this letter is intended to provide certain additional information as calculated by the project surveyor, Field Resources, Inc., as follows:

1. The area of the building footprint is 2,046 square feet, plus an additional 96 square feet for the covered porch;
2. The area of the paved surface is 2,888 square feet; and
3. The area of the open space is 661 square feet.

Please do not hesitate to let me know if you have any questions relative to the foregoing or require any additional information.

Sincerely,



George Giunta, Jr.

Daphne Collins

From: George Giunta Jr <george.giuntajr@needhamlaw.net>
Sent: Thursday, April 3, 2025 1:29 PM
To: Daphne Collins
Cc: mborrelli@borrellilegal.com
Subject: 339 Chestnut Street - Revised Plans
Attachments: 339 Chestnut St Revised Proposed Site Plan 042-08.pdf; 339 Chestnut - ZBA Submission REV - 2025 02-27.pdf; 339 Chestnut - Landscape Plan - 2025 03-18.pdf

Daphne,

Attached please find revised plans for the Comprehensive Permit application relative to 339 Chestnut Street.

The changes are as follows:

1. Site Plan - correct zoning table to reflect that there is no applicable side yard setback (previous version erroneously indicated 10' side yard setback)
2. Architectural Plans - Sheet T1 - correct FAR calculation on first page to include and take into account the basement area;
3. Architectural Plans - Sheet A1 - correct labeling of basement from Tenant Storage to Building Storage; and
4. Architectural Plans - Sheet A2 - add bike storage on right side of building.

There are no substantive changes to the building, parking, or walkways; just the technical changes described above.

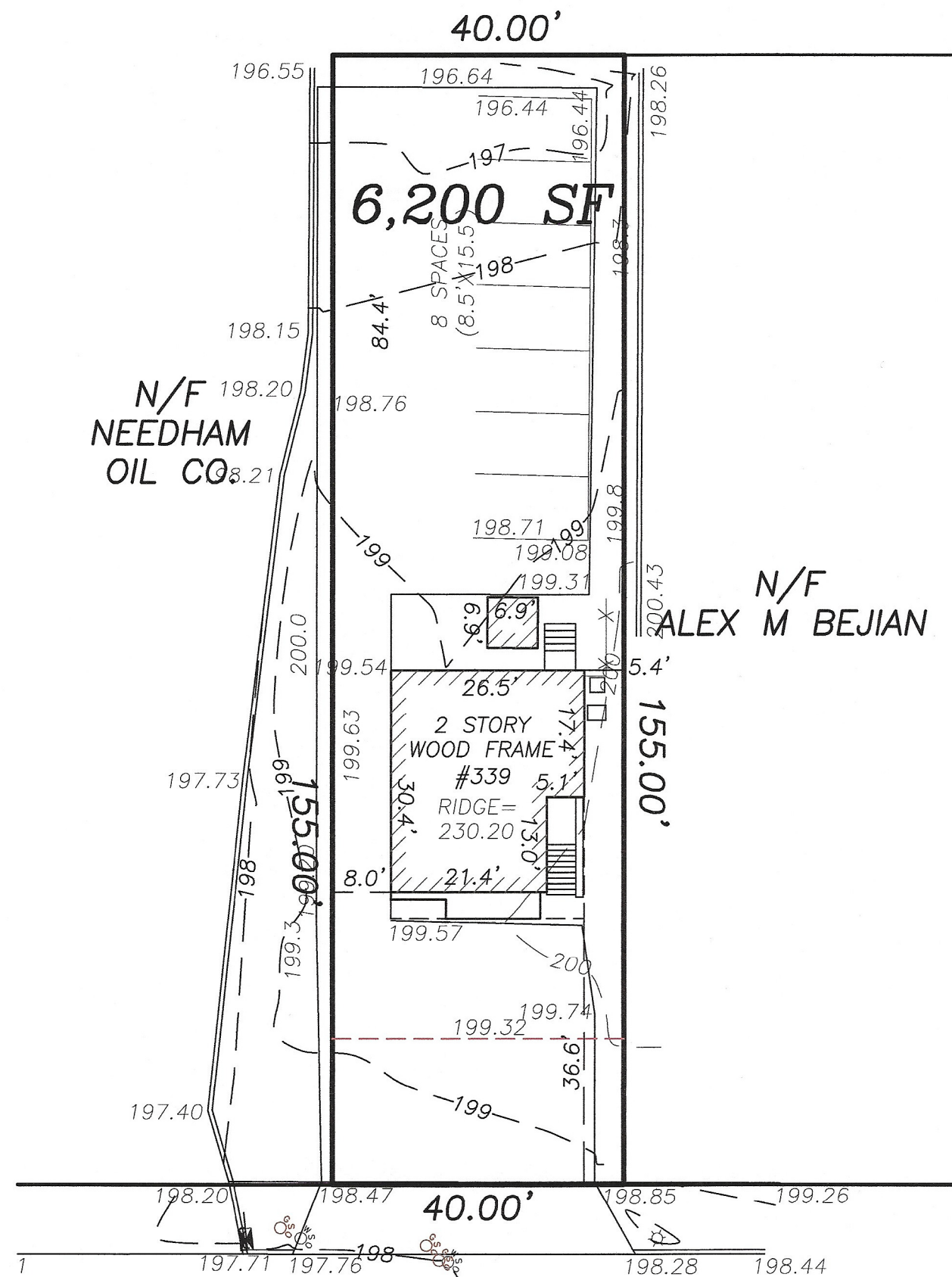
Also attached is a landscaping plan which shows landscaping on adjacent properties for context as well as details of fence, etc.

Please let me know if you will require hard copies of any of these materials.

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



CHESTNUT STREET

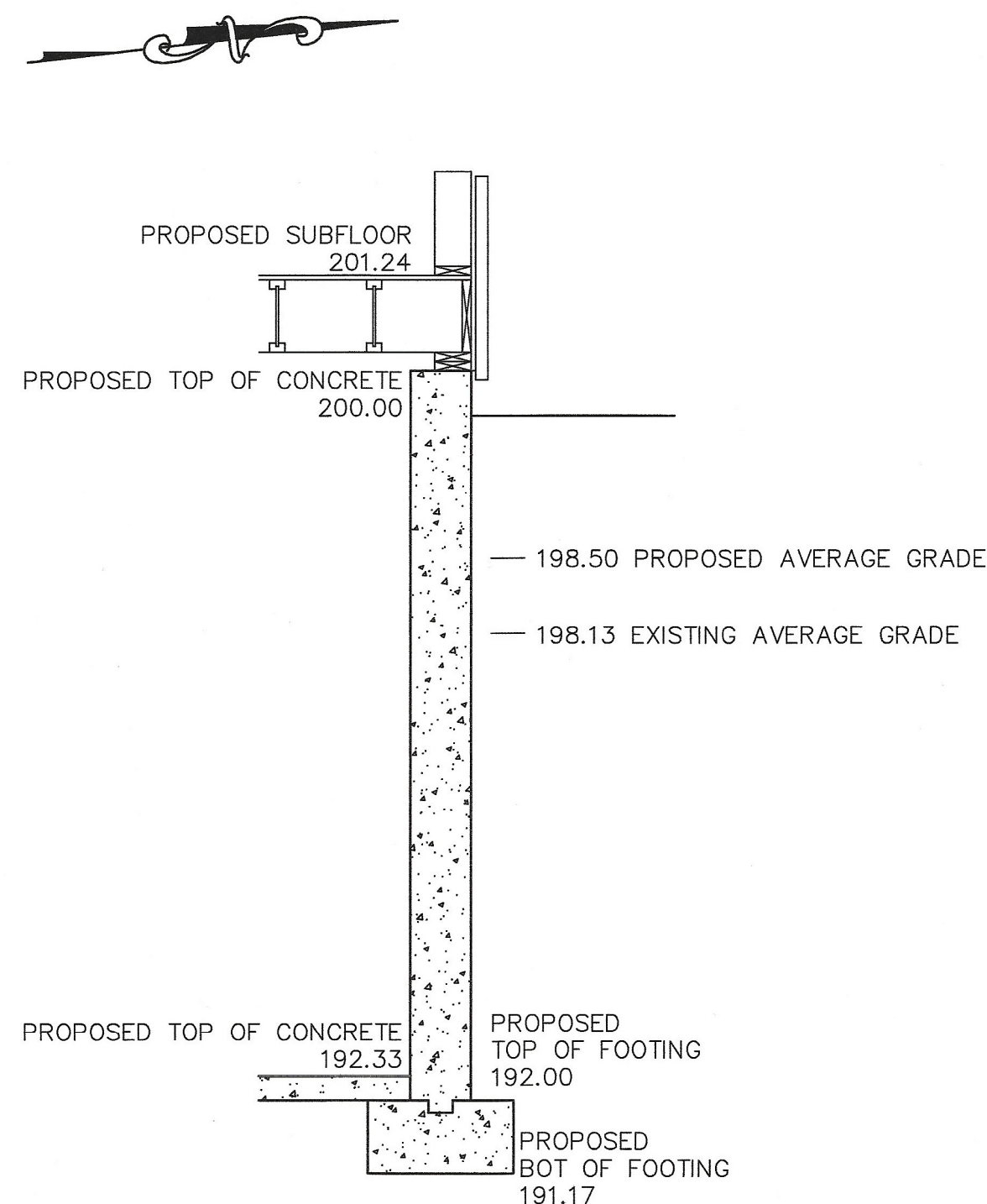
PARKING SPACE SUMMARY

339 CHESTNUT

	FULL SIZE	COMPACT	HANDICAP
EXISTING		8 SPACES	
PROPOSED	6 SPACES INCLUDES HP SPACE	2 SPACES	1 SPACE

ZONING INFORMATION: CHESTNUT STREET BUSINESS (CSB)

	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10,000 SF	6,200 SF	6,200 SF
MINIMUM LOT FRONTAGE	80 FEET	40 FEET	40 FEET
MINIMUM FRONT SETBACK	20 FEET	36.6 FEET	75.0 FEET
MINIMUM SIDE YARD	N/A	8.0 FEET	5.0 FEET
		5.4 FEET	5.0 FEET
MINIMUM REAR YARD	N/A	84.4 FEET	5.0 FEET
MAXIMUM FLOOR AREA RATIO	0.7	SEE ARCHITECTS DOCUMENTS	
MAXIMUM BUILDING HEIGHT	35 FEET	31.87 FEET	34.17 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 STORIES	3 STORIES

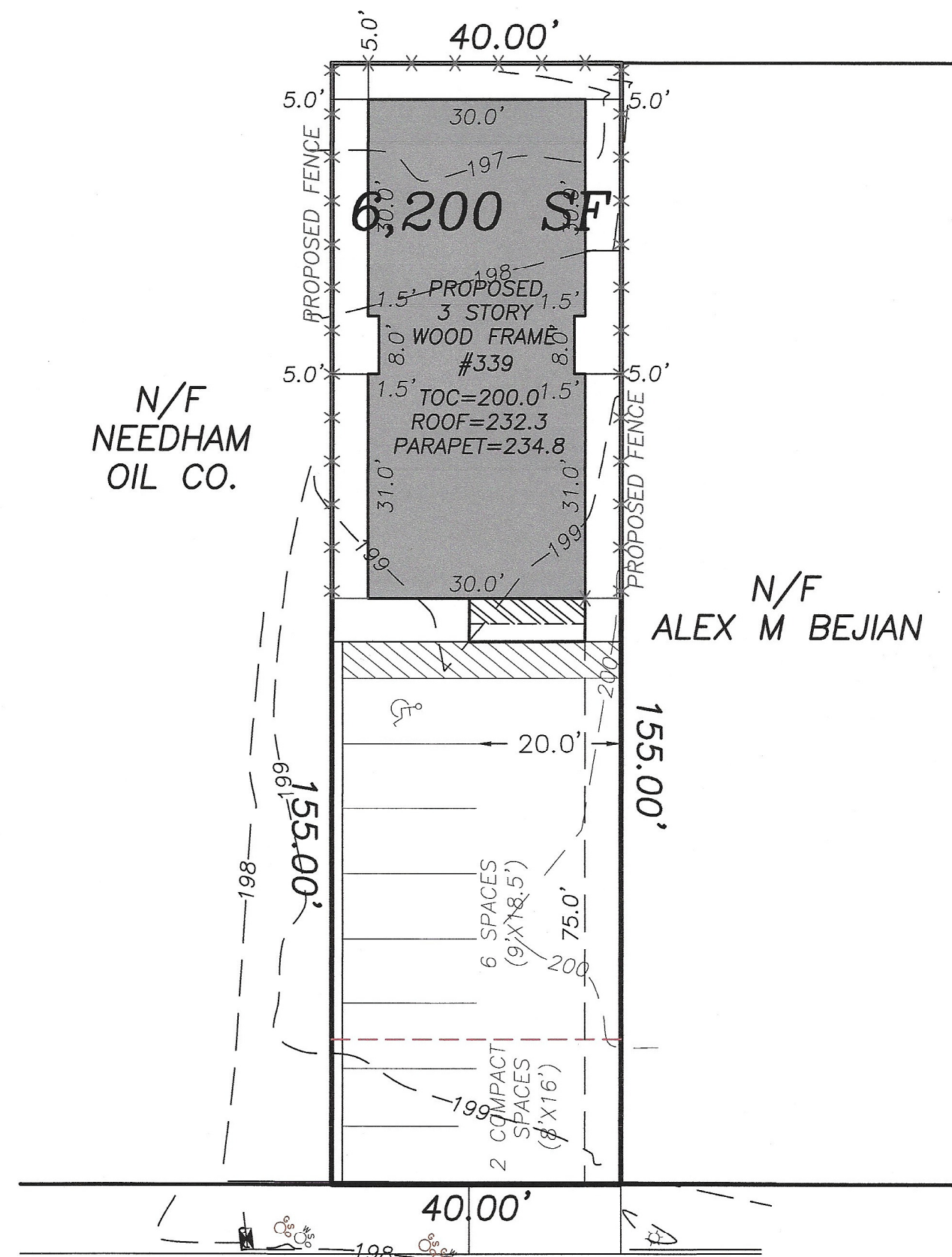


FOUNDATION WALL SECTION NOT TO SCALE

- ELEVATIONS REFER TO PROJECT DATUM
- CONTOUR INTERVAL EQUALS ONE (1) FOOT.
- UTILITY INFORMATION SHOWN IS BASED ON BOTH A FIELD SURVEY AND THE LATEST PLANS OF RECORD. THE LOCATIONS OF UNDERGROUND PIPES AND CONDUITS HAVE BEEN DETERMINED FROM THE AFOREMENTIONED RECORD PLANS AND ARE APPROXIMATE ONLY. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED AND THE ACTUAL LOCATION OF SUB-SURFACE STRUCTURES SHOULD BE DETERMINED IN THE FIELD. CALL, TOLL-FREE, THE DIG SAFE CALL CENTER AT 1-888-344-7233 (1-888-DIG-SAFE) SEVENTY-TWO HOURS PRIOR TO EXCAVATION.

PROPERTY REFERENCE
BOOK 36596 PAGE 548

ZONING REFERENCE
ASSESSORS MAP 46, PARCEL 54
ZONING DISTRICT: CSB

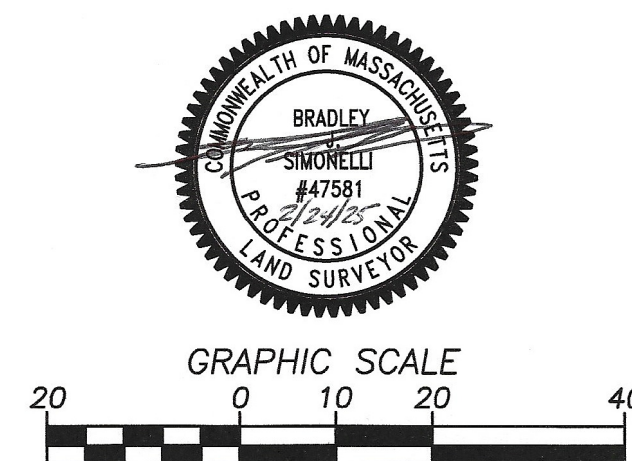


CHESTNUT STREET

PROPOSED SITE PLAN FOR COMPREHENSIVE PERMIT 339 CHESTNUT STREET NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

OCTOBER 29, 2024 SCALE 1"=30'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com



REVISED: FEBRUARY 24, 2025
REVISED: FEBRUARY 12, 2025



ILLUSTRATIVE FRONT ELEVATION - VIEW FROM CHESTNUT STREET

339 CHESTNUT STREET, NEEDHAM, MA 02492

PROJECT TEAM

OWNER / BUILDER

NEEDHAM ENTERPRISES, LLC
105 CHESTNUT STREET
NEEDHAM MA 02492
E : NEEDHAMENTERPRISES105@GMAIL.COM

SURVEYOR

FIELD RESOURCES
281 CHESTNUT STREET
NEEDHAM, MA 0249201760
T: 781.444.5936
W: WWW.FIELDRESOURCES.NET

ARCHITECT

SCOTT MELCHING ARCHITECT LLC
116 ARCH STREET
NEEDHAM MA 02492
E : SCOTT@SCOTTMELCHINGARCHITECT.COM
W : WWW.SCOTTMELCHINGARCHITECT.COM

STRUCTURAL ENGINEER

PROJECT INFORMATION

APPLICABLE CODES:

- C.1 MASSACHUSETTS STATE BUILDING CODE 780 10TH EDITION
- C.2 MASSACHUSETTS STATE ELECTRICAL CODE 524 CMR 12:00
- C.3 MASSACHUSETTS STATE COMPREHENSIVE FIRE SAFETY CODE 527 CMR 1.00 (NFPA 2021)
- C.4 MASSACHUSETTS STATE UNIFORM PLUMBING CODE 248 CMR 10.00
- C.5 MASSACHUSETTS STATE FUEL GAS CODE 248 CMR 4.00
- C.6 IECC 2018 W/ MASSACHUSETTS AMENDMENTS
- C.7 MASSACHUSETTS ACCESS BOARD 521 CMR

PROJECT SUMMARY

PROPOSED 3-STORY 6 UNIT MULTI-FAMILY RESIDENTIAL STRUCTURE WITH FULL HEIGHT BASEMENT. BASEMENT TO BE POURED-IN-PLACE CONCRETE WITH WOOD FRAMED CONSTRUCTION ABOVE. BUILDING TO BE FULLY SPRINKLERED AND ALL ELECTRIC, I.E. NO FOSSIL FUELS. OFF-STREET PARKING IS PROVIDED ALONG THE ENTRY DRIVE AISLE. 6 DEDICATED RESIDENTIAL PARKING SPOTS ARE TO BE PROVIDED ALONG WITH TWO VISITOR PARKING SPACES. ONE PARKING SPOT WILL BE VAN ACCESSIBLE. 2 UNITS WILL BE DESIGNATED AFFORDABLE, PART OF INCLUSIONARY HOUSING PROGRAM.

ADDRESS : 339 CHESTNUT STREET, NEEDHAM MA 02492
ZONING DISTRICT : CHESTNUT STREET BUSINESS (CSB)
ZONING SUBDISTRICT (OVERLAY) : LOWER CHESTNUT STREET OVERLAY DISTRICT (LC)
EXISTING USE : COMMERCIAL / RESIDENTIAL
PROPOSED USE : MULTI-FAMILY RESIDENTIAL
LOT AREA : +/- 6,200 SF

FLOOR AREA CALCULATION

FLOOR	SQUARE FOOTAGE (SF)	USE
LEVEL 03	2,094 SF	LAUNDRY ROOM & 2 DWELLING UNITS
LEVEL 02	2,094 SF	LAUNDRY ROOM & 2 DWELLING UNITS
LEVEL 01	2,046 SF	LOBBY, LAUNDRY ROOM & 2 DWELLING UNITS
LEVEL 00 (BASEMENT)	2,046 SF	BOILER ROOM, ELECTRICAL ROOM & BUILDING STORAGE
TOTAL	8,280 SF (GROSS FLOOR AREA)	
FLOOR AREA RATIO	1.335 (8,280 SF / 6,200 SF)	

INCLUSIONARY HOUSING SUMMARY

2 AFFORDABLE UNITS / 6 TOTAL UNITS = 33% AFFORDABLE UNITS

AFFORDABLE UNITS TO A MIX OF FIXED AND FLOATING. ALL UNITS TO HAVE THE SAME LEVEL OF INTERIOR FINISH.
UNIT 1A TO BE A FIXED AFFORDABLE UNIT, UNIT 3B TO BE A FLOATING AFFORDABLE UNIT.

SEE UNIT SUMMARY FOR THE PROPOSED UNIT LOCATIONS & SIZES.

DWELLING UNIT INFORMATION

FLOOR	DESCRIPTION	GROSS SQUARE FOOTAGE (SF)	USE
LEVEL 01	UNIT 1-A	598 SF	1 BEDROOM / 1 BATH (ACCESSIBLE & AFFORDABLE)
	UNIT 1-B	900 SF	2 BEDROOM / 2 BATH (ACCESSIBLE)
LEVEL 02	UNIT 2-A	986 SF	2 BEDROOM / 2 BATH
	UNIT 2-B	900 SF	2 BEDROOM / 2 BATH
LEVEL 03	UNIT 3-A	986 SF	2 BEDROOM / 2 BATH
	UNIT 3-B	900 SF	2 BEDROOM / 2 BATH (AFFORDABLE)

6 TOTAL DWELLING UNITS

339 CHESTNUT STREET

NEEDHAM MA 02492

NEEDHAM ENTERPRISES

NEEDHAM MA 02492

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ARCHITECT
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PROJECT:

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NEEDHAM | MA | 02492

DRAWING TITLE:

TITLE PAGE, RENDERING,
DWG LIST & BUILDING DEPT NOTES

SHEET NUMBER :

T - 1

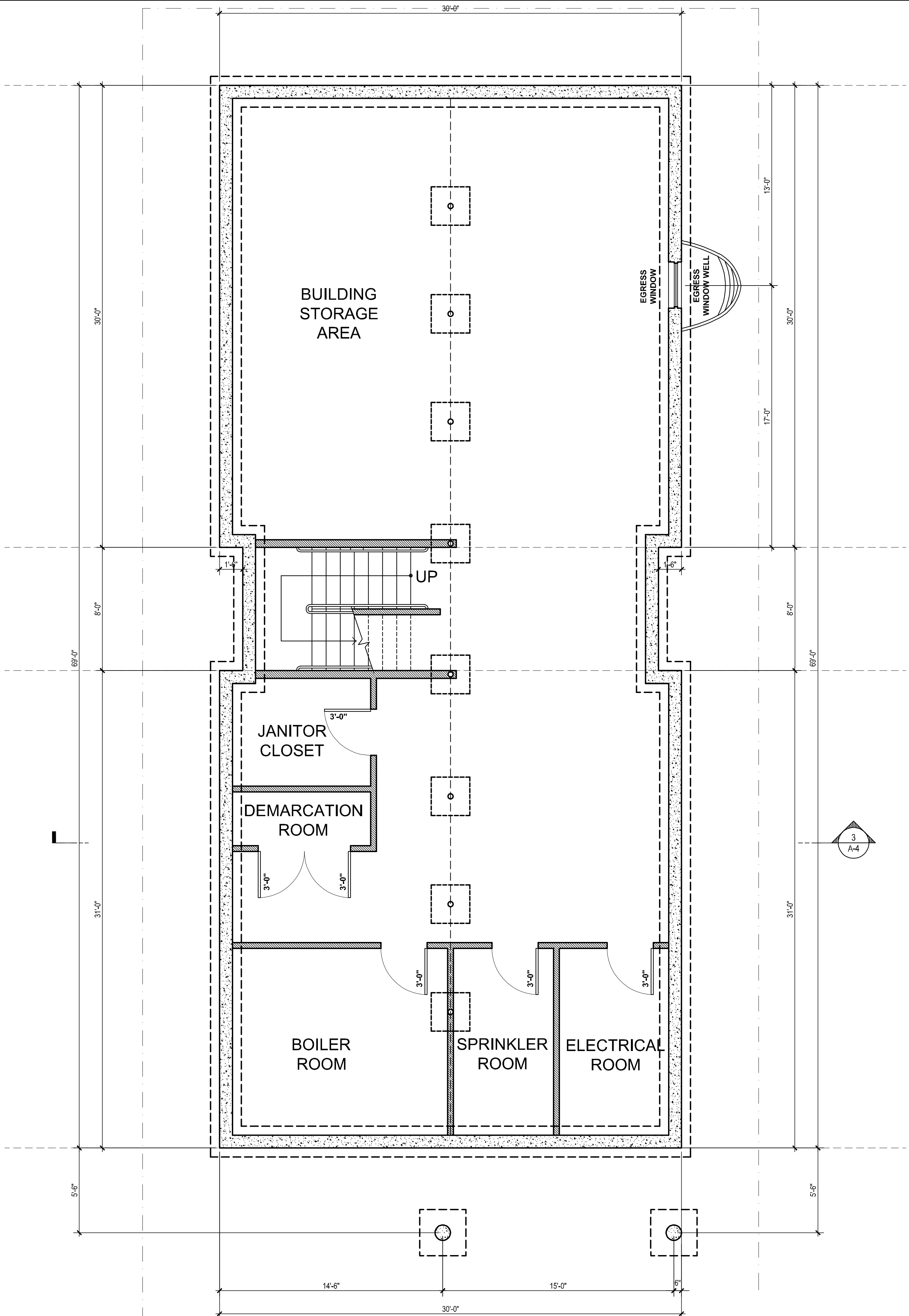
1 OF 6

SCALE :

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1 FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

339

CHESTNUT STREET

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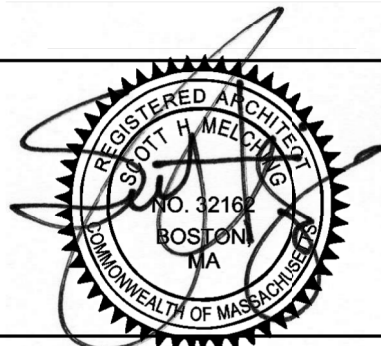
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DRAWING TITLE:
FOUNDATION PLAN

SHEET NUMBER :
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CHESTNUT STREET

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GROUND FLOOR &
SECOND FLOOR PLANS

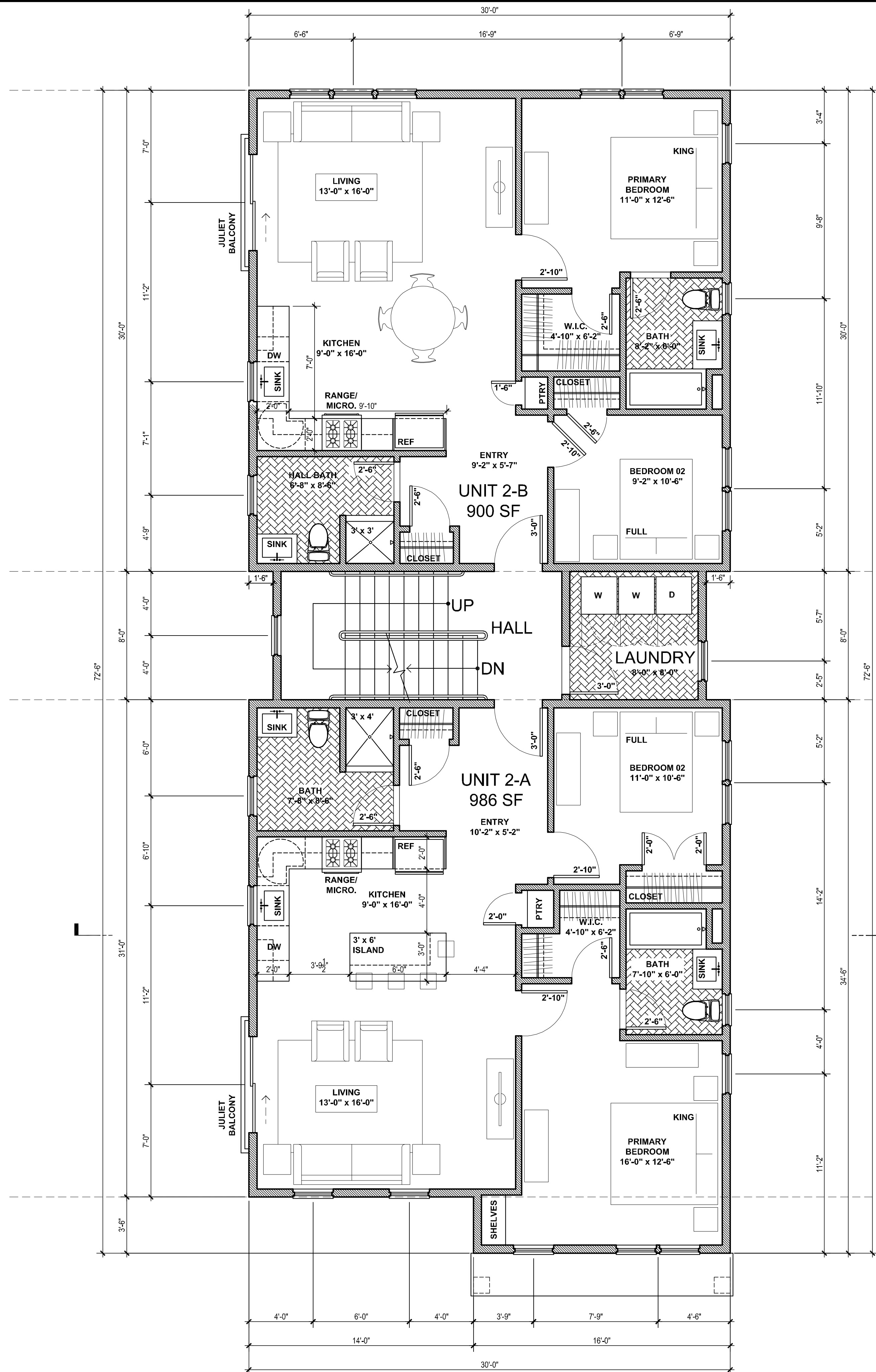
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3 OF 6

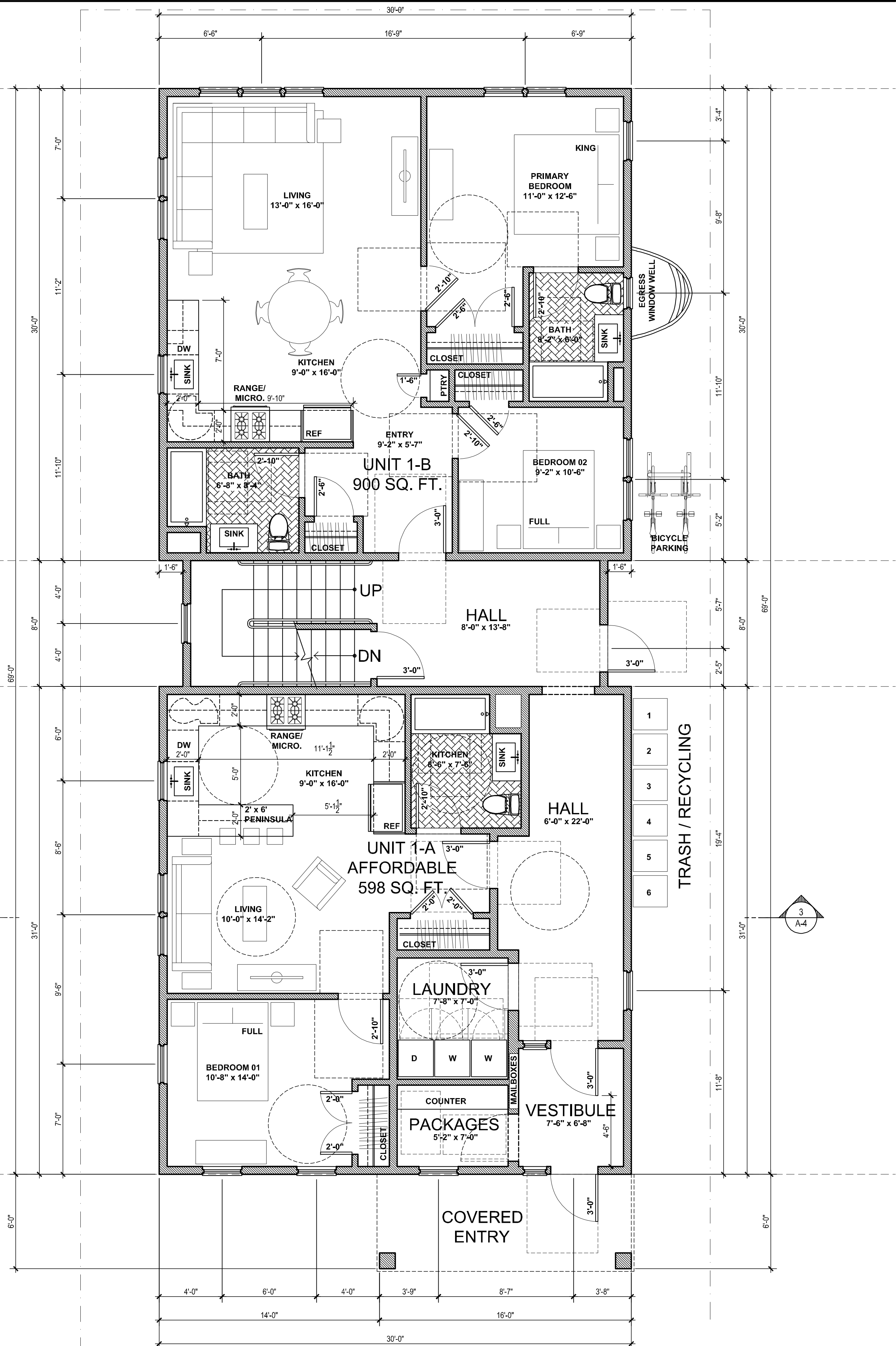
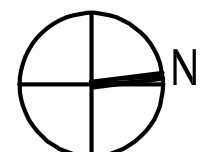
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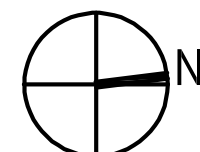
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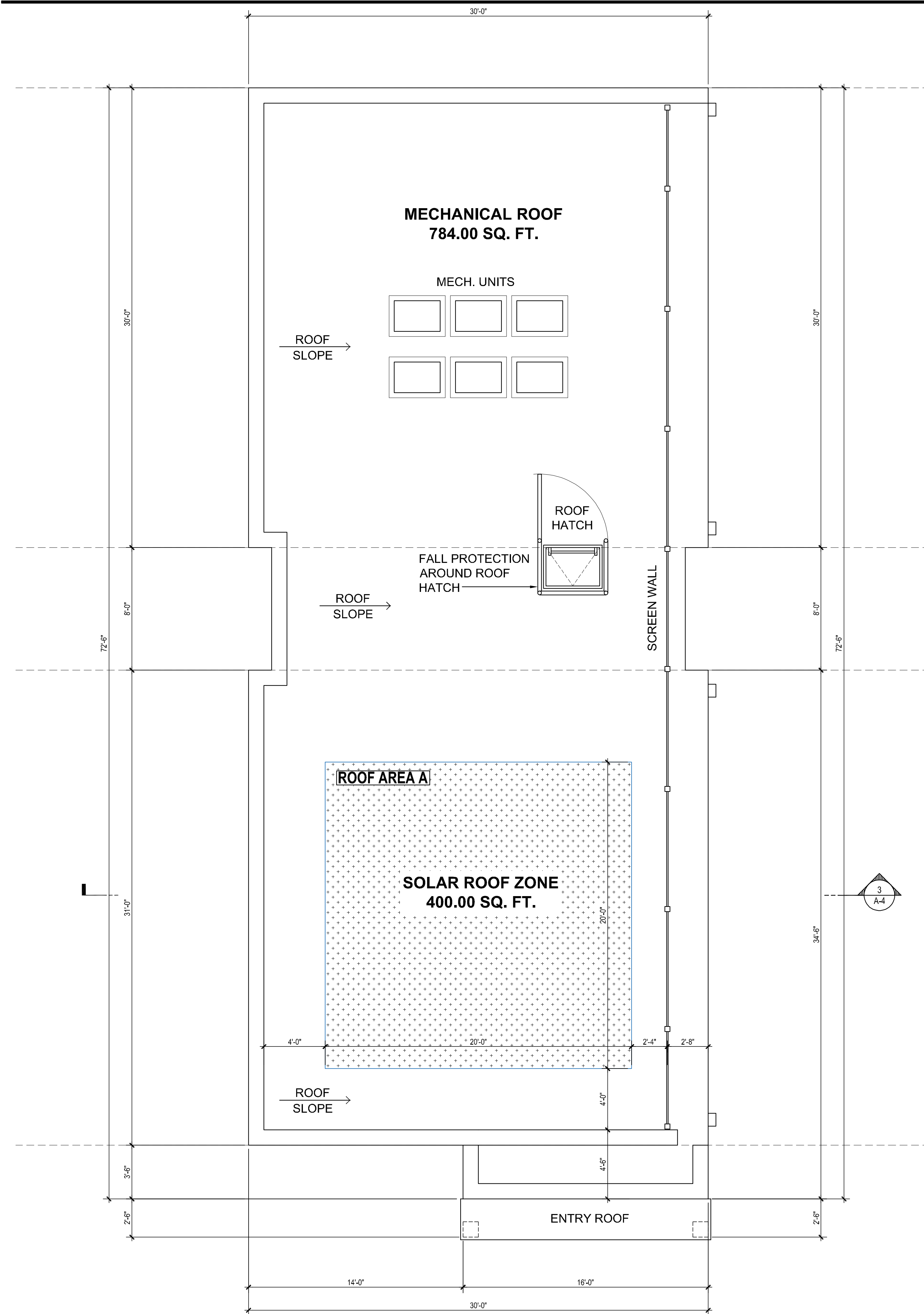
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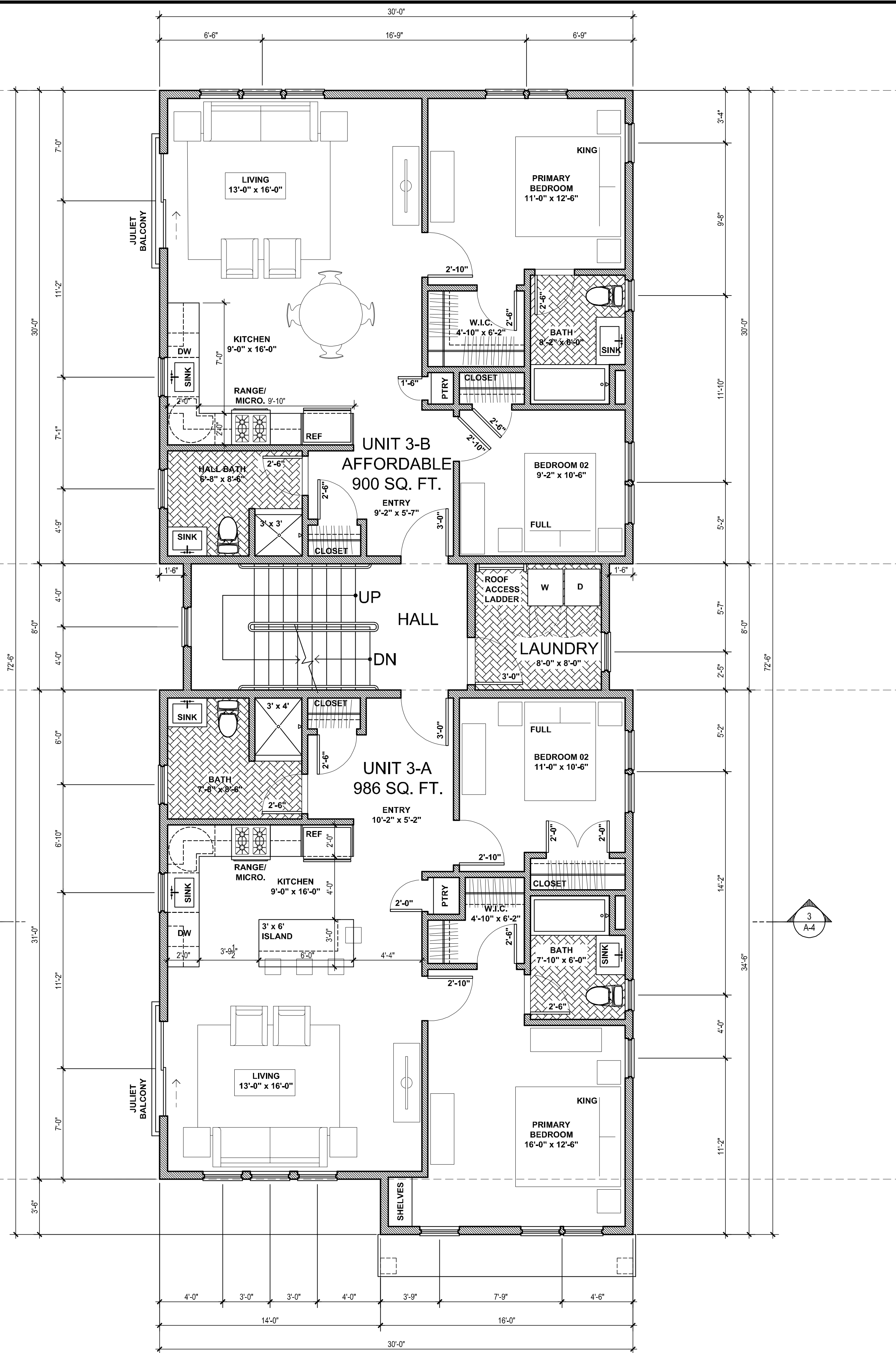
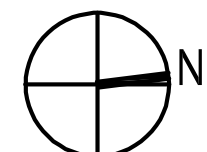
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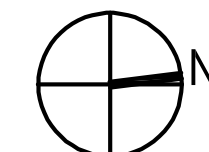




2 ROOF PLAN
SCALE: 1/4" = 1'-0"



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



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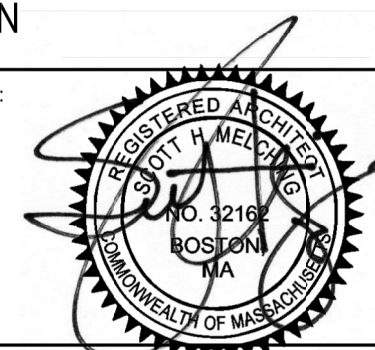
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THIRD FLOOR PLAN &
ROOF PLAN

SHEET NUMBER :

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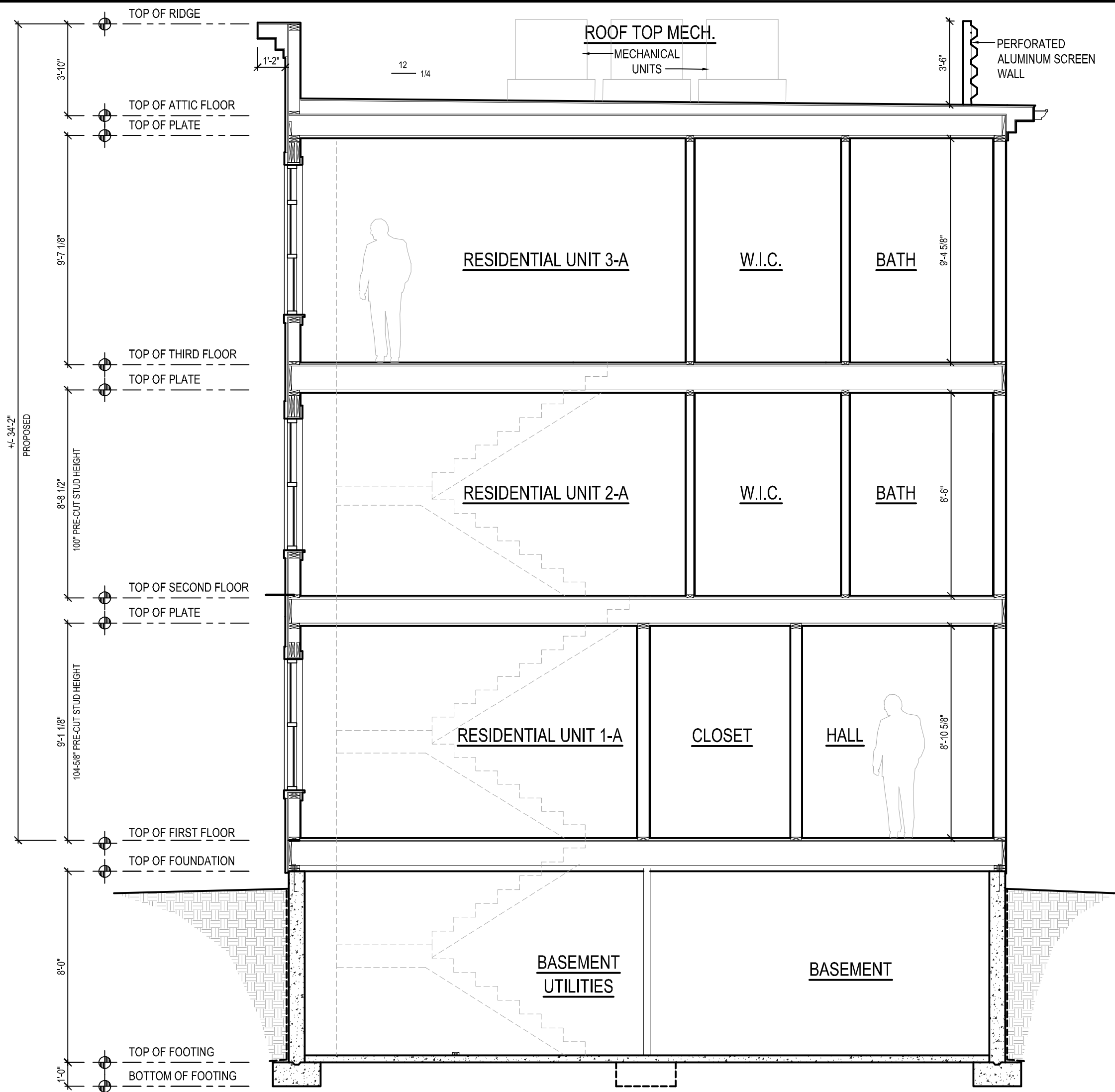
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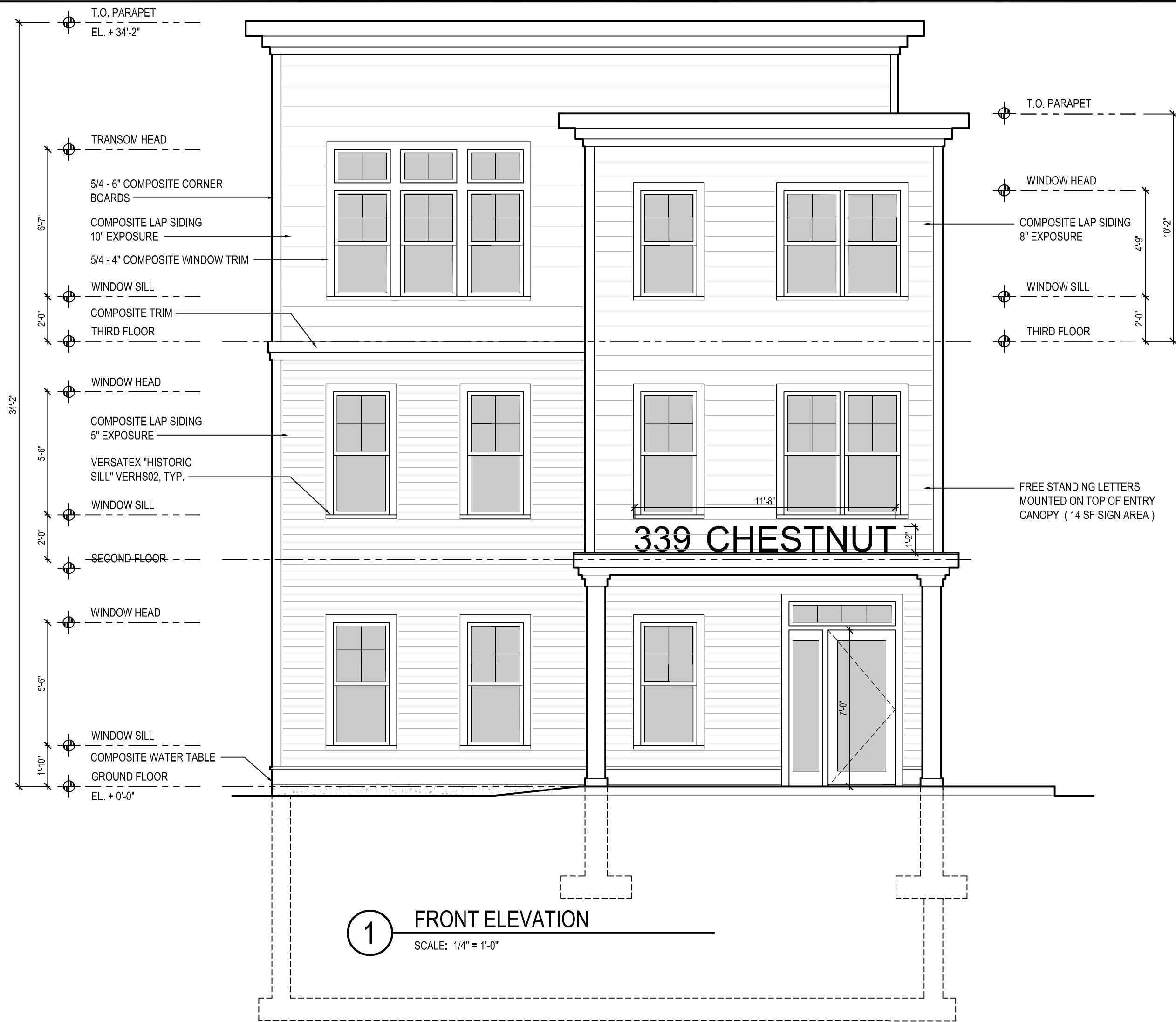
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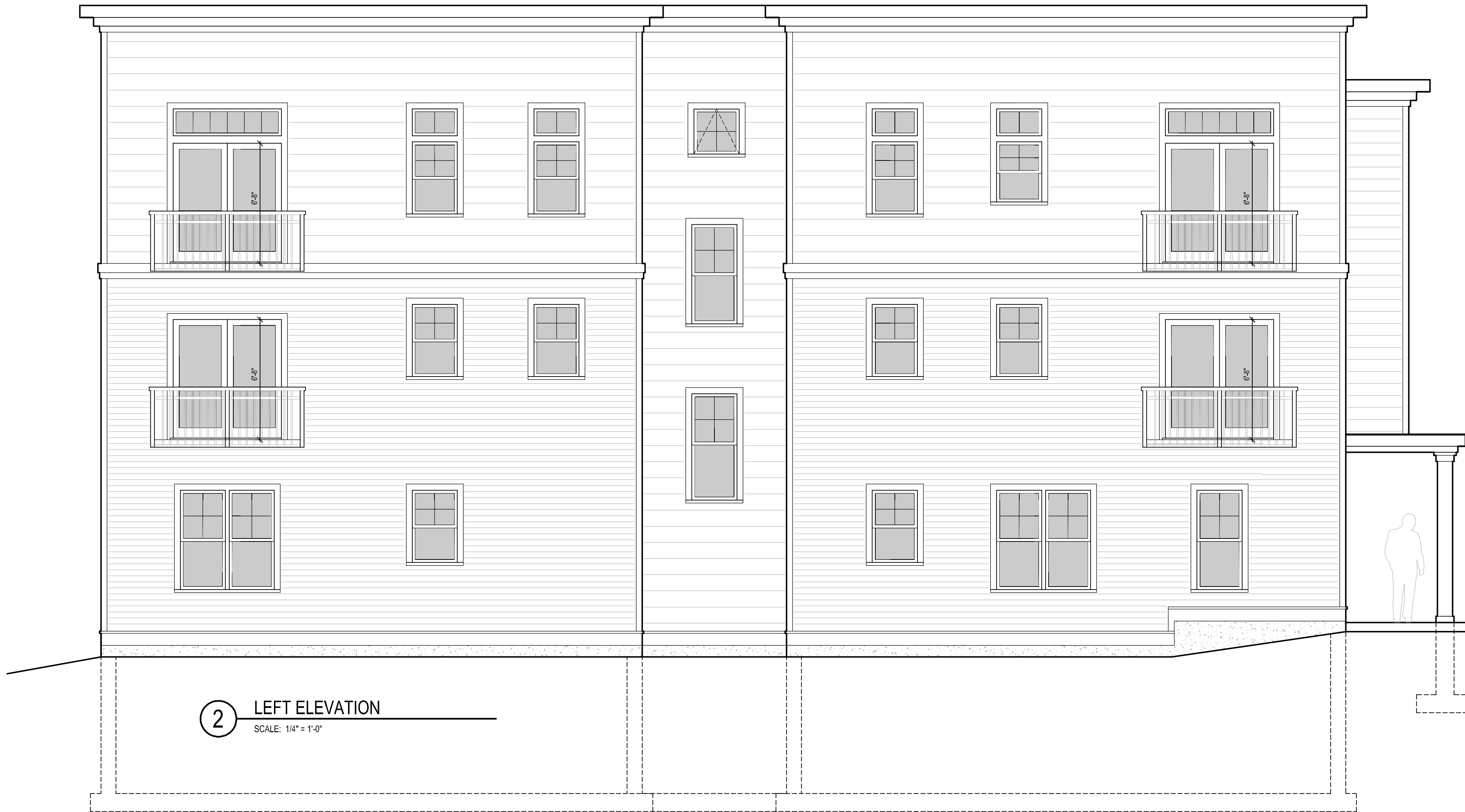
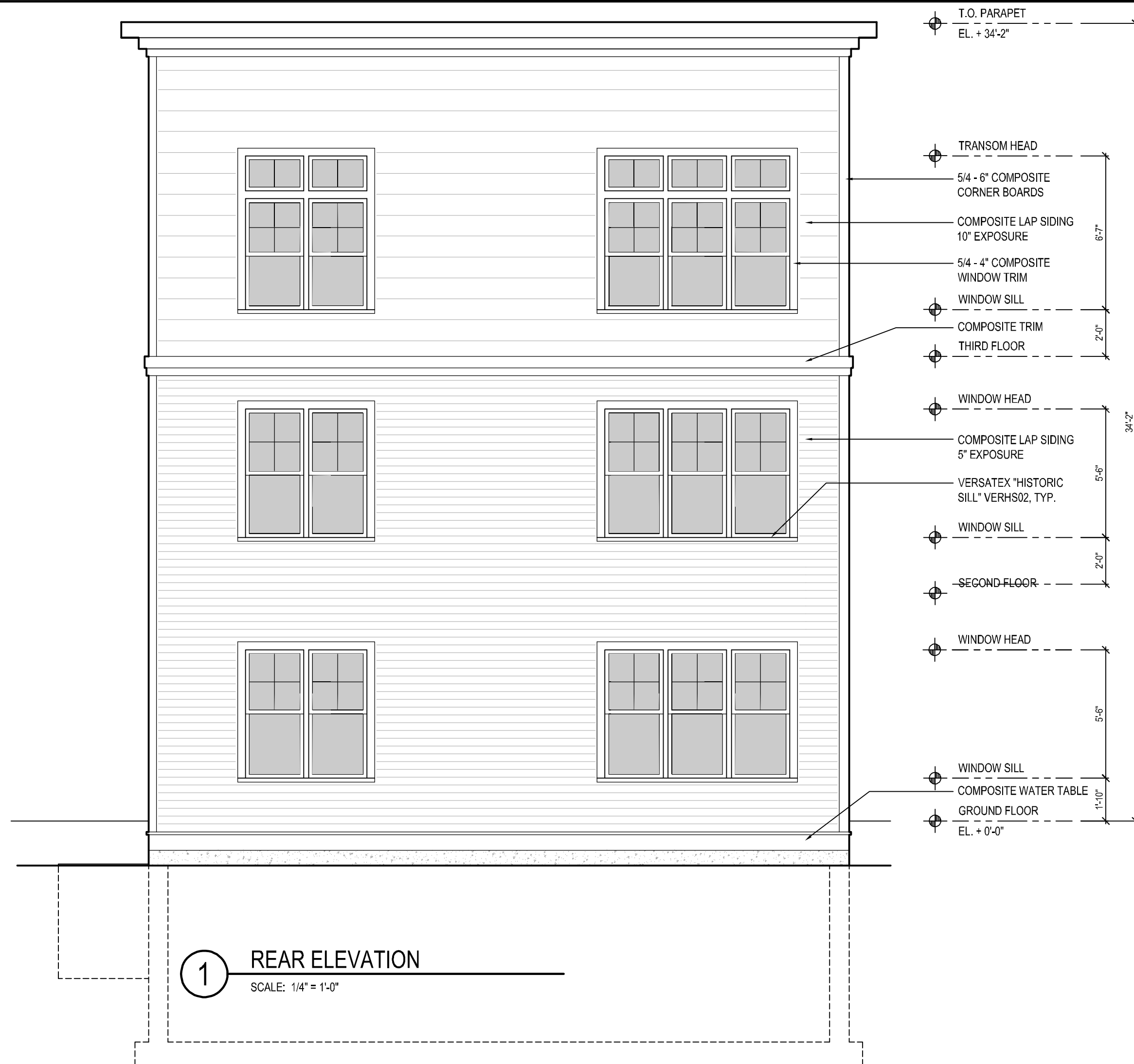
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LIST OF REQUESTED EXEMPTIONS
TO
APPLICATION OF
NEEDHAM ENTERPRISES, LLC
April 4, 2025
Comprehensive Permit
339 Chestnut Street, Needham, MA

The following exemptions to local requirements and regulations are hereby requested for the reasons set forth:

1. Zoning Exemptions

The following table set forth current applicable zoning requirements, existing conditions and proposed conditions:

Section of By-Law	Requirement	Existing Condition	Proposed Condition
3.2.2 - Use	Office allowed as of right; Apartment or multifamily allowed on second floor and in half-story directly above second floor by special permit; consistent with density requirements of A-1 (18 units / acre)	Office	Multifamily on three floors, including ground floor, with density of 33 units / acre
4.4.1 – Min Lot Area	10,000 SF	6,200 SF	6,200 SF
4.4.1 – Min Frontage	80'	40'	40'
4.4.2(c) – Max FAR	.7	.25	1.34
4.4.3 – Max Height – Stories	2 ½	2	3

4.4.3 – Max Height	35'	31.87'	34.2'
4.4.4 – Front Setback	20'	36.6'	75.0'
4.4.5 – Driveway Openings	2 driveways for every 150 feet of frontage' 18-25' wide	1 driveway – 40' wide	1 driveway – 24' wide
4.4.9 – Building Entrance	Building entrance available from Chestnut Street	Entrance available from Chestnut Street	Entrance available from Chestnut Street

As indicated by the above table, the project requires the following zoning exemptions:

- a. **Ground Floor Use.** Exemption from applicable provision of Section 3.2.2 limiting residential use at the Premises to the second floor and half-story above the second floor. This exemption is required for the proposed residential use on the first / ground floor and is necessary to redevelop the Premises for entirely residential use.
- b. **Residential Unit Density.** Exemption from applicable provision of Section 3.2.2 limiting the density of residential at the Premises to 18 units per acre. Without the exemption, the Premises would be limited to a maximum of only 2 residential units.
- c. **Lot Requirements.** Exemption from applicable provisions of Section 4.4.1 relative to minimum required lot area and frontage. The Premises, which was established as a separate lot prior to the adoption of zoning, contains 6,200 square feet of area and 40' of frontage. As a result, the exemption is required to make any use of the lot.
- d. **Floor Area Ratio.** Exemption from the maximum applicable .7 maximum Floor Area Ratio as set forth in Section 4.4.2(c). The proposed new building will have an FAR of 1.34, in excess of the requirement. This exemption is required so that the proposed building can contain 6 units over three floors.
- e. **Maximum Stories.** Exemption from the applicable provision of Section 4.4.3 limiting the maximum height to two and one-half stories. This exemption is required to allow a full third floor so that the proposed building can contain 6 units over three floors.

2. Parking Exemptions

The following table set forth current applicable parking requirements, existing conditions and proposed conditions:

Section of By-Law	Requirement	Existing Condition	Proposed Condition
5.1.2 – Required Parking – Office	1 space /300 SF: 6 Total Spaces	8 Spaces (Compact)	N/A
5.1.4 – Off-Street Parking for Multifamily Structures (applicable to lots in Apartment District)	1.5 spaces / unit; 9 Total Spaces	N/A	8 Spaces (6 Full (including 1 HP space), 2 Compact)
5.1.2(a) – Parking Lot Illumination	Average of one foot candle	Less than one foot candle	Less than one foot candle
5.1.2 (c) – Handicapped Parking	1 Space	No Spaces	1 Space
5.1.3(e) – Compact Cars	Maximum of 50% of spaces	100%	25%
5.1.3(f) – Space Size	9’ Wide x 18.5’ Long	8 Spaces @ 8.5’ x 15.5’	6 Spaces @ 9’ x 18.5’ 2 Spaces @ 8’ x 16’
5.1.3 (i) - Width of Maneuvering Aisle	24’	19’	20’
5.1.3(j) – Parking Setbacks	20’ from front Chestnut Street 4’ from rear and side lot lines 5’ from building at first floor	0 from Chestnut Street 5.4’ from right lot line >5’ @ Rear of Building	0 from Chestnut Street 1’ from left lot line 5’ from Building Front

5.1.3 (k) – Landscaped Areas	Setbacks areas pursuant to 5.1.3(j) to be landscaped with trees, shrubs, flowers and grass	Minimal	Minimal
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As indicated by the above table, the project requires, or may require, the following zoning exemptions:

a. **Number of Required Spaces.** To the extent that Section 5.1.4 of the By-Law applies to the proposed project, exemption from number of parking spaces required,. If such Section applies, it would require a total of 9 parking spaces, based on 1.5 spaces per unit. However, there is only room on site for a maximum of 8 spaces, which includes one handicapped space. Therefore, an exemption is required for number of spaces.

b. **Illumination.** Exemption from Section 5.1.2(a) requiring an average of one foot candle illumination in throughout the parking area. Not all areas of the parking area will necessarily have an average of one foot candle illumination. However, given the nature of the proposed project and the overall level of ambient lighting in the area around the Premises, the Applicant asserts there is adequate lighting and the one foot candle and additional lighting in compliance with this Section is not necessary.

c. **Width of Maneuvering Aisle.** Exemption from Section 5.1.3(i) relative to minimum required maneuvering aisle. Due to the narrow width of the Premises, it is not possible to provide both a reasonable number of parking spaces and a compliant maneuvering aisle.

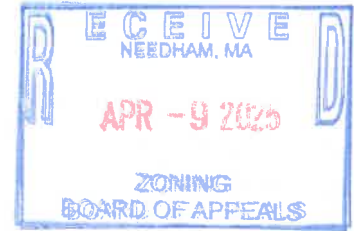
d. **Parking Setbacks.** Exemption from Section 5.1.3(j) relative to parking setbacks. Because of the small size and narrow width of the Premises, it is not practicable to provide a reasonable number of parking spaces, a reasonable maneuvering aisle and comply with applicable parking setbacks.

e. **Required Landscaping.** Exemption from Section 5.1.3(k) requiring that landscaping be provided in required setback areas. As indicated above, it is not practicable to comply with applicable parking setbacks and still provide reasonable parking and maneuvering aisles at the Premises. As a result, it is also not practicable to comply with the requirement for landscaping within such parking setback areas.

3. Procedural Exemptions

a. **Site Plan Review.** Pursuant to Section 7.4.2 of the Zoning By-Law, the construction or reconstruction of any amount of gross floor area in the Chestnut Street Business District constitutes a Major Project requiring Site Plan review as set forth in Section 7.4 et. Seq. An exemption is therefore requested from such requirement in favor of the Comprehensive Permit process with the Board of Appeals.

b. **Design Review.** Pursuant to Section 7.7.2.2 of the Zoning By-Law, all new structures in the Chestnut Street Business District requires design review with the Design Review Board. An exemption is therefore requested from such requirement in favor of the Comprehensive Permit process with the Board of Appeals.



LIST OF REQUESTED EXEMPTIONS
TO
APPLICATION OF
NEEDHAM ENTERPRISES, LLC
April 4, 2025
Comprehensive Permit
339 Chestnut Street, Needham, MA

The following exemptions to local requirements and regulations are hereby requested for the reasons set forth:

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4.4.1 – Min Lot Area	10,000 SF	6,200 SF	6,200 SF
4.4.1 – Min Frontage	80’	40’	40’
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Daphne Collins

From: Gary Ajamian <garyajamian@gmail.com>
Sent: Monday, March 17, 2025 5:49 PM
To: Planning; Office of the Town Manager; Selectboard; Louise Miller; Planning Board
Subject: Tuesday Agenda - March 18th, 7PM - Property located at 339 Chestnut Street, Needham, MA

Dear Select Board, Planning Board and Town Manager,

RE: 39 Chestnut Street, Needham, MA

I ask the Planning Board to urge the Zoning Board of Appeals to follow the normal bylaw procedures as closely as possible in considering the application for a comprehensive permit review for this proposal. The six-unit building, as designed, is too large for its lot, places parking in the front of the lot and asks to be exempt from landscaping bylaws.

We have a Big House Committee because we are concerned about oversized buildings that are out of scale with their lots. Similarly, we have a Tree Committee to address concerns about tree canopy loss and the impact of heat islands on our town. **These interests should be considered in the handling of every project.**

This project should not be exempt from appropriate town reviews—it must go through the established steps even if the process results in a single comprehensive permit. The project certainly should be reviewed by the Design Review Board as required by our bylaws. Allowing this development to bypass key reviews undermines thoughtful planning.

This section of Chestnut Street is part of a broader rezoning vision, and approving projects without proper oversight impacts future redevelopment and contradicts responsible planning. Site plan review and review by the Design Review Board ensures that projects are in accord with the best interests of the town. Without them, how can any thoughtful decision be made?

Please do not allow the sidestepping of processes intended to protect our town and insure all of our development goals are met.

Sincerely,

Gary Ajamian, TMM Precinct F

47 Meetinghouse Circle 

Daphne Collins

From: Deb Anderson
Sent: Tuesday, April 8, 2025 11:12 AM
To: Daphne Collins; John Schlittler; Joseph Prondak; Justin Savignano; Tara Gurge; Thomas Ryder; Alison Steinfeld; J.P Cacciaglia; Tatiana Swanson; Mark Gluesing; g.greis@rcn.com
Subject: RE: 339 Chestnut Street - ZBA Review - Due April 8, 2025

The proposed project at 339 Chestnut Street is not located within Conservation Commission jurisdiction and we have no further comments.

Thank you.

Deb

Debbie Anderson, PWS
Director of Conservation
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 x 72248
Cell: 781-727-6386
AndersonD@Needhamma.gov

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Monday, April 7, 2025 1:21 PM
To: John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Deb Anderson <andersond@needhamma.gov>; Alison Steinfeld <asteinfeld@needhamma.gov>; J.P Cacciaglia <jcacciaglia@needhamma.gov>; Tatiana Swanson <tswanson@needhamma.gov>; Mark Gluesing <mjgarchitect@verizon.net>; g.greis@rcn.com
Subject: FW: 339 Chestnut Street - ZBA Review - Due April 8, 2025

Hi Folks-

Friendly reminder that your comments for the ZBA on the Comprehensive Plan Application at 339 Chestnut Street are due tomorrow April 8, 2025.

The ZBA will be reviewing the application at it's ZBA Meeting of April 17, 2025, PSAB, Charles River Room, 500 Dedham Avenue, Needham, MA at 7:30pm.

If you have any questions on the application (attached), feel free to contact me.

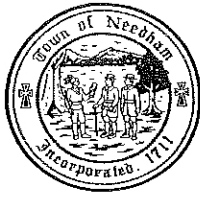


Daphne M. Collins

Zoning Specialist
Planning and Community Development Dept.
Public Services Administration Bldg.
500 Dedham Avenue
Needham, MA 02492

Office: (781) 455-7550 ext. 72261

www.needhamma.gov<https://www.needhamma.gov/>
<https://needhamma.gov/1101/Board-of-Appeals>
www.needhamma.gov/NeedhamYouTube



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

April 8th, 2025

Needham Zoning Board of Appeals
Needham Public Safety Administration Building
Needham, MA 02492

RE: Case Review-Special Permit Review
339 Chestnut Street- Special Permit Review

Dear Members of the Board,

The Department of Public Works has completed its review of the above-mentioned Special Permit for the proposed demolition of the existing commercial structure and redevelopment to a new construction of a Six-unit affordable apartment building.

The documents submitted for review are as follows:

- Application for Special Permit dated 2/24/25.
- Cover Letter by George Giunta dated 12/18/24
- Determination of Project Eligibility d. January 22, 2025
- Memorandum in Support of Application of Needham Enterprises, LLC
- List of Exemptions dated 4/4/25
- Proposed Architectural Plans by Scott Melching Architects LLC consisting of 6 Sheets dated 2/27/25
- Existing and Proposed Plot Plans by Bradley Simonelli dated 2/24/25
- Landscape Plan by Scott Melching dated 3/18/25
- Drainage Plan by John Glossa dated 3/27/25

Our comments and recommendations are as follows:

- In accordance with the Town of Needham Stormwater Bylaw, the proposed new structure requires a minimum combined volumetric capacity of 1 inch over the entire impervious to be recharged. The proposed plot plan should be revised, prior to receiving a building permit, showing the calculations that the infiltration system is sized to contain a minimum of 1-inch of the total impervious area of the addition for infiltration.
- The final location of storm drainage field should be reviewed for approval prior to field installation.
- Due to the maximized parking orientation the owner must work out parking arrangements with the proposed tenants for effective use of the area.

- As part of the NPDES requirements, the applicant will need to comply with the Public Outreach & Education and Public Participation & Involvement control measures. The applicant shall submit a letter to the DPW identifying the measures selected and dates by which the measures will be completed in order to incorporate it into the zoning board of appeals decision.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas A Ryder
Town Engineer

Daphne Collins

From: Tom Conroy
Sent: Thursday, March 20, 2025 10:22 AM
To: Daphne Collins
Subject: RE: 339 Chestnut Street - ZBA Review - Due April 8, 2025

Hi Daphne,
No issues with the Fire Dept.
Thanks,
Tom



Thomas M. Conroy
Fire Chief - Needham Fire Dept.
tconroy@needhamma.gov

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, March 18, 2025 10:59 AM
To: Alexandra Clee <aclee@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Deb Anderson <andersond@needhamma.gov>; Alison Steinfeld <asteinfeld@needhamma.gov>; J.P. Cacciaglia <jcacciaglia@needhamma.gov>; Tatiana Swanson <tswanson@needhamma.gov>; Mark Gluesing <mjgarchitect@verizon.net>; g.greis@rcn.com
Subject: 339 Chestnut Street - ZBA Review - Due April 8, 2025

Good Morning –

339 Chestnut Street – Needham Enterprises, LLC has applied for a Comprehensive Permit to demolish a 1904 two-story building and reconstruct a new three-story, six-unit residential building with parking containing 1– 1 bedroom unit, 5 – 2 bedroom units; and 8 off-street parking. Two of the units will be affordable. The project is located in the Chestnut Street Business (CSB) zoning district.

As part of the Comprehensive Permit review process, the ZBA must reach out and seek input from your board, commission or department.

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

I appreciate your comments no later than **April 8, 2025** to allow time for the applicant to respond prior to the ZBA Public hearing which is scheduled for Thursday, April 17, 2025, PSAB, Charles River Room, 500 Dedham Avenue, Needham, MA 02492

Daphne Collins

From: g.greis@rcn.com
Sent: Tuesday, April 8, 2025 11:37 AM
To: Daphne Collins
Subject: Re: 339 Chestnut Street - ZBA Review - Due April 8, 2025

Hi Daphne,
399 Chestnut Street does not fall under the review of the Needham Historical Commission.
Thanks Gloria

Gloria Polizzotti Greis, PhD
Chair, Needham Historical Commission

From: "Daphne Collins" <dcollins@needhamma.gov>
To: "John Schlittler" <JSchlittler@needhamma.gov>, "Joseph Prondak" <jprondak@needhamma.gov>, "Justin Savignano" <jsavignano@needhamma.gov>, "Tara Gurge" <TGurge@needhamma.gov>, "Thomas Ryder" <tryder@needhamma.gov>, "Deb Anderson" <andersond@needhamma.gov>, "Alison Steinfeld" <asteinfeld@needhamma.gov>, "J.P Cacciaglia" <jcacciaglia@needhamma.gov>, "Tatiana Swanson" <tswanson@needhamma.gov>, "Mark Gluesing" <mjgarchitect@verizon.net>, "g greis" <g.greis@rcn.com>
Sent: Monday, April 7, 2025 1:20:41 PM
Subject: FW: 339 Chestnut Street - ZBA Review - Due April 8, 2025

Hi Folks-
Friendly reminder that your comments for the ZBA on the Comprehensive Plan Application at 339 Chestnut Street are due tomorrow April 8, 2025.
The ZBA will be reviewing the application at it's ZBA Meeting of April 17, 2025, PSAB, Charles River Room, 500 Dedham Avenue, Needham, MA at 7:30pm.
If you have any questions on the application (attached), feel free to contact me.



Daphne M. Collins
Zoning Specialist
Planning and Community Development Dept.
Public Services Administration Bldg.
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Office: (781) 455-7550 ext. 72261
www.needhamma.gov<https://www.needhamma.gov/>
<https://needhamma.gov/1101/Board-of-Appeals>
www.needhamma.gov/NeedhamYouTube

From: Daphne Collins
Sent: Tuesday, March 18, 2025 10:59 AM



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7500

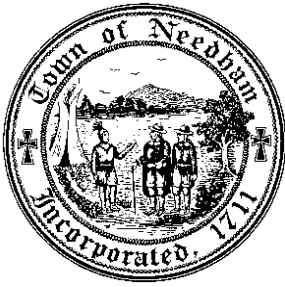
PLANNING

TO: Zoning Board of Appeals
FROM: Alison Steinfeld, Community Housing Specialist
SUBJ: Comprehensive Permit Application—339 Chestnut Street
DATE: April 7, 2025

Thank you for the opportunity to comment on the Local Initiative Project proposed by Needham Enterprises, LLC consisting of six rental units of which two will be dedicated to low- and moderate-income households.

The project is located in a phenomenal location for affordable housing given its proximity to Needham Center and the commercial activities along Chestnut Street, public transportation, a hospital and other municipal amenities. Although small, the project represents appropriate infill development and will contribute to the supply of affordable housing in Needham.

Pending your approval, I look forward to having the six units placed on the Subsidized Housing Inventory and working with Needham Enterprises to prepare a Regulatory Agreement that protects all parties.



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

April 2, 2025

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

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

At its meeting of March 18, 2025, the Planning Board reviewed the application of Needham Enterprises, LLC, 105 Chestnut Street, Needham, MA 02492, for a Comprehensive Permit under M.G.L. Ch. 40B, for construction of a housing development containing six units, 2 of which will be affordable to families of low or moderate income, and associated parking, in the Chestnut Street Business Zoning District on a 6,200 square foot parcel located at 339 Chestnut Street.

On March 18, 2025, the applicant met with the Planning Board and made a presentation of the proposed project. Following a presentation by the applicant, the Planning Board made the following recommendations and comments.

The Planning Board felt that it was important to establish a landscape buffer at the front of the property to better separate the parking lot at the front of the property from the pedestrian walkway along Chestnut Street. The proposed building is currently planned to be located 5 feet from the rear property line where a 0-foot setback is permitted under current zoning rules. Accordingly, the Board requested that the developer explore moving the proposed building back to the rear property line without losing parking or altering the building design to enable the creation of a landscape buffer at the front of the property. With the above noted comment, the Planning Board wishes to express its support of the project as a whole, as it is consistent with the Town's 40B Guidelines and represents the type of affordable housing development that the Town wishes to encourage.

Please feel free to contact me directly should you have any further questions.

Very truly yours,

Needham Planning Board

Lee Newman

Lee Newman
Director of Planning and Community Development

cc: Planning Board

Daphne Collins

From: Tara Gurge
Sent: Monday, April 7, 2025 4:51 PM
To: Daphne Collins
Subject: RE: 339 Chestnut Street - ZBA Review - Due April 8, 2025 - Public Health comments

Daphne –

The Public Health Division conducted the Zoning Board review for the proposed demolition and rebuilding project on the property located at **#339 Chestnut Street**. See comments noted below:

- Prior to these proposed demolition, the owner must apply for this Demolition review online, via the Towns ViewPoint Cloud online permitting system through Public Health Division. See direct link to this online permit application- <https://needhamma.viewpointcloud.com/categories/1073/record-types/1006508>. This form will need to be completed along with the uploading of the required supplemental report documents for our review and approval (as noted on the form.) **PLEASE NOTE:** Pest control reports, along with the asbestos sampling reports, etc., must be uploaded to our online system for review and approval, prior to the issuance of a Demolition permit by the Building Department.
- On-going pest control must be conducted during demolition AND on-going pest control must be conducted throughout construction of the new multi-family residential structure.
- The Public Health Division now conducts pre-occupancy tenant/landlord rental inspections. We recommend the units each get voluntarily inspected, as requested by the owner/landlord, prior to renting out and before the occupants move into the units.

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

Thanks,

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



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TOWN OF NEEDHAM

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

Design Review Board

ZBA Memo

Comprehensive Permit Review: 339 Chestnut Street

March 26, 2025

The applicant presented the 6 unit residential project.

The applicant described the various other structures in the neighborhood as brick veneered commercial buildings and small businesses in residential style architecture. Their design uses a variety of the residential siding finishes. They vary the texture and scale of the siding materials as well as complementary changes in the colors. The massing of the building breaks up the wall planes to create a well balanced volumetric composition. The proposed parapet will screen rooftop mechanical elements. The Board approved of the overall design of the building and the material and color selections.

The site is small and narrow. The Board approved of the building siting and parking organization. The applicant is installing a solid fence on the side of the building with trash cans as a screening element. The first floor layout also has the hallway on that same side. The other side has a small setback with a metal rail fence to allow light into the apartment windows. The Board agreed these were a good approach to fencing for the building. The drawings show lawn as the finish surface in the small setback area. The Board was concerned about the small width of space, without irrigation, not being able to support lawn. There was a discussion of alternatives such as low maintenance ground cover, gravel or hard surface.

The Board noted that the parking lot lacks separation from the sidewalk along the street, but recognized the restricted site conditions. The Board approved the overall site design and material selections.

The applicant has done well with a restricted site and the DRB approves the design of the site layout and building.

End of notes.

Town of Needham
Building Department
500 Dedham Ave.
Needham, MA 02492

April 9, 2025

Town of Needham / Zoning Board of Appeals
500 Dedham Ave.
Needham, MA. 02492

Re: 339 Chestnut St., Comprehensive Permit

Dear Board Members,

This office has reviewed this proposal for a Comprehensive Permit to allow a 3-story/ 6 residential unit building at 339 Chestnut St. The property lies in a Chestnut Street Business Zoning District and this multi-family building, as proposed, would not normally be allowed.

I have reviewed the list of exemptions being sought by the applicant and discussed these with Attorney Guinta. I agree that the list is complete and accurate as of this date. Therefore, this office has no objections to this proposal.

Note of interest: The single parking space provided on the plan for persons with disabilities is not required by 521CMR, The Massachusetts Architectural Access Code as only parking lots with 15 or more spaces are subject to the regulation.

Sincerely,

Joe Prondak
Building Commissioner.



Office of the Town Manager
1471 Highland Avenue
Needham, MA 02492
781-455-7500
www.needhamma.gov

Date: April 9th, 2025

To: Zoning Board of Appeals

From: JP Cacciaglia, Economic Development Manager

Re: 339 Chestnut Street

At their October 22, 2024 meeting, the Select Board voted to support the Local Initiative Program application for the development at 339 Chestnut Street. The project stands to play a positive role in local economic development. Creating six new housing units, of which two will be affordable, is a much-needed step toward addressing the ongoing housing challenges in our area in terms of affordability, economic opportunity, and community stability.

The inclusion of enhanced affordable units within the project is a significant benefit to workers who work in area businesses. By providing nearby, stable housing, it will help reduce commute times, strengthen the local workforce, and support small and mid-size employers who depend on access to reliable labor. This type of development will allow Chestnut Street to remain a viable business district with enhanced foot traffic.

The proposed project at 339 Chestnut Street aligns with the following Select Board goals:

GOAL #2: Economically Vital - Needham welcomes investment in local businesses and has a thriving local economy that contributes to a growing local tax base to support desirable community amenities and programs.

GOAL #3: Livable - Needham values diversity and a broad spectrum of housing options. The community is supported by well-maintained public infrastructure and desirable amenities that accommodate a variety of community needs.