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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit

***Advance Softball Training LLC, Applicant
L & T, LLC, owner
6 Brook Road
Map 74, Parcel 30***

May 15, 2025

Advanced Softball Training, LLC, Applicant (“Applicant”), applied for a Special Permit to allow the operation of a softball training facility with indoor batting cages under Section 3.2.6.(i) indoor athletic and exercise facilities; 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 Zoning By-Law (“By-Law”). The property is located in the Mixed Use -128 (MU-128) zoning district. A public hearing was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue on Thursday, May 15, 2025 at 7:30 p.m.

Documents of Record:

- Cover Letter from George Giunta, Jr. dated April 17, 2025.
- Application for Hearing, Clerk stamped April 17, 2025
- Letter from Edward Pidcock, L & T, LLC, undated.
- Memorandum of Support with attachments, prepared by George Giunta, Jr., dated April 17, 2025.
 - Exhibit A-Building Permit 6705 and Foundation Certification
 - Interior Existing Conditions and Proposed Conditions Plans, prepared by DesignCrossover, LLC
 - Existing Conditions Plan, prepared by Kelly Engineering Group, stamped by Steven Horfall, Professional Land Surveyor, dated January 21, 2025.
- Letter from Lee Newman, Director of Planning and Community Development, dated May 6, 2025.
- Letter from Joseph Prondak, Building Commissioner, dated May 6, 2025.
- Email from Thomas Ryder, Town Engineer, dated May 6, 2025.
- Email from Chief Tom Conroy, Fire Department, dated May 2, 2025.

- Email from Chief John Schlittler, Police Department, dated May 6, 2025.
- Email from Tara Gurge, Assistant Public Health Director, dated May 2, 2025.

May 15, 2025

The Board included Jonathan D. Tamkin, Chair; Howard Goldman, Vice-Chair; and Peter Friedenberg, Associate Member. Valentina Elzon, Associate Member, was also in attendance. Mr. Tamkin read the public notice and opened the Public Hearing at 7:30 p.m.

George Giunta, Jr., the attorney representing the Applicant; and Emily Sargent, owner of Advanced Softball Training, LLC were in attendance.

Mr. Giunta reported that the Applicant is proposing to relocate their business to 6 Brook Road in the Mixed-Use 128 Zoning District. The one-story commercial structure contains 5,577 square feet with 17 parking spaces surrounding it. The building was built in 1966 and is located on the corner of Wexford Street and Brook Road. The building is one of a three-building condo complex addressed as 6 Brook Road, 50 Brook Road, and 56 Brook Road. The stand-alone condos are treated as separate properties.

For the past 20 years, 6 Brook Road was occupied exclusively by Chilly Bear, a company specializing in the production of decorated apparel, for its manufacturing, warehousing, and retailing. Since the 1960s, and prior to Chilly Bear, the location was occupied by Anderson Machine Company, Inc. for manufacturing and warehousing.

The Applicant is proposing to use 60% of the building, 3,346 square feet, with Chilly Bear continuing to use and occupy 32% of the building (1,785 square feet). The balance is occupied by common use space. The Applicant has the option to rent the entire space as Chilly Bear steps down its operations.

Ms. Sargent is a registered strength and conditioning coach with a Masters, in Management from Harvard. She has developed strength and conditioning programs for eight Varsity sports teams. She has a Bachelors in Exercise Science and pitched Division I softball. Since 2020, Ms. Sargent owns and operates Sargent Softball Training, a business offering lessons, clinics and camps.

Ms. Sargent proposes expanding her business to an indoor location offering a softball training facility which will consists of three batting cages with turf flooring, separated by netting that will provide the flexibility to open the entire space. There will also be two weight racks and dumb bells for small strength training groups.

Instruction will be provided for one on one and in groups. The groups will be capped at 18 individuals at any one time. The strength training will be capped at 10 individuals. 90% of the business will be for one-on-one and groups clients. Only 10% will be for rental use.

The clients will be from age 10 to 18 years old, with the majority in the 12–15-year-old range. The majority of the participants will be dropped off. About 20% will drive.

The hours of operations will be from 6:00 a.m. to 10:00 a.m., and 3:00 p.m. to 9:00 p.m. on weekdays; and 8:00 a.m. to 9:00 p.m. on weekends. There will be 2 staff persons on site.

Mr. Giunta said that the proposal is consistent and may be considered either as a private school or an indoor athletic or exercise facility under Section 3.2.6.2 of the By-Law. Both uses are allowed by a Special Permit and the Building Commissioner concurred that the business could be considered under either use. Mr. Giunta noted that the Building Commissioner leaned towards a private school since the business is focused on instruction. However, the parking requirements associated with the use influenced his determination.

Mr. Tamkin inquired about the status of the most recent recipient of a Special Permit at this site issued to Tail Waggez Pet Care, Inc. Mr. Giunta said that Tail Waggez did not go forward with their planned facility, nor did they execute a lease with the property owner.

Mr. Giunta reported that under Section 5.1.2 (18) - Required Parking Indoor Athletic or Exercise Facility - of the By-Law the parking requirement for the Applicant is 1 parking space per 150 square feet, plus one space per staff. Using this formula, the parking requirement for a 3,346 square foot facility is 22 spaces, plus 2 spaces required for staff, resulting in a parking requirement of 24 spaces.

Chilly Bear, as a Retail or Wholesale Stores or Services use under Section 5.1.2 (6) Required Parking, has a requirement of 6 parking spaces per 300 square feet. The calculation is as follows: 1,785 square feet divided by 300 square feet is 6 spaces.

As a result, the total parking demand for the building is 30 spaces. There are 17 parking spaces on the property which surrounds the building. 7 parking spaces are located on the Brook Road side and 10 spaces are located on the Wexford Street side. There is a shortfall of 13 spaces, and a parking waiver is required. In addition, there are 8 non-exclusive parking spaces available to tenants in the building on the property that can cover part of this shortfall.

Ms. Elzon noted that the Tail Waggez's Special Permit identified 16 spaces at the property. Mr. Giunta responded that the lot has been restriped since that decision and there are currently 17 spaces. Mr. Goldman asked if there was on-street parking. Mr. Giunta responded that there is no on-street parking as the Wexford and Brook Street parking spaces are head in and perpendicular to the streets.

Mr. Giunta maintained the Applicant's programming is more representative of a private school with school age children where the enrollment is known. If the parking demand for school-age children use is applied, the calculation is 1 parking space for every 5 students and 1 per staff person, resulting in a parking demand of 7 spaces (18 students divided by 5 equals 4 spaces for the students plus 3 for employees). Adding the 3 spaces for the Chilly Bear's staff the total parking space for the building is 10 spaces, well below the available 17 parking spaces.

Mr. Tamkin thought the batting cages made the program an athletic facility use instead of a private school. Mr. Giunta argued that the use could fit in either category. In fact, he researched

the parking standard for batting cage use under the American Planning Association Transportation Advisory Report which identified 1 to 4 parking spaces per cage which translates to a requirement of 3 to 12 parking spaces for the program. Mr. Giunta concluded that since the program is a pick-up and drop-off program the By-Law's parking requirement of 30 spaces is an overestimate of the demand for parking for the proposed use. He thought the reality will be closer to a parking use of 10-15 parking spaces.

Mr. Goldman asked where the drop-off and pick-up will be conducted. Mr. Giunta responded that between the Applicant's and Chilly Bear's staff parking use of 5 spaces, there will be 12 spaces available for drop-off and pick-ups. Ms. Sargent said that the sessions are an hour long. The students are dropped-off and picked-up and the cars do not linger. Mr. Giunta said that 2-3 of the parking spaces could be identified as short-term parking of 15-minutes maximum time to address the turn-over. Mr. Giunta also suggested that the sessions be staggered by 10 to 15 minutes to better manage the flow of students. However, he thought that given the number of students and parking spaces available a parking issue would not materialize.

Ms. Elzon asked if there was space for parents to observe. Ms. Sargent responded that there is a common area to accommodate 2-3 parents for observation. However, 90% of the parents do not stay. After the first class, it's uncommon for the parents to continue observing.

Ms. Sargent reported that her training and classes are focused on softball. Rentals, however, could be open for baseball use. Ms. Sargent said the equipment is adaptable for both sports.

Ms. Sargent reported that her market area includes Wellesley, Needham, Newton, Watertown and Waltham. Being located off of Rt. 128 will be convenient for this market group.

Comments received:

- The Police Department had no issues.
- The Planning Board had no comment.
- The Engineering Department had no comment or objection.
- The Building Department noted that either an indoor athletic training facility or private school use classification could be applied. He noted a parking waiver would be required for an indoor athletic training facility which has a 30-parking space requirement where only 17 spaces are available.
- The Fire Department had no issues.
- The Health Department had no comment.

Lauren Weitzen, 23 Virginia Road, was supportive of the Applicant providing a softball facility that caters to girls' needs. She said she represented 10 families who support the Applicant. She added that girls who participate in the program arrive by carpool and parents do not linger. The drop-off and pick-up is a fast and efficient proposition.

Alex Seibling, 11 Mayo Avenue, is supportive of the proposal and the Applicant, who is a positive role model for girls.

John DeSisto, 34 Thorton Road, was supportive of the program and the Applicant. He believes the program was supportive of girls. He added that the carpooling was the form of transportation with a quick turn-around time. He was supportive of staggering the classes to alleviate traffic concerns.

Lisa Mesichuk, 14 Howe Road, was supportive of the program and the Applicant. She found Ms. Sargent to be an excellent mentor to her students. She thought having Ms. Sargent, an expert in the softball field, would be an asset for Needham.

Russ McDuff, 40 Gatewood Drive, was supportive of the program and Applicant. He thought having facilities in Needham would alleviate the need to travel to access softball facilities. Kai McDuff added that Ms. Sargent taught her techniques which improved her softball skills.

Adam Muzicant, 21 Petrini Circle, was supportive of the program and the Applicant. His daughter has benefitted from the technical skills and mentoring received from Ms. Sargent.

Stephanie Hayes, 234 Elmwood Road, noted that Ms. Sargent provides a unique technical training and skill set specific for girls.

The public comment period was closed.

Mr. Goldman thought it was an excellent program and was in support of the application. He had concerns about the pick-up and drop-off and possible parking issues. He was in favor of having spaces designated for short-term parking.

Ms. Elzon thought it was a good proposal. She supported designating two of the spaces for short-term active parking.

Mr. Tamkin noted that the program use determination had different parking requirements and the Board needed to make a use determination:

- For the Private School use determination, a parking requirement of 10 parking spaces is required. There is sufficient parking with 17 available spaces.
- For the Indoor Athletic Facility use determination, a parking requirement of 30 spaces is required. With 17 spaces, a waiver of 13 parking spaces is required.

Mr. Goldman thought an indoor athletic facility use determination would be appropriate, and would grant a 13 parking spaces waiver conditioned upon two of the parking spaces being reserved for short-term parking. Ms. Elzon concurred with Mr. Goldman.

Ms. Elzon asked if the parking waiver is limited to the use. Mr. Friedenberg responded that the Board is making a use determination, and the parking number waiver is tied to the Applicant's particular use unless the Special Permit was to be made personal to the Applicant. Mr. Tamkin concurred and did not think the Special Permit needs to be made personal to the Applicant and thought that the parking may be affected when Chilly Bear's space changes use.

Ms. Sargent reported that in two years when her lease expires, she will be taking over Chilly Bear's space. She does not foresee the number of participants in her groups increasing with the space expansion as she is only one person and is limited to the number of students she can coach at one time. Mr. Tamkin said that if there are changes she can come back to the Board for modifications.

Mr. Friedenberg asked if the parking spaces on Wexford Street were exclusive to the Applicant. Mr. Giunta said because of the spaces' proximity to the building they are used by the users of the building. He added that the eight non-exclusive spaces are spread throughout the condo property.

Mr. Tamkin was supportive of the application and suggested that staggering the classes and dedicating spaces for pick-up and drop-off would be conditions of the Special Permit.

Mr. Friedenberg asked about the number of participants for the camps. Ms. Sargent responded that the camps are limited to 18 campers, but her camps are located outdoors in rented open space and would not be held at the facility.

Mr. Goldman moved to grant Advanced Softball Training, LLC a Special Permit to allow the operation of a softball training facility with indoor batting cages under Section 3.2.6.2 (i) of the By-Law for an indoor athletic and exercise facility; and to waive strict adherence to the number of required parking spaces and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, and 5.1.3 of the By-Law, conditioned on the following:

- that the hours of operation shall be Monday through Friday, 6:00 a.m. to 9:00 p.m., and Saturday and Sunday, 8:00 a.m. to 9:00 p.m.;
- the maximum number of participants will be 18 on site at any time;
- there will be a maximum of 3 employees on site at any time;
- class sessions times will be staggered;
- two parking spaces will be designated for short-term pick-up and drop-off.

Mr. Friedenberg seconded the motion. The motion was unanimously approved.

The meeting adjourned at 8:22 p.m.

Findings

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

1. The property subject to this application is located at 6 Brook Road in the Mixed Use-128 Zoning District. It is one of three commercial buildings within the Brook Road Condominium – addressed as 6 Brook Road, 50 Brook Road, and 56 Brook Road – which act as separate, stand-alone structures. The structures are sited on a corner lot, along Brook Road and Wexford Street, containing 45,663 square feet, identified on Assessors Map 74, Parcel 30.
2. The premises consist of 5,577 square feet of a single-story commercial building. There are 17 perpendicular head-in parking spaces along the building: 7 parking spaces along the

Brook Road side and 10 spaces on the Wexford Street side.

3. The building was built in 1966. For over twenty years, the building has been occupied by Chilly Bear, a manufacturer of decorated apparel. Prior to Chilly Bear, Anderson Machine Company, Inc., occupied the premises for warehouse and manufacturing purposes.
4. The Applicant seeks zoning relief under Section 3.2.6.2 (i) of the By-Law for indoor athletic or exercise facilities use.
5. Since 2020, Emily Sargent, the owner of Advanced Softball Training, has operated Sargent Softball Training providing private and semi-private softball lessons as well as coaching to athletes aged 8-18 years. She also provides instruction in strength and conditioning and group lessons, camps and clinics for all skill levels.
6. The Applicant proposes to operate a softball training facility consisting of three batting cages with turf flooring, separated by netting that can easily be moved to open up the entire space. There will be two weight racks and dumb bells for small strength training sessions.
7. The business will occupy 3,346 square feet of the premises, approximately 60% of the building. Chilly Bear will continue to occupy 1,785 square feet, 32% of the building. They will share the remaining space in common use.
8. At the premises, the Applicant will provide one-on-one instruction as well as group training and lessons, including strength and conditioning for softball. Groups will be limited to no more than 18 participants and 3 instructors on site at any time. 10% of the business will be for open bookings and rentals of the batting cages. The target clientele are youth athletes ranging in age from 10 to 18 years old.
9. Anticipated hours of operation are 6:00 a.m. to 9:00 p.m. on weekdays, and 8:00 a.m. to 9:00 p.m. on weekends.
10. The Applicant has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence under Section 5.1.2 (18), *Required Parking – Indoor Athletic or Exercise Facility or Personal Fitness Service Establishment*, of the By-Law. The total parking requirement as calculated based on one parking space per 150 square feet (3,346 square feet of space divided by 150 square feet = 22 spaces), plus 1 space per 2 employees = 2 spaces, is 24 parking spaces (22 + 2 = 24 spaces) for the Applicant. In addition, the continued use by Chilly Bears requires 6 spaces calculated as follows: 1,785 square feet of space divided by 300 square feet = 6 spaces pursuant to Section 5.1.2 (17) *Required Parking – Manufacturing or industrial establishment*. As a result, the total calculated parking requirement for the building is now 30 spaces.
11. There are currently 17 spaces adjacent to the building, presenting a short fall of 13 spaces pursuant to the parking requirements of Sections 5.1.2 (17) and (18) of the By-Law. However, as the target clientele are non-driving youths ranging in age from 10 to 18 years old, the majority of the participants will arrive and depart in carpools driven by parents.

No more than 20% of the participants are of driving age and as such the program functions more like a private school/after-school operation. In addition, there are 8 additional non-exclusive parking spaces within the overall building and condominium that are available for general use. Based on these factors, it is anticipated that the actual parking demand will be substantially far less than is required and a waiver of the number of required parking spaces is therefore justified.

12. The 17 on-site parking spaces have been in existence without modification since the construction of the building in the 1960s and do not comply with current design standards. The Applicant has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.3 *Parking Plan and Design Requirement*. The Applicant has proposed no exterior changes to the existing structure or changes to the parking lot, and it would not be possible to comply with the design requirements without reductions in the number of existing parking spaces. The Board finds there are special circumstances justifying a waiver of the By-Law's design requirements.

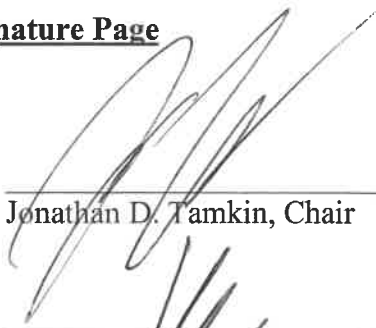
Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote grants the Applicant: 1) a Special Permit to allow the operation of a softball training facility with indoor batting cages under Section 3.2.6.2 (i) of the By-Law *Uses Permitted by Special Permit- Indoor athletic and exercise facilities*; 2) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence to the number of required parking spaces; and 3) a Special Permit to waive the parking plan and design requirements under Sections 5.1.1.5, 5.1.2 and 5.1.3 of the By-Law, conditioned upon the following:

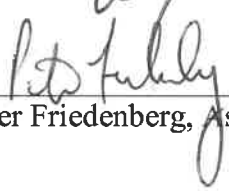
- A. That the hours of operation of the business shall be Monday through Friday, 6:00 a.m. to 9:00 p.m., and Saturday and Sunday, 8:00 a.m. to 9:00 p.m.;
- B. There will be a maximum of 18 participants on site at any one time.
- C. There will be a maximum of 3 staff persons on site at any time.
- D. Class sessions times will be staggered to reduce congestion in the parking area during pick-up and drop-off;
- E. 2 parking spaces will be designated for short-term pick-up and drop-off.
- F. 17 on-site parking spaces are required for this use and all the existing 17 spaces shall be available and provided at all times for use by the Applicant's softball operation. A redacted copy of the Applicant's lease shall be provided to the Board confirming the applicant's right to use all of the 17 on-site parking spaces;
- G. Failure to comply with each and any of the foregoing conditions at any time may constitute cause for the revocation of this Special Permit by the Board after

hearing with notice to the applicant and with such other notice as the Board, in its sole and exclusive discretion, shall deem due and sufficient.

Signature Page



Jonathan D. Tamkin, Chair

Howard S. Goldman, Vice-Chair

Peter Friedenberg, Associate Member

Twenty-Day Appeal Certification

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

- ☐ *and there have been no appeals filed in the Office of the Needham Town Clerk or*
- ☐ *there has been an appeal filed.*

Date

Louise Miller, Town Clerk