

NEEDHAM PLANNING BOARD

Tuesday October 21, 2025

7:00 p.m.

Charles River Room

Public Services Administration Building, 500 Dedham Avenue

AND

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

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

1. Update on Envision Needham with Director of Public Works.
2. George Giunta Jr., and Joe Prondak, Building Commissioner: Discussion of Proposed Use – Self Storage (Property located at 105 Cabot Street, Needham, MA).
3. Receipt of Engineering Division Comments: Site Plan No. 2025-01: Greystar Development East, LLC, 1 Federal Street, Suite 1804, Boston, MA, 02110, Petitioner. (Property located at 100-110 West Street, Needham, Massachusetts). Regarding request to demolish the existing building and construct a three-story multifamily residential building containing a total of 189 residential units and associated amenities.
4. ANR Plan – Marjorie Anne Pine, Property Owner, (Property located at 321 Cartwright Rd, Needham, MA).
5. Discussion with brokers, landlords and tenants on Center Business reform.
6. Zoning Board of Appeals – October 30, 2025.
7. Minutes.
8. Report from Planning Director and Board members.
9. Correspondence.

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

GEORGE GIUNTA, JR.

ATTORNEY AT LAW*

P. O. BOX 70

SOUTH WEYMOUTH, MA 02190

*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

August 6, 2025

Town of Needham
Planning Board
Needham, Massachusetts 02492

Attn: Lee Newman, Planning Director

Re: R.J. Kelly Co., Inc.
105 Cabot Street, Needham, MA

Dear Lee,

Please be advised that this office represents R. J. Kelly Co., Inc., 55 Cambridge Street, Burlington, MA 01803 (hereinafter "RJK"), relative to potential redevelopment and reuse of the commercial property known and identified as 105 Cabot Street, Needham, MA (hereinafter the "Premises"). The site is located in the New England Business Center and is shown on the site plan provided herewith for reference. RJK is a vertically integrated commercial real estate development, management and construction company that was founded in 1951. This local family real estate office has experience with acquisition, development/re-development, entitlement, construction, leasing, and property management, and its portfolio currently consists of over 6 million square feet of office, R&D/flex properties, industrial, retail, mixed-use, self-storage and land holdings throughout New England and beyond.

The Premises consists of approximately 96,889 square feet of land with over 466 feet of frontage on Cabot Road. It is currently occupied by a three-story commercial building and 45 off-street parking spaces. The building contains approximately 128,750 square feet of gross floor area and was constructed pursuant to Decision of the Planning Board, No. 2000-02 (Lot A), dated October 18, 2011, as amended.

Since its construction, the building has been used and occupied as a data storage center with associated accessory uses. However, for a variety of reasons, the current owner / operator intends to cease and terminate such use. As a result, starting with the first quarter of 2024, the Premises has been marketed for sale as a data center. Notwithstanding such efforts, there has been no interest in Premises for such use, necessitating consideration of other substitute uses.

Unfortunately, due to the limited number of off-street parking spaces, as well as the size, configuration, type of construction and location of the building on the lot, such options are severely limited. As can be seen in the series of videos provided herewith, the building was constructed and configured as an external shell, with very large open areas, limited interior infrastructure, practically no windows, and a lack of facilities to support significant human occupancy. As a result, conversion to any human-centric use would require extensive retrofit, at prohibitive cost and effort. Moreover, the location of the building on the lot does not leave any room to expand the building or the parking area.

But even if the building were to be converted or retrofitted, any use contemplating human occupancy would likely require a significant amount of off-street parking, well in excess of that available on site. By way of example, if the building were converted entirely to office use, it would require approximately 430 parking spaces.¹ Even if only half the building were converted to office use and the remainder were to be utilized as warehouse, the required parking would be approximately 291 parking spaces.² And if the building were utilized for manufacturing it would require a 322 total parking spaces.³

As a result, after considerable evaluation RJK has reached the conclusion that the highest and best, most practical reuse of the Premises would be for self-storage purposes. The building is of a size, configuration and construction to easily support such use. Moreover, such use requires only limited amounts of parking, would not require any new windows, would only entail very minor exterior façade modifications, site alterations, and limited to no new interior infrastructure. Further, it would keep the building functional, providing continued tax revenue, with a minimal impact on Town services and infrastructure, indeed, much less than the originally proposed use or other alternative uses.

Whereas self-storage does not currently exist as an established use category in the Zoning By-Law, RJK consulted with the Building Commissioner to ascertain whether any of the existing use categories in the New England Business Center might be applicable. Through those conversations, the Commissioner has indicated that he would support treating self-storage at this location as either being within the same general category or similar in kind to, and similar in impact to, a wholesale distribution facility in an enclosed structure, excluding the storage of flammable liquids, gas or explosives. Such use is allowed by right, as set forth at Section 3.2.4.1(e) of the By-Law.

Pursuant to Section 3.4 and other applicable provisions of the Decision, any change in use of the Premises requires review and approval by the Planning Board. Furthermore, pursuant to Section 3.1 of the Zoning By-Law, the Planning Board has sole authority to determine whether a proposed use, not currently described in the By-Law, is within the same general category or similar in kind to, and similar in impact to a use that is described in the By-Law. As a result,

¹ With a gross area of 128,750, based on applicable parking standard of one space for every 300 square feet, total parking would be: $128,750 \div 300 = 429.16 = 430$ spaces, rounded up.

² Calculated as follows: $\frac{1}{2} \times 128,750 = 64,375 \div 300 = 214.58 = 215$ spaces for office (rounded up), plus $64,375 \div 850 = 75.73 = 76$ spaces for warehouse (rounded up) for a total of 291 spaces.

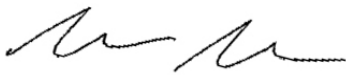
³ Calculated as follows: $128,750 \div 400 = 321.87 = 322$ spaces (rounded up).

pursuant to both the By-Law and the express provisions of the Decision, the Board has the discretion to determine whether self-storage is a use that would be permissible at the Premises.

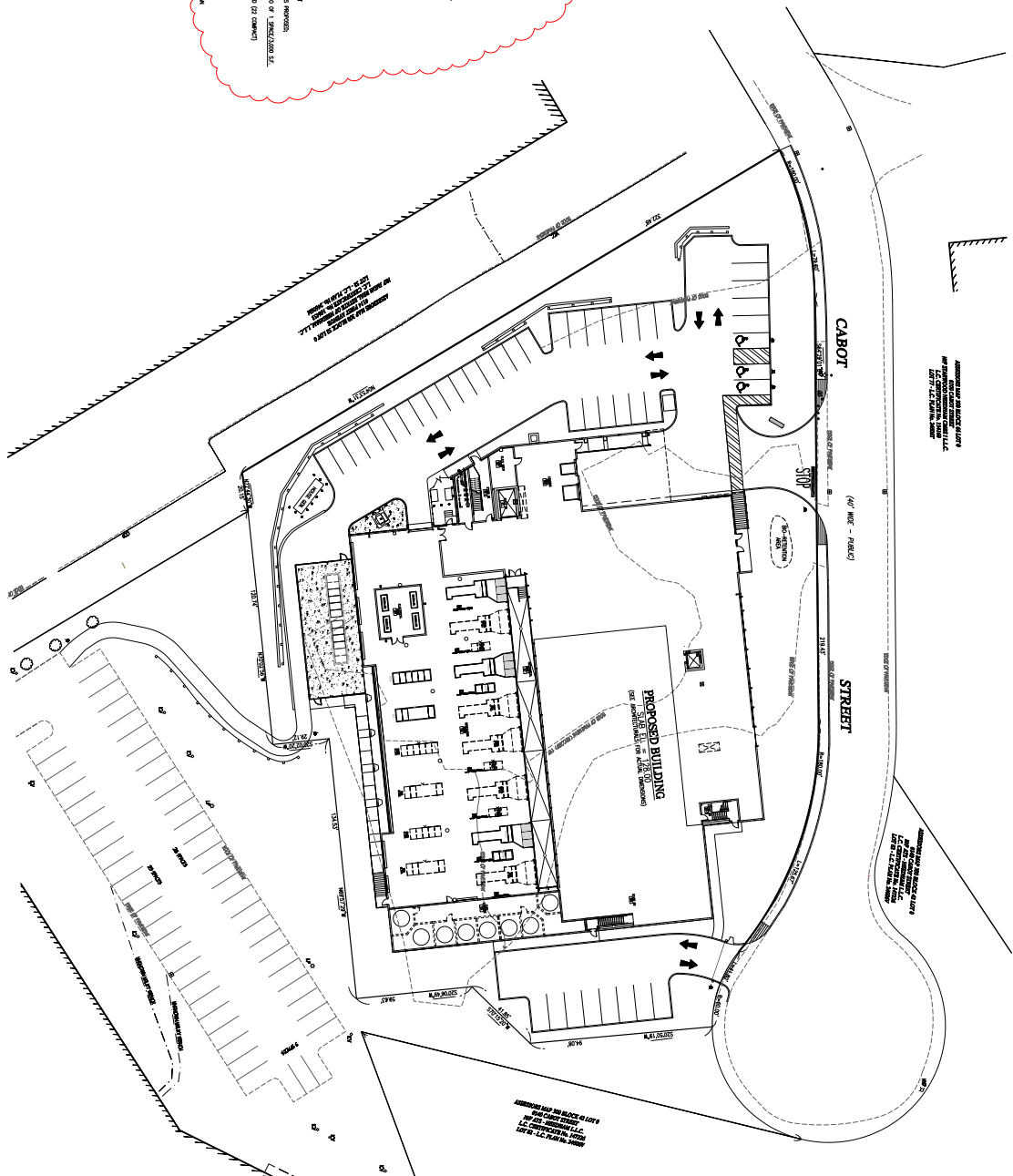
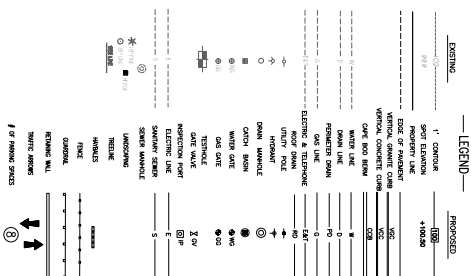
A formal determination would necessitate a major project site plan amendment following an advertised, noticed hearing. However, given the time, cost, and effort involved in such an undertaking, and the uncertain nature of the use, prior to commencing that process, RJK would like to have an informal discussion with the Board to get an understanding of the Board's thoughts, reactions and concerns. Therefore, please schedule a discussion with the Board at the next available meeting for such purpose.

As always, your consideration and cooperation are appreciated.

Sincerely,

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

George Giunta, Jr.



REV#	DATE	CHANGED BY	REASON
1.	05/27/11	DAWMS	PLANNING BOARD (P)
2.	12/28/11	DAWMS	REDESIGN FRONT
3.	05/01/12	DAWMS	REDESIGN FRONT
4.	06/01/12	DAWMS	RE DESIGN/ITL
5.	09/01/12	DAWMS	PLANNING BOARD
6.	09/01/12	DAWMS	CONSTRUCTION

Drawing Issues & Revision Status

1. The Contractor is to provide the following information to the Authority in order to obtain the necessary permits for the proposed project. The Authority will review the information and provide the Contractor with the necessary permits. The Contractor is to provide the information to the Authority by the date specified in the schedule. The Contractor is to provide the information to the Authority by the date specified in the schedule. The Contractor is to provide the information to the Authority by the date specified in the schedule.

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Quick background

The Planning Board had several discussions with a property owner at 77 Charles in 2018/2019. Self Storage is not currently allowed by the Zoning By-Law in the zoning district of the property. The property owner discussed with the Planning Board whether the Board would support a zoning change to allow the proposed use. Board members' feelings were mixed.

In February of 2019, the property owner submitted a Citizen's Petition to change the zoning to allow Self Storage. The process for any proposal for a zoning change is that the Planning Board holds a public hearing and then makes a recommendation to Town Meeting. Town Meeting is the entity that takes the final vote on whether to pass any zoning change. Per the above noted process, the Planning Board held a public hearing on the proposal on April 2, 2019. On April 12, 2019, the Board received a request to withdraw the proposal.

The property owner met with the Planning Board two more times after that to discuss.

I have attached the minutes of these discussions, including the public hearing noted above. I have also attached the Citizen's Petition proposal for the zoning change and a presentation on it, as well as the withdrawal.

Attached are the following:

- Minutes from Planning Board meeting of February 18, 2020 – discussion with Property Owner at 77 Charles again – “determination of proposed use”. This is the last discussion of the matter with these property owners. The exhibits noted below are referenced by the Chair in these minutes.
- Documents referenced in the above noted minutes, provided as exhibits.
 - New England Business Cenetr (NEBC) subcommittee mtg minutes October 17, 2001
 - Council of Economic Advisors (CEA) Minutes of December 5, 2018
 - Council of Economic Advisors (CEA) Minutes of May 1, 2019
 - Email from Ronald Ruth, dated February 15, 2020
 - Email from Bill Curtis, dated February 18, 2018

History of discussion with property owners of 77 Charles:

- December 18, 2018 Planning Board minutes – first discussion with property owner at 77 Charles.
- Citizens Petition, dated February 4, 2019
- Presentation by Citizens Petition petitioner.
- Minutes from Planning Board meeting of April 2, 2019, the public hearing on the Citizens petition
- Citizens Petition withdrawal.
- Minutes from Planning Board meeting of October 22, 2019, more discussion with property owners

NEEDHAM PLANNING BOARD MINUTES

February 18, 2020

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, February 18, 2020, at 7:00 p.m. with Messrs. Owens, Alpert and Eisenhut and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Jacobs informed the public there is a request to continue or postpone the ANR Plan for 766 Chestnut Street until the 3/17/20 meeting. If this agenda item is postponed, Mr. Jacobs will take an update on the Children's Hospital Citizens Petition.

Public Hearing:

7:05 p.m. – 390 Grove Street Definitive Subdivision Amendment: Elisabeth Schmidt-Scheuber, 390 Grove Street, Needham, MA, Petitioner (Property located at 390 Grove Street, Needham, MA). Please note: this hearing has been continued from the February 4, 2020 meeting of the Planning Board.

Mr. Jacobs noted the following additional materials for the record: a letter, dated 2/11/20, from Domenic Colasacco in opposition; a letter, dated 2/11/20, from James Curley in opposition; a letter, dated 2/11/20, from David Kelley, Senior Project Manager for Meridian Associates, attaching revised subdivision plans for the site and describing the vision; Planning Board comments from the last meeting; a 2/14/20 email from Domenic Colasacco and a letter dated today from Marsha Salett in opposition.

George Giunta Jr., representative for the applicant, reviewed the changes made to the plans due to comments from Engineering and comments from the last meeting. For the Engineering comments, the plan was revised to show the culvert under the driveway which changes are on Sheets 5 and 6. Also, the subsurface filtration basin was redrawn to be the size in the drainage calculations. A note was added at the Town Engineers' request regarding overflow into the town system.

Mr. Giunta Jr. noted the changes made due to the Planning Board comments included a change to Lot 2 to carve off a piece in the back (Parcel B), and regarding an existing tree on the property line, a note was added that the tree was to remain and be protected. A note was also added that the FilterMitt is to be one foot off the property line. Over 2 acres are to be donated to the town for conservation land. He clarified the list of waivers and the reasons for the requests. He noted this project could be done as of right. Sidewalks on both sides have been consistently waived and a waiver is requested, but there is room to put sidewalks all the way around. The plans are showing a 40-foot wide road with 24 feet of pavement, a 4-foot sidewalk on one side and a planting grass strip on the other side.

Mr. Giunta Jr. stated it was not logical to have 24 feet of pavement to one house. The applicant has proposed a more attractive subdivision with a lot less pavement. This could be done without waivers but it does not make sense. The owner is giving away over 2 acres of land to the town to help preserve the environment. He feels it is an appropriate design with minimal impact and he is asking the Board to approve the request. Mr. Eisenhut noted an issue was raised that the way be moved over. He asked if there was any consideration given to that. Mr. Giunta Jr. stated the road is 11 feet off the property line. The request was the road be moved an additional 10 feet. The lot is being squeezed on the other side and it makes a significant negative impact. The applicant would need to completely redesign the circle and push the swail more into the lot making it difficult to work in that lot. Mr. Eisenhut asked if it would be manageable to move it 2 to 3 feet. Mr. Giunta Jr. stated it may be able to be moved 2 feet but he is not sure of the benefit.

Ms. McKnight noted the movement of the FilterMitt lacks a foot mark. She asked if the dotted line near the rear of proposed Lot 2 is a utility easement right-of-way. Mr. Giunta Jr. noted it is an easement. It may be a drainage or sewer easement. Ms. McKnight feels the plan should indicate what the easement is for and who holds it. It seems incomplete and should be shown. Mr. Giunta Jr. believes it may be an old private easement. Mr. Alpert stated there needs to be clarification on that. Ms. McKnight noted one condition is significant trees over a certain caliper need to be noted and saved to the extent possible. There was a discussion of the feasibility of that with these 2 houses. Mr. Giunta Jr. stated typically that is not done due to the cost and it is not required. It is a significant effort and takes days or weeks. He would not recommend his client to do that. The trees are all marked on Sheet 5 and it has the trees to be removed. Ms. McKnight asked if any trees were marked for removal that could be saved. David Kelley, of Meridian Associates, noted there may be a couple that could be saved.

Ms. McKnight noted the letter from Mr. Colasacco requesting as few trees as possible be removed and the Board consider fire access to the rear lot. This has already been considered. The Fire Department reviewed and approved. She asked if there are any fire hydrants. Mr. Jacobs noted one fire hydrant is being proposed. Mr. Alpert stated he is concerned with the comments made by Mr. Curley regarding trees and the property line. He asked if a field survey was done and the property line delineated on the ground. Mr. Giunta Jr. noted this was done recently. Mr. Alpert asked Mr. Giunta Jr. if he would meet with Mr. Curley regarding the property line and the trees and he agreed. Mr. Kelley stated the trees along the property line will be saved and are depicted on the plan.

Mr. Alpert asked if there could be a condition that is agreeable to the abutter regarding a landscape plan that provides screening for the abutter. Mr. Eisenhut stated there will be language in the decision. Ms. Newman stated the Board will require landscaping along the property line and that the requested plan be received before the subdivision plan decision to create a dialogue that would be satisfactory to all. It should be reflected in the decision. Ms. McKnight does not want to see rows of arborvitae. She would like some trees and plantings and some space for snow.

Mr. Alpert asked if the applicant has spoke to the Conservation Commission as to what they would like with Parcel B. Mr. Giunta Jr. noted either a deed or a restriction would be fine with the Conservation Commission. Ms. Newman noted a deed would be best. Mr. Owens stated there are benefits of all waivers. Parcel B is not buildable so there is no value of that piece. All the waivers are done to improve aesthetics and the environmental impact of the subdivision. He asked if there is no benefit to the current property owner from the waivers. Mr. Giunta Jr. noted there is some benefit. The reduction of infrastructure costs is not significant but there is a benefit of reduced pavement.

Mr. Owens feels there is an attempt to disguise a road as a driveway. He is not swayed by the argument. He asserted that Mr. Giunta Jr. has said the Board has made so many waivers that the subdivision rules have no meaning any longer. He disagrees with that. He would do away with 2 house lots. He does not think this is a good idea and would not vote in favor of the waivers. This is not beneficial to the town and is not aesthetically attractive to the abutters. Only 2 homeowners would benefit. Ms. McKnight noted the letter from Ms. Salett describes the easement as a gas easement.

Mr. Jacobs commented he heard what Mr. Owens said but he disagrees. If Mr. Giunta Jr. is correct this could be done as of right with a wider drive and a larger circle at the end. What is being shown is preferable. He has concerns with the landscaping to the north and south borders of the property. He would be in favor of moving the access drive 2 feet to the south with a slight jog to the right. That could save a couple of trees. He suggested the applicant think about that. All are in favor of reducing impermeability. He asked to what extent could the drive be made out of permeable material. Mr. Giunta Jr. noted there are sections of the drive that are permeable around the circle but not the rest. Engineering prefers not to see permeable pavers for the main drive.

Ms. McKnight stated she likes the suggestion of moving the drive to the south. She would like the drainage system explained. Mr. Kelley stated the road is super elevated to the south with a vertical granite curb with the water flowing westerly to the gutter to a double catch basin to a drain manhole to the large subsurface system.

James Curley, of 380 Grove Street and a direct abutter, stated he measured the street. If you take the proposed 8 foot buffer and add 4.5 feet of sidewalk and 3 feet of grass buffer after that you are at 7.5 feet. They have 4 feet of tree that would block the sidewalk and that tree cannot be touched. He asked how the applicant could build the sidewalk. Mr. Jacobs noted that Mr. Giunta Jr. conceded that, as shown, Mr. Curley is probably right but the applicant can show it. Mr. Giunta Jr. stated essentially, and legally, because the Board has waived sidewalks so often to not do that now would be capricious.

Mr. Curley stated he is concerned with the placement of the road. The applicant has not shown an as of right plan. He does not want a road or driveway near his property line. He does not want the roots of the old trees dug up and disturbed. Mr. Jacobs noted the plan shows a single tree to be protected. Are there other trees on his property? Mr. Curley stated there were at least 3 or 4 with substantial root systems on his land. Mr. Kelley stated the impact to roots is minimal to none. Mr. Jacobs stated all efforts should be made to protect the trees. Mr. Curley stated one lot is entirely in the woods and would be clear cut. He is concerned with his privacy. Domenic Colasacco, a direct abutter on the south side, agrees with Mr. Owens remarks. He wants to reiterate the entire rear part of the property is tall mature trees. A house cannot be built without taking down trees and they will want a yard also. It would be an environmental detriment to the wetlands. The land being given is entirely wetlands and protected. He has been planting trees for 20 years on his property. He would not like to see the property next door clear cut. He feels the entire request is about money. It is far less to build a driveway than a road. This also increases the size of the lots and the value.

Mr. Giunta Jr. stated the buffer zone is halfway into the rear lot. There would be some cutting for the house and yard but there would be no clear cutting. Mr. Kelley stated the 20-foot buffer around the house would not be cut. Mr. Alpert discussed the Conservation Commission rules and regulations. He noted if this is mature growth the applicant would not be allowed to cut in the 50-foot buffer. Mr. Giunta Jr. stated there is no plan to cut within the 100-foot buffer. There is plenty of room to stay outside the buffer. There is a total 3,500 square foot footprint and yard outside with plenty of room. Mr. Colasacco stated the 3,500 square foot footprint is the foundation. He feels it would be cut. He understands there would be certain restrictions but providing the waivers to make the road into a driveway would make all this possible.

Ms. McKnight suggested there be a condition that no trees would be disturbed outside of the tree line shown on the plan. Mr. Colasacco stated the Board may put in a condition but he is concerned trees on his property may be cut. If the Board allows waivers the second house will be built. This should continue to be the single family lot it has been for 100 years. Mr. Alpert stated there is nothing right now to prevent the owner of the lot from tearing down the house, putting in a 7,500 square foot house, cutting down all the trees and putting a driveway to the back. This is always in the back of his mind. He feels the waivers, and putting in conditions, is the better alternative. It is basically a driveway as it is only going to one house. He is concerned with what they could do as of right without coming to the Board.

Mr. Colasacco stated the owner could not put 2 houses there. He is concerned with his privacy. He believes this is a good lot for one house in the front. Nicholas Kourtis, representative for the Badavas', agrees with all the comments. Grove Street is a beautiful street. The screening is a good concept but a low grade alternative. Two story houses would change the nature of the area. People deserve better than that and deserve some consideration in this single family area. The Planning Board should protect the rights they pay for. Mr. Jacobs reviewed the changes that had been talked about – moving the entrance “way” driveway paving 2 feet to the south; investigating a little jog in the road to the rear of the first house to save existing trees; landscape plan working with Mr. Curley and other abutters on the north and south; label the easement and saving trees outside the building envelope.

Mr. Alpert asked what the Planning Board could do if the applicant violates the tree restriction. Ms. Newman stated they would be called in and the Board would find a way to mitigate. Mr. Eisenhut noted it could be recorded as noncompliance. Mr. Alpert stated, subject to reasonability, the Board could hold up the decision if the discussion

with the abutters is not done. Ms. McKnight commented the property line is labeled as the approximate property line. Mr. Kelley stated it is a true survey, stamped by a surveyor. He can remove the word "approximate." Ms. McKnight noted there is no tree line. Mr. Kelley will add the tree line to the plan. He could have that done in 2 weeks. Ms. Newman stated she would need to get the plans back so she could prepare the decision.

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

VOTED: to continue the hearing on 390 Grove Street to 3/17/20 at 8:30 p.m.

ANR Plan – 766 Chestnut Street, LLC, Petitioner (Property located at 766 Chestnut Street, Needham, MA).

Mr. Jacobs noted a letter from Attorney Robert Smart requesting to postpone until the 3/17/20 meeting and extend the action deadline to 3/24/20.

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

VOTED: to extend the action deadline to 3/24/20 and postpone the meeting until the 3/17/20 meeting.

Report from Planning Director and Board members.

Tim Sullivan, representative for Children's Hospital, stated he has a Citizen's Petition to allow pediatric medical facility use and has also proposed a parking standard. The Board desired a special permit use. The expectation is before the public hearing he would submit information on the parking standard, then it would be sent to a peer reviewer. For traffic, he expects to submit a trip generation analysis to be reviewed by the Board. Then he would come in to amend the special permit and will have the traffic study. He wants to make sure all are on the same page.

Mr. Jacobs stated Ms. Newman met last Friday with Board Chair and Vice Chair and Town Engineer Anthony DelGaizo, who has concerns regarding traffic at Third Avenue and Kendrick Street. There would need to be a substantial upgrade. They spoke about what the scope of work would be with Beta. Ms. Newman asked Beta to do a scope of work for a parking peer review and traffic analysis with use and trip generation. They are collecting new data as the other data is 5 years old. They are looking at the impact of development, what improvements would need to be done and the cost of those improvements. Mr. Jacobs stated Beta came up with a proposal. The second part has a significant cost. Children's Hospital would prefer not to do that now. What does the Board want to say at Town Meeting?

Mr. Sullivan stated Beta cannot do a traffic study on information they do not have. He feels this is the right level of analysis. Mr. Alpert is concerned where the Finance Committee will come down if they cannot get a traffic study. Mr. Eisenhut suggested it be explained at Town Meeting there is no special permit application but a zoning change and show the existing use and what the proposed would do. It is at the applicant's risk. Mr. Alpert is confident the traffic could be mitigated at the special permit level.

Ms. McKnight noted the concern was that questions would be asked about what traffic improvements would be needed. Normandy said they would pay for the Kendrick Street improvements. Mr. Jacobs noted that was an oral representation by someone that is no longer there. Mr. Alpert stated the town needs to spend \$1.5 million to \$2 million to fix the intersection. Someone has to spend it. He asked if it has anything to do with what Children's Hospital needs to do. It needs to be reconfigured. It could be said to Town Meeting that they could pass the zoning but it would not force a reconfiguration at Third Street and Kendrick Street.

Mr. Owens stated if Mr. Sullivan is willing to accept the risk that is fine. He is willing to let Children's Hospital accept the risk but he has no idea what will happen. Mr. Sullivan stated he is submitting a trip analysis. There is a

traffic study they are comparing this use to. Mr. Alpert suggested Children's Hospital address the issue when they are making their presentation. Ms. Newman noted Task 3 needs to be modified a little. One question was how much floor area was general office as opposed to medical office. Mr. Jacobs stated, as guidance for the Planning Director, the parking evaluation is Task 1 and Task 3 needs to be reevaluated a little bit.

Determination of Proposed Use – Self Storage (Property located at 77 Charles River Street, Needham, MA.)

Paul Ferreira, of Blue Hawk, stated he was here many months ago to see if they had an acceptable use. He came across a use application and came to get some guidance if the use is acceptable. He prepared an analysis and submitted it recently. He noted the project has not changed. He got an inquiry by a telecommunication carrier recently and configured it to be identical to the self storage because the use is similar but there is no parking definition. He would like a determination that the portion of the project that is self storage would be a use allowed by special permit in this district. Self storage has not been a use enumerated in the By-Law.

Mr. Jacobs noted he was looking at (e), the last paragraph in Section 3.1 in the By-Law. The Planning Board could determine similar in kind and similar in use. What use allowed by special permit, in this use, are you comparing to? Greg Sampson, of Brown Rudnick LLP, noted (e), which is equipment rental services, and he would also compare it with the telecommunication use which is a passive use. The traffic impacts are benign. A parking garage is allowed by special permit and consumer services establishment is acceptable. Also, (i) wholesale distribution facilities.

Mr. Alpert stated the word "storage" was purposely removed in the Mixed Use 128 District. People said they did not want to see facilities like Gentle Giant. Mr. Sampson stated Watertown just approved storage use. The opponents were about aesthetics. When you look at uses, traffic needs to be looked at closely. In Watertown the design and low passivity of the use was what passed it. He feels a self storage facility is similar in kind to other listed uses. Mr. Jacobs noted the following correspondence for the record: the minutes of 10/22/19; a memo from Ronald Ruth dated 2/15/19 and 10/17/01 minutes from the New England Business Center Sub Committee meeting. Mr. Alpert stated those are the minutes where the word "storage" was taken out. Mr. Jacobs also noted the Council of Economic Advisors (CEA) minutes of 12/5/18, CEA minutes from 5/1/19 and a letter received today from William Curtis from Cresett Group.

Mr. Eisenhut stated he appreciates the aesthetics of design but there are many reasons storage is not intended in this district. Mr. Sampson stated Mr. Curtis does not own any property in the Mixed Use 128 District. He has spoken with the abutters and received support. There are only 4 landowners in Block A. He has reached out to 40% of the landowners and all owners in Block A and could not make a deal. He is not sure why this use is not acceptable and similar. Mr. Ferreira stated he is not looking to get it approved as an as of right use.

Mr. Jacobs noted, speaking for himself, he likes this and thinks it would work but they need to find a way to make it fit in the By-Law. After a discussion Mr. Ferreira asked, in the Board's view, if they scrap storage and come forward with telecommunication would that be ok. Mr. Alpert stated that was an allowed use. Mr. Eisenhut stated storage use is not called out and he could not get past that. Mr. Ferreira commented he is relying more on similar in impact. He feels it is hard to believe anyone would say telecommunication is similar in impact to self-storage. Mr. Alpert noted storage was deliberately taken out and it is hard to get past that. He likes the design and wishes it could work.

Mr. Ferreira asked if going to Town Meeting with a Citizen's Petition is a potential option and was informed it was. He asked if the Board would support a zoning change. Mr. Jacobs stated if the details are there the Board could support it. What would the zoning change be? Would they be adding storage or specifically self-storage? He stated there would have to be meetings and the applicant would have to make a request to the Board in some form that they adopt as the Planning Board Article at the next Town Meeting. That would start the process. He feels there should be discussion about retail on the first floor.

Ms. McKnight stated, in her view, she does not feel any of the uses mentioned are similar in kind to self-storage. The argument is that storage was purposely taken out because no one intended that use. She does not feel anyone felt this use is appropriate. That is a use allowed by right in many areas of town but not this area. Mr. Jacobs stated the applicant should submit the proposed zoning amendment language, then something in writing that convinces the Board it is a good idea and the aesthetic standards. This will be continued to the April 7 meeting.

Discussion of Highland Commercial 1 Zoning initiative.

Ms. Newman stated she wanted to have Mr. Owens in on this conversation. There was a discussion last week on next steps. The discussion regarded taking the current foundation, making the change that had been discussed and going with the traffic and fiscal impacts. She feels it would be important to have more conversation. Mr. Owens noted it was decided not to go forward in the Spring or Fall. He wants to make sure the Board keeps working on it and not put it aside. The Finance Committee was updated on the Planning Board's decision and emphasized they want a timely and complete traffic study.

Ms. McKnight asked if the Board knew what the state will be doing as to Highland Avenue and, if so, will there be a presentation on it. Ms. Newman noted the Planning Board has the plans for that. She can have Town Engineer Anthony DelGaizo come in and inform the Board. Adam Block, of the Needham Heights Business Association, stated the Association has organized a community meeting with Town Manager Kate Fitzpatrick and the Mass Department of Transportation to update. They are on schedule to begin later this year. The community meeting will be Monday, March 23 at 7:00 p.m. at Powers Hall. Ms. McKnight noted there should be a presentation to tell what the state is going to do. Mr. Block will discuss with the Town Manager what materials are needed and what the presentation will be. Mr. Owens stated he would like to hear the state tell the Board what they are doing. Mr. Jacobs commented the state installed cameras on the town lights without approval.

Update on Economic Development Director.

Mr. Jacobs noted this was discussed at the last meeting. The position description needs to be finalized. Town Manager Fitzpatrick does not want this to be supervisory and wants to put it under her own purview. Mr. Alpert thinks it is the Town Managers' decision. The Economic Development Director does not work for the Planning Board but reports to the Council of Economic Advisors (CEA) and the CEA reports to the Select Board. Ms. Newman stated towns have both structures and she is fine either way. Ms. McKnight agrees. Her view is she feels it belongs in the Planning Department but if Ms. Newman is ok with it that is fine. Mr. Jacobs stated he has no strong objection for the Planning Board.

Appointment to Emery Grover Working Group.

Ms. Newman stated this is almost done but the working group wants Planning Board input. It is not a large time commitment. Mr. Alpert stated he cannot be the representative but would like to see the draft report. Ms. McKnight asked why not have the whole Board involved? She will be available if they want to follow up.

Minutes

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

VOTED: to accept the minutes of 10/28/19 and 12/3/19.

Ms. McKnight noted a change on the 10/22 minutes, 4th page under the 7:40 p.m. discussion, it should say "He asked if a special permit process is what they should embrace." On the 2nd page, under the 7:20 p.m. discussion, remove the sentence that says "He has about 6,000 square feet of retail in the area." On the 3rd page, 2nd paragraph,

3rd line, add “has” before “very few employees.” On the 4th page, 2nd paragraph, it should say “a pilot agreement would be a condition of that,” and 3rd paragraph, last line, it should say “7 spaces per thousand square feet.”

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

VOTED: to accept the minutes of 10/22/19 with the changes discussed.

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

VOTED: to adjourn the meeting at 10:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Jeanne S. McKnight, Vice-Chairman and Clerk

New England Business Center Subcommittee Meeting

October 17, 2001

The sixth meeting of the New England Business Center Subcommittee, held in the Planning Board meeting room at Town Hall, was called to order by Chairman Robert T. Smart, Jr., at 8:00 a.m. with Messrs. Paul Killeen, Jack Cogswell, Roy Cramer, Richard Epstein, Mark Gluesing, and Leigh Doukas present, as well as Planning Director Ms. Newman.

Review of Schedule of Use Table as Contained in the 2001 Annual Town Meeting Warrant and Outstanding Issues Regarding Such Schedule as Expressed by Meeting Participants.

Ms. Newman noted that she had revised the use table to reflect what she understood to be the consensus of the committee to date. Ms. Newman proceeded to take the committee members through the revisions she had made. What follows is the committee's discussion regarding those items in the revised tables with which a member of the subcommittee had an issue. The items discussed are listed below as proposed in the current draft article with the outcome of the discussion noted.

New England Business Center and MixedUse-128 District

Item: Craft, consumer, professional or commercial service established dealing directly with the general public and not enumerated elsewhere in this section – No (NEBC) and Yes (MU-128)

Mr. Killeen stated that this use category should be expanded into the New England Business Center district pursuant to the limitations contained within footnote 2 for the district relative to size and location. It was agreed to allow this use by right in the New England Business Center subject to the size and location limitations contained within footnote 2.

Item: Theaters, indoor moving picture shows, bowling alleys, skating rinks, billiard rooms, and similar commercial amusement or entertainment places - No (NEBC) and Yes (MU-128)

Jack Cogswell stated that he felt this use was not appropriate in the MU-128 district. Richard Epstein concurred. It was agreed to change this use from a yes to a no in the Mixed-Use 128 district.

Item: Veterinary office and/or treatment facility – No (NEBC) and SP (MU-128)

Jack Cogswell questioned whether we wished to allow for this use as stated including the boarding of animals within the MU-128 district. Following discussion it was agreed to permit a veterinary office and/or treatment facility that included convalescent stays but which did not include the boarding of animals in the MU-128 district. The use was to be allowed by Special Permit.

Item: Wholesale distribution facilities or storage in an enclosed structure, excluding the storage of flammable liquids, gas or explosives - Yes (NEBC) and Yes (MU-128)

Jack Cogswell questioned whether we wanted to permit this use by right as it would permit a recycling plant similar to that located at Second and Fourth Avenue and a self-storage type use similar to a Gentle Giant. Paul Killeen noted that the problem with the definition was the inclusion of the term "storage". It was agreed to revise the definition to exclude the reference to a storage facility so that the use category would read "Wholesale distribution facilities in an enclosed structure, excluding the storage of flammable

liquids, gas or explosives”. The use would be permitted by right in both the NEBC district and the MU-128 district.

Item: Laboratory engaged in scientific research, experimental and testing activities including, but not limited to, the fields of biology, genetics, chemistry, electronics, engineering, geology, medicine and physics, which may include the development of mock-ups and prototypes but not the manufacture of finished products - Yes (NEBC) and Yes (MU-128)

Item: Light non-nuisance manufacturing, including but not limited to the manufacture of pharmaceutical, bio-pharmaceutical, robotic, and micro-biotic products, provided that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor, and heat are effectively confined in a building or are disposed of in a manner so as not to create a nuisance or hazard to safety or health – Yes (NEBC) and Yes (MU-128)

Bob Smart noted that the laboratory use category should be combined with the light non-nuisance manufacturing category so that the combined use would be permitted by right rather than by special permit. As presently drafted the special permit provision for more than one non-residential use on a lot would require a special permit for this combination of uses. It was agreed that the two uses should be permitted in the same building by right in both the MU-128 and NEBC districts and that the final use table should reflect that intent.

Item: Off-street outdoor parking for vehicles associated with a principal use, located on a separate lot owned or leased by the owner of the land on which the principal use is located, within a zoning district in which the principal use is permitted – SP (NEBC) and SP (MU-128)

Item: Parking garages and/or parking structures for more than three (3) vehicles, including both enclosed and open garages and structures, above and below ground, associated with a principal use, located on a separate lot owned or leased by the owner of the land on which the principal use is located, within a zoning district in which the principal use is permitted - SP (NEBC) and SP (MU-128)

Roy Cramer noted that the definition as presently written would preclude the placement of a parking lot in a zoning district where the use was not authorized. He noted that this would be a problem where a lot crossed a zone line and where a use was disallowed in one of the affected districts. He questioned whether that was a good end result.

Mr. Killeen indicated that he had no concern with it being written so as to give the Special Permit Granting Authority the discretion to issue a special permit for the placement of a parking lot on a lot encompassing two zoning districts where the principal use was not permitted.

Jack Cogswell expressed concern that the definition was written so as to require that the owner of the principal use would need to either own the land or lease the land upon which the parking was provided rather than to just lease the spaces themselves.

Mr. Smart stated that he felt we should be allowing for the construction of a parking garage as a primary use in the NEBC district with the spaces leased to businesses in the general vicinity.

Ms. Doukas stated that we needed to consider the height, lot coverage, FAR and design of the parking garage itself in the proposed zoning.

Jack Cogswell noted that we could not address those issues within the context of the use table.

Paul Killeen suggested that the provision relative to parking garages could be pulled from the use table and made a separate freestanding paragraph. It could state: Notwithstanding the dimensional requirements of the by-law and notwithstanding the use table the Planning Board is authorized to issue a special permit for a parking garage that serves uses located in the NEBC, MU-128 and HC-128 districts, where the parking garage and/or parking structure is located in the immediate vicinity of and on the same side of Highland Avenue as the use it serves, subject to such setback requirements as the Board may impose.

As relates outdoor parking Mr. Killeen further noted that if we are making the decision that parking for one use in one district is allowable in the adjoining district then the language of the outdoor parking provision will need to be changed as the present language is suggestive that it is on a separate lot. He suggested that it might read: Off-street outdoor parking for vehicles associated with a principal use located on a lot that covers two or more districts where the use is not otherwise allowed in the district in which the parking is to be located.

It was agreed to make the revisions noted above as suggested by Mr. Killeen for both the NEBC and MU-128 districts.

Restaurants, business service centers, coffee shops, recreation/health facilities, day care uses, and laundry and dry cleaning pick up stations where processing is done elsewhere in all buildings if said uses do not occupy more than 20% of the total ground floor area of said building or 10,000 sq. ft. per building, whichever is less. In instances where there are multiple buildings on one lot, e.g. a corporate campus, the total allowable area for the uses noted above shall be permitted in up to two freestanding structures or combined into one of the principle buildings.

Jack Cogswell noted that the size limitation within the proposed category would not allow for a destination restaurant in the New England Business Center. He suggested that the item should be written so as to permit a restaurant of up to 10,000 square feet on the ground floor of a principle building in the NEBC district by special permit.

Leigh Doukas stated that a destination restaurant was permitted within the HC-128 district and MU-128 district and that those needing that service could walk or drive to those facilities.

Mr. Killeen stated that he had no problem permitting a restaurant of up to 10,000 square feet in the NEBC provided the use was in a principal building and not in a free standing structure.

In the NEBC district it was agreed to allow by special permit a restaurant use of up to 10,000 square feet of ground floor building area where such restaurant use was accessory to the principal use permitted in the building. It was further agreed that this provision was not be additive to the other uses permitted on the ground floor but was to serve as a substitution use by special permit.

Highland Commercial-128 District

Retail Uses in the HC-128 district

Mr. Killeen noted that this section of the by-law needed to be reworked so as to allow retail establishments of a certain size by right and all other retail establishments by special permit. Mr. Killeen noted that the Planning Board would need to make a determination as to where that threshold should be set.

Laboratory engaged in scientific research, experimental and testing activities including, but not limited to, the fields of biology, genetics, chemistry, electronics, engineering, geology, medicine and physics, which

may include the development of mock-ups and prototypes but not the manufacture of finished products – Yes (HC-128)

Leigh Doukas questioned whether it was appropriate to include this use along the corridor given the goals we have established for that district and the fact that it would tend to disrupt the retail focus.

Mark Gluesing concurred. He felt that if the use were permitted it should be restricted to the second or third floor space.

It was agreed to revise the use so as to allow it on the second and third floors but not on the ground floor.

Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor, and heat are effectively confined in a building or are disposed in a manner so as not to create a nuisance or hazard to safety or health – No (HC-128)

As drafted this use is not presently allowed in the HC-128 district. Consensus was not reached as to whether or not the section should be revised to permit this use on the second and third floors. The Planning Board will make a determination as to how this issue will be handled.

Off-street outdoor parking for vehicles associated with a principal use, located on a separate lot owned or leased by the owner of the land on which the principal use is located, within a zoning district in which the principal use is permitted – SP (HC-128)

Parking garages and/or parking structures for more than three (3) vehicles, including both enclosed and open garages and structures, above and below ground, associated with a principal use, located on a separate lot owned or leased by the owner of the land on which the principal use is located, within a zoning district in which the principal use is permitted – SP (HC-128)

It was agreed to revise these sections of the table to reflect the changes agreed to for the NEBC district and the Mixed Use-128 district.

Upcoming meeting.

It was agreed that the next meeting of the subcommittee would take place on Friday, October 26, 2001, at 8:00 a.m. in the Planning Board meeting room of the Town Hall. On the agenda for that meeting would be a review of the density and dimensional requirements contained in the by-law as currently proposed for each of the three zoning districts.



TOWN of NEEDHAM
MASSACHUSETTS

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
Economic Development
781-455-7550 x213

MEETING OF THE COUNCIL OF ECONOMIC ADVISORS
WEDNESDAY, December 5, 2018 7:30 AM
Charles River Room
Public Services Administration Building
500 Dedham Avenue

Present: Adam Block, Chair; Adam Meixner; Rick Putrush; Moe Handel; Bob Hentschel; Glen Cammarano; Stuart Agler; Virginia Fleisher; Michael Wilcox; Tina Burgos; Anne Marie Dowd; and Devra Bailin.

Not Present: Matt Talcoff; Ted Owens; Peter Atallah; and Bill Day.

Also Present: Greg Reibman; Robert Smart; Paul Ferreira; Eric Vogel; Josy Pan; and David Gordon.

I. Approval of Minutes

The Minutes of November 7, 2018 were unanimously approved.

II. Reminder of Next Meeting Dates

Our next meeting is scheduled for January 2nd, 2019 in the Charles River Room. Future meetings will be scheduled for the first Wednesday of the month (unless a holiday) in the Charles River Room at PSAB. Devra sent out next year's calendar invites to members.

III. Discussion of Self-Storage Uses

Members were reminded that Belmont Landscaping at 540 Hillside Avenue recently sold to a self-storage business, which obtained a special permit from the Planning Board for the use in that industrial district as a specially permitted "any lawful purpose or special use not enumerated elsewhere in this By-Law". Robert Smart is the attorney representing Blue Hawk Investments which is seeking a zoning change to allow the use in the Mixed Use-128 area to allow another self-storage facility at 77 Charles Street. Robert Smart and Paul Ferreira were before the members leave to make a presentation about their proposal. Adam B. explained that the role of the Council is not in assessing individual applicants for particular uses; the CEA's role is to look at macro-economic elements as to uses and their potential economic impact on surrounding properties and potential to incent maximum development of

the area. In other words, the members are not here to discuss to the merits of a particular proposal or application—that belongs, in this case, to the Planning Board.

Bob Smart explained that they were before the CEA to enlist business support for their proposal to add self-storage to the listed special permit uses in Mixed Use-128. He noted that the members supported a citizen petition to amend the By-Law which allowed boarding of animals at an animal hotel in the district. He noted the use was not listed in the Zoning By-Law at all. It is also undefined. He pointed out that it behooves the Town to be clearer on uses in the use tables, as it makes it difficult for new businesses to open in Needham. (In response to a question by a member, Devra explained that some flexibility was inserted into the By-Law by the adoption of the Determination of Use By-Law, which permits the Planning Board to determine if a use is similar in kind and impact to a use allowed by right or special permit.) Bob Smart argued that the use is appropriate to the Mixed Use-128 district because it is low impact, replaces the structures with a new attractive building, including a landscaped buffer and public access community room, and increases tax revenues. The use in this zoning district requires a zoning amendment, which he said he has drafted. The CEA has not seen nor reviewed such amendment.

The structure proposed is a multilevel self-storage facility. Renderings were shared with the members. Paul stated that it represents the highest and best use for the property and a good use for the neighborhood. Although not determined yet, it is proposed to have retail, restaurant and/or community space in a portion of the first floor, especially on the frontage of Wexford/Charles. The proposal is not yet in front of the Planning Board. They have looked at the economic need to an additional self-storage facility and believe that the market can support this facility along with the Hillside Avenue and Needham Street facilities.

Moe noted that this is a matter for the Planning Board; that the CEA can offer advice to the Planning Board if asked to do so but to date we haven't been asked; and that we cannot make recommendations on particular applications pending before other boards for decision.

Adam M. commented that there is a growing need for self-storage and he feels it is needed, especially in the commercial market. Landlords have been converting basement storage into usable office space and/or amenity centers, forcing tenants to find alternative storage space. Paul explained that about 2/3 of the current use of self-storage is for residential customers; 1/3 for businesses. He doesn't think business would be distributing out of the building.

Rick asked about what was proposed for the street frontage, as that is important for assessing whether it meets the goals set out in the zoning. The Town wanted and passed the new zoning to activate certain uses, which hasn't happened yet. Members asked how this building/use will move toward those goals. Paul said no decision has been made for those non-self-storage areas.

Stu asked about the number of units being proposed. Paul said they are looking at an FAR of 2.0, which is the allowed density for low traffic uses. He noted that the Hillside Avenue facility is about 123,000 sq. ft., which was determined to have a 14 space parking requirement. Their facility would be 93,000 sq. ft. and the building would triple the real estate tax revenue. Moe noted that most commercial uses, like offices, bring with them tax revenue from personal property tax, which they should look into.

Rick and Bob noted that they did not believe the personal property tax would apply to stored items (unless taxable to their owners).

Devra noted that she had discussed this use with Bob Smart and expressed concern about the use not meeting the goals of an active interconnected urban environment. But she added that the uses proposed on the street frontages may be important to the evaluation of the building's contribution to those goals in the Planning Board's evaluation of the project. A zoning amendment would not have to require active streetscape uses, such as retail, restaurants, consumer services, etc.; but it might be more consistent with district goals to tie any special permit for self-storage to active streetscape uses open to the general public.

Bob commented that he is in favor of the approach of clarifying uses in the By-Law and defining terms. Glen agreed that we should expand uses allowed by right and commented that the uses in the By-Law are too restrictive. Way too much process is required for businesses to open in Needham.

It was noted that the issue of uses allowed by right and by special permit is a bigger issue to be discussed with the Planning Board at Chair/Vice Chair meetings.

IV. Discussion of Gordon Liquor License

David Gordon of Gordon Liquor's explained that they had sought an all alcohol retail license which the Select Board denied, along with Volante Farm's request for same. They are reapplying for just a beer and wine license. Adam B. reiterated his explanation, previously given on the self-storage issue, to David so that he understood the limitations of our role. Moe reiterated that, since Gordon's will be applying to the Select Board for its license, the CEA cannot make recommendations on a specific pending application. Adam B. explained that this advisory council is focused on broader economic impacts and benefits of certain types of businesses and land uses in specific commercial districts.

David explained that they are in a niche market and trying to build on it at a new location at 79 Wexford Street—it is experiential retail, focusing on high end consumers, as well as online purchasers. They offer essentially a personal shopping service for unique and/or more expensive product. Given the "white papers" prepared by the Wine Shop Subcommittee of the CEA in 2012 before retail sales of alcohol were allowed, Virginia suggested that we should try to understand the impact on the existing Needham market. David indicated that their concept has very minimal impact on other vendors in the Needham market; he doesn't see it as competition to existing vendors. Adam B. mentioned that the CEA does not have the capacity at this time to conduct an economic impact analysis of the retail alcohol market.

Adam M. indicated that he has known David for 35 years and is very familiar with Gordon Liquor's other sites. They are very high end. He views the use as one which could energize the area, which has seen very little turnover. David described his business concept as a low impact business use, having what he believes will be roughly two customers per hour, small outbound van deliveries, and small vehicle deliveries of inventory and other business supplies to the store.

One issue, which the CEA has been unable to study given the time frame of the request for input, is whether the Needham market is saturated or whether it can support another vendor. It was suggested

and agreed that Devra should start the process of contacting those individuals in the industry who provided information to the Wine Shop Subcommittee back in 2012 and update our information. Glen, Stu, and Rick agreed to serve on the group to restudy this.

Moe explained that the number of liquor licenses is limited by statute; the amount that Needham got approved through Home Rule was less than the statutory maximum. At the present time the Select Board has one all alcohol license left and two more wine and beer. (The Board has approved four all alcohol and one wine and beer.) Adam B. explained that the Select Board is not looking for a vote from us on this.

Stu felt that doing something in that area to spur on development is important. He thinks this kind of high end business would encourage that trend. Bob felt that this particular use would be less likely to impact competitors already in the market than another package store. Greg thought this use would enliven the area by bringing in something upscale and a new use. Tina commented on the need to support experiential retail—that is the way true retail can survive and prosper in our local economy. Other comments included: (1) whether this type of low impact use is really a plus to the area in that this low impact use will not create a vibrant street presence and (2) concern that incremental changes which are not consistent with an engaging streetscape presence may undercut future changes more likely to obtain the goals.

Adam B. indicated that we should report to the Select Board our conversation about this. Even though we have been unable to conduct any research, we should create an initial memorandum to the Select Board and offer our thoughts as discussed at this meeting.

V. Update from Downtown Subcommittee

Devra noted that the Needham Lights event on Saturday was highly successful. She reminded members that the Needham Winter Arts Festival will be in Town Hall on Saturday December 8th from 10-3. She hopes that members will support local artists as well as the downtown businesses for their holiday shopping.

Tina commented that the Needham Lights event did not assist her business in anyway. She will come to our meeting next time with suggestions about how to improve business, including her suggestion that the holiday stroll be separated from Needham Lights and held on Small Business Saturday instead.

Due to time constraints, this topic was not discussed further.

VI. Update on Industrial Zoning

Due to time constraints, this topic was not discussed.

VII. Update on Chestnut Street Zoning

Due to time constraints, this topic was not discussed.

VIII. Discussion of Needham Crossing Branding

Due to time constraints, this topic was not discussed.

IX. Discussion of CEA priorities/future goals

Due to time constraints, this topic was not discussed.

X. Update on Needham Crossing/N² Innovation District

As noted previously, Coca Cola is shutting down its processing plant and turning the location into a distribution center only. Mike noted that he and Normandy had met with Coca Cola of Northern New England's representative, Shayne Durant, to talk about screening, truck queuing on Third Avenue, and noise (particularly impacting Residence Inn). Since the decision to change the purpose of the facility, Mike has reconnected and advises that Shayne would be willing to meet with the CEA. It is not clear what the impacts of the change of use will be on traffic (although trucks will likely be smaller).

Due to time constraints, this topic was not discussed further.

XI Update on Infrastructure Improvements in Needham Crossing

Due to time constraints, this topic was not discussed.

XII. Other Business

Adam B. reminded members that he is looking to set up Chair/Vice Chair meetings with both the Select Board and the Planning Board. There is a real need to fill the Vice Chair position, whereupon Anne Marie volunteered.

XIII. Adjourn

The meeting was adjourned at approximately 9:50 a.m.



TOWN of NEEDHAM
MASSACHUSETTS

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
Economic Development
781-455-7550 x213

MEETING OF THE COUNCIL OF ECONOMIC ADVISORS
WEDNESDAY, May 1, 2019 7:30 AM
Charles River Room
Public Services Administration Building
500 Dedham Avenue

Present: Adam Block, Chair; Virginia Fleisher; Rick Putprush; Moe Handel; Glen Cammarano; Michael Wilcox; Bob Hentschel; Adam Meixner; Ted Owens; Stuart Agler; David Montgomery and Devra Bailin.

Not Present: Anne Marie Dowd; Matt Talcoff; Bill Day; and Tina Burgos.

I. Approval of Minutes

The Minutes of April 3, 2019, with an amendment of Rick's comments on page two revised to read "Rick was curious as to why the owner purchased the property when the use being proposed for it was not a use allowed by the zoning.", were unanimously approved.

II. Reminder of Next Meeting Dates

Our next meeting is scheduled for June 5, 2019 in the Charles River Room. There was discussion of whether we should try starting at 8:00 instead. Several members expressed concern about going past 9:00. It was decided to try a later start date. Members expressed support in trying to keep the meetings to an hour or so. Items of critical importance will be put at the beginning of the Agenda to allow those who have to leave to participate as fully as possible. Future meetings will be scheduled for the first Wednesday of the month (unless a holiday) in the Charles River Room at PSAB.

III. Update on Citizens' Petition for Self-Storage Proposed Zoning Change in Mixed Use-128

The Citizens' Petition has been withdrawn due to lack of support from the Planning Board and other parties. Devra noted that the comments from the members were helpful to both the Select and Planning Boards. A key concern was the fact that a special permit could not be denied solely because of the use—there had to be a reason like traffic, access, parking, etc. to deny a permit where the use was allowed. This could have resulted in multiple storage facilities in the area.

IV. Discussion of CEA Priorities/Future Goals

Members were provided with copies of Adam B.'s and Anne Marie's draft CEA 2019 Priorities, Devra's How to effectuate streamlining changes (with numbers relating to Topics of Discussion) dated February 23, 2017, and Topics of Discussion with Lee Newman's comments dated November 2, 2016.

Adam B. noted that our discussion of priorities and goals is bleeding too far into the year to formalize goals for 2019. He proposes we restart the process in September in order to finalize 2020 goals and priorities.

1. **Study, investigate and appraise town-wide economic conditions and trends.** Under new initiatives, we included creating a balanced scorecard of Needham's economic performance. It was reported that the Babson MCFE students did not choose our economic scorecard project application. Adam B. will reach out to see if the MBA students might be interested. Devra noted that it might be a reasonable project to give to the Babson club. There was considerable discussion about what questions we would be asking. Ted commented on the frequency (or lack thereof) with which available data changes. Devra agreed, noting that much available data is from the last census (2010) and is regional rather than Needham specific. An exception would be information provided by Mary Burke, a senior economist with the Federal Reserve Bank of Boston, who provides more local data during her yearly presentations to the Chamber on the economy and commercial economic development overview.

Stu asked what information are we collecting that is valuable/useful in determining and directing policy? What exactly are the questions? Rick noted that the Economic Scorecard Devra circulated from Charleston is regional and isn't terribly helpful in figuring out questions specific to Needham. Aren't we back to questions like: how do we increase foot traffic and improve the vitality of the downtown? Moe asked how we quantify the economic health of our local businesses, which should be one focus. Devra noted that a more general question relates to the percentage of real estate tax revenues which come from the commercial base. Do we have a priority or goal to increase those revenues and to what percentage? Back to 20+%?

2. **Promote, assist and encourage the preservation, development, and location of new and existing businesses.** With respect to the downtown, we have received the Select Board's support in installing parking signage, a pilot program for snow removal in the downtown (if Town Meeting approves the purchase of a special vehicle), and possible solutions to improve traffic before the train signal on Great Plain. New initiatives are reflected in Goals document. Adam B., Anne Marie and Devra will work to get on site selection lists.

It was noted that one of the limitations on Needham is the very small floor plates in our downtown. Although we have destination restaurants, we have not been able to leverage that to increase the success of locally owned independent retailers and other businesses. Parking remains a critical problem, especially because of the loss of spaces occasioned by the construction of the Police/Fire station. The signage to designate parking areas from the main streets has been approved but not yet installed. Adam M. commented that Rockville Center NY is known for its restaurants—the stores around them are open and night life is active. How do we recreate that here? Outdoor seating? Stores open at night? Streetscape amenities?

In terms of getting the word out, NAIOP is providing a great opportunity to show off. N2/Needham Crossing will be featured on the Tour on June 5th. The tour will include N2 sites in Needham Crossing (e.g., SharkNinja) and Newton (e.g. Wells Office and Northland's proposed Needham Street development).

3. **Assist the town in attracting the preferred mix of goods, services, housing, recreation and entertainment in the appropriate districts.** A list of new initiatives is in the Goals document. Devra, Adam B. and Anne Marie will work with Mass Development to try to get a grant to study Chestnut Street and/or Wexford. Getting ideas on how to proceed in both areas will be very helpful.
4. **Make recommendations on improving permitting and licensing functions in the town.** Ted noted that the Planning Board consists of five individual members, and that it would be a mistake to think of the Planning Board as a monolithic entity. The demands on the Planning Board's time generally mean that more time is spent on permitting issues than actual planning. It is suggested that Devra, Rick, Bob and Ted work together to move beyond the items currently on the streamlining list. Devra noted that Town projects tend to get fast-tracked and that Town departments do not always make private projects a priority. There are certain structural issues in the public sector than impede progress. Mike noted that Wellesley just went to an online application process and suggests that perhaps we can learn something from it. To make changes, there needs to be direction from the Select Board and the Planning Board.
5. **Evaluate and advise the Town on ideas for zoning changes that will improve the economic vitality of the town.** As noted in the Goals, we were successful in promoting a private proposal to allow multifamily housing above commercial uses in the Neighborhood Business District along Central Avenue. We are still working to achieve the changes to Highway Commercial 1. We need to continue our work on Highway Commercial 2 and 3. Ted welcomes our assistance in studying the rest of Chestnut Street to remove zoning impediments to development. It is a sufficient challenge to deal with the multitude of small owners but without changes to the zoning there's no incentive to invest. We will look to see if Mass Development TAP grants could help us with either Wexford or Chestnut.
6. **Advise and make recommendations to appropriate officials, agencies, boards and town departments on issues of economic development.** See above. Devra noted that she and Anne Marie, at the request of Public Facilities, will be looking into the possibility of the Town purchasing the Army land on East Militia Road with the assistance of Mass Development.

V. Update on Industrial Zoning (HC1)

A workshop between the Select Board and the Planning Board is being arranged to discuss the zoning. Devra will also be present. It is anticipated that the workshop will be facilitated by the consultant hired by the Planning Department to provide three dimensional drawings. The plan is to get this zoning on the fall Town Meeting Warrant.

VI. Update on Chestnut Street Zoning

This matter is on the Warrant for Town Meeting.

VII. Update on Needham Crossing/N² Innovation District

The N2/Needham Crossing Corporation paid for Graffito to do a report on placemaking, signage, encouraging shared services (e.g. food trucks), access to natural amenities, and the like in Needham Crossing. Several members, including Mike, Bob, Virginia, and Adam M., attended the Needham Crossing Owners' Meeting on Monday, where Gustavo Quiroga of Graffito made a presentation. Members reported that the presentation was very exciting and created a lot of enthusiasm for the program. Coca Cola expressed a desire to make sure their improvements comport with the vision of the streetscape (including even brick and wrought iron fencing as they did in East Hartford). The Town expressed a willingness to do its share—we are trying to obtain streetscape design funds. If we cannot obtain any from MAPC, it is probable it will be a warrant item in the fall. Boston Properties, the owner of the PTC site, was present. Normandy was not in attendance but Devra will ask if she can get a copy of the Graffito report.

Devra and Mike are continuing their work on new N2 signage. Devra sent a request to Boston Properties to use their Kendrick lawn for a sign and is working with them to develop a gateway sign they can approve. The Town Manager is asking DCR for use of their property to put another gateway sign on the property on the right as you come over the bridge from Nahanton Street. We will also be refacing the existing five Needham Crossing signs with the new logo. Devra will begin the permitting soon.

VIII. Update on Infrastructure Improvements in Needham Crossing

Devra noted that the intersection of Oak, Christina and Needham Street, Newton's MassWork's grant, has begun. There is still no word on the actual start date on the Corridor Project but the bid documents are not expected to go out until the fall (originally it was summer).

IX. Update from Downtown Subcommittee

Devra noted that she prepared and submitted to the local papers a shop local letter. Because spring is a time when retail purchases increase, one of the local businesses asked her to do so. Hometown Weekly will publish it as a letter to the editor and the Town will post it. No word from Needham Times. There were no other updates at this time.

X. Other Business

Due to time constraints, this item was not discussed.

XI. Adjourn

The meeting was adjourned at approximately 9:00 a.m.

Alexandra Clee

From: Ronald W. Ruth <RWRuth@sherin.com>
Sent: Saturday, February 15, 2020 7:02 PM
To: Marty Jacobs; Ted Owens; Alexandra Clee; Lee Newman
Subject: Charles Street application for self storage

Chairman Jacobs (Marty), Ted, Lee and Alex (I don't have current email addresses of the other members, please distribute if possible):

I am writing about the application which will be heard Tuesday night at the Planning Board meeting.

As you know between the Northland project and the reconstruction of Highland Ave. the Charles Street area will be transformed by millions of dollars of public and private investments in the next few years. Development interest in the Charles Street area is likely to be stimulated. As land values increase, the current small lots inevitably will be consolidated. The higher value development envisioned by the MU 128 zoning will occur.

But this high potential will be forfeited if the approval is granted. Not only will this storage facility be developed but it will be impossible for the Planning Board to decline subsequent applications from other public storage facilities in the MU 128 district.

The Board can deny this current application because the application's reliance on Section 3.1 is misplaced. The MU 128 description of wholesale distribution facilities 3.2.6.1(i) does not include "storage". The corresponding description in the Industrial district (section 3.2.1) includes the word "storage". The difference is critical. Storage was not intended to be permitted in the MU 128 district.

The Board's authority under Section 3.1 to address ambiguity and uncertainty by allowing uses not expressly noted in the Use Table does not authorize the Board to alter the zoning bylaw.

Also, the storage facility recently allowed in the Industrial district on Hillside Street was permitted by special permit. Section 3.1 limits the Board's authority to analogize based only on uses allowed "by right".

Finally, the Board when acting under Section 3.1 needs to interpret each zoning district on its own and not analogize across districts. For an "as of right use" to be comparable for purposes of Section 3.1 it needs to be "as of right" in the applicable district, not a different district also within the ambit of Section 3.1. The present application mixes and matches between districts to avoid the application's fatal problem arising from the absence of the word "storage" in Section 3.2.6.1.

Thank you for your thoughtful consideration of this matter.

Ron

Ronald W. Ruth
248 Warren St.
Needham, MA 02492

Alexandra Clee

From: Bill Curtis <Bcurtis@Cressetgroup.com>
Sent: Tuesday, February 18, 2020 10:43 AM
To: Alexandra Clee
Subject: Self-Storage MU-128 District

Hi Alexandra,

I only recently heard about this evening's hearing on the self-storage use determination in the MU-128 district. I would very much like the planning board members to have the benefit of my letter attached. Can you please confirm they can receive this letter prior to this evening's hearing?

Thank you for your assistance on this matter.
Bill

Dear Planning Board Members,

I only just learned of the application for Determination of Proposed Use for self-storage in the MU-128 District and I'm writing to you to express my opposition. I'm a Boston based developer with significant interest in the Highland Ave/Needham St. corridor because of its great development potential. I wrote you a year ago when there was a request for recommendation to change the zoning in the MU-128 District to allow self-storage. The Planning Board correctly rejected that request.

It's my view that allowing self-storage use in this significant tax base district conflicts with and adversely impacts its long range vision of creating a district of higher and better uses with "pedestrian character" that is "lively and walkable" like what is taking place across the river in Newton.

Storage is an inactive, vehicle dependent use that will obstruct parcel assembly. Studies have shown self-storage is last in terms of spurring economic activity. If allowed, the current tsunami of storage developments in the metro will quickly consume some of the small parcels making future parcel assembly prohibitively expensive, dramatically changing the complexion of this district and its future development potential.

Although this proposal is from a single property owner, it will change the entire gateway district and potentially other zoning districts. And, if approved, Needham will certainly see more applications for these large "franchise architecture" boxes.

I respectfully request that you reject this proposal.

Thank you,

Respectfully,

Bill Curtis

William G. Curtis V
Principal
Cresset
120 Water Street

Boston, MA 02109
(617) 624-9100
www.cressetgroup.com



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NEEDHAM PLANNING BOARD MINUTES

December 18, 2018

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, December 18, 2018, at 7:00 p.m. with Messrs. Jacobs and Owens and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Zoning Articles for May 2019 Annual Town Meeting: Review and Vote to Transmit for Hearing.

Mr. Alpert noted the Zoning Articles have been drafted based on prior discussions. Copies were sent to the Selectmen who are meeting tonight. The Selectmen will vote to send the Articles back so the Planning Board can have public hearings next month. Ms. Newman clarified that three Articles are transmitted to the Selectmen to send back for public hearings in January. She noted Articles 4, 5 and 6 are Chestnut Street and the public hearing will be in February. The Selectmen will vote to send them back in January. There is no registered land plan for the map change Article regarding the triangular lot behind 433 Chestnut Street, so there is no legal description to give to the Selectmen now. She hopes to have it resolved in the next week or two.

Mr. Alpert noted the 3 Articles for January are Accessory Dwelling Units, Highway Commercial and the map change for Highway Commercial. Ms. Newman stated she has a call in to Town Counsel David Tobin to see if the Board can proceed in the interim with a non-survey plan so the timeline can be met. Mr. Owens asked if it was possible to vote on the Articles and save the map change. He would prefer to vote on the Articles tonight. Ms. Newman stated that was fine. Mr. Alpert stated the two map changes would be for the MBTA triangular property and the Hartney Greymont property.

Article 1 is the Highway Commercial Zoning District. This creates a new Highland Commercial 1 District. Mr. Alpert described the area, the schedule of permitted uses, special permit uses and dimensional requirements for the new district. Article 2 is the map change to formally define that area. Ms. McKnight stated she remembers at Town Meeting there was a concern regarding the setback of Highland and Gould Streets. The sentence in the 6th line says "this section does not allow the Planning Board to waive maximum height or setback provisions." It appears from this wording there are some waivers of the 20 foot setback requirement. The Board should have language to that effect. She feels it is a wording issue and that this is a change for clarity.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to send Article 1 as drafted at this time to the Selectmen.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to send Article 2 as drafted to the Board of Selectmen.

Mr. Alpert noted Article 3 is the Accessory Dwelling Units. Mr. Jacobs stated he will have some suggestions when it is referred back. Mr. Alpert will have suggestions also. Ms. McKnight stated she would have gone further than this does in allowing Accessory Dwelling Units but feel it is a necessary step.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to send Article 3 as drafted to the Selectmen.

Ms. Newman noted Article 4 is drafted with only 10% of housing units affordable. She feels it should be brought up to 12.5%. The Board agreed. Mr. Alpert noted the creation of Section 3.9.6.1. He stated a separate sheet is an alternative section. This is for the Board to consider at hearing.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to send Article 4 as drafted to the Selectmen for referral back.

Mr. Jacobs noted the cover letter should include Article 4. Ms. Newman will do another letter.

Appointment:

7:05 p.m. -- Robert Smart – proposed Zoning Amendment, Self Storage Facilities in the Mixed Use 128 Zoning District.

Robert Smart, representative for Blue Hawk Investments LLC, noted the company owns 77 Charles Street and 19 Wexford Street. He described the location. There are office buildings with parking underneath and the rest of nearby uses are mainly auto related. Staples, Olympia Marble and Petco are in that area. He is requesting the use table be amended to include self-storage facilities. He is proposing a definition and provided a copy of his proposed amendment. He would like the support of the Board. If not, he would like support for a Citizen's Petition. He noted the permitted and Special Permit uses. He stated it is very useful for businesses to have flexible storage and noted there is a significant demand for it. There is also a demand for residential storage. This is good revenue for the town. It is comparable to office but the impact is lower. He feels it is a benefit to the Town and the economics justify redevelopment.

Mr. Smart noted the Town rezoned several years ago but it did not take off here because the parcels are small and the owners do not want to sell. Back in 2006 the Planning Board turned down Curves saying the use was not allowed but then added Fitness as a use. He commented the Planning Board has supported adding uses in the past and he gave multiple examples. He stated he hopes to get the Board's support for the proposed zoning article. His clients have received signatures in support. He walked the Board through the zoning article.

Paul Ferreira, Managing Partner of Blue Hawk Investments, LLC, stated he looked into the Goody Clancy Plan and tried to think of what type of development could be done. He met with abutters. He noted Blue Hawk is active in a bunch of different uses. Blue Hawk comes into this with a broad exposure and felt strongly, with traffic congestion in the area, self-storage was a good use. He noted the challenge will be how to aggregate the lots. He thinks this is the right use for the property as there is less traffic and density. Blue Hawk has done a great deal of market research.

Mr. Alpert asked if Blue Hawk Investments is the owner of this real estate. Mr. Ferreira noted their role is to acquire sites that are either multi-family or self storage. They felt this was good real estate and feel this asset could use a redevelopment. The company tries to identify assets they can bring new life to, and feel this fits that bill. He feels this is the only use that could support a redevelopment on this acreage. Eric Vogel, of Blue Hawk Investments LLC, stated he joined Blue Hawk a year ago. He was here for the Hillside self-storage discussions and received a good education. He asked if the Board wants to hear anything. Mr. Jacobs stated he has questions on wording of the proposed zoning amendment.

Mr. Vogel explained their process of looking at properties and how they evaluate. What drove them with this was the Goody Clancy Plan. He has been an urban developer for 30 years and he feels this is a wonderful plan that did not go forward. There are a lot of pros to self-storage but he wanted to front it with retail. It is important to activate the streetscape and have the self-storage interior. He is going through a similar project in Watertown. Mr. Smart stated he is interested in comments on the draft article. Mr. Jacobs stated the proviso that said "provided vehicular traffic and pedestrian access to the storage units shall be inside the building" is gone from the November draft. Mr. Ferreira stated that was a portion of units only along the property line between the office building and the site. Mr. Smart noted this is a better version.

Mr. Ferreira stated all the parking is off the street. The driveway has been located in the area adjacent to the office building with the spaces located within the property. All other units are within the building. Ms. Planning Board Minutes December 18, 2018

McKnight stated the sketch is inconsistent with the perspective drawings. Mr. Ferreira noted he tried to suggest a design concept with these renderings. The proposed plan brought it to street level. He will update it once he gets better guidance. He noted this is just a typical building for the Board to see. Mr. Vogel noted it is a 3 story building with a 4th story set back. They were trying to show that in the renderings but should have updated the drawings.

Mr. Alpert stated the question in front of us is a zoning amendment. He feels the Board should focus on the amendment and not on what will be part of the Special Permit process. Mr. Ferreira stated he is rethinking this area and having it be a catalyst will be a benefit for the town. Mr. Jacobs stated he understood the proviso to be that cars would go inside. Mr. Ferreira stated that is not true. Cars would not go in. There is a strict prohibition to that in their lease. Mr. Jacobs stated he would also like the prohibition of storage of flammable liquids, gases and explosives in the zoning.

Ms. McKnight noted the parking standard and commented they did not have a parking standard for this use. Mr. Ferreira stated 1 space per 10,000 square feet and 1 space per employee. Ms. McKnight stated she drove around the site today. It is a mishmash of uses with no central theme. She commented the Board has a different vision for this area. Mr. Ferreira said that self-storage is a quiet use and retail is absolutely consistent with the Goody Clancy Plan. Ms. McKnight noted retail is difficult. There is a fairly large self storage area a couple of blocks away with significant retail. Mr. Vogel commented certain retail here would be vacant. There is not a community to support mixed use. Mr. Ferreira feels with the right retailer he thinks there would be plenty of business there.

Mr. Owens asked if Blue Hawk bought the property with the intent to do self storage. Mr. Ferreira stated he bought the property because it is good real estate. He knew there would be zoning hurdles but it is good real estate. Blue Hawk usually buys an asset with the intent to redevelop. Mr. Owens stated he would not support this. The Board just sent to the Selectmen 3 Articles with map changes. The Board worked on these well over a year and examined every possible angle. The Board would need a lot more comment and thought in order to support this. Mr. Ferreira stated he does not want to rush this. He wants people to be informed and he appreciates Mr. Owens comments.

Mr. Owens stated he is not sure self storage would be the best use. Mr. Ferreira stated they are investors there to redevelop assets. Adult Day Care does not work. Plan B is to own this asset for 15 to 20 years. He is looking at this long-term. No retail on the first floor hurts the vision. Mr. Alpert shared his thoughts. He is not amenable to making this a Planning Board Article. Ms. Grimes is not here tonight. She has made it clear she does not want self storage in Needham. He will not take part in a vote without Ms. Grimes being involved. This is a single use change. Except for Curves, the others were more general town wide zoning types of changes. He appreciates the presentation and that the applicant went through the Planning Board vision. He appreciates the applicant buying the property for the long-term. If they want to go forward for May it will have to be a Citizen's Petition. He may decide to support it after hearing more or he may not. He likes the idea of a retail mix.

Mr. Ferreira stated he has mountains of information. He is in front of Planning Boards all the time. He can get the Board any information that is needed. He wants to share the data. He really thinks this works in this area but appreciates there is always a different perspective. Ms. McKnight stated she agrees with her colleagues. She would not present this as a Planning Board article. She commented this was a very good and interesting presentation.

ANR Plan – Washington-Bancroft LLC and Joseph White, Petitioners (Property located at 0 (Lot 29B) Bancroft Street and 242 Washington Avenue, Needham, MA).

Ms. Newman noted this was a 3 lot subdivision plan retaining the internal parcel. It is now back to 2 lots. Both lots conform with required frontage on a way and lot width. This has been reviewed and is ok.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to endorse the plan as Approval Not Required.

Board of Appeals – December 20, 2018.

Poet King Restaurant Group LLC -- 1185 Highland Avenue.

Ms. McKnight noted operating 6:00 a.m. to 10:00 p.m. seems a little strange. Also, this property includes 2 buildings, then a separate smaller building with a separate parking area between the 2 buildings and it goes to the back of Sudbury Farms. This restaurant will require more parking than the previous restaurant. People will be doing a lot of parking on the street. The Vanasse parking study is from 2012 and did not take into account Dunkin Donuts or Get in Shape for Women. This is only focused on the building this use is in and not the entire property and all its uses. She feels the Board should comment to the Zoning Board of Appeals (ZBA) the Town should put a pedestrian crosswalk here. She asked if this can be a condition of any use here that the applicants pay the cost of any pedestrian safety.

Mr. Jacobs stated the Selectmen should know about this. The high school kids will use this if they serve breakfast. The kids stream across the street here. Ms. McKnight noted the applicant did not fully explain the reason for the 6:00 a.m. start. Also, the Board should send comments along to the ZBA asking about the cost of a traffic signal.

Gordon's Fine Wines of Needham -- 79 Wexford Street.

Ms. McKnight stated everyone is backing out onto the streets in that area. On the Wexford side the street line is hard to determine. The other side has no space to maneuver. Mr. Alpert stated there is so little traffic back there.

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by the four members present unanimously:

VOTED: "No comment."

Correspondence

Mr. Alpert noted there is a By-Law approval by the Attorney General for the May 7, 2018 Annual Town Meeting with an 8/21/18 letter approving Articles 23 and 24. Ms. Clee noted these are part of the By-Law now. Mr. Alpert noted letters in support of the Hartney Greymont project and rezoning from the following: Jay Roche of 201 Bridle Trail Road; Scott G. C. Levingston of 3 Tolman Street and Andrew Mingle of 9 Southwood Lane.

Mr. Alpert noted a letter was sent to Representative Garlick, Senator Ross and Senator Rush under his signature, opposing Governor's "Housing Choices" Bill (House Bill No. 4290) regarding the proposed change to the state law to allow Articles to pass Town Meeting by majority vote instead of a two thirds vote. He had a conversation with Representative Garlick so she understood the Planning Boards thoughts on this. He noted the Wellesley Selectmen had a public hearing on 40R Smart Growth Development. Ms. Newman will get a copy of the By-Law language. A memo was sent to Building Inspector David Roche on the temporary Certificate of Occupancy of the High School and there is a copy of the agenda for the 12/19/18 meeting with the School Committee, Select Board and Planning Board.

Minutes

Ms. McKnight noted some changes for the 10/4/18 minutes.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:

VOTED: to accept the minutes of 10/4/18 with the changes discussed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the four members present unanimously:

VOTED: to accept the minutes of 10/10/18.

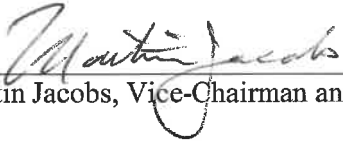
Report from Planning Director and Board members.

The Board members discussed what to bring to the meeting on 12/19/18 with the Select Board and School Committee.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Owens, it was by the four members present unanimously:

VOTED: to adjourn the meeting at 9:20 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Martin Jacobs, Vice-Chairman and Clerk

RECEIVED TOWN CLERK
NEEDHAM, MA 02457

2019 FEB -5 AM 2:45

**Town of Needham
Citizens' Petition for Warrant Article**

RECEIVED
TOWN OF NEEDHAM
BOARD OF SELECTMEN

2019 FEB -4 P 2:14

Town Meeting for Which Petition is requested: _____

Primary Sponsor:

Name Michael Suprenant
Address 35 Laurel Drive Needham MA 02492
I certify that I am a registered voter in the Town of Needham.
Signature [Signature]

In accordance with M.G.L. c. 39 Section 10, the written requests of registered voters for insertion of subjects in town meeting warrants shall not be valid unless the required number of registered voters not only sign their names but also state their residence, with street and number, if any. The Selectmen shall submit such written requests to the Town Clerk/Registrars of Voters who shall check and forthwith certify the number of signatures so checked and certified shall be counted.

For an annual town meeting, a citizens' petition requires the certified signatures of ten or more registered voters. For a special town meeting, the signatures of 100 registered voters are required. The Selectmen shall call a special town meeting upon request, in writing, of two hundred registered voters or by four percent of the total number of registered voters, whichever number is lesser.

The deadline for submission of a petition for the Annual Town Meeting is the first Monday in February, in accordance with Section 1.15 of the General By-laws of the Town of Needham. The deadline for submission of a petition for a special town meeting will be determined by the Board of Selectmen, and will generally be the date that the warrant is closed.

Note: If properly certified, the text of the proposed citizens' petition will appear in the warrant exactly as presented. The Board of Selectmen, as the Warrant Committee, reserves the right to include a summary of the Board's understanding of the intent of the article along with the petition itself. The name of the primary sponsor will appear in the warrant.

Text of Citizens' Petition (Continue on other side or attach sheets as necessary)

Please see Exhibit - Warrant Article

EXHIBIT – WARRANT ARTICLE:

ARTICLE ____: AMEND ZONING BY-LAW-SELF STORAGE FACILITIES IN MIXED USE-128 DISTRICT

To see if the Town will vote to amend the Zoning By-Law as follows:

1. In Section 1.3 Definitions, by adding the following after the existing definition of "Retaining Wall" and before the existing definition of "Setback":

"Self-Storage Facility" – A climate-controlled facility constructed and configured to allow access to individuals or businesses who will lease individually self-contained units of the facility for the storage of personal or business possessions, excluding the storage of flammable liquids, gas or explosives."

2. Section 3.2.6 Uses in the Mixed-Use-128 District, by adding a new subsection (m) to subsection 3.2.6.2 Uses Permitted By Special Permit, to read as follows:

"(m) Self-Storage Facility."

3. Section 5.1.2 Required Parking, by adding a new subsection (21), to read as follows:

"(21) Self-Storage Facility

One space per 10,000 square feet of floor area, plus one space per full-time employee"

RECEIVED
TOWN OF MEDFORD
BOARD OF SELECTMEN
2019 FEB-4 P 2:15

What is the Goal of this Citizens Petition?

To request that the Town of Needham vote to include “Self Storage” as a use allowed by Special Permit within the Mixed-Use128 (MU-128) district.

Why is this request being made?

The proponent would like to incorporate this use into the redevelopment of a parcel located within the MU-128 district. This project will be one of the first to follow the mandates and vision of the Master Plan for the MU-128 district.

Where is the MU-128 district located?

The MU-128 district, formerly known as the Wexford/Charles Street Industrial District, is located in the northeast edge of the Town of Needham. It is bounded by the Charles River to the east, Highland Avenue to the south, Interstate 95 to the west and an the elevated rail line to the north.

What is in the MU-128 district now?

The district still contains many of the industrial uses allowed when the area was the Wexford/Charles Street Industrial District. These include:

- Big Box Retail

Fitness & Training Centers

Printing Services

Home Design Centers

Warehousing

Internet & Cable Provider

Specialty Door Hardware

Automobile Rental Agency

Stone Supplier and Fabricator

Spring Water Supplier

Automotive Services

Specialty Chemicals

Fuel Depot
- Consumer Electronics

Offices (various)

Day Spa

Music Academy

Glass Fabricator

Landscaping Services

Metal Fabricator

HVAC Contractor

Dental Offices

Cannabis Dispensary

Radio Station

Environmental Services

Mobile Tire Shop

What is the condition of the MU-128 district today?

The district has not yet transformed as envisioned because little redevelopment has occurred. The neighborhood is still industrial in feel, with little contributing to the public realm. The pedestrian experience is challenged, due to a lack of curbing and sidewalks along the majority of the streets in the district; industrial uses are still the predominant use. Open space and connectivity along the Charles River has not been created.



Plan of the MU-128 district as it exists today

★ - project location



Aerial view, looking southwest, of the MU-128 district.

★ - project location



Aerial view, looking southwest, of the MU-128 district. Note the Charles River in the background

★ - project location

What is the Vision for the MU-128 district?

The district was renamed Mixed Use 128 (MU-128) in 2001 as part of a Land Use and Zoning Study for the Needham Business Center, Highland Avenue Corridor and Wexford/Charles Street Industrial District completed by Goody Clancy Architects. This study envisioned the transformation of this area to:

- Develop a lively and walkable district with a mix of uses.
- Create a pedestrian character with buildings that line the sidewalks and include active ground floors
- Encourage uses that serve the community
- Improve access and views to the Charles River
- Create linked open spaces
- Improve traffic circulation patterns
- Create a unified streetscape

What Uses are allowed in the MU-128 district?

- To support the planning vision for the MU-128 district, the following **15** uses are permitted As of Right:
- Public parks and playgrounds
 - Municipal buildings
 - Retail establishments (less than 10,000 sf)
 - Manufacturing accessory to a retail use
 - Craft, consumer or commercial service establishment
 - Laundry or dry cleaning pickup station
 - Professional office
 - Bank or credit union
 - Wholesale distribution facilities
 - Medical laboratory
 - Radio or television studio
 - Light non-nuisance manufacturing
 - Telecommunications facility
 - More then one building on a lot
 - More than one use on a lot

- The following **12** uses are permitted by Special Permit:
- Public light rail train station
 - Adult day care facility
 - Private school, nursery or kindergarten
 - Retail establishment (from 10,000 sf to 25,000 sf)
 - Equipment rental service
 - Hotel
 - Eat-in or take-out eating establishment
 - Veterinary office
 - Indoor athletic facility
 - Medical marijuana treatment center
 - External automatic teller machine
 - Parking structure or lot



Plan of the MU-128 district as proposed in the Zoning Study

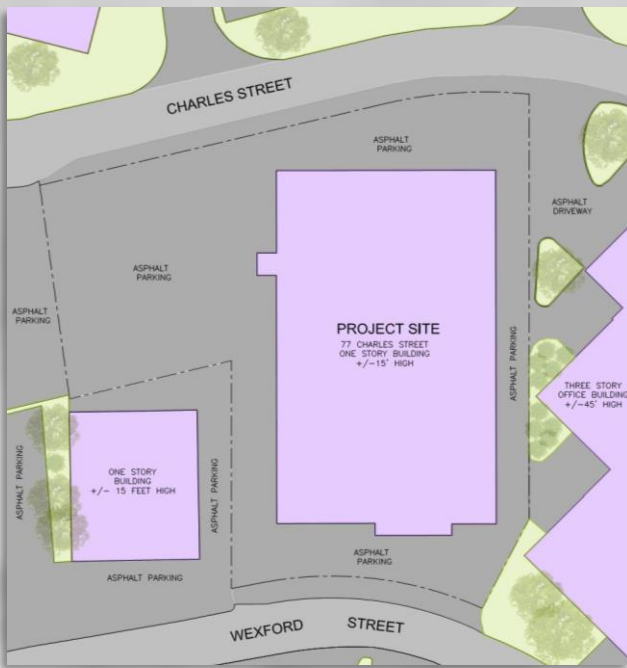
★ - project location



Rendering showing the MU-128 district as a walkable, mixed use center



Rendering showing the interconnected open space planned along the Charles River

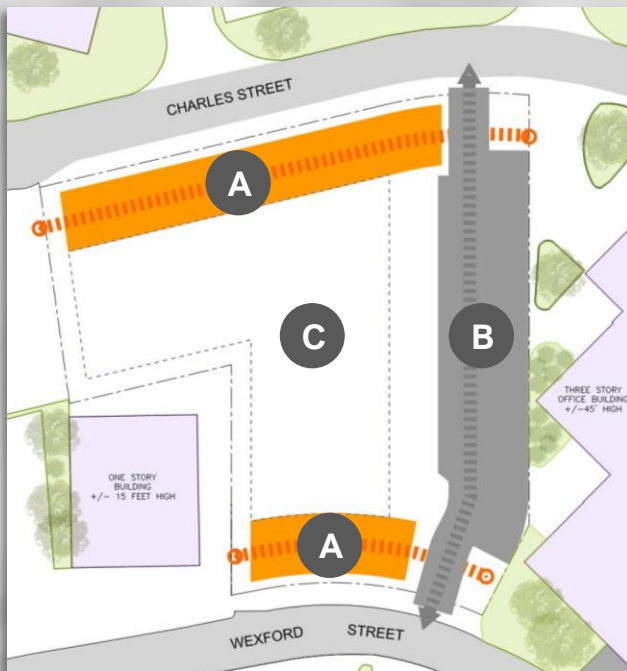


The Existing Condition

The property is located at **77 Charles Street/19 Wexford Street**

The property is currently comprised of:

- A large single story building that houses several commercial tenants.
- The building is surrounded by asphalt parking areas that serve the property.
- No landscaped open space is available on site
- Both Charles Street and Wexford Street lack the definition of curbs, sidewalks and landscaping to define the Public Realm, thereby hindering the pedestrian experience.



Proposed Planning Steps

In keeping with the design vision for this district the following steps shall be evaluated:

- Active Retail Uses:** a range of retail uses are being considered along both Charles Street and Wexford Street including but not limited to:
 - take-out food establishment
 - laundry or dry cleaning pick-up station
 - craft, consumer or commercial service establishment
- Parking to serve these uses will:**
 - Be situated away from the street edges to enhance the pedestrian experience.
 - Serve both Charles Street and Wexford Street Uses
 - Provide a cross connection between Charles Street and Wexford Street
- An evaluation of appropriate uses for the site was performed, based on the following criteria:**
 - community benefit now and in the future
 - impacts on parking and traffic
 - economic viability
 - passive in nature: not requiring a large street presence.
 - opportunity to create a building massing appropriate to the planning vision for the district
- This evaluation led to the selection of Self Storage as a use that:**
 - Can infill a site without significantly increasing the requirements for parking.
 - Can be built adjacent to and over the top of the active street uses.
- Additional parking can be added to accommodate the two uses.** Due to the low traffic generated by the Self Storage use, the excess parking can be used by visitors to the active retail uses
- New curbs, sidewalks and landscaped buffers can be created along the property frontages to develop the public realm envisioned in the master plan and set the example for future developments.**



Conceptual Plan



Conceptual Rendering along Charles Street.



Conceptual Rendering along Wexford Street.

Conceptual Plan

The conceptual plan applies the master plan design principles for the district to create a mixed use development.

The conceptual plan:

- has space for active public uses along both Charles and Wexford Streets. The uses planned for these spaces, such as a take-out eatery or small retail opportunity would be the first in this neighborhood and can provide vitally needed amenities.
- conceals the proposed self-storage use that is requested in this Citizens Petition behind the active uses.
- provides adequate parking for both the self storage and active uses and would be located off-street as envisioned in the master plan
- Implements the streetscape design vision for Charles and Wexford Street within the project site.

Why Self Storage?

Yesterday's Self Storage

The term "self-storage" conjures up visions of acres of asphalt paving holding one-story metal buildings with garage doors.



Today's Self Storage

The new generation of self storage facility breaks with this perception and offers the following benefits:

- Multi-level structure creates a smaller, more efficient footprint that can be used to create a more proportional street facade
- Strict rules, regulations and monitoring assures that unsafe materials are not stored within the facility.
- Due to its low user population the facility will have minimal impact on existing utilities and municipal services
- Low traffic and parking demand for this use minimizes both traffic impact and parking requirements.
- a self-storage facility generates tax revenues similar to an office use without the associated burdens
- the exterior facades of the building are designed to be contextual and appealing.
- self-storage is in high demand as families downsize, renters need storage space and local businesses adapt to the changing environment.

NEEDHAM PLANNING BOARD MINUTES

April 2, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Paul Alpert, Chairman, on Tuesday, April 2, 2019, at 7:00p.m. with Messrs. Jacobs and Owens and Mmes. Grimes and McKnight, as well as Assistant Planner, Ms. Clee.

Discussion of Citizens Petition: Joshua Levy

Joshua Levy noted this petition adds some predictability in terms of content and timing to Town Meeting. This will create 2 business meetings – one in the Spring and one in the Fall. The zoning articles would be in the Fall. He noted the annual Town Meeting is quite long and the separation out to the Fall would be beneficial. He noted Dedham, Natick and Westwood all divide their time between 2 meetings. Spring is mainly for budget articles. This gives a bit of flexibility for zoning articles. He noted predictability is a benefit. The hope is this will reduce the number of nights for Spring Town Meeting.

Mr. Alpert asked, other than the zoning articles, what does Mr. Levy see moving to the Fall Town Meeting? Mr. Levy noted only the zoning articles. Mr. Alpert stated the only change is requiring the zoning articles in the Fall. He is not sure if this is a Town charter amendment article. Zoning articles could be brought in the Spring if necessary, but this requires a Fall Town Meeting. Currently the Town only calls a Fall Town Meeting if there is a need. Mr. Levy stated this article speaks to the Annual Town Meeting only. He does not want to tie the Planning Board's hands. It is important to have predictability for when there will be zoning articles.

Ms. Grimes does not feel it is a good idea. The Board's hands are already tied by the Board of Selectmen in terms of how many articles the BOS want to see on the warrant in the Spring. The Board of Selectmen feels all zoning should be in the Spring. This is completely tying the Planning Board's hands and making their jobs almost impossible. She does not think Mr. Levy has any idea of how much the Board of Selectmen pressure the Planning Board into how many articles they allow the Planning Board to bring to each Town Meeting. It is a constant struggle for the Planning Board and is a big problem. When Town projects are in play the Planning Board has to assist in moving those forward, so to limit in any way impedes the Town from moving forward with projects. She would love to see 6 articles in the Spring and maybe 4 or 5 in the Fall. It is a detriment to limit this in any way and she would be vehemently opposed.

Mr. Alpert stated he cherishes flexibility. The more you have the better it is. He discussed the process. There are meetings, public hearings, changes are made in the proposed articles based on the public hearings and there may be a need for a second public hearing. If zoning articles are restricted it should be in the Fall and not the Spring. People are away for the summer and do not come to meetings. There is no time to prepare for a Fall Town Meeting. Mr. Jacobs noted September is also a bad month to get people. For the Spring Town Meeting there is January, February, March and April to prepare. Ms. McKnight agreed. She noted it also comes down to customs in various towns. This Board works hard on zoning articles and spends a lot of time perfecting them. Generally the Board only meets once in July and August. It is difficult to have more than 2 meetings in the summer. She stated she would not vote without an opinion from Town Counsel. She would like to know if this would violate General Laws c. 40A.

Mr. Levy stated he spoke with Town Counsel and they were both unsure. He is looking further into it. Ms. McKnight commented that generally a Fall Zoning Article is because the town needs something enacted. Mr. Owens stated he admires the creativity and initiative. He asked if Mr. Levy believes if there is really support for this at Town Meeting. Mr. Levy stated he spoke with several Town Meeting members who were enthusiastic but others were not. Mr. Owens stated he worries about the law of unintended consequences but he tends to go along with the other Board members.

Public Hearing:

7:15 p.m. – Article 1PB: Amend Zoning By-Law – Self Storage Facilities in Mixed Use – 128 District.

Mr. Alpert noted this is a Citizens Petition to allow Self Storage.

Upon a motion made by Ms. Grimes, and seconded by Mr. Owens, it was by the five members present unanimously:

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

Attorney Robert Smart, representative for the applicant, stated his client owns a parcel of land in the Mixed Use 128 District with frontage on Wexford and Charles Streets. He noted he has a Citizens Petition signed by 42 citizens for an Article that would allow self storage in Mixed Use 128 by Special Permit. The Article provides a definition for self storage facilities and also establishes a parking standard to be added to the parking section of the By-Law. In 2006, Curves was added as a use in the Center Business District. In 2011, single family and 2 family uses were added as of right in the Neighborhood Business District. The marijuana use was added in 2014. There have also been some Citizen's Petitions that have been supported by the Planning Board and were passed by Town Meeting. He noted 5 properties were rezoned on the right side on Central Avenue. He also described multiple past projects. He noted, if this passed, Blue Hawk would apply for approval for a special permit for self storage at 77 Charles Street. This would include some kinds of pedestrian-generating activities on the first floor along Charles Street and Wexford Street. It could be restaurant or retail. He commented he hopes the Board will support the Article.

Paul Ferreira, principal with Blue Hawk Investments, stated Blue Hawk is a real estate investment group. He noted he has redeveloped a number of Class A properties. He commented Blue Hawk has a pretty good reputation for Class A projects. He noted he last met with the Board in December to discuss the process for a use change. The Planning Board outlined 3 options. As a result he decided a Citizens Petition filing could help alleviate the burden of time on the Planning Board. They have commenced an extensive outreach program with abutters, citizens and other business owners. They have contacted all area abutters and none registered any objections to including self storage in the MU128 District. He believes the proposal will be a catalyst to revitalize the area and will bring business to this area.

Mr. Ferreira noted there will be substantial tax revenue. It will be low impact on town services and will have low traffic and parking impacts. He noted self storage is passive in nature. This project will activate the streetscape with attractive retail while offering significant economic benefits. Eric Vogel, Design and Construction Manager, Blue Hawk Investments, stated this is a precursor to open meetings to view designs and progress. He looked at what the intent of the Mixed Use 128 District is and what the vision is. He then sculpted that into a conceptual plan. The vision creates a mixed use commercial area and focuses on the population that occupies the area. He looked at current and future uses of the area.

Mr. Ferreira noted they looked at different uses for this area. They looked at parking and feel self storage is a good use if you can counter the passive use of it. He noted the middle of this site cannot work under any zoning without adding a whole bunch of parking. Mr. Vogel stated this project is getting parking off the street and putting it adjacent to other parking. He explained their thinking as they developed this plan and discussed the appropriate architectural elements.

There were no comments from the public. Ms. McKnight stated the applicant seems to be saying there is no economic feasibility for other uses. She commented she does not understand why that would be the case. She wants a lively use in this area. Why, for example, is a parking garage with offices not feasible? Why not a nice office building? Mr. Ferreira stated he could easily do an office. He looked at the vacancy rates, construction costs and such and the demand will not support it. If office was a viable use they would be discussing office. Anything else would create a lot of traffic and there is already a traffic issue here. He feels this area needs streetscape retail and not more office.

Ms. McKnight noted the downtown Overlay District allowed for multi-family housing with first floor retail. She stated retail is difficult these days. She is doubtful of retail as being a viable use. Mr. Ferreira stated he feels Ms. McKnight has a good point, but thinks there is enough scale in this area. He feels retail could provide a service just from the office buildings nearby. It needs to be merchandised right. He feels a bakery could be good there. Ms. McKnight asked what use was there now and was informed a flex office, bike store and golf simulation company. It is single story.

Mr. Jacobs stated he really likes this idea and is all in favor of it. Ms. Grimes stated she is adamantly opposed. Mr. Alpert stated he will hold his comments for the presentation. He commented he is disappointed more of the public is not at the meeting. Ms. Grimes stated self storage in Needham is not her vision. The goal is to plan for the future. She does not want Needham to become Waltham in the next 5 years. She thinks the vision is great and appreciates it. This is not just for their lot but for all of Mixed Use 128. The Board could have 3 others coming in next year. She feels this is opening a can of worms.

Mr. Ferreira stated he would submit that when people drive by this they will not know this is self storage. Mr. Alpert gave the history of the Hillside Avenue self storage and the Industrial District. He noted how "storage" was removed from the Mixed Use 128 District when it was created in the early 2000's. Mr. Smart stated he believes self storage can work in this district. The Town has the opportunity to determine what makes sense in this district. Mr. Ferreira noted there are 2 options: do this or keep it as flex office. He feels this is a good use.

Mr. Alpert stated he is hearing the applicant is willing to work with the Board on the vision of retail on the first floor. The question becomes what would the rest of the building be that can be economically supported. He hears from the proponent that self storage is the best use but something else could be done. Mr. Ferreira stated he does not feel there is any other use. He cannot justify building anything new without the retail. Self storage is a pretty high value use. He noted he is going through the same process right now in Watertown, which allows self storage as of right. He is always concerned with too much, but feels this will be the only one in this area.

Ms. McKnight stated the developer at the Hillside self storage had a lessee in mind. She drove around and looked at examples of the lessee's facilities. She asked if the applicant has a lessee in mind. Mr. Ferreira stated there was a lessee in mind but they have not committed to anyone yet. He noted Blue Hawk has a project in Marlborough. Marlborough does not really care about doors and design. He stated Mr. Vogel designed it well. Ms. McKnight asked if this Article were drafted so as to require a combination of uses. She stated there would have to be retail or restaurant on the first floor in order for it to be more acceptable. She feels complicated amendments cannot be presented at Town Meeting.

Mr. Ferreira noted the town actually already has it. Retail is already an allowed use; the Board could withhold approval if there is no retail proposed as part of the project. He feels Ms. McKnight is saying the way to go is to create a mixed use storage. Mr. Alpert noted the following correspondence for the record: a letter in support of Mixed Use 128 on Charles Street with 14 signatures; a separate letter in support from Sira Natural and a letter in opposition from William Curtis.

Informal Discussion with Bob Smart: 766 Chestnut Street.

Robert Smart stated this is a potential ANR plan for 766 Chestnut Street. He supplied a copy of the statute G.L.C. 41 Section 81P and the definition of subdivision. He gave the site history from the Needham GIS map. The parcel is about 6.5 acres with an old 15 foot right-of-way that runs within the bounds of the lot and continues past the property. The map shows the dates each property was built. In 1914 the land was owned by Hannah Pond. She sold Lot D to Constantine Hutchins and retained Lots A, B and C. Lot D is land locked so the right-of-way was created for access to Chestnut Street sometime before 1916. The deed includes the right to pass and repass. In 1928 the owner of Lots B and C divided to Lots E, F and G. Lot H, which is 4.314 acres came out of Lots E and F on the 1928 plan and was added to Lot G to make Lot G wider. Lot H was divided in 1981 to Lots H1 and H2 and a triangle piece was added to Lot G.

Mr. Jacobs asked if the right-of-way with the 15 foot width has served the 9 houses since 1965. Mr. Smart stated it has. His client wants to divide a roughly 6 acre lot. The existing house will be left as is with the same frontage.

His client would like to add one lot with requisite area and frontage. Mr. Alpert pointed out the Zoning By-Law defines street or way. Joyce Hastings, of GLM Engineering Consultants, Inc., explained the conditions of the right-of-way. This past fall Koby Kemple, owner, put a gas line down the road so the driveway is paved and runs 15 to 16 feet wide down to 12 feet wide. This spring some sections will be repaved.

Mr. Jacobs asked if the whole length would be 15 feet wide. He was informed it will be the same width it is now. Mr. Jacobs asked whether the 15 foot right-of-way is the whole length but it is not necessarily 15 feet of paved width. Ms. Hastings confirmed that is correct. She noted it also widens out past the client's property. The proposal is to have another driveway entrance off the right-of-way. Mr. Smart stated he has not filed the official ANR plan yet. Mr. Alpert noted the right-of-way has been in existence since 1960. If the Fire and Police agree the 15 foot right-of-way is wide enough to provide emergency access he is good with that. He noted it sounds like the Planning Board has the authority to deny the ANR if they find the road is insufficient for emergency vehicles. Mr. Jacobs asked if the applicant would be willing to widen the road to 20 feet if the Police and Fire want that. Mr. Owens stated he would like to hear what the Police and Fire say. Mr. Jacobs agreed that Police and Fire input was necessary before being asked to sign an ANR. Ms. Grimes noted she does not feel it is a problem. If the Fire Chief says no the house can be accessed from Chestnut Street.

Ms. McKnight stated she would like to see the right-of-way widened to 24 feet wide and pave 18 feet wide for 2-way traffic. She feels that is an adequate width. She feels there should be a formal application under the Subdivision Control Act. Mr. Smart noted he thought about filing a formal application but it does not make sense. The statute provides alternatives to the formal process. He does not feel it is necessary to do a formal subdivision. The Board could say they want an additional paved width and could do an ANR without a formal process. Ms. Grimes stated she would vote against a full subdivision because there is no circle and such. She is fine with this. Mr. Jacobs stated the one lot they are talking about is the easiest to get to. He would be looking for input from the Fire Department but this road has been there so long it has proven its width is adequate.

Discussion of Zoning Articles for the May 2019 Annual Town Meeting.

Report from Planning Director and Board members.

Mr. Alpert noted he and Mr. Jacobs met with the Board of Selectmen to discuss the zoning articles. They advised the Board of Selectmen that the Planning Board is not going forward with amendments to Highway 1 Commercial Zoning at this time but would move as quickly as they can to get it to Town Meeting. The Planning Board would like to bring it in the Fall Town Meeting if able. He noted there was some pushback on the schedule for the Fall Town Meeting. The Selectmen had no problem with Accessory Dwelling Units (ADUs) and are supportive.

Mr. Alpert noted the proposed amendment for 433 Chestnut Street was discussed and it was noted there was not much in the way of changes being made. The Selectmen seemed to accept the technical changes. There were 2 issues – getting rid of the first floor having to have retail, and height. After discussion, his feeling was there may possibly be 3 votes from the Selectmen if it was knocked down to 4 stories. There would not be support at 5 stories and 60 feet.

Mr. Owens noted the Sandy Silk letter from Jefferson Development. The MBTA is supportive of the inclusion of their lot in the area to be rezoned and have expressed a willingness to continue the lease. He noted it is impossible to build a structure on the MBTA land with the MBTA constraints. More feasible would be a 5 story, 60 foot height with parking below and 4 stories of residential. Mr. Owens feels it is either 60 feet or the article be withdrawn. Mr. Jacobs agreed but he asked if it was accurate to say no one will develop this parcel without rezoning. Sandy Silk spoke, stating that this land has a use today. Hartney Greymont has leased it for several hundred thousand dollars a year. Hartney Greymont has made no overtures about wanting to leave. It is a good location for them. It is valuable for a tree company and is very accessible. The challenge of size and scale of the project is one of value. The economy of scale is dramatically reduced when you go to 75 units with 3 stories of units over one story of parking. That is 25 units on a floor with roughly the same number of parking spaces. The surface parking spots are less desirable. The alternative is to build 4 stories with all surface parking which the applicant does not think is viable in this market or 3 levels of residential with one level of parking but that is not financially viable.

Mr. Jacobs asked if it has to be 5 stories to be economically viable or 4 with a 5th story set back. Ms. Silk stated it has to be 5 stories with a top floor pitched within a height limit of 60 feet. Mr. Alpert stated the MBTA triangle would need to be rezoned in order for the setbacks from Residential zone to not apply. He asked if Ms. Silk would be able to use that triangle for anything else. Ms. Silk stated that it would be used for parking. Ms. McKnight commented she anticipates the rents would be greater than at Webster Green which are about \$2,400 per month. Ms. Silk noted the rent would be comparable to Charles River Landing.

Mr. Jacobs feels Mr. Owens is saying go back to 5 stories and 100 units or forget it. Mr. Alpert feels that it is reasonable to look at it that way. Mr. Owens noted the point the Selectmen made was that they were so concerned with height and density they want nothing built. Mr. Jacobs noted that is correct. Given what he heard, if it were to go back to 5 stories and 100 units, there would be no support by the Selectmen. Ms. Silk stated, if it were brought down to 48 feet, it would tank the project. She noted the site is in a bit of a depression and may not even be able to be seen. Mr. Alpert commented he does not feel it would be seen. He agrees with Mr. Jacobs and Mr. Owens to go forward with what they have, send it to Town Meeting and see what happens. Ms. Grimes agreed. Ms. McKnight stated she would go along with that but feels new sketches may be helpful. Mr. Jacobs would like to have facts and figures at Town Meeting that could be shown to support economic viability if it could get above 4 stories. Ms. Silk stated she could do something like that. She would suggest the Planning Board engage a peer reviewer to look at the fiscal analysis and traffic study. That gets a third party to look at it and that person could be asked for the economic viability. It would give more credibility if vetted by someone else. She noted Barry Abramson did that for the City of Malden.

Correspondence

Mr. Alpert noted the following correspondence for the record: an article from the Needham Newton Chamber of Commerce by John Rufo regarding Proposed Zoning Initiatives; an article titled "Northland modifies Needham Street mixed use project"; an email from Rick Hardy, dated 3/28/19, regarding 1473 and 1479 Great Plain Avenue and a draft of the Town of Needham Demographic Economic Profile and Housing Profiles.

Mr. Owens noted 1180 Great Plain Avenue which is owned by the Congregational Church. He stated it is being sold for development and is going through review by the Board of Selectmen. It will be 2 stories with 16 units and 4 would be affordable units. He noted this is a problematic site for parking and no one has informed the Planning Board. Ms. Clee stated this came in one week ago to everyone's surprise. She was told there was a very preliminary meeting a while ago, then this came in last week. Ms. Clee explained the process for the site eligibility process and noted the Selectmen have invited the Board to attend the applicant's presentation on April 23.

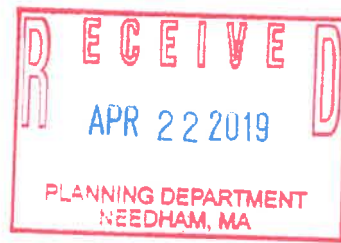
Ms. Clee stated the Planning Board required a lease and easement plan before a building permit is issued for 13-15 Highland Place. She received it today and asked how the Board wanted to handle it. Ms. Grimes suggested the members review it electronically and all agreed. Ms. Clee informed the Board the dumpster at 1056 Great Plain Avenue will be moved immediately but the enclosure cannot be built until there is better weather.

Upon a motion made by Mr. Jacobs, and seconded by Ms. Grimes, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 10:10 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker


Martin Jacobs, Vice-Chairman and Clerk



Paul A. Ferreira

paf@bluehawkinvestments.com

April 12, 2019

Ms. Lee Newman
Director of Planning & Community Development
Town of Needham
500 Dedham Avenue
Needham, MA 02492

Re: 77 Charles Street

Dear Ms. Newman:

On behalf of the entire Blue Hawk Investments ("BHI") team, I would like to thank the Planning Board and Staff for engaging in the discussion regarding our development proposal for 77 Charles Street on April 2, 2019.

After further discussion internally by our team, we've decided to withdraw our Use By-Law request from the May 2019 Town Meeting Warrant Article. We hope and plan to continue productive discussions with the Planning Board and other Town of Needham stakeholders in the near term and again appreciate the guidance we've received to date.

During the recent Planning Board discussion several items of information were requested:

- Photographs and renderings of our recently completed project in Marlborough and our proposed project in Watertown.
- An excerpt from the Town of Westwood Zoning Bylaw that contains the Specific Design Guidelines for Self-Storage facilities.

These items have been attached and below is a brief narrative describing each:

- Westwood Zoning Bylaw - This provision contains the specific design guidelines for self-storage developed by the Town of Westwood for their zoning bylaw. There are many elements that may be suitable to meet the requirements of the Town of Needham. I believe you'll find one point that was raised by a member of the Planning Board concerning the number of potential future facilities was addressed in a particularly thoughtful manner.
- Marlborough - Exterior Image - This project is located on Interstate Route 20 in Marlborough, MA and was completed in August 2018. The image represents the quality of materials in the facade of the building and announces the entrance to the office/retail area. Since BHI was not in favor of the "typical" fake garage doors that are seen on most facades,

Ms. Lee Newman
April 12, 2019
Page 2 of 2

we proposed a showcase window as an architectural feature outlining various historical aspects of the Town of Marlborough as well as a more subtle advertising method for the brand.

- Marlborough - Interior - This is an image of the interior of the office for the self-storage facility. We worked closely with the brand to redefine their design standards and create an inviting space that has a true retail presence. We've been told that this interior design is the "best" by the brand in the Boston market.
- Watertown - Exterior Rendering - These images portray the proposed design of our project in Watertown. This design responds to a diverse set of architectural styles in the surrounding neighborhood through the use of warm materials and appropriate scale.

Again, we appreciate your feedback to date and look forward to scheduling additional meetings to discuss our project.

Blue Hawk Investments, LLC



Paul A. Ferreira
Manager

Cc: Mr. Paul Alpert – Chair, Planning Board
Mr. Robert Smart, Esq. [via electronic mail only]

- 7.5.8 **Lapse.** Access Approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant of the Access Approval. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant.
- 7.5.9 **Regulations.** The Planning Board may adopt reasonable rules and regulations for the administration of this Section.
- 7.5.10 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for Access Approval.
- 7.5.11 **Reimbursement for Consultants.** It is contemplated that in some cases it will be necessary for the Planning Board to hire consultants in connection with the review and evaluation of applications for Access Approval under this Section. The Planning Board will be reimbursed by the Applicant for the reasonable fees and expenses of such consultants, and each application for approval hereunder shall contain an agreement by the Applicant to that effect.

SECTION 7.6 STORAGE FACILITY REGULATIONS

- 7.6.1 **Purpose.** The purpose of this section is to assure that self-storage and mini-storage facilities are appropriately sited in Highway Business and Industrial zones, while maintaining the desired character and function of the area. Storage facilities are characterized as industrial uses but have low activity levels that do not add to the vitality of a commercial area. The general and design requirements of this section are intended to allow self-storage facilities to locate where they best serve residents and businesses while not having prominent frontage on major commercial streets.
- 7.6.2 **Special Permit Required.** A self-storage or mini-storage facility shall require the issuance of a special permit granted by the Planning Board in compliance with the provisions of this Section and Section 10.3.3 of this Bylaw [Special Permits].
- 7.6.3 **Application Requirements.** Application for a special permit for a self-storage or mini-storage facility shall be subject to Environmental Impact and Design Review (EIDR) approval pursuant to Section 7.3 of this Bylaw, which shall be consolidated into a mandatory site plan approval component of the self-storage special permit, and no separate EIDR Approval shall be required. Submittal requirements shall be as required pursuant to Section 7.3.7 with the following additional requirements:
- 7.6.3.1 Parking plan shall clearly demonstrate a sufficient number of parking spaces for customers and employees, clear vehicular and pedestrian access ways, and appropriate loading and unloading areas.
- 7.6.3.2 Landscape Planting Plan, shall indicate the species and size of all existing trees, and shall clearly note which trees are proposed for removal. Trees shall be planted along all streets at intervals of approximately every thirty (30) feet.

- 7.6.3.3 Application shall include a narrative description of all proposed on-site activities and proposed hours of operation.
- 7.6.3.4 Application shall include an analysis demonstrating how the proposed project serves the needs, services or other interests of Town residents.
- 7.6.3.5 A Storage Facility Map showing all existing and/or permitted self-storage and mini-storage facilities within a one-mile radius of the project site, whether within Westwood or another community.

7.6.4 General and Design Requirements.

- 7.6.4.1 **Landscaping.** In addition to the Screening and Buffer Requirements of Section 6.3, there shall be a minimum landscape area of at least ten feet required along all street frontages with tree plantings approximately every thirty (30) feet.
- 7.6.4.2 **Siting.** No self-storage or mini-storage facility shall be located within 200 feet of the right-of-way of any of the following major roads: University Avenue, Station Drive, Blue Hill Drive, Harvard Street, Everett Street, and Providence Highway (Route 1). No such facility shall be located within one mile of another similar facility unless the Planning Board in its sole discretion grants a waiver of this requirement upon finding that there is a clear need and benefit to the Town demonstrated by a market and occupancy analysis including such other nearby facilities.
- 7.6.4.3 **Accessory Uses.** Accessory uses such as the sale or rental of moving equipment are permitted as required by Section 4.0 [Use Regulations], subject to all other wastewater disposal and at least two dedicated parking spaces.
- 7.6.4.4 **Street facades.** The design and layout of the street side of a proposed facility shall provide a varied and interesting façade. Considerations shall include the building placement, fenestration, roof design, variations in building walls, and other structural elements.
- 7.6.4.5 **Building Design.** Storage facilities are permitted only as or within multi-story structures. Buildings shall be designed and situated so that overhead doors and loading areas into such facilities are not visible from any adjacent right-of-way. All individual storage units shall be accessed from the interior of the building.
- 7.6.4.6 **Building Materials.** The materials for buildings shall be compatible with the desired character of the surrounding area and shall be visually pleasing.
- 7.6.4.7 **Building Setbacks.** The front, rear and side yard setback requirements regulated in Section 5.2 [Table of Dimensional Requirements] may be reduced by the Planning Board to allow for better design and compatibility with surrounding buildings upon a finding by the Planning Board that the proposed layout is in keeping with the purpose of this section of the bylaw.

7.6.5 Parking Requirements. Self-storage and mini-storage facilities may provide fewer parking spaces than required under Section 6.1.2 [Table of Parking Regulations], where in the determination of the Planning Board, the number and configuration of proposed parking spaces are found to be sufficient to meet the needs of the proposed development. Customer parking shall be separate from truck parking and loading and unloading space shall be clearly designated.

7.6.6 Findings. In addition to the specific decision findings outlined in Section 10.3.3 of this Bylaw, the Planning Board shall make a determination of each of the following:

- 7.6.6.1 Demonstration of need for town residents and/or businesses.
- 7.6.6.2 Facility located off a primary commercial local road to meet the purpose of this Section 7.6.1.
- 7.6.6.3 Sufficient buffering and screening from nearby uses.
- 7.6.6.4 Consistency with the purpose of this Section 7.6.
- 7.6.6.5 Degree to which the proposal serves job, service or other interests of Town residents.

7.6.7 Conditions. In granting a special permit, the Planning Board shall impose reasonable conditions specifically designed to safeguard the surrounding properties and Town such as noise controls, limits on hours of operation, landscaping, and/or drainage controls.







NEEDHAM PLANNING BOARD MINUTES

October 22, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Chairman, on Tuesday, October 22, 2019, at 7:00 p.m. with Mr. Alpert and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

ANR Plan – Boston Ventures International, LLC, Petitioner (Property located at 23 Dwight Road, Needham, MA).

Robert Bibbo, Engineer for Bibbo Bros., stated the applicant is creating an additional house lot with 170 feet of frontage and 16,000 square feet of area. The current house will remain on one lot with 27,000 square feet of land. Both lots have adequate frontage and meet all setback requirements. He noted this is a private road. Mr. Jacobs stated the side yard setback is 14 feet. The A1 lot line is 12.43 feet from the deck. Mr. Bibbo stated he was told there is a provision for the deck to go into the side yard setback. If this is not correct, he can change it. Ms. Newman noted there is a provision and the Building Inspector has looked at this.

Ms. McKnight asked if this was an older house the applicant is saving. Mr. Bibbo noted it is a 1950s house. Mr. Jacobs asked why Lot 2-A is not shown in the table. Mr. Bibbo stated it was on but he was told to remove it. Ms. Newman stated, as an empty lot, it makes no sense showing it with setbacks. Engineering and the Building Inspector are fine with it.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the three members present unanimously:

VOTED: to endorse the plan as Approval Not Required.

Decision: Amendment: Rockwood Lane Definitive Subdivision: Wayside Realty Trust, Chris Kotsiopoulos, Owner and Trustee, 36 Rockwood Lane, Needham, MA, Original Petitioner (current owners: Hillcrest Development, Inc., and Elite Homebuilders, LLC), (Property located at Rockwood Lane consists of the dwellings currently numbered 38, 45, 46, 52, 55, 58, 63, 64 and 69 Rockwood Lane and one adjacent parcel, Needham, MA, Assessors Plan No. 17 as Parcels 71, 72, 73, 79 and 80 and Plan No. 20 as Parcels 86, 87, 88, 89 and 63).

Ms. Newman stated the draft decision is based on the Board's last meeting. The attorney for the applicant has reviewed it and has no issue. There were no changes at the last meeting. Mr. Jacobs asked if there was an issue with adding a paragraph saying "The Board has been concerned, specifically by Exhibit 18 and 19, that the drainage solution is at least as good as that which was originally approved." Mr. Alpert disagreed. He does not want to say that. The Board is relying on representation from the Town Engineer that is the case. Mr. Jacobs felt the Board could say "relying on Exhibits 18 and 19, the Board hereby approves" at the beginning of paragraph 1. All agreed. A motion was made to add this. Ms. Newman feels that is too narrow. Mr. Jacobs stated Exhibit 15 should be added.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to say "Relying on Exhibits 15, 18 and 19, the Board approves the Definitive Subdivision Amendment as shown on the Plan in the Subdivision approval."

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by the three members present unanimously:

VOTED: to approve the draft decision as just altered.

Appointments:

7:05 p.m. – Zoning Board of Appeals: discussion regarding Accessory Dwelling Units zoning proposal.

John Schneider, of the Zoning Board of Appeals (ZBA), noted 4 of the 5 ZBA members were at the hearing and there is unanimous support for the ADU article. The Zoning By-Law already authorizes by Special Permit taking 4 non-related boarders into the home. This is only changing cooking facilities. There is no great change in the Zoning By-Law. He stated he has been on the Zoning Board of Appeals for over 25 years and only 2 or 3 people have come in for Special Permits. He commented he has some problems with the Article as currently drafted. His main concern is there is no standard for Special Permits. Mr. Jacobs stated there is no section that says these are the decision criteria. He asked if the ZBA views the requirements as the decision criteria?

Mr. Schneider stated he finds the definition of family to be strangely narrow. Why not grandparents, aunts and uncles as family members to live in the house and to be taken care of? He feels the Board needs to deal with the transfer of ownership and LLCs. It could say “transfers of controlling interest.” The Planning Board has been silent on the issue. He is also concerned with enforcement. The Planning Board should put in a provision that the Building Inspector could request evidence of a relationship of the person living in the unit. Ms. McKnight stated the initial permit is issued based on who is living there. Mr. Alpert noted it will be part of the renewal process. Ms. Schneider feels the Building Inspector should have the right to request documentation.

Ms. McKnight discussed the criteria concern. There are criteria built in. This needs some judgment exercised. The Building Inspector will look into any complaints. She noted there are standards of criteria and enforcement built in. She feels this may put a burden on the ZBA. She wants to make sure the ZBA does not feel this is a burden for them. She anticipates some Town Meeting members may move to amend to include some of the relations discussed. Mr. Schneider stated the ZBA will go along with whatever the Planning Board has recommended, but this is strangely narrow. He feels there will be a lot of call for other relations.

7:20 p.m. – Discussion regarding Mixed-Use Retail/Self Storage Redevelopment – 77 Charles Street.

Kevin Joyce, attorney for the applicant, noted he sent in a number of materials back in early June. He reviewed the Zoning By-Law and believes the Planning Board has the authority to grant a Special Permit for the proposed use. He outlined the legal reasons. Under the Hillside decision it was determined to be allowable by Special Permit. He is ok with that for now. Mr. Jacobs noted in Mr. Pare’s letter, third paragraph, the Planning Board did not reject as of right for Hillside development; but rather convinced the petitioner that the special permit route was appropriate. Mr. Ferreira, owner of 77 Charles Street, stated he feels it is unlikely he will be coming forward with an as of right project; all of their conversations have been about a special permit process. Mr. Joyce updated what has been done. He asked if a Special Permit process is what they should embrace and begin. Ms. Newman asked what use the applicant is identifying as similar to (either as of right or by special permit). Mr. Joyce stated the Board has already allowed the self storage use in a similar district, and therefore also applies by Section 3.2. This is in the same general use category and similar in kind and similar in impact to a use already permitted; and by Section 3.2 may be approved by the Planning Board. Mr. Alpert stated it has to be a use allowed in the district and not just somewhere in the whole town.

Mr. Ferreira noted there has been a lot of discussion of support for the project. He started with a zoning amendment and pulled back. He is going back to the initial position. He still maintains putting a self storage is the only feasible option given the economics. He feels the Board should allow this use to go forward by Special Permit with the interpretation suggested. They are also willing to pursue a zoning change at Town Meeting. He thinks this is a consumer service establishment. Marlboro and several other towns in Massachusetts have relied on this definition of storage units as consumer services. Ms. McKnight stated she sees consumer service establishment as a service directly provided such as photocopying and not a storage unit.

Mr. Ferreira stated there has been a lot of discussion regarding the passivity of the use and such use not being the intent of the Board for the district. He feels this should be looked at as a small retail project. Other uses do not work and larger retail is not feasible. This fits with the parking requirements and is a service in great demand. There is a lot of functionality to self storage. He has tried to address the ugliness of them with the design and feels it is a handsome building. He would request the Board reconsider some items. Mr. Alpert asked what floor size

the applicant is offering for retail and self storage. Mr. Ferreira stated it is a consumer services as of right. He noted 1.0 FAR triggers a special permit. Ms. Newman explained that the self-storage use on Hillside was allowed by a provision that allowed the Board to grant a special permit for a use not otherwise called out in the By-Law. She explained that the section they are pointing to allows the Board to find a use to be similar in kind and impact to another use already allowed in a particular zoning district. Mr. Jacobs said he is interested in the argument that it might be a consumer service. He likes the use but would need it to work under the By-Law. Mr. Ferreira said that Westwood put a radius requirement in its zoning to limit these. Mr. Alpert stated he feels this use fits in the Board's vision for the Mixed Use 128 District. He likes the comparison this is similar to a Consumer Services Establishment. Mr. Ferreira said that a telecommunications facility, which is an allowable use, usually has very few employees. The Board discussed some of the history of the current language of the zoning district.

It was noted there will be 2 cars and 2 employees. A discussion ensued regarding next steps. Mr. Ferreira said he can provide examples of radius requirement in zoning and where it's been considered a consumer service elsewhere. Mr. Jacobs stated he needs to be convinced of the use issue, not the issue of whether they can make it presentable. It may be as of right or could be like a use in the district. Mr. Ferreira requested guidance from the Board. Mr. Alpert is reluctant to give too much guidance in advance of an actual application. He commented the applicant needs to file an application and convince the Board why this fits a consumer services use. Ms. McKnight noted a storage facility has been approved for Hillside but has not yet been constructed. She suggested the applicant wait so people can see what it looks like.

7:40 p.m. – Discussion regarding Pediatric Medical Facility Zoning Article – Children's Hospital.

Robert Smart, representative for the applicant, noted Children's Hospital wants to put a pediatric facility next to the Trip Advisor building at 380 First Avenue and 37 A Street. There is some parking on site. A pediatric facility is not allowed per the zoning. He has drafted an article and wants input from the Board. He has had conversations with BI Deaconess and they have no issue with Children's Hospital coming to Needham. This will be a satellite facility. Lisa Haggerty noted a map of other satellite locations in the packet. The hospital has developed a network of satellites to give care close to home. They work with other hospitals and doctors with specialty care and not primary care. They want to shift out of the main hospital to be more convenient to neighborhood locations.

Ms. McKnight clarified the focus is on specialty care and not primary care. Ms. Haggerty stated yes. There are geographical gaps between Waltham and Weymouth. The hospital wants to focus on the surgical specialty side. Ms. McKnight asked if they have any partnerships with community hospitals here. Ms. Haggerty noted Winchester Hospital and she has worked with the Building Inspector in Needham for pediatric issues. The Building Inspector would like more support and collaboration. She noted the hospital would like to set up an innovation and training center in conjunction with BID Needham. The access to the location is excellent. There would be a parking garage built next to the current garage. They will be creating a pediatric ambulatory surgical center with state of the art labs and an education training center with several clinical and therapeutic services such as orthopedic, sports medicine and sub specialties. There will be state of the art operating rooms, pediatric imaging and a lab.

Mr. Jacobs clarified there is no inpatient care. Ms. Haggerty noted there will be no beds at this facility. She stated the pediatric ambulatory space is to be licensed by the MA Department of Health. There will be medical office space, food service and a small medical device company with crutches, braces and such, who will lease space. The hospital feels a responsibility to the community. The hospital will pay 100% of assessed real estate taxes and will be a hub for clinical research and education. This will create 400 permanent jobs and 225 construction jobs per month. It is non-profit.

Tim Sullivan gave an overview of the zoning. This is 13.5 acres and there is a special permit that has been amended a number of times. He feels this fits within the special permit framework but some of the uses are not allowed. The ambulatory aspect is outside the allowed uses. They are proposing an amendment that would allow pediatric medical facilities. He looked at the medical overlay district. Ms. McKnight asked what age young adults are. Ms. Haggerty stated usually 16 to 22. There are a lot of orthopedic patients who have grown up with issues. The hospital tries to see them through to adulthood.

It was requested by an audience member that the applicant talk about the pilot payments in Waltham. Ms. Haggerty stated the hospital pays real estate tax. There are tenants and the tax is paid through leases. It was asked if there would be something in writing to ensure it. Mr. Sullivan noted, if rezoned, a pilot agreement would be a condition of that. It could also be a condition of a special permit. Ms. McKnight noted she would like to learn more about pilot real estate agreements. Mr. Alpert stated that his recollection is the town already has a pilot program from the residences behind the nursing home on Gould Street. Mr. Jacobs knows the applicant met with a member of the Select Board, and the Select Board wants to make sure the applicant pays their full share of assessed taxes.

Ms. Newman asked why they didn't carry forward some of the parking demand information from the medical overlay district. Mr. Sullivan stated that they spoke to their traffic consultant and they do not anticipate any short-term visits warranting the 7 spaces per thousand square feet requirement.

Ms. McKnight noted that they proposed the use to be allowed by-right. She is concerned that the Board have the discretion to deny it if the impact was shown to be too high. Mr. Sullivan said it will be a special permit no matter what because they will have to amend the existing special permit on the property. Ms. Newman clarified that although that is true, it is a site plan special permit, which has a different set of rules than a special permit with regard to use. Ms. McKnight reiterated that she feels a *discretionary* special permit is important to her.

Mr. Smart noted hospital use is allowed in the medical overlay district. Mr. Jacobs assumes the applicant would like the Planning Board to proceed with sponsoring this proposed zoning change. Mr. Smart would prefer that. He thinks it would be best and most appropriate for this spring with a public hearing in January and February. If going forward, what more information would the Board need? He assumes parking and traffic studies and a fiscal impact study. Mr. Jacobs noted they would need an independent analysis. Ms. McKnight suggested it would be good to have the existing special permit background with them. Ms. Haggerty noted it will be a 24 to 28 month construction schedule. They will do a special permit at the same time as a Determination of Need. Mr. Sullivan stated he would come in right after Town Meeting. Ms. Haggerty will bring more information on the Determination of Need and zoning impacts. Ms. Newman stated she would be interested in the Lexington zoning and how that was done.

ANR Plan – 766 Chestnut Street, LLC, Petitioner (Property located at 766 Chestnut Street, Needham, MA).

Mr. Jacobs noted a letter, dated 10/16/19, from Attorney Robert Smart requesting an extension of the action deadline for ANR approval for 766 Chestnut Street.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to extend the action deadline for ANR approval for 766 Chestnut Street to 11/22/19.

Discussion of Fall Special Town Meeting zoning.

Mr. Alpert stated he is comfortable with the presentation. He thinks a slide as a handout that shows items that were raised at the May Town Meeting and actions taken would be very helpful. He felt what the Board gave to the Finance Committee was very good. There should be a handout table and he can do a short summary. Ms. McKnight stated having height and setbacks all on one slide was confusing. The 20 foot setback is her big issue. She does not think it is clear. Mr. Jacobs wanted to talk about John Schneider's comments on the accessory dwelling units article. He is bewildered by his claim of no criteria. Ms. McKnight noted some of the criteria needs a judgment call by the Building Inspector. It was agreed after discussion not to include limited partnerships and that the transfer issue Mr. Schneider was concerned about was not an issue. The Building Inspector and ZBA have authority to ask at least every 3 years for proof of ownership.

Correspondence

Mr. Jacobs noted a letter from Sira Natural stating they would like to come in. Ms. Newman commented they are willing to come in if the Planning Board wants them to. They feel Cambridge is over reacting. Mr. Jacobs stated

he would like to see the source documents and Cannabis Control Commission (CCC) approval. Ms. McKnight agreed.

Mr. Jacobs noted a legal notice from Newton regarding a 10/10/19 meeting; a Town of Dedham Planning Board notice; an email from Don Lankiewicz, Chair of the Historical Commission, noting the Historic Commission has been asked not to endorse the plan for 1479 & 1473 Great Plain Avenue. The Commission will hold a hearing on a demolition delay for 6 months. Mr. Jacobs also noted minutes. Ms. Newman stated the Jack Cogswell building is looking for an occupancy permit. The consolidation plan is not ready yet. She will issue a temporary permit for 30 days until the consolidation plan is done.

Mr. Jacobs commented he has been by the RTS a couple of times lately. The applicant was going to dig down 6 feet and rip out the weeds. Instead the applicant decided to treat the area. The applicant has dug up the whole thing. Mr. Alpert stated the berm has been totally taken out. The entire berm will have to be redone. Mr. Jacobs suggested the Planning Director go out and look.

Report from Planning Director and Board members.

Ms. Newman gave an update on the traffic study. Ms. McKnight noted she went to the Select Board's hearing on Green Communities. There was some very good information. She asked if this Planning Board would vote to urge the Select Board to seek designation as a green community. It will be put on the 11/6/19 agenda. Mr. Jacobs would like to discuss this.

Minutes

Ms. McKnight noted on the minutes of 5/21/19, page 4, 2nd to last line at the bottom, a question mark is needed; on page 6, 2nd line, add "and"; and put a comma after Hillside School.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to accept the minutes of 5/21/19 with changes discussed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to approve the minutes of 7/30/19.

The Board members passed in changes for the minutes of 8/6/19, 9/3/19 and 9/17/19.

Upon a motion made by Ms. McKnight, and seconded by Mr. Alpert, it was by the three members present unanimously:

VOTED: to adjourn the meeting at 9:45 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Jeanne S. McKnight, Vice-Chairman and Clerk



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

DECISION

**Major Project Site Plan Special Permit No. 2018-07
November 20, 2018**

500 Dedham Ave
Needham, MA 02492
781-455-7550

PLANNING

**Self Storage Group, LLC
540 Hillside Avenue**

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the "Board") on the petition of Self Storage Group II, LLC, 129 South Street, Boston, MA 02111, (to be referred to hereinafter as the "Petitioner") for that certain property located at 540 Hillside Avenue, Needham, Massachusetts, located in the Industrial Zoning District. The property is shown on Assessors Plan No. 101 as Parcel 5 containing 82,136 square feet.

This Decision is in response to an application submitted to the Board on August 14, 2018 by the Petitioner for a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law), and associated special permits.

The requested Major Project Site Plan Special Permit, would, if granted, permit the Petitioner to redevelop the premises, currently occupied by the landscaping company, Belmont Landscape and Tree, to construct and operate a three-story climate-controlled self-storage facility, comprising approximately 123,171 square feet, together with associated parking, landscaping and other site improvements.

In accordance with the By-Law, Section 7.4, a Major Project Site Plan Review is required. In accordance with the By-Law, Section 3.2.1, a Special Permit is required to operate a self-storage facility as "any lawful purpose or special use not enumerated elsewhere in this By-Law". In accordance with the By-Law, Section 5.1.1.5, a Special Permit is required to waive strict adherence with the requirements of Section 5.1.2 (Parking Requirements) and Section 5.1.3 (Parking Plan and Design Requirements) of the By-Law.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Paul S. Alpert on Tuesday, September 25, 2018 at 7:00 PM in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Tuesday, October 2, 2018, at 7:00 PM in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Tuesday, October 16, 2018, at 8:00 PM in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. No testimony was taken at the October 16, 2018 public hearing due to a lack of a voting quorum and the public hearing was continued to Tuesday, October 30, 2018, at 7:45 PM in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. Board members Paul S. Alpert, Martin Jacobs, Ted Owens, Jeanne S. McKnight and Elizabeth J. Grimes were present throughout the September 25, 2018 and October 2, 2018 proceedings. Board members Paul S. Alpert, Martin Jacobs, Ted Owens and Jeanne S. McKnight were present throughout the October 30, 2018 proceedings. Board member Elizabeth J. Grimes was present for all of the proceedings except the hearing occurring on October 30, 2018. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing,

adopted by the Town of Needham in May of 2009, Ms. Grimes examined all evidence received at the missed session and listened to an audio recording of the meeting. The record of the proceedings and the submission upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

- Exhibit 1 - Application Form for Site Plan Review completed by the applicant, dated August 14, 2018.
- Exhibit 2 - Six letters from Attorney Roy A. Cramer to the Needham Planning Board dated August 2, 2018, August 2, 2018, October 1, 2018, October 9, 2018, October 15, 2018 and November 6, 2018.
- Exhibit 3 - Letter from Building Commissioner, David Roche, to the Needham Planning Board dated July 24, 2018.
- Exhibit 4 - Traffic Evaluation, prepared by Patrick Dunford, VHB, dated July 6, 2018.
- Exhibit 5 - Stormwater Management Report, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA, 02184, dated July 27, 2018.
- Exhibit 6 - Plan set entitled "Site Development Plans, 540 Hillside Avenue, Needham, Mass.," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA, 02184, consisting of 11 sheets: Sheet 1, Cover Sheet, dated July 27, 2018; Sheet 2, entitled "Existing Conditions Plan," dated July 27, 2018, revised August 2, 2018; Sheet 3, entitled "Layout and Zoning Plan," dated July 27, 2018, revised August 2, 2018; Sheet 4, entitled "Grading Plan," dated July 27, 2018, revised August 2, 2018; Sheet 5, entitled "Sewer. Drain & Utility Plan," dated July 27, 2018, revised August 2, 2018; Sheet 6, entitled "Detail Sheet," dated July 27, 2018, revised July 30, 2018; Sheet 7, entitled "Detail Sheet," dated July 27, 2018, revised August 2, 2018; Sheet 8, Sheet L1, entitled "Landscape Plan," dated July 30, 2018; Sheet 9, Sheet D1, entitled "Planting Details," dated July 30, 2018; Sheet 10, Sheet D2, entitled "Planting Notes," dated July 30, 2018; Sheet 11, Lighting Plan, dated August 2, 2018.
- Exhibit 7 - Plan set entitled "Proposed Self Storage Facility, 540 Hillside Avenue, Needham, Massachusetts," prepared by BL Companies, 355 Research Parkway, Meriden, CT, 06450, consisting of 11 sheets: Sheet 1, Cover Sheet, dated July 30, 2018; Sheet 2, Sheet AP1.01, entitled "First Floor Plan," dated July 30, 2018; Sheet 3, Sheet AP1.02, entitled "Second Floor Plan," dated July 30, 2018; Sheet 4, Sheet AP1.03, entitled "Third Floor Plan," dated July 30, 2018; Sheet 5, Sheet AP3.01, entitled "Roof Plan," dated July 30, 2018; Sheet 6, Sheet AP5.01, entitled "Exterior Elevations," dated July 30, 2018; Sheet 7, Sheet AP5.02, entitled "Exterior Elevations," dated July 30, 2018; Sheet 8, entitled "Exterior Materials," dated July 30, 2018; Sheet 9, Sheet AP5.03, entitled "View from Hillside Avenue," dated July 30, 2018; Sheet 10, Sheet AP5.04, entitled "View from Rosemary Street," dated July 30, 2018; Sheet 11, Sheet AP5.06, entitled "View from Entrance," dated July 30, 2018.
- Exhibit 8 - Memorandum to Needham Planning Board, from Garrett Horsfall, Kelly Engineering Group, Inc., dated September 27, 2018.

- Exhibit 9 - Memorandum to Needham Planning Board, from Bennett N. LaFrance, Hawk Design, Inc., dated September 28, 2018.
- Exhibit 10 - Memorandum to Needham Planning Board, from Andrew E. Graves, BL Companies, dated October 9, 2018.
- Exhibit 11 - Letter directed to Lee Newman, Director, Planning and Community Development, dated October 17, 2018, signed by the following residents: Beth Tallarico, John Tallarico, Sara Miller, David Miller, Abigail Klein, all attached to a set of plans entitled "Proposed Self Storage Facility, 540 Hillside Avenue, Entitlement Permitting Set, 7/30/2018, revised 10/9/2018".
- Exhibit 12 - Plan set entitled "Proposed Self Storage Facility, 540 Hillside Avenue, Needham, Massachusetts," prepared by BL Companies, 355 Research Parkway, Meriden, CT, 06450, consisting of 12 sheets: Sheet 1, Cover Sheet, dated July 30, 2018, revised October 9, 2018; Sheet 2, Sheet AP1.01, entitled "First Floor Plan," dated July 30, 2018; Sheet 3, Sheet AP1.02, entitled "Second Floor Plan," dated July 30, 2018; Sheet 4, Sheet AP1.03, entitled "Third Floor Plan," dated July 30, 2018; Sheet 5, Sheet AP3.01, entitled "Roof Plan," dated July 30, 2018, revised October 9, 2018; Sheet 6, Sheet AP5.01, entitled "Exterior Elevations," dated July 30, 2018, revised October 9, 2018; Sheet 7, Sheet AP5.02, entitled "Exterior Elevations," dated July 30, 2018, revised October 9, 2018; Sheet 8, entitled "Exterior Materials," dated July 30, 2018; Sheet 9, Sheet AP5.03, entitled "View from Hillside Avenue," dated July 30, 2018; Sheet 10, Sheet AP5.04, entitled "View from Rosemary Street," dated July 30, 2018; Sheet 11, Sheet AP5.05, untitled, dated July 30, 2018, revised October 9, 2018; Sheet 12, Sheet AP5.06, entitled "View from Entrance," dated July 30, 2018, revised October 9, 2018.
- Exhibit 13 - Plan set entitled "Site Development Plans, 540 Hillside Avenue, Needham, Mass.," prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA, 02184, consisting of 7 sheets: Sheet 1, Cover Sheet, dated July 27, 2018; Sheet 2, entitled "Existing Conditions Plan," dated July 27, 2018, revised August 2, 2018 and September 27, 2018; Sheet 3, entitled "Layout and Zoning Plan," dated July 27, 2018, revised August 2, 2018 and September 27, 2018; Sheet 4, entitled "Grading Plan," dated July 27, 2018, revised August 2, 2018 and September 27, 2018; Sheet 5, entitled "Sewer. Drain & Utility Plan," dated July 27, 2018, revised August 2, 2018 and September 27, 2018; Sheet 6, entitled "Detail Sheet," dated July 27, 2018, revised July 30, 2018 and September 27, 2018; Sheet 7, entitled "Detail Sheet," dated July 27, 2018, revised August 2, 2018 and September 27, 2018.
- Exhibit 14 - Plan set entitled "Needham Self Storage, 540 Hillside Avenue, Needham, Mass.," prepared by Hawk Design, Inc. Sagamore, MA, consisting of 4 sheets: Sheet 1, Sheet L1, entitled "Landscape Plan," dated July 30, 2018, revised September 28, 2018; Sheet L1a, entitled "Landscape Plan Illustrating Dana and Carey Place, dated July 30, 2018, revised September 28, 2018; Sheet 3, Sheet D1, entitled "Planting Details," dated July 30, 2018 , revised September 28, 2018; Sheet 4, Sheet D2, entitled "Planting Notes," dated July 30, 2018 , revised September 28, 2018.
- Exhibit 15 - Two Memoranda to Needham Planning Board, from Lawrence Lipson, 503 Hillside Avenue, Needham, dated October 22, 2018 and October 29, 2018.

- Exhibit 16 - Two Response Memoranda replying comments from Lawrence Lipson, 503 Hillside Avenue, Needham, responses not dated.
- Exhibit 17 - Interdepartmental Communication (IDC) to the Board from Chief Dennis Condon, Needham Fire Department, dated August 20, 2018; IDC to the Board from Tara Gurge, Assistant Public Health Director, dated August 16, 2018; IDC to the Board from Lt. John H. Kraemer, Needham Police Department, dated September 18, 2018; and IDC from Thomas Ryder, Assistant Town Engineer, dated September 17, 2018, September 25, 2018 and October 11, 2018.
- Exhibit 18 - Design Review Board approvals dated July 30, 2018 and October 15, 2018.
- Exhibits 1, 2, 4, 5, 12, 13 and 14 are referred to hereinafter as the Plan.

FINDINGS AND CONCLUSIONS

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

- 1.1 The subject property is located in the Industrial Zoning District. The subject property is located at 540 Hillside Avenue, Needham, Massachusetts, shown on Assessor's Map No. 101 as Parcel 5 containing 82,136 square feet.
- 1.2 The premises is occupied by the landscaping company, Belmont Landscape and Tree, and contains one single story building with an approximate footprint of 20,200 square feet. that is currently owned and operated by a landscaping company.
- 1.3 The Petitioner proposes to construct and operate a three-story climate-controlled self-storage facility, comprising approximately 123,171 square feet, together with associated parking, landscaping and other site improvements. There will also be a small sales office area of approximately 1,125 square feet. The building will be fully fire-sprinklered. The facility will have not more than 1,130 individual storage units ranging in size from 5 ft. by 5 ft. to 10 ft. by 30 ft. that will be rented on a month-to-month basis.
- 1.4 The building materials will consist primarily of a combination of insulated metal panels, masonry accents and aluminum and glass glazing systems.
- 1.5 It is anticipated that there will be a maximum of two employees on site at any given time.
- 1.6 The sales office will be open from 8 AM to 6 PM Monday through Saturday and closed on Sunday. The property will have gated access and will be available to existing customers via keypad access from 6 AM to 10 PM Monday through Sunday.
- 1.7 The office is where customers come for their first visit to sign a rental contract or if they have questions of the staff. The office also proposes to sell miscellaneous merchandise to make the move more convenient, such as boxes and other moving supplies. The facility will include two heavy-duty passenger elevators to help move contents upstairs.
- 1.8 The rental contracts between the facility and renters will prohibit the storage of hazardous or toxic materials or any inherently dangerous or flammable substances.

- 1.9 The proposed facility will have a state-of-the-art security system that records all entry and exits of the facility both by keypad and security cameras. The security system is timed such that access is only allowed at posted hours by customers.
- 1.10 As indicated in the Zoning Table shown on the Plan, the lot conforms to zoning requirements as to area and frontage. As indicated in the Zoning Table shown on the Plan, the proposed building will comply with all applicable dimensional and density requirements of the Industrial Zoning District, namely, front, side and rear setback, maximum building height, maximum number of stories and maximum lot coverage.
- 1.11 Vehicular access and egress to the site will be provided by the existing curb cuts. The proposed site modifications do not modify vehicular and pedestrian movement at the existing parking area.
- 1.12 The By-Law does not contain a specific parking requirement for the Hillside Avenue Storage use. In cases where the By-Law does not provide a specific requirement, the required number of parking spaces shall be derived from the “closest similar use as shall be determined by the Building Inspector” Section 5.1.2 (20). In the event that the Building Inspector is unable to determine that a proposed use relates to any use within Section 5.1.2, the Board shall recommend a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees of the proposed business, with said recommendation based on the ITE Parking Generation Manual, 2nd Edition, or an alternative technical source determined by the Planning Board to be equally or more applicable.
- 1.13 Under the By-Law Section 5.1.2, in the event that the Building Inspector is unable to determine if a particular use relates to any use within the table of “Required Parking” (Section 5.1.2), the Planning Board shall recommend to the Building Inspector a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests or employees of the proposed business.

The Building Commissioner has determined (by letter detailed in Exhibit 3) that with respect to the uses described in Section 5.1.2 of the Zoning By-Law, the most appropriate use category for the proposed use is use category 14 (“Warehouses, excluding retail and/or wholesale on-site sales and office space which shall be computed separately”). The parking requirement for that use category is “one space per 850 square feet of floor area or one space per every two warehouse employees on the largest shift, whichever is greater.” Since the anticipated maximum number of employees for the largest shift is two, the parking requirement is based on square footage of the facility. Of the 123,171 square feet of the facility, approximately 122,046 square feet is deemed to be warehouse space, requiring 143.58 parking spaces ($122,046/850=143.58$). The balance of the space is a small office area of approximately 1,125 square feet, requiring 3.75 parking spaces ($1,125/300=3.75$), for a total parking requirement of $143.58 + 3.75 = 147.33$, rounded up to 148 parking spaces.

The Petitioner’s traffic engineer determined that the appropriate number of parking spaces for this use is 14, and the Building Commissioner concurred that 14 seemed more reasonable for the proposal than 148. 14 parking spaces have been provided. The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence to the requirements of Section 5.1.2 (Required Parking). The Petitioner proposes to have 14 parking spaces on-site. Accordingly, a waiver of 134 parking spaces from 148 to 14 is required.

- 1.14 The project complies with all of the parking area design criteria set forth in Section 5.1.3 except that the Petitioner is seeking a waiver from Section 5.1.3(j), if the Board finds it appropriate. Specifically, the Petitioner is seeking a waiver from the 5.1.3(j) ("Parking Setbacks") with respect to the requirement that no parking space, maneuvering aisle or driveway shall be located within five (5) feet of a building line at the first floor. The parking lot shown on the Plan is adjacent to the southwest corner of the building and the Petitioner does not believe that a waiver is required from Section 5.1.3(j) because that area is not a "parking space, maneuvering aisle or driveway." However, if the Board finds that the waiver is appropriate, the Petitioner has reasoned that: (a) No sidewalk or other five-foot buffer is proposed in order to provide maximum maneuverability of vehicles, particularly emergency vehicles within the parking area; (b) A portion of that wall is adjacent to the loading entrance, which needs full clearance for safe and efficient loading and unloading; and (c) A five-foot wide buffer containing mulch or landscaping would be difficult to maintain, and the area is not visible to anyone not specifically visiting the site.
- 1.15 A Lighting Plan has been provided by Visual and is included in the Plan submittal for this project. The Lighting Plan indicates the photometric illumination and indicates no lighting at the rear of the property (the eastern property line), and no building lighting on the northern side of the property, 0.0 light trespass at the street front at Hillside Avenue and at the southern boundary line.
- 1.16 The Petitioner appeared before the Design Review Board on July 30, 2018, October 15, 2018 and November 5, 2018, and obtained approval for the project.
- 1.17 The Petitioner met with abutters to the rear of the property and subsequently moved the rooftop units located closest to Dana Place to the west towards Hillside Avenue, wrapped such units with screening, and added landscaping and fill between the east side of the building and the rail line at that property boundary.
- 1.18 The Petitioner met with an abutter across Hillside Avenue and subsequently added Landscaping at the front property boundary, as more particularly shown on the landscaping plan approved by the Design Review Board on November 5, 2018.
- 1.19 The facility will have a minimal impact on neighboring streets. Adequate parking has been provided for staff, deliveries, visiting professionals, and constituents. The arrangement of parking and loading spaces in relation to the proposed uses of the premises is adequate. The proposed project maintains the existing arrangement.
- 1.20 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and sight buffers and preservation of views, light and air. The site is presently fully developed and utilized by a landscaping business. The Petitioner will install a new stormwater management system that will reduce runoff rates and volume, will enhance water quality from the existing site and substantially improves surface water drainage. The new three-story building will be located at the rear of the premises adjacent to the railroad tracks and the building materials will be a combination of insulated metal panels, masonry accents and aluminum and glass glazing systems. There is currently minimal landscaping on the site and an extensive landscaping plan has been provided that decreases the amount of impervious surface on the property provides screening and enhances the existing site. The day-to-day utilization of a self-storage facility is very low with minimal traffic and parking activity and a minimum of sound emanating from the operation.

- 1.21 The convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly, have been adequately provided for. The parking needs of self-storage facilities are extremely low and are much lower than the requirements of an office building. The location of the driveway opening on Hillside Avenue will remain unchanged. Sidewalk access has been provided adjacent to the primary parking spaces for pedestrian safety. Handicap access and parking is provided. Since the maximum number of employees at any given time will be two, there will be no rush hour traffic by employees, and the number of anticipated daily visits to the facility is extremely low and spread out during the day. Fourteen parking spaces have been provided (including one handicap space) which is adequate to serve the employees and visitors to the site. The parking study prepared by VHB, 101 Walnut Street, Watertown, MA 02472, has reviewed a number of comparable self-storage facilities in the eastern Massachusetts area, and has conducted actual parking counts at two of those facilities and is of the opinion that safety concerns for vehicular and pedestrian movement has been adequately addressed.
- 1.22 The arrangement of parking and loading spaces in relation to the proposed use of the premises is adequate. The parking need of self-storage facilities is minimal and the arrangement of parking spaces and loading areas is appropriate.
- 1.23 Adequate methods for disposal of refuse and waste will be provided. The project's wastewater system will be connected to the municipal sewer system. In addition, provision will be made for dumpsters (and dumpster enclosures for both refuse and recycling).
- 1.24 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area are in compliance with other requirements of this By-Law and have been adequately addressed by this project. The property is located in the Industrial District adjacent to the railroad and the proposed structure, located in the rear portion of the property, abuts the railroad right-of-way. Office buildings are located on the north and south side of the property and a small office building is located between the proposed building and Hillside Avenue to the east. The proposed building has been designed to be an attractive facility that looks substantially like an office building, instead of "old style" storage facilities with individual metal doors visible from the outside. There is a natural landscape buffer which will be maintained on the west side of the site.
- 1.25 The project will not have an adverse effect on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The building will have minimal demand for water and sewer and sewer use due to the low number of occupants in the building. The building will be fully sprinklered, the stormwater management system will be substantially improved and the extremely low utilization of the property (both in terms of number of employees and anticipated visits by renters) is minimal and will not affect neighboring streets. It is a clean, quiet and low impact use. The addition of this facility will have a positive impact both on the immediate neighborhood and the Town of Needham in general.
- 1.26 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted in the Industrial Zoning District, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds that the proposed development Plan, as conditioned and limited herein for the site plan review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have

minimal adverse impact and to have promoted a development which is harmonious with the surrounding area.

- 1.27 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) as further described in Section 1.13 above, may be granted in the Industrial District, provided the Board finds that (a) the issuance of a special permit will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting use, and is consistent with the intent of By-Law; (b) in the case of waiving strict adherence to the requirements of Section 5.1.2 under special circumstances if a particular use of a structure does not warrant the minimum number of spaces required under Section 5.1.2, the special permit shall define the conditions of the use of the structure so as to preclude changes that would alter the special circumstances contributing to the reduced parking need or demand; and (c) the granting of a special permit under this section shall not exempt a structure, use, or lot from future compliance with the provisions of Sections 5.1.2 and/or 5.1.3. On the basis of the above findings and conclusions, the Board finds the proposed project and Plan, as modified by this Decision and as conditioned and limited herein, to meet these requirements, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and not to be a detriment to the Town's and neighborhood's inherent use of the surrounding area.
- 1.28 Under Section 3.2.1 of the By-Law, a Special Permit may be granted to allow a Special Permit for "any lawful purpose or special use not enumerated elsewhere in this By-Law" in the Industrial Zoning District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.

THEREFORE, the Board voted 4-1 to GRANT (Elizabeth J. Grimes voting in the negative): (1) the requested Major Project Site Plan Review Special Permit under Section 7.4 of the By-Law; (2) the requested Special Permit under Section 3.2.1 of the Zoning By-Law to operate a self-storage facility as "any lawful purpose or special use not enumerated elsewhere in this By-Law"; and (3) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Parking Requirements) and Section 5.1.3 (Parking Plan and Design Requirements), Section 5.1.3(j), of the Zoning By-Law; subject to the following plan modifications, conditions and limitations.

PLAN MODIFICATIONS

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

- 2.0 The Plan shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement.
- a) The Plan shall be modified to show additional plantings at the front property line, such as red maple or other deciduous species. Additionally a mixture of arborvitae and mountain laurel shall be provided at the front property line to help screen the area below the existing tree line.
 - b) The Plan shall be modified to show a decorative metal fence in place of the chain link fence shown on the Plan.
 - c) The Plan shall be modified to show the dumpsters placed within a wooden fence enclosure.

CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.39 hereof.
- 3.1 The subject site shall be used to construct and operate a three-story climate-controlled self-storage facility, comprising approximately 123,171 sq. ft., together with associated parking, landscaping and other site improvements. The facility shall contain a maximum of 1,130 individual storage units ranging in size from 5 ft. by 5 ft. to 10 ft. by 30 ft. to be rented on a month-to-month basis. The floor plans of the facility may be modified without further Planning Board review or approval provided that (a) the building is not expanded above approximately 123,171 sq. ft., the sales office shall not be expanded above approximately 1,125 sq. ft., and the number of storage units shall not exceed 1,130.
- 3.2 The storage facility shall be limited to dead storage use only. No other business activities shall be permitted. All storage uses shall occur within the building. Outdoor storage of boats, cars, motorhomes or other equipment is expressly prohibited.
- 3.3 The buildings, parking areas, driveways, walkways, landscape areas, and other site and off-site features shall be constructed in accordance with the Plan, as modified by this Decision. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.4 The proposed building and support services shall contain the dimensions and shall be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.5 All buildings and land constituting the premises shall remain under a single ownership.
- 3.6 The operation of the proposed Self Storage facility shall be as described in Sections 1.3, 1.4, 1.5, 1.6, 1.7, 1.8 and 1.9 of this Decision and as further described under the support materials provided under Exhibits 1, 2, 4, 5, 12, 13 and 14. Any changes of such above-described use shall be permitted only by amendment or minor modification of this Approval by the Board, or administrative approval by the Planning Director in accordance with the Board's policy regarding insignificant changes.
- 3.7 The waiver of parking requirements granted by this Approval is contingent upon the project being used in accordance with the representations of the Petitioner, which formed the basis of the findings of fact and other conditions stated herein, as shown on the Plan. Any change

of use and/or any change of the proposed parking and traffic circulation plan after project completion shall be permitted only by amendment of this approval by the Board.

- 3.8 The proposed building and parking areas shall contain the dimensions and shall be located on that portion of the site as shown on the Plan and in accordance with applicable dimensional requirements of the By-Law, except as waived hereby. Upon completion of the project, 14 parking spaces shall be provided. All off-street parking shall comply with the requirements of Section 5.1.2 and 5.1.3 of the By-Law, as shown on the Plan, except as waived by this Decision.
- 3.9 Fourteen (14) parking spaces shall be provided on the site at all times in accordance with the Plan. All snow shall be removed from the site so that the total number and size of parking spaces are not reduced.
- 3.10 All required handicapped parking spaces shall be provided including above-grade signs at each space that include the international symbol of accessibility on a blue background with the words "Handicapped Parking Special Plate Required Unauthorized Vehicles May Be Removed At Owners Expense". The quantity & design of spaces, as well as the required signage shall comply with the M.S.B.C. 521 CMR Architectural Access Board Regulation and the Town of Needham General By-Laws, both as may be amended from time to time.
- 3.11 The sales office shall be open from no earlier than 8 AM to no later than 6 PM Monday through Saturday and shall be closed on Sunday. The property shall have gated access and shall be available to existing customers via keypad access from no earlier than 6 AM to no later than 10 PM Monday through Sunday.
- 3.12 Construction vehicles shall only use main arterials when traveling in Needham to and from the site, such as Hillside Avenue, West Street, Highland Avenue and Rosemary Street. Construction vehicles shall not utilize secondary streets for purposes of site access.
- 3.13 The maintenance of site and parking lot landscaping shall be the responsibility of the Petitioner and the site and parking lot landscaping shall be maintained in good condition.
- 3.14 All new utilities, including telephone and electrical service, shall be installed underground from the street line.
- 3.15 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit or impact fee, if applicable.
- 3.16 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit and any grants of location that are required from the utility companies.
- 3.17 The Petitioner shall secure from the Needham Department of Public Works a Water Main and Water Service Connection Permit per Town requirements.
- 3.18 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the developer cannot identify the sources of the discharges. Sealing of abandoned drainage facilities and abandonment of all utilities shall be carried out per Town requirements.
- 3.19 The Petitioner shall connect the sanitary sewer line only to known sources. All known sources that cannot be identified shall be disconnected and properly sealed.

- 3.20 The construction, operation and maintenance of any subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the Town of Needham Stormwater By-Law.
- 3.21 The Petitioner shall implement the following maintenance plans in conjunction with the project consistent with the amended O&M Plan:
- a) Parking lot sweeping - sweep once per year; in accordance with the Town of Needham NPDES Permit #MA-041237.
 - b) Catch basin cleaning - inspect and clean basins annually; in accordance with the Town of Needham NPDES Permit #MA-041237.
 - c) Oil/grit separators - inspect and clean annually of all oil and grit; in accordance with the Town of Needham NPDES Permit #MA-041237.
- 3.22 The DEP Storm Water Management Policy form shall be submitted to the Town of Needham signed and stamped and shall include construction mitigation and an operation and maintenance plan as described in the policy. Additionally, as part of NPDES requirements, the Petitioner shall comply with the Public Outreach and Public Participation & Involvement control measures. The Petitioner shall submit a letter to the Department of Public Works identifying the measures selected and dates by which the measures will be completed prior to the issuance of the building permit and shall have implemented the noted measures prior to building occupancy.
- 3.23 All solid waste shall be removed from the site. All snow shall also be removed or plowed. All snow shall be removed or plowed such that the total number and size of parking spaces are not reduced.
- 3.24 All deliveries and trash dumpster pick up shall occur only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. Loading, deliveries and trash pick-up shall be restricted to parking area of the subject site and shall not occur on the public way. The dumpster shall be screened with a wooden fence, which shall be maintained in good condition. The dumpster shall be emptied, cleaned and maintained to meet Board of Health standards. Notwithstanding the foregoing, access by existing customers via keypad access from 6 a.m. to 10 p.m. Monday through Sunday shall be allowed, as set forth in Section 1.6 of this Decision.
- 3.25 All lights shall be shielded and adjusted during the evening hours to prevent any annoyance to the neighbors as follows. The Petitioner shall adjust its parking lights during the night and early morning. Beginning between the hours of 10:00 p.m. and 10:30 p.m., the Petitioner shall shut off the parking lot lights using the lights on the building to shine down and provide basic security. Additionally, beginning between the hours of 10:00 p.m. and 10:30 p.m., the Petitioner shall shut off the interior building lights to prevent any annoyance to the neighbors.
- 3.26 In the event that any lease contract with tenants has been breached with respect to storage of hazardous materials and the Petitioner is alerted that hazardous materials have been stored, the Petitioner shall notify public safety officials immediately. A copy of the insurance policy pertaining to the facility shall not contain any written exclusions from coverage resulting from the prohibited storage of hazardous or toxic materials or any inherently dangerous or flammable substances by tenants at the facility. A copy of the insurance policy shall be submitted to the Board to determine if such a written exclusion is contained in said policy prior to building occupancy.

- 3.27 The sign at Hillside Avenue with the business name on it shall be facing traffic at it passes by, and not facing the residences across the street.
- 3.28 In constructing and operating the proposed building and parking area on the site pursuant to this approval, due diligence shall be exercised and reasonable efforts shall be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.29 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the site, shall be removed from the site.
- 3.30 All construction staging shall be on-site. No construction parking shall be on public streets. Construction parking shall be all on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Inspector.
- 3.31 All construction deliveries shall be limited to Monday through Friday between the hours of 7:00 a.m. and 4:00 p.m. The Petitioner shall, by contract and by direct field intervention, divert traffic away from the local streets surrounding the subject property to the main streets. The Petitioner shall create a contract exhibit indicating possible truck/delivery routes, which details the area where no construction vehicles will be permitted. The noted map shall be submitted to the Board for review and approval prior to the issuance of the building permit.
- 3.32 All Subcontractors/Vendors shall be contractually required to agree to the traffic condition set forth in Section 3.31 in their contract with the Petitioner to work on this project. The Petitioner shall order signage, including poster boards of the above-noted map, which will be posted on site for enforcement purposes. Weekly meetings between the Petitioner and the Subcontractors/Vendors shall emphasize this delivery requirement.
- 3.33 The following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.
 - b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site that require excavation or otherwise pose a danger to public safety.
 - c. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Hillside Avenue, Rosemary Street or the adjacent roads.
 - d. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Hillside Avenue, Rosemary Street and the adjacent roads clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.

- 3.34 No building permit shall be issued the project in pursuance of the Approval until:
- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
 - b. A construction management and staging plan shall have been submitted to the Police Chief and Building Inspector for their review and approval.
 - c. The Storm Water Management Policy form and NPDES requirements as detailed in Section 3.22 of this Decision shall have been met.
 - d. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.35 No building or structure, or portion thereof of this Project and subject to this Approval shall be occupied until:
- a. An as-built plan supplied by the engineer of record certifying that the appropriate project was built according to the approved documents has been submitted to the Board and Department of Public Works. The as-built plan shall show the building, all finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements in their true relationship to the lot lines for the project on-site and off-site. In addition, the as-built plan for the project shall show the final location, size, depth, and material of all public and private utilities on the site and their points of connection to the individual utility, and all utilities which have been abandoned for the project. In addition to the engineer of record, said plan shall be certified by a Massachusetts Registered Land Surveyor.
 - b. There shall be filed, with the Building Inspector and Board, a statement by the registered professional engineer of record certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan for the project.
 - c. There shall be filed with the Board and Building Inspector an as-built Landscaping Plan showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations for the project. Said plan shall be prepared by the landscape architect of record and shall include a certification that such improvements were completed according to the approved documents.
 - d. There shall be filed with the Board and Building Inspector a Certificate of Compliance signed by a registered architect upon completion of construction of the Project.
 - e. There shall be filed by the Petitioner a letter from the project architect certifying that the HVAC equipment serving the building for which a certificate of occupancy is being requested has been installed in accordance with the approved documents and that its operation does not exceed the maximum noise levels allowed under 310 CMR 7.10(1).

- f. The selected NPDES Public Outreach and Public Participation & Involvement control measures selected (see Section 3.22 of this Decision) shall have implemented.
 - g. The Board shall have received the insurance policy required under Section 3.23 of this Decision and determined that the exclusion described in Section 3.23 is not contained in said policy.
 - h. Notwithstanding the provisions of Section a, b, c, and f hereof, the Building Inspector may issue one or more certificates for temporary occupancy of the building or parking lots prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board a bond in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features for the Project.
- 3.36 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Board of Selectmen, Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.37 The building and parking area authorized for construction by this Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within said area until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use for the Project has been issued by the Building Inspector.
- 3.38 The Petitioner, by accepting this permit Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.39 Violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy granted hereunder as follows: In the case of violation of any conditions of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, by an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:

- 4.1 This permit applies only to the site improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of this site without further approval by the Board. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 The Special Permits granted herein shall lapse on November 20, 2020 if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to November 20, 2020. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 This Decision shall be recorded in the Norfolk District Registry of Deeds and shall not become effective until the Petitioner has delivered a certified copy of the document to the Board. In accordance with G.L. Chapter 40A, Section 11, this Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and either that no appeal has been filed or the appeal has been filed within such time is recorded in the Norfolk District Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at the risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

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

Witness our hands this 20th day of November, 2018.

NEEDHAM PLANNING BOARD

Paul S. Alpert
Paul S. Alpert, Chairperson

Martin Jacobs
Martin Jacobs, Vice-Chairperson

Jeanne S. McKnight
Jeanne S. McKnight

Ted Owens
Ted Owens

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Nov. 20 2018

On this 20 day of November, 2018, before me, the undersigned notary public, personally appeared Paul Alpert, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Alfred Muller
Notary Public

My Commission Expires: March 18, 2022

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Self Storage Group, LLC, 129 South Street, Boston, MA 02111, for property located at 540 Hillside Avenue, Needham, Massachusetts, shown on Assessor's Map No. 101 as Parcel 5, has passed,

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

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail #
Design Review Board
Building Inspector
Conservation Commission
Roy Cramer, Attorney

Board of Selectmen
Engineering
Fire Department
Police Department

Board of Health
Town Clerk
Director, PWD
Parties in Interest



**Department of Public Works
Engineering Division**
500 Dedham Avenue
Needham, MA 02492
781-455-7550
www.needhamma.gov

October 16, 2025

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Amendment Major Project Special Permit No. 2022-03
Residential Development-100 West Street

Dear Members of the Board,

The Department of Public Works met with the applicant to review the site plans. The purpose was to discuss DPW comments and to provide the applicant with information about future town projects that may impact their design. The Department of Public Works has received updated plans based on conversations from that meeting.

The updated documents submitted for review are as follows:

1. Presentation document from the Planning Board's October 7, 2025 meeting prepared by Greystar
2. Site Development Plans, prepared by Bohler Engineering, consisting of 3 revised Sheets dated 10/7/25: C-301, entitled "Site Plan"; Sheet C-401, entitled "Grading and Drainage Plan,"; Sheet C-501, entitled "Utility Plan,".

Our comments and recommendations are as follows:

Wastewater:

- For the new facility, four times the net design wastewater flow increase equates to 38,440 I/I removal anticipated from the development. This may be satisfied by either undertaking a construction project or paying a fee to the Town's I&I program at a rate of \$8.00 per gallon required to be removed. The applicant has been in conversation with the Public Works Department on this matter and is committed to undertaking projects to remove I/I, contributing funds to the program, or a combination of both. We expect that prior to a Certificate of Occupancy either the identified I/I construction has been completed or a contribution to the funds is made.

Traffic and Site Layout

- We have received commitment from the applicant's representatives to work with the DPW in the construction of a crosswalk with RRFBs (Rectangular Rapid Flashing Beacons) on Highland Avenue. This construction will be integrated into the Town's proposed corridor plan, which is currently 10% complete. We expect that the construction of the crosswalk will be completed prior to a Certificate of Occupancy.

- In discussion with the applicant's representatives, they have agreed to grant a 1-foot easement along Highland Avenue specifically for pedestrian travel, in alignment with the proposed Highland Avenue corridor plan referenced above. The current plans should be updated as a plan modification to designate the location of the easement.
- The Applicant's representatives have agreed to work with the Town on sidewalk improvements adjacent to the at the railroad grade crossing on West Street. Specifically, the Town is preparing plans to improve pedestrian safety at the railroad grade crossing in accordance with Federal Railroad Administration requirements for a future Quiet Zone. We expect that this section of sidewalk design details will be modified to be in cooperation with the DPW's future construction plans prior to issuance of a street occupancy permit.
- The Applicant's representatives have agreed to work with the Town on the street lighting in front of the proposed building on Highland Avenue that may consist of the standard existing cobra head style or decorative style lights approved by the town. We expect that the style and location will be determined prior to a building construction permit. To implement this provision a plan showing the proposed street light installation shall be provided prior to issuance of a street occupancy permit with said installation to be completed prior to the issuance of occupancy.
- The Applicant's representatives have agreed on preparing a construction management plan with details of staging, parking and traffic control measures. We expect that this plan will be submitted when the applicant seeks a Street Permit through the DPW.

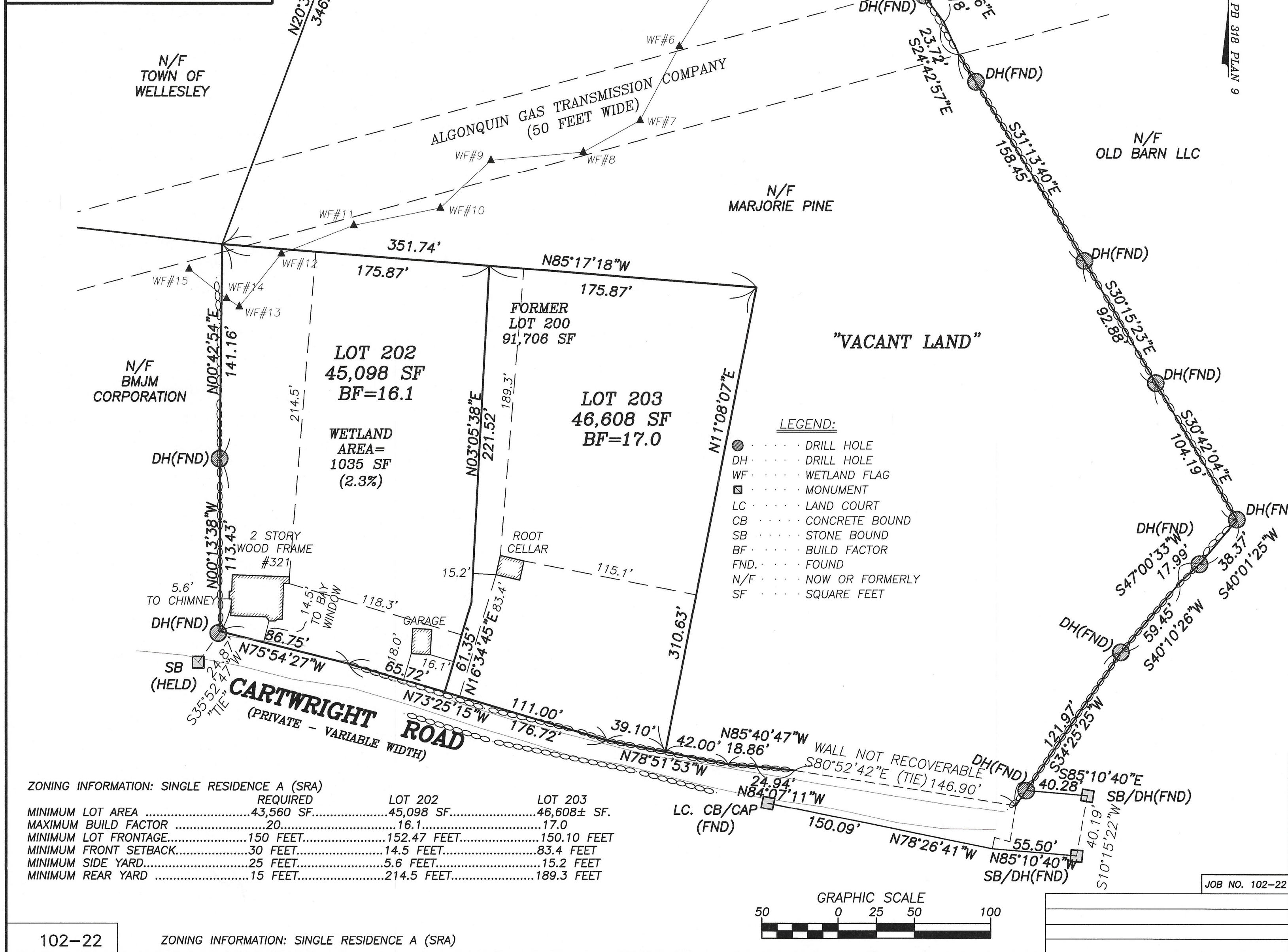
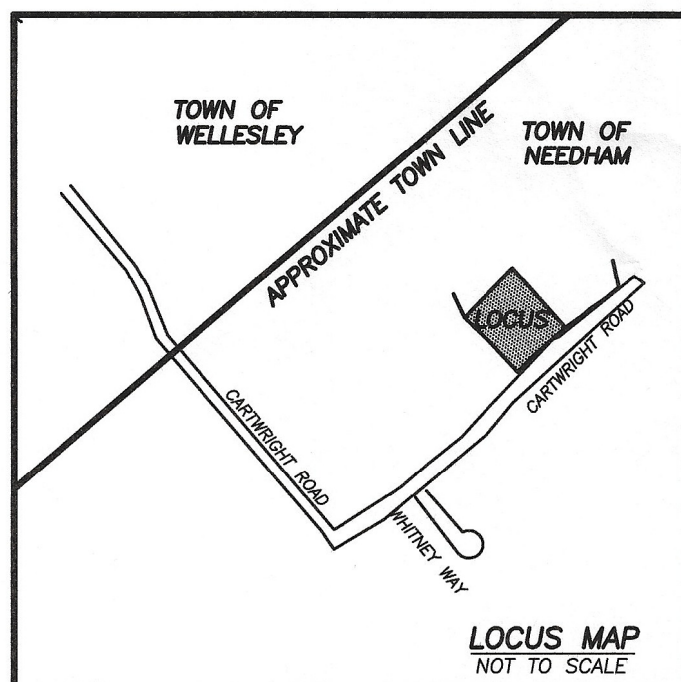
Stormwater:

- As part of the NPDES requirements, the applicant must comply with the Public Outreach & Education and Public Participation & Involvement control measures. The applicant shall submit a letter to the town identifying the measures selected and dates by which the measures will be completed in order to incorporate it into the Planning Board's decision.

If you have any questions regarding the above, please contact our office at 781-455-7550.

Truly yours,

Thomas A Ryder
Town Engineer



PB 318 PLAN 9

FOR REGISTRY USE ONLY

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
NEEDHAM PLANNING BOARD

DATE: _____

NO DETERMINATION AS TO COMPLIANCE WITH ZONING REQUIREMENTS IS MADE OR INTENDED.

THE PURPOSE OF THIS PLAN IS TO DIVIDE 321 CARTWRIGHT ROAD LOT 200 INTO LOT 202 AND LOT 203.

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

TOWN OF NEEDHAM
MAP 219 PARCEL 23

NORFOLK COUNTY
REGISTRY OF DEEDS
BOOK 41998 PAGE 97

OWNER/APPLICANT:
MARJORIE A. PINE
18 BASIN ROAD
NEWBURYPORT, MA



APPROVAL NOT REQUIRED
SUBDIVISION PLAN OF LAND
321 CARTWRIGHT ROAD
NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

SEPTEMBER 8, 2025 SCALE 1"=50'

P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com

ZONING INFORMATION: SINGLE RESIDENCE A (SRA)			
	REQUIRED	LOT 202	LOT 203
MINIMUM LOT AREA	43,560 SF	45,098 SF	46,608± SF
MAXIMUM BUILD FACTOR	20	16.1	17.0
MINIMUM LOT FRONTAGE	150 FEET	152.47 FEET	150.10 FEET
MINIMUM FRONT SETBACK	30 FEET	14.5 FEET	83.4 FEET
MINIMUM SIDE YARD	25 FEET	5.6 FEET	15.2 FEET
MINIMUM REAR YARD	15 FEET	214.5 FEET	189.3 FEET

JOB NO. 102-22

TOWN OF NEEDHAM

MASSACHUSETTS

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2025 OCT 16 PM 1:27



PLANNING BOARD

500 Dedham Avenue
Needham, MA 02492
781-455-7550

APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL

Submit three (3) copies. One copy to be filed with the Planning Board and one with the Town Clerk as required by Section 81-P, Chapter 41 of the General Laws. This application must be accompanied by the **Original Tracing** and **three (3) copies of the plan**.

To the Planning Board:

The undersigned, believing that the accompanying plan of land in the Town of Needham does not constitute a subdivision within the meaning of the Subdivision Control Law, for the reasons outlined below, herewith submits said plan for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant Marjorie Anne Pine
Address 18 Basin St, Newburyport, MA.
2. Name of Engineer or Surveyor Field Resources
Address 281 Chestnut St
3. Deed of property recorded in Norfolk Registry,
Book 41998, Page 97
4. Location and description of property (Lot 200) Cartwright Rd
Needham.
5. Reasons approval is not required (check as applicable):
 - a) Every lot shown has the area and frontage required by the Zoning By-Law on a way, as defined by Section 81-L, Chapter 41 of the General Laws.
 - b) Land designated _____ shall not be used as separate building lot(s) but only together with adjacent lots having the required area and frontage.
 - c) Lot(s) having less than required frontage or area resulted from a taking for public purpose or have been recorded prior to 3/26/1925, no land is available to make up the deficiency and the frontage and land area of such lots are not being reduced by the plan.
 - d) _____

(If the applicant is not the owner, written authorization to act as agent must be attached)

Signature of Applicant Marjorie Pine

Address 18 Basin St, Newburyport, MA 01950

By _____ (agent)

Application accepted this 14 day of Oct 20 25
as duly submitted under the rules and regulations of the Planning Board.

By Adrian

PLANNING BOARD SE NL

NEEDHAM

PLANNING BOARD AGENDA

AGENDA

Thursday, October 30, 2020 - 7:30AM

Charles Fier Room Public Service Administration Building 100 Needham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID 820-932-879 Go to the meeting click this link https://us02web.zoom.us/j/82093528479
--	--

Minutes Review and approve Minutes from September 1, 2020 meeting.

7:30 AM 6 Brook Road Advanced Football Training, LLC, Applicant, applied for a Special Permit A and all the provisions of the General Subdivision Regulations with their bylaws under Section 3.2.2 and athletic and exercise facilities and to modify the other provisions of the bylaws required for the building and the building plan and design requirements under Sections 1.1.1, 1.1.2, 1.1.3 and any other applicable sections of the Bylaws.

7:30 AM 1 Central Avenue Needham Hill and Race Club, Applicant, applied for a A and all the provisions of the Special Permit issued 11/1/2020 change the daily closing from 10:00 to 11:00 change the time of the parking hours to be from 10:30 to 11:30 and change the fee schedule of the club from October 1 to September 1 per Section 3.2.1 and any other applicable sections of the Bylaws.

7:30 AM 0 Colgate Road Patricia M. Connel, Applicant, has filed a Appeal of a Building Department decision AB dated September 4, 2020 which denied the request for determination of adequate/compliant frontage for the lot known as 0 Colgate Road. The Applicant asserts that the parcel has been re-zoned to a residential zone which satisfies the minimum requirements of the Zoning Ordinance by the Building Department 4.2.1 of the Bylaws.

Normal Matter 1101 Highland Avenue 1101 Highland Avenue A.M. requests a change in the ZBA Special Permit issued on October 1, 2020 all the sale and storage of Christmas trees and related items in the parking lot located at 1101 Highland Avenue.

Prior cases may delay the precise start time.

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
P.O. Box 70
SOUTH WEYMOUTH, MASSACHUSETTS 02190
EMAIL: george.giuntajr@needhamlaw.net
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

September 30, 2025

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Advanced Softball Training LLC
6 Brook Road, Needham, MA

Dear Ms. Collins,

Please be advised this office represents Advanced Softball Training LLC (hereinafter the Applicant and “Advanced Softball”) in connection with the proposed expansion of its softball training facility with indoor batting cages in the Mixed Use-128 Zoning District at the property known and numbered 6 Brook Road, Needham, MA (hereinafter the “Premises”). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of site plan and floor plans;
3. Seven copies of Memorandum in Support of Application of Advanced Softball Training LLC;
4. Seven copies of authorization letter; and
6. Check in the amount of \$200 for the applicable filing fee.

The Premises, which is located at the corner of Wexford Street and Brook Road, is occupied by an existing commercial building and associated parking. Pursuant to Decision of the Board dated May 15, 2025 (the “Decision”) approximately 60% of the building is currently used and occupied by Advanced Softball for indoor athletic or exercise facility purposes, in the form of a softball training operation, approximately 32% is used and occupied by Chilly Bears in connection with its apparel decorating, screen printing and embroidery business, and the balance of the building is occupied by a common hallway and bathroom facilities.

At the time of the Decision, it was contemplated that Advanced Softball might eventually expand to occupy the entire building, possibly in one to two years time. However, the situation has changed, and Chilly Bears is now about to cease operations at the Premises. As a result, Advanced Softball would like to expand its use to occupy the entire building, a bit earlier than previously anticipated.

After consultation with the Building Commissioner, the proposed softball training facility continue to fall into the indoor athletic or exercise facility use category. However, after further discussion and review, the applicable parking standard is now changed. Previously, the parking standard applicable to standard indoor athletic or exercise facilities was applied. But now, due to substantially similarities in clientele and drop-off / pick-up, the day care standard is more relevant and applicable. As a result, a waiver from the number of required parking spaces may no longer be required. However, because the off-street parking spaces in existence at the site do not comply with design requirements, a waiver from same remains necessary.

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	Advanced Softball Training LLC			Date:	9/30/25
Applicant Address	C/O Emily Sargent 88 Harnden Avenue, Watertown, MA 02472				
Phone	774-261-0559	email	emilysargent19@gmail.com		
Applicant is ☐ Owner; ☒ Tenant; ☐ Purchaser; ☐ Other_____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name	George Giunta, Jr., Esq.				
Address	P.O. Box 70, South Weymouth, MA 02190				
Phone	781-449-4520	email	george.giuntajr@needhamlaw.net		
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other_____					
Contact ☒ Me ☒ Representative in connection with this application.					

Subject Property Information

Property Address	6 Brook Road		
Map/Parcel Number	Map 74 / Parcel 30	Zone of Property	Mixed Use-128 Zoning District
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:

Existing commercial building used and operated, in part, by "Chilly Bears" for apparel decorating, screen printing, embroidery and similar activities open to the general public, and, in part, by Advanced softball Training, LLC for an indoor exercise or athletic facility in the form of a softball training facility with indoor batting cages.

Statement of Relief Sought:

1. Amendment to Special Permit dated May 15, 2025, issued to Advanced Softball Training, LLC, to permit expansion of indoor exercise or athletic facility to the entire Premises and including modification to waiver of off-street parking requirements.
2. Any and all other relief as may be necessary for the use of the entirety of the Premises as a softball training facility with indoor batting cages.

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

3.2.6.2, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable section or by-law.

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

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



ZBA Application For Hearing

Date Structure Constructed including additions:

Date Lot was created:

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

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



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

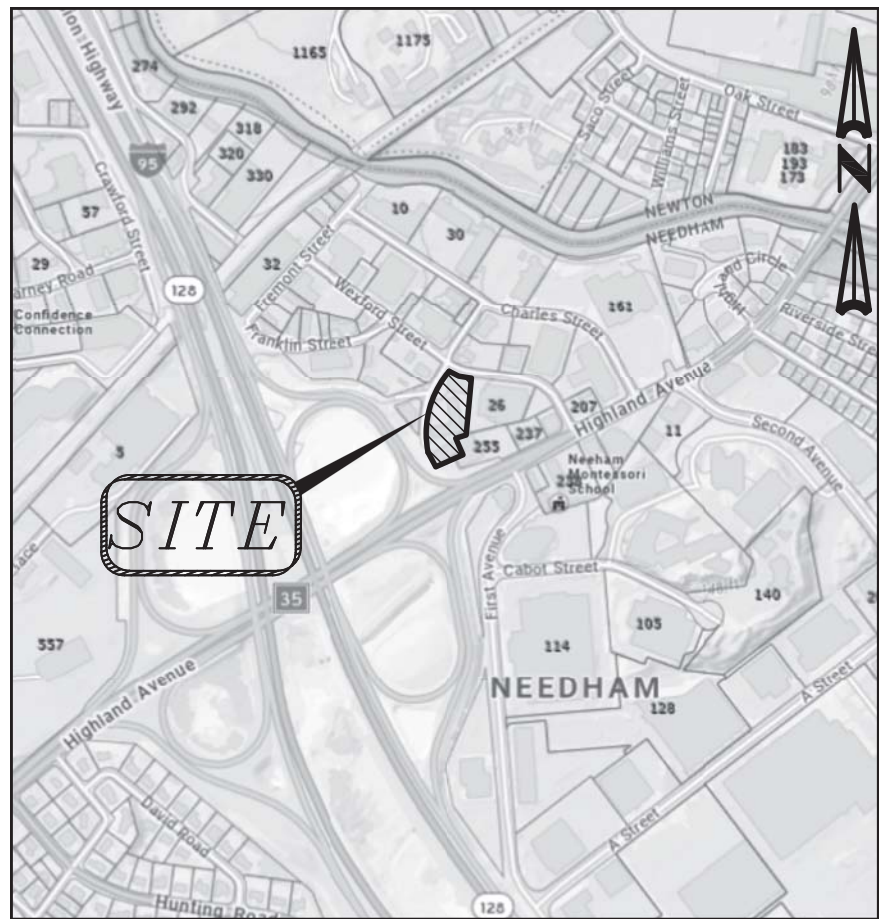
I certify that I have consulted with the Building Inspector prior to filing this application.

date of consult

Advanced Softball Training LLC

Date: September 30, 2025 Applicant Signature George Giunta Jr
by its attorney
George Giunta, Jr., Esq.

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



LOCUS MAP
(NOT TO SCALE)

WEXFORD STREET
(Public - 1896 LAYOUT)
(DEED BOOK: 3481 PAGE: 208)

ARLINGTON ROAD

WHEATON AVE.

CIRCUMFERENTIAL HIGHWAY
(STATE HIGHWAY LAYOUT (NO. 4082)
(DOCUMENT NO. 155674)

HIGHLAND AVENUE

ASSESSOR'S MAP 74
LOT 31

ASSESSOR'S MAP 74
LOT 39

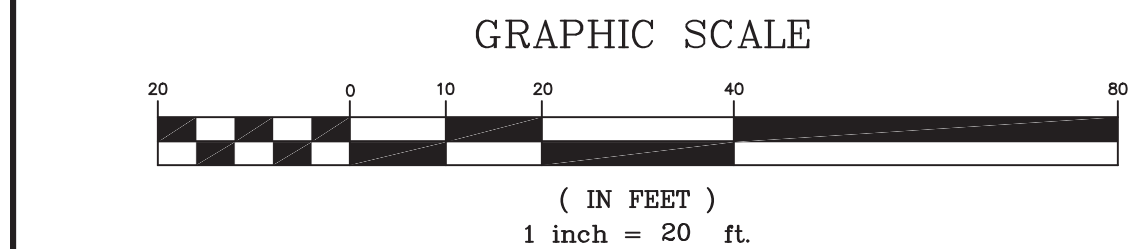
"PARCEL 2"
LOT 118 SHOWN ON PLAN
OF "FREMONT PARK"
PLAN BOOK: 18,
PLAN NO. 822
AREA = 5,513 S.F.

"PARCEL 1"
LAND SHOWN ON
LAND COURT PLAN 19945A
AREA = 40,150 S.F.

EXISTING BUILDING
UNIT #1

EXISTING BUILDING
UNIT #2

EXISTING BUILDING
UNIT #3



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THE EXTENT OF KELLY ENGINEERING GROUP'S LIABILITY FOR THIS PLAN IS LIMITED TO THE EXTENT OF ITS FEE LESS THIRD PARTY COST

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LEGEND

	HANDICAP RAMP
	CATCH BASIN
	DRAIN MANHOLE
	SEWER MANHOLE
	SEWER LINE
	GAS VALVE
	GAS LINE
	GAS METER
	HYDRANT
	WATER VALVE
	WATER LINE
	MONITORING WELL
	UTILITY POLE
	OVERHEAD ELECTRIC LINE
	ELECTRIC METER
	AIR CONDITIONER UNIT
	BOLLARD
	BOUND
	MANHOLE
	CHAIN LINK FENCE
	CONTOUR LINE (MNR)
	CONTOUR LINE (MJP)
	PROPERTY LINE
	TREE

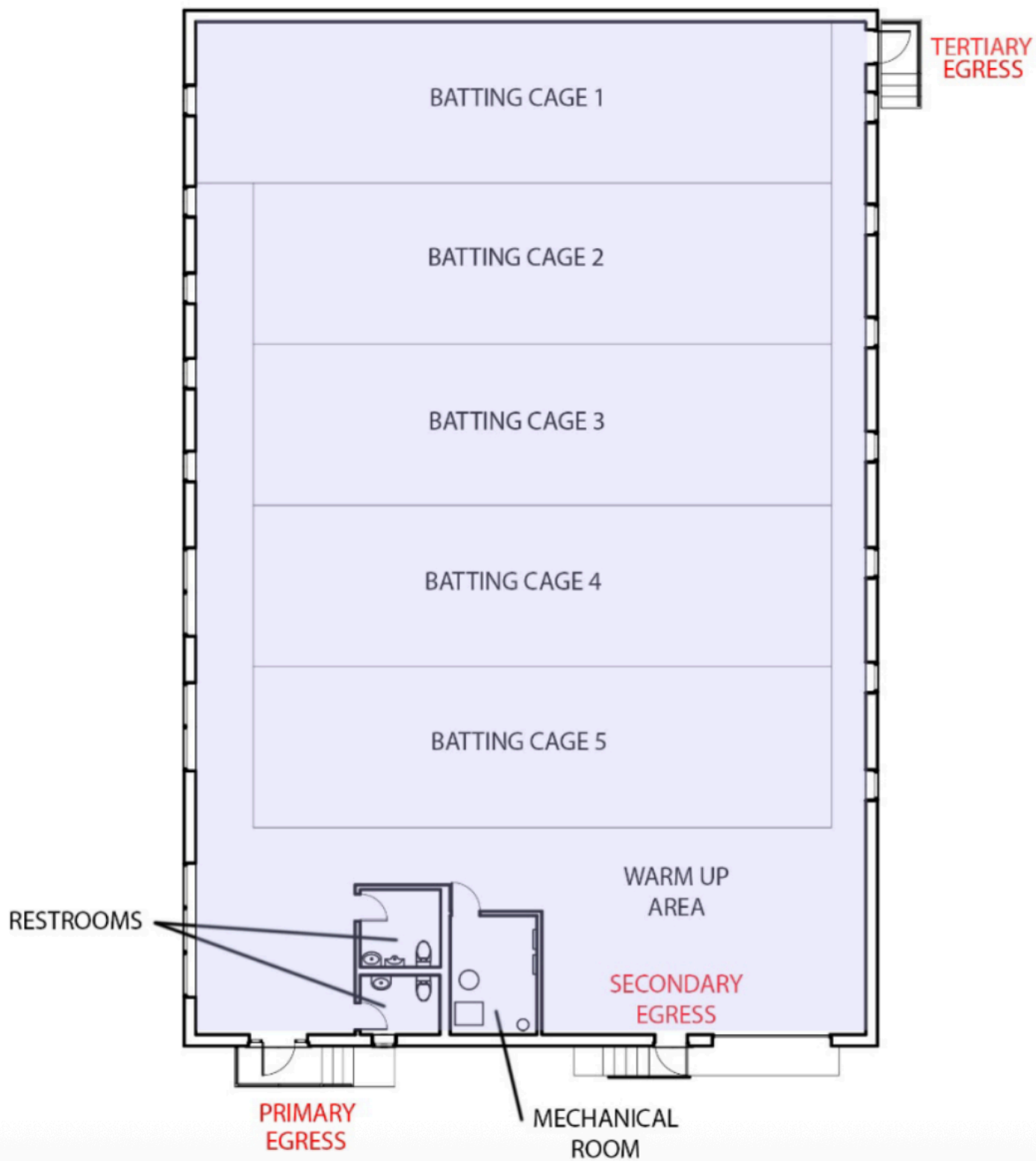
SCALE 1" = 20'				
DATE 01/21/25	REV	DATE	REVISION	BY
SHEET 1 OF 3				
FILE # EX00				
JOB # 2024-119				
DRAWN BY JPM				
CHKD BY SMH				
APPD BY SMH				
SPS SOLUTIONS 36-56 BROOK ROAD NEEDHAM, MASSACHUSETTS EXISTING CONDITIONS PLAN				
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com				



Steven
M.
Horsfall
Digitally signed
by Steven M.
Horsfall
Date: 2025.03.07
12:41:12 -05'00'

SHEET NO.

1



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

September 30, 2025

MEMORANDUM IN SUPPORT OF
APPLICATION FOR AMENDMENT
TO
SPECIAL PERMITS
Advanced Softball Training LLC
6 Brook Road, Needham, MA

The applicant, Advanced Softball Training LLC (hereinafter, interchangeably, the “Applicant” and “Advanced Softball”), seeks amendment to previously issued Special permit pursuant to Section 3.2.6.2 for an indoor athletic or exercise facility, a Special Permit pursuant to Section 5.1.1.5 waiving the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements), all as set forth in Decision of the Board dated May 15, 2025 (the “Decision”); and any and all other relief as may be necessary for the use of the entirety of the Premises for a softball training facility with indoor batting cages, as described herein.

I. EXISTING CONDITIONS / BACKGROUND

The Premises is located in the Mixed Use-128 Zoning District at the corner of Wexford Street and Brook Road and is identified on Assessor’s Map 74 as Parcel 30. It consists of a one-story commercial building containing approximately 5,577 square feet of space, as well as 17 existing parking spaces adjacent to and used in connection therewith; seven on the Brook Road side of the building and ten on the Wexford Street side. The building appears to have been built and developed and the parking laid out in 1966 pursuant to building permit no. 6705. Based on available records, it appears that the building and the existing parking surrounding the building have existed without material change since that time.

The building was used and occupied for many years by Anderson Machine Company, Inc. for warehouse and manufacturing purposes, and then, for over twenty years, by Chilly Bears, a company specializing in the production and manufacture of decorated apparel, including screen printing and embroidery. At present, approximately 60% of the building is used and occupied by Advanced Softball for its softball training operation (as authorized by the Decision), 32% is used and occupied by Chilly Bears for its apparel business, and the remainder occupied by common hallways and facilities.

The building is one of three (3) buildings within the Brook Road Condominium, a commercial condominium established pursuant to Master Deed, dated November 14, 2006, recorded with Norfolk County Registry of Deeds in Book 24268, Page 112.¹ Each building in the condominium is a separate, stand-alone structure, with its own independent access and parking.

II. PROPOSED CHANGE

A. Use

At the time of the Decision, it was contemplated that Advanced Softball might eventually expand to occupy the entire building. However, such expansion was not anticipated to occur for at least one to two years. But now, the situation has unexpectedly changed, with Chilly Bears about to cease operations at the Premises. As a result, Advanced Softball would now like to expand its use to occupy the entire building.

As part of the expansion, Advanced Softball proposes to remove nearly all the interior partition walls to create one large open space, and add two batting cages.² As before, all batting cages will feature turfed flooring and will be separated by netting that can easily be moved to open up the entire space. In connection with the proposed expansion, a small increase in both the number of clients and staff is anticipated. In particular, the maximum number of clients is will increase from the previous approved maximum of 18 to 20, and the maximum number of staff will increase from 3 to 4. As a result, total maximum number of people expected at any given time will increase from 21 to 24. Otherwise, the operation will remain substantially and materially the same as originally approved.

The business will continue to provide both one on one instruction as well as group training and lessons, including strength and conditioning. With the expansion and slight increase in the number of clients, groups will now be limited to no more than 20 participants with a maximum of 4 instructors (as opposed to 18 participants with 3 instructors previously). As before, these services will account for approximately 90% of all business. The remaining 10% will remain as open bookings / rentals of the batting cages.

¹ The other two buildings are the “L” shaped building at 50 Brook Road and the rectangular building at 56 Brook Road, both of which are further along Brook Road from Wexford Street.

² Only the walls surrounding the existing bathrooms and mechanical room will remain.

The target clientele will remain youth athletes, ranging in age from 10 to 18 years old, with the majority being between 12 and 15. And as before, most clients will be dropped off by parents and are picked up after sessions. Older clients may drive themselves, but based on experience, no more than about 20% of all attendees are old enough to drive and even then, not all of them will drive themselves. Hours of operation will remain 6 AM -10 AM and 3 PM – 9 PM on weekdays, and 8 AM – 9 PM on weekends.

B. Parking

Section 5.1.3 of the By-Law, “Required Parking”, sets forth various categories of uses and the parking demands associated therewith. There is no set category for a softball coaching facility with indoor batting cages. However, previously, the Building Commissioner determined that the Indoor Athletic or Exercise Facility or Personal Fitness Service Establishment category was most appropriate. That category requires one parking space “for each 150 square feet or fraction thereof of gross floor area and one space of each three employees to be employed or anticipated or to be employed on the largest shift”.

Applying such standard, the parking demand associated with the proposed use was previously calculated to be 24 spaces, as follows:

$3,346 \text{ square feet of space} \div 150 = 22.31 \text{ spaces} + 1 \text{ space for three employees} = 23.31, \text{ or } 24 \text{ spaces}$
(rounded up).

In addition, the continued use of the remainder of the building by Chilly Bears was calculated to require 6 spaces, calculated as follows:

$1,785 \text{ square feet of space} \div 300 = 5.95 = 6 \text{ spaces}$ (rounded up)

As a result, the total calculated parking demand for the building was previously calculated to be 31 spaces.

However, in recent consultation with the Building Commissioner to review the within application for expansion, he expressed agreement that the day care center category would be appropriate, given the substantially similar clientele and drop-off and pick-up patterns. That standard, which is set forth in the ITE technical manual, would require 63% of the total of spaces calculated based on 3.6 spaces per 1,000 square feet of gross floor area. Applying such standard to the Premises results in a parking demand of 13 total spaces, calculated as follows:

- a. $5,577 \text{ SF} \div 1,000 = 5.557 = 5.58$ rounded up
- b. $5.58 \times 3.6 = 20.08$ space required
- c. $63\% \text{ of } 20.08 = 12.65 = 13$ total spaces required (rounded up)

As mentioned above, there are currently 17 parking spaces adjacent to the building; seven on the Brook Road side and ten on the Wexford Street side. In addition, there are approximately 8 other non-exclusive parking spaces within the three building condominium that are available for general use. As a result, if the day care parking standard is utilized, there is a sufficient number of parking spaces at the Premises and a waiver from the number of spaces is not required.³

However, the existing parking spaces still do not comply with many of the design guidelines set forth at Section 5.1.3. As indicated above, it appears these spaces were created in or about 1966 when the building was constructed, well prior to the adoption of parking requirements in the 1980s. While not an exhaustive list, the spaces clearly do not comply with the requirements of subsection (a) relative to illumination, subsection (c) relative to handicapped parking, subsection (d) relative to driveway openings, subsection (h) relative to parking space layout, subsection (j) relative to parking setbacks, subsection (k) relative to landscaping, and subsection (l) relative to trees. In addition, the spaces may also fail to comply with the requirements of subsection (f) parking space size. As a result, while the Applicant is not proposing any change or alteration to the existing parking, a waiver from the applicable design guidelines is still required.

III. LAW

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

³ However, if the indoor athletic or exercise facility or personal fitness service establishment parking category were applied, the parking demand would be 40 total spaces, calculated as follows: $(5,577 \text{ square feet} \div 150 = 37.18 \text{ spaces}) + (4 \text{ employees} @ 1 \text{ space} / 2 \text{ employees} = 2 \text{ spaces}) = 39.18 \text{ spaces} = 40 \text{ spaces}$, rounded up, and a further waiver from the number of required spaces would be necessary.

Pursuant to Section 3.2.6.2 of the By-Law, the request for an amendment to the previously issued special permit for an indoor athletic or exercise facility is to be evaluated pursuant to the standards of Section 7.5.2 of the By-law. That Section requires that all use related aspects:

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

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

IV ARGUMENT / ANALYSIS

A. Use

The proposed use of the entire Premises for a softball training facility with indoor batting cages remains consistent with both the general and specific purposes of the By-Law. Provision of athletic instruction as proposed will promote the welfare and interests of the residents of the Town of Needham by enhancing and facilitating the physical development and well-being of residents within the Town. And the expansion of the use to encompass the entire building is not anticipated to have any material affect on the impact of such use.

The Premises is in a highly developed, mixed commercial and industrial area, within an existing commercial zoning district that contemplates a mixture of uses, specifically including uses such as the one proposed. Therefore, the proposed use will remain compatible with the spirit

and intent of the Zoning District as well as the characteristics of the surrounding area and the Applicant asserts that the proposed use complies with the applicable provisions of both Chapter 40A and the By-Law.

B. Parking

Advanced Softball previously anticipated a maximum of 18 clients with a maximum of 3 staff, for a total maximum occupancy of 21. Based on information provided by the owner / operator of Chilly Bears, the maximum number of staff on site at any given time was expected to be 3 people. As a result, the maximum number of people expected to be on site at any given time was 24. This was substantially less than the 31 spaces previously calculated as required. It is also the same maximum occupancy currently anticipated in connection with the proposed expansion of the softball training facility.

Furthermore, after further consideration and discussion, the Building Commissioner, it now appears that, given the characteristics of the use, the day care center parking standard is more appropriate for this particular use. Applying that standard, the total number of spaces required is 13, which is 4 less than the total number of spaces at the Premises. As a result, the Applicant asserts that there is sufficient parking available on site to accommodate the proposed expansion into the entirety of the building.

In addition, the existing 17 parking spaces, which have been in existence for over 40 years, do not comply with current design standards. Whereas no changes are proposed to the parking, Advanced Softball asserts that a waiver from the applicable design requirements contained in Section 5.1.3 is appropriate. If the parking area were forced to comply with current design requirements, due to the arrangement, location and layout of the existing building and parking, nearly all, if not all the existing parking would need to be removed.

V. CONCLUSION

The Board recently approved the use of approximately 60% of the building at the Premises as a softball training facility with indoor batting cages. The expansion of such use into the remainder of the building will not result in any material change to either the operation of such use or its impacts on the area. Only a small increase in number of clients and staff is anticipated, and the expansion will not affect operational activities in any meaningful way.

The expansion of the proposed use into the entire building, is permissible by special permit for an indoor athletic or exercise facility. Moreover, based on a reevaluation of parking, there is sufficient parking available on site to support the proposed expansion. However, the spaces will remain noncompliant with respect to design requirements, and therefore a parking waiver will still be required. Based on all the foregoing, Advanced Softball asserts that the requested zoning relief for the proposed expansion is both proper and appropriate and should be granted.

Respectfully submitted,
Advanced Softball LLC
by its attorney,



George Giunta, Jr., Esquire
P.O. Box 70
South Weymouth, MA 02190
781-449-4520

L & T, LLC
52 Brook Road
Needham, MA 02494

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: 6 Brook Road, Needham, MA
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that L & T, LLC, owner of the commercial property known and numbered 6 Brook Road, Needham, MA (the "Premises"), has authorized Emily Sargent, acting on her own or through her attorney, George Giunta, Jr., Esquire, to make application for special permits and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the use of the said Premises for an indoor athletic or exercise facility. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive any and all necessary documentation related thereto, including, without limitation, Application for Hearing.

Sincerely,

L & T, LLC

A handwritten signature in black ink, appearing to be 'E. Pidcock', written over the printed name of Edward P. Pidcock.

By Edward P. Pidcock
Manager



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	Patricia M. Campbell		Date:	10/2/20
Applicant Address	44 Cape Road Needham, MA 02462			
Phone	617-211-1100	email	slirced@mail.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	Peter J. Gino, Esq Gelerman and Cabral LLC			
Address	30 Walpole Street, Norwood, MA 02062			
Phone	781-769-6900	email	pino@gelermancabral.com	
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____				
Contact ☐ Me ☒ Representative in connection with this application.				

Subject Property Information

Property Address	0 Cape Road		
Map/Parcel Number	1000002200000	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			



Please see added attached.

Please see added attached.

Table 4.2.3

	Existing Conditions	Proposed Conditions
Use	Office	Office
# Dwelling Units	N/A	1
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Front Setback (feet)	N/A	5
Rear Setback (feet)	N/A	5
Left Setback (feet)	N/A	5
Right Setback (feet)	N/A	5
Frontage (feet)	100	100
Lot Coverage (%)	N/A	5
FAR (Floor area divided by the lot area)	N/A	5
Numbers must match those on the certified plot plan and supporting materials		



ZBA Application For Hearing

Date Structure Constructed including additions:

aca d

Date Lot was created:

ri r 1 4

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 September 4, 202
date of consult

Date: 10/2/202 Applicant Signature /s/ e r . i , 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 Building Permit Application 0 Colgate Road

Existing Conditions:

0 Colgate Road is shown as Lot 14 (“Lot 14”) on Plan 1271 of 1954, recorded with the Norfolk County Registry of Deeds (the “Registry”) as an ANR Plan (“1954 Plan”). A current Existing Conditions Plan of Land showing Lot 14 is attached as **Exhibit A**. The 1954 Plan, showing Colgate Road as “Old Cart Road” is attached as **Exhibit B**. Prior to the 1954 Plan, in 1947, the Town of Needham approved a partial layout of “Washington Avenue”, the full length of which later became Old Cart Road and then Colgate Road.

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 of area, and thus also satisfies the minimum lot size requirement of 10,000 square feet for the Residence B District. **See Exhibit A**. As a result, Lot 14 satisfies all zoning requirements for construction of a single-family detached dwelling.

Pertinent Bylaw Definitions:

By the herein request, the Applicant requests a formal determination relative to the buildability of Lot 14. Addressing Lot’s 14 frontage to meet the minimum requirements of the Zoning Bylaws, under the Bylaws, “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.

The Applicant encloses herewith as **Exhibit C** a title examination of Lot 14, the surrounding ways, and 66 Colgate Road.

Establishment of Washington Avenue/Old Cart Road/Colgate Road

Prior to the endorsement of the 1954 Plan, in 1947, the Town of Needham approved a partial layout of “Washington Avenue”, which later became Old Cart Road, and then Colgate Road. Plan 32 of 1947 (the “1947 Plan”) is attached hereto as **Exhibit D**.

As noted above, the 1954 Plan, endorsed by the Needham Planning Board as “Approval Not Required” under the Subdivision Control Law, shows a 10,000 sq.ft. ± lot fronting on a way known at that time as Old Cart Road. **See Exhibit B and Exhibit C, at p. 46.** Clearly noted on the 1954 Plan is the following notation “MID CURVE INTERSECTION OF WASHINGTON AVE & FREDERICK PARK”. Frederick Park intersected Washington Avenue on the 1947 Plan.

The 1954 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 is a paper street shown on the 1954 Plan.

Today, the portion of Colgate Road that fronts Lot 14 is no longer a paper street, it having been improved no later than construction of a dwelling at 66 Colgate Road in approximately 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 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 Plan. Further research finds that, in connection with a certain recorded Covenant, described below, a subdivision plan of land entitled “Definitive 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 included in **Exhibit C, at p. 20**. The 1974 Subdivision Plan was submitted and approved 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. As evidence of the continued recognition of Colgate Road (f/k/a Old Cart Road and Washington Avenue) as a private way, the following notation appears clearly on the 1974 Subdivision Plan: “MID CURVE INTERSECTION OF WASHINGTON AVE & FREDERICK PARK”. Frederick Park intersected Washington Avenue on the 1947 Plan.

At the time the 1954 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, gained Town approval of its 1975 Subdivision Plan, in part, by executing 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, together, serve 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.)

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**.

Pursuant to the Covenant, which is binding upon the Dawsons, their successors, and the Town, there is a clear understanding that Lot A2 would remain a way 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 the owner of Lot 14 – which abuts Lot A2 – is an express 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.

To the extent that the owners of 66 Colgate Road claim that they and/or their predecessors extinguished that portion of the private way by adverse possession or prescriptive easement, such use must be “irreconcilable with its use as a way.” Brennan v. DeCosta, 24 Mass.App.Ct. 968 (1987). Here, the actual use is fully consistent with that of a way. If the same owners raise the issue of the expiration of restrictions on land after the passage of 30 years as contained in G.L. c.184, §23, i.e., the 1975 Covenant, it is well settled that the 30-year limit does not apply here. This is because the restrictions on the Covenant were not “created by deed, other instrument, or a will”, but rather by a “land use restriction[] imposed as a condition to the discretionary grants of regulatory approval under the police power.”. See Samuelson v. Planning Bd. of Orleans, 86 Mass.App.Ct. 901, 902 (2014). In any event, the way existed before the 1975 Covenant and therefore the interpretation of the Covenant is not dispositive as to the creation of the way.

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:

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.”

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.

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 through the layout of Washington Avenue via the 1947 Plan and Old Cart Way via the 1954 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 on a way are also further confirmed under the Covenant.

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).

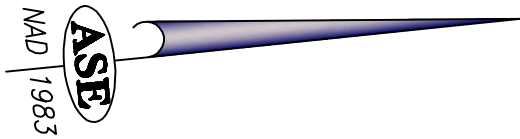
Moreover, in Carmel v. Baillargeon, 21 Mass. App. Ct. 426 (1986), the court recognized that abutters of a private way are entitled to use it for all purposes for which a public way may be used, reinforcing the rights of abutting landowners to utilize the private way. Here, Lot 14 was conveyed by deed from William H. Carter to Jennie Little in 1954. See **Exhibit C, at p. 48**. The deed references the 1954 Plan. In fact, it was William H. Carter who was responsible for the creation of the 1954 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 Building Commissioner 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**
- IP IRON PIN
 - EOP EDGE OF PAVEMENT
 - x194.8 SPOT ELEVATION
 - UTILITY POLE
 - OHW— OVERHEAD WIRES
 - ⊙SMH SEWER MANHOLE
 - ⊙DMH DRAIN MANHOLE
 - ▣CB CATCH BASIN

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 1-888-344-7233 SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION.
- HORIZONTAL LOCATIONS SHOWN ON THIS PLAN REFERENCE THE NORTH AMERICAN DATUM OF 1983 (NAD 83). ELEVATIONS REFERENCE THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
- LOCATIONS OF HOUSES WITHIN ONE HUNDRED FEET OF LOCUS PROPERTY HAVE BEEN TAKEN FROM THE TOWN OF NEEDHAM ONLINE WEBGIS INTERACTIVE MAP (<https://needham.maps.arcgis.com>) AND ARE SHOWN GRAPHICALLY.
- WASHINGTON AVENUE AND FEDERICK PARK SHOWN ON THIS PLAN REFERENCE PLAN NUMBER 32 OF 1947. OLD CART ROAD REFERENCES PLAN 1271 OF 1954 (SEE PLAN REFERENCES).

REFERENCES

DEED REFERENCE: NORFOLK COUNTY REGISTRY OF DEEDS
BOOK 5303, PAGE 675

PLAN REFERENCES: PLAN ENTITLED "PLAN OF LAND IN NEEDHAM - MASS", PREPARED BY GEORGE N. GIUNTA, P.L.S., DATED NOVEMBER 4, 1984, PLAN NUMBER 1498 OF 1984, PLAN BOOK 6561, PAGE 352

PLAN ENTITLED "TOWN OF NEEDHAM, MASS. DEPT. OF PUBLIC WORKS TEMPORARY EASEMENTS TO BE ACQUIRED AT COLGATE ROAD IN NEEDHAM, MASS.", PREPARED BY JOHN D. MARR, JR., TOWN ENGINEER, DATED JUNE 1975, PLAN NUMBER 650 OF 1975, PLAN BOOK 5163, 528

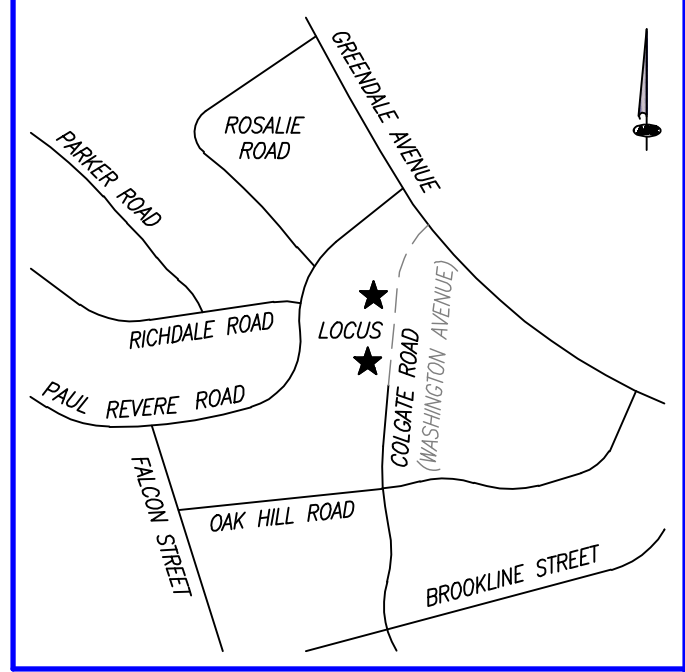
PLAN ENTITLED "DEFINITIVE PLAN OF THE SUBDIVISION OF LAND IN THE TOWN OF NEEDHAM SITUATED OFF OAK HILL RD.", PREPARED BY CHENEY ENGINEERING CO., INC., DATED JULY 11, 1974, PLAN NUMBER 144 OF 1975, PLAN BOOK 248

PLAN ENTITLED "LAND IN NEEDHAM, MASS.", PREPARED BY FRANK L. CHENEY, CIVIL ENGINEER, REVISED MAY 7, 1952, PLAN NUMBER 1271 OF 1954, PLAN BOOK 190

PLAN ENTITLED "PLAN OF LAND IN NEEDHAM - MASS", PREPARED BY ROLAND UHLIN, CIVIL ENGINEER, DATED MAY 6, 1948, PLAN NUMBER 400 OF 1948, PLAN BOOK 2755, PAGE 140

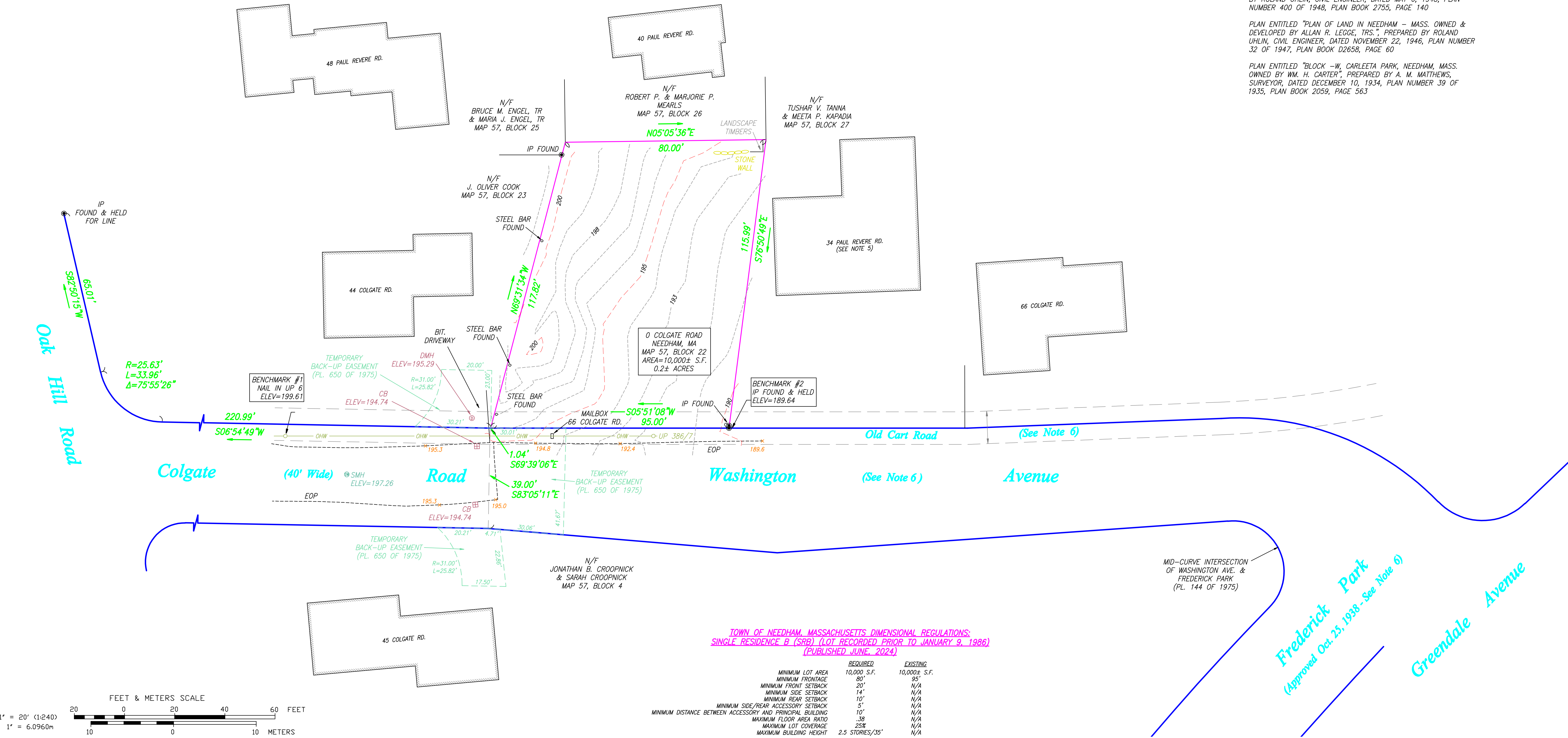
PLAN ENTITLED "PLAN OF LAND IN NEEDHAM - MASS. OWNED & DEVELOPED BY ALLAN R. LEGGE, TRS.", PREPARED BY ROLAND UHLIN, CIVIL ENGINEER, DATED NOVEMBER 22, 1946, PLAN NUMBER 32 OF 1947, PLAN BOOK D2658, PAGE 60

PLAN ENTITLED "BLOCK -W, CARLEETA PARK, NEEDHAM, MASS. OWNED BY WM. H. CARTER", PREPARED BY A. M. MATTHEWS, SURVEYOR, DATED DECEMBER 10, 1934, PLAN NUMBER 39 OF 1935, PLAN BOOK 2059, PAGE 563



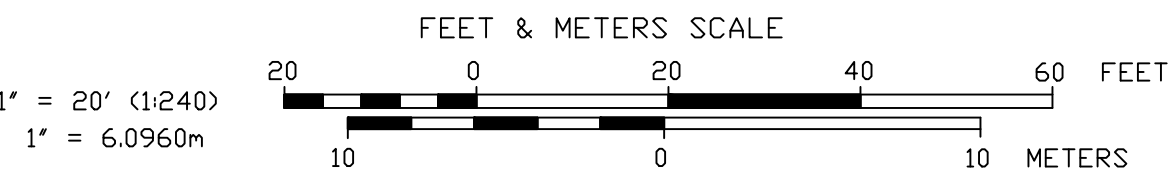
LOCUS MAP

SCALE: 1" = 500'



TOWN OF NEEDHAM, MASSACHUSETTS DIMENSIONAL REGULATIONS:
SINGLE RESIDENCE B (SRB) (LOT RECORDED PRIOR TO JANUARY 9, 1986)
(PUBLISHED JUNE, 2024)

	REQUIRED	EXISTING
MINIMUM LOT AREA	10,000 S.F.	10,000± S.F.
MINIMUM FRONTAGE	80'	95'
MINIMUM FRONT SETBACK	20'	N/A
MINIMUM SIDE SETBACK	14'	N/A
MINIMUM REAR SETBACK	10'	N/A
MINIMUM SIDE/REAR ACCESSORY SETBACK	5'	N/A
MINIMUM DISTANCE BETWEEN ACCESSORY AND PRINCIPAL BUILDING	10'	N/A
MAXIMUM FLOOR AREA RATIO	38	N/A
MAXIMUM LOT COVERAGE	25%	N/A
MAXIMUM BUILDING HEIGHT	2.5 STOREY/35'	N/A



ZONING DESIGNATION:

TOWN OF NEEDHAM ZONING DISTRICT
SINGLE RESIDENCE B (SRB)

ASSESSOR'S REFERENCE:

MAP 57, BLOCK 22

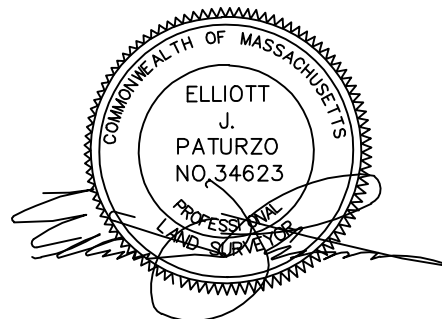
I CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON THE GROUND ON MARCH 26, 2025, AND THE LATEST PLANS AND DEEDS OF RECORD.

I CERTIFY THAT THE SUBJECT DWELLING SHOWN LIES IN A FLOOD ZONE "X" SHOWN ON MAP NUMBER 25021C0037E, HAVING AN EFFECTIVE DATE OF JULY 17, 2012.

REVISIONS

DATE	DESCRIPTION

FIELD: DMD
CALCS: EJP/SMI
DRAWN BY: SMI
FIELD EDIT: N/A
CHECKED: EJP
APPROVED:
JOB #: 2511118



4/8/25

PROFESSIONAL LAND SURVEYOR DATE

A.S. Elliott & Associates

Professional Land Surveyors

P.O. BOX 85 ~ HOPEDALE, MA 01747

(508) 634-0256

www.aselliott.com

**Existing Conditions
Plan of Land**

0 COLGATE ROAD

NEEDHAM, MASSACHUSETTS

PREPARED FOR: BRIAN CONNOLLY

SCALE: 1"= 20' DATE: MARCH 26, 2025

EXHIBIT B

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EXHIBIT C

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:

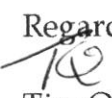
We have run title on this property from September 10, 1954 to date.

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

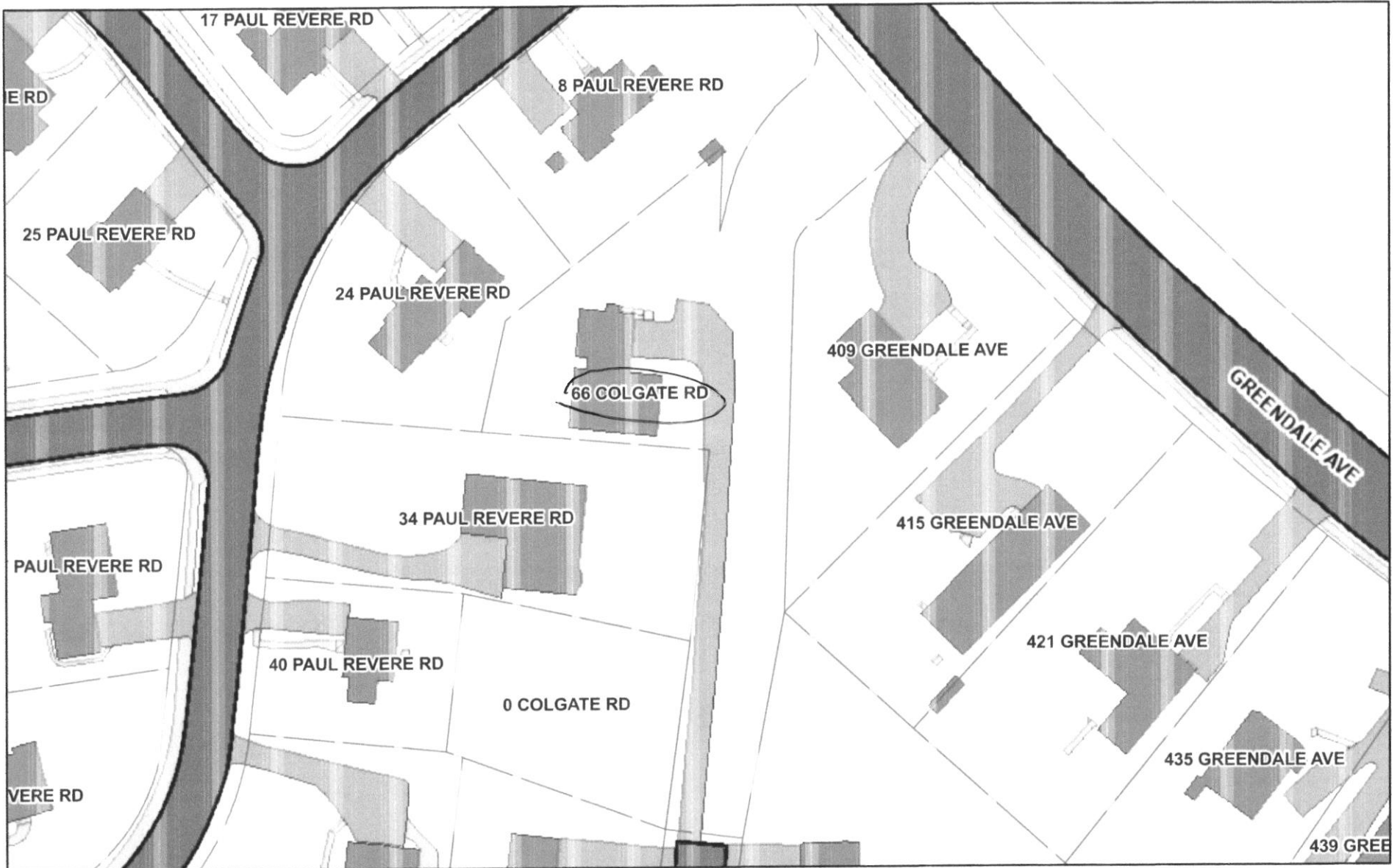
Deed Book/Page7876/204

Land

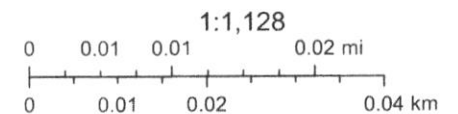
Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Market Value	Assessed Value
1	S-SQUARE FOOT	P-PRIMARY	101-SINGLE FAMILY RESIDENCE	10,000	.23	N						55		551,800
2	A-ACREAGE	R-RESIDUAL	101-SINGLE FAMILY RESIDENCE	19,036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



Received Dec. 13, 1984
With — — — — —

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

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.

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



PLAN OF LAND
IN
NEEDHAM—MASS

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

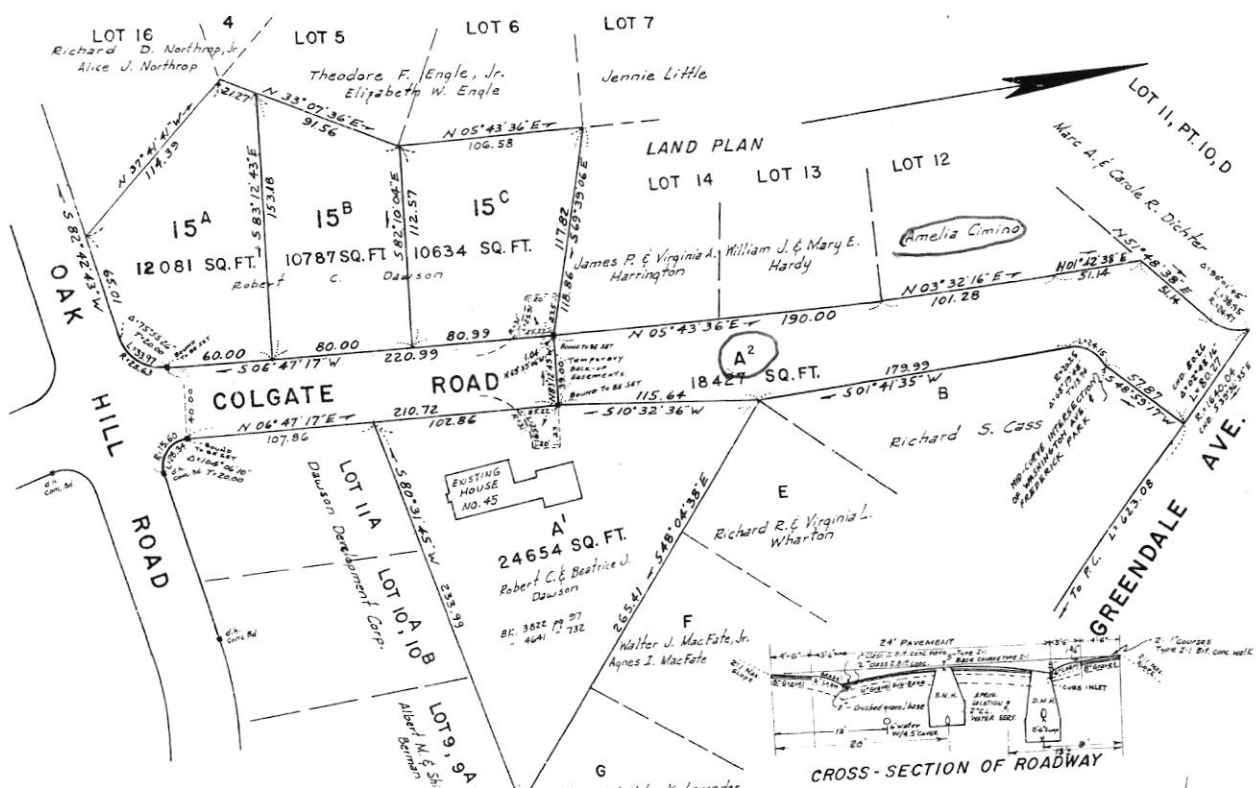
Note: See Plan by Frank L. Cheney dated April 1952 in Plan Book 170 Plan 1271 and plan by Roland Uhlir dated Nov. 22, 1946 Book 2658 Page 60



GREENDALE

AVE.

PB 248
H 144

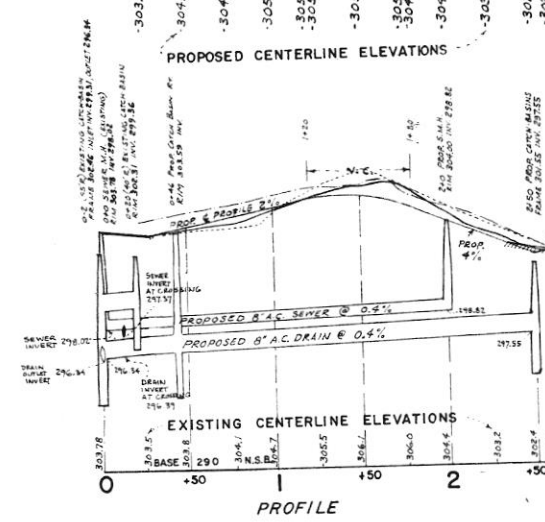
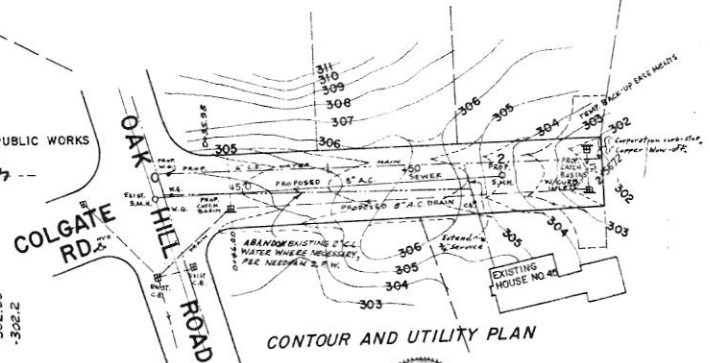


APPROVED IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41A OF THE GENERAL LAWS, AS AMENDED, 11/12/74 AND ENDORSED.

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 Cvnt.
 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.

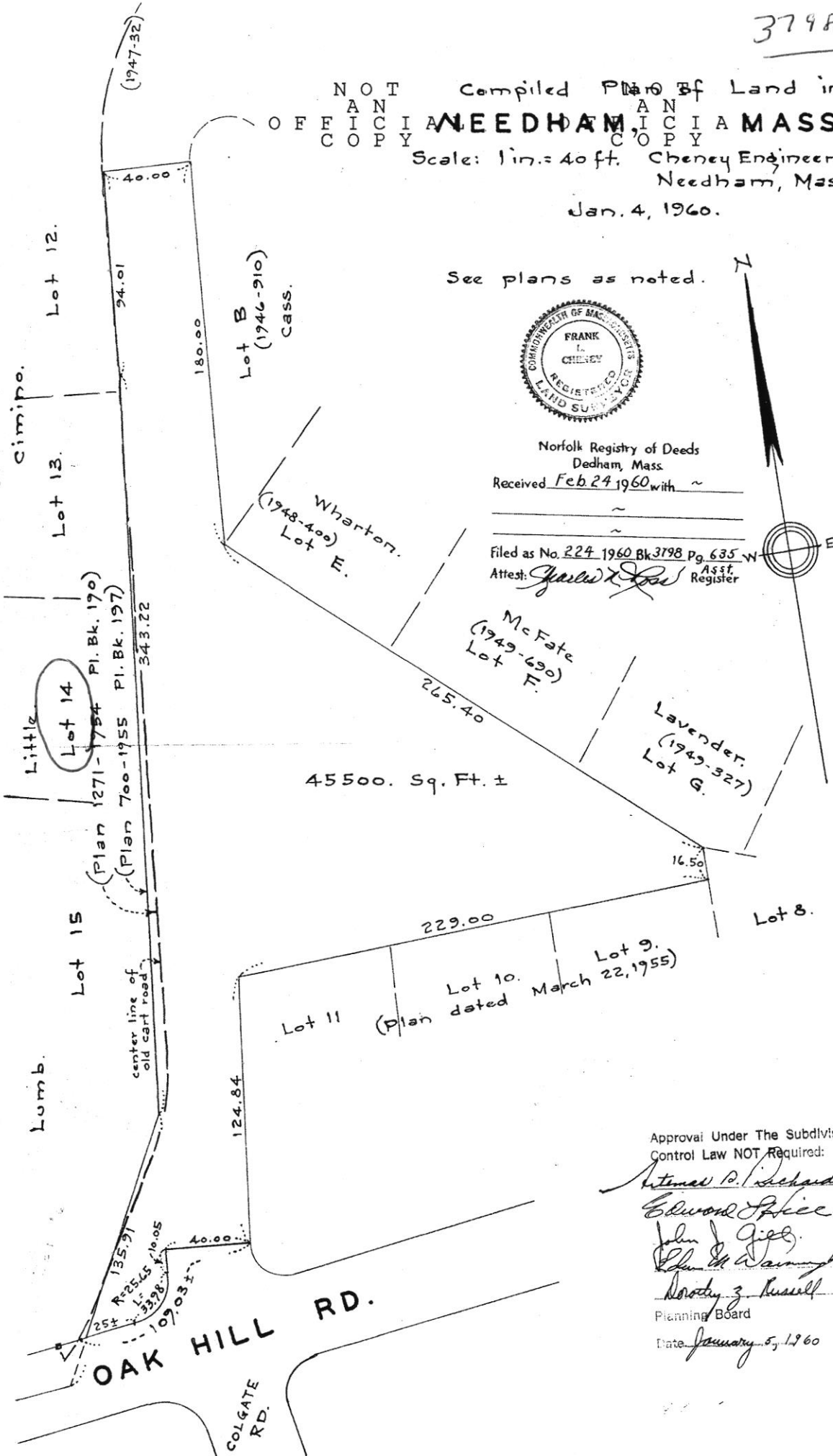
Jan. 4, 1960.

See plans as noted.



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

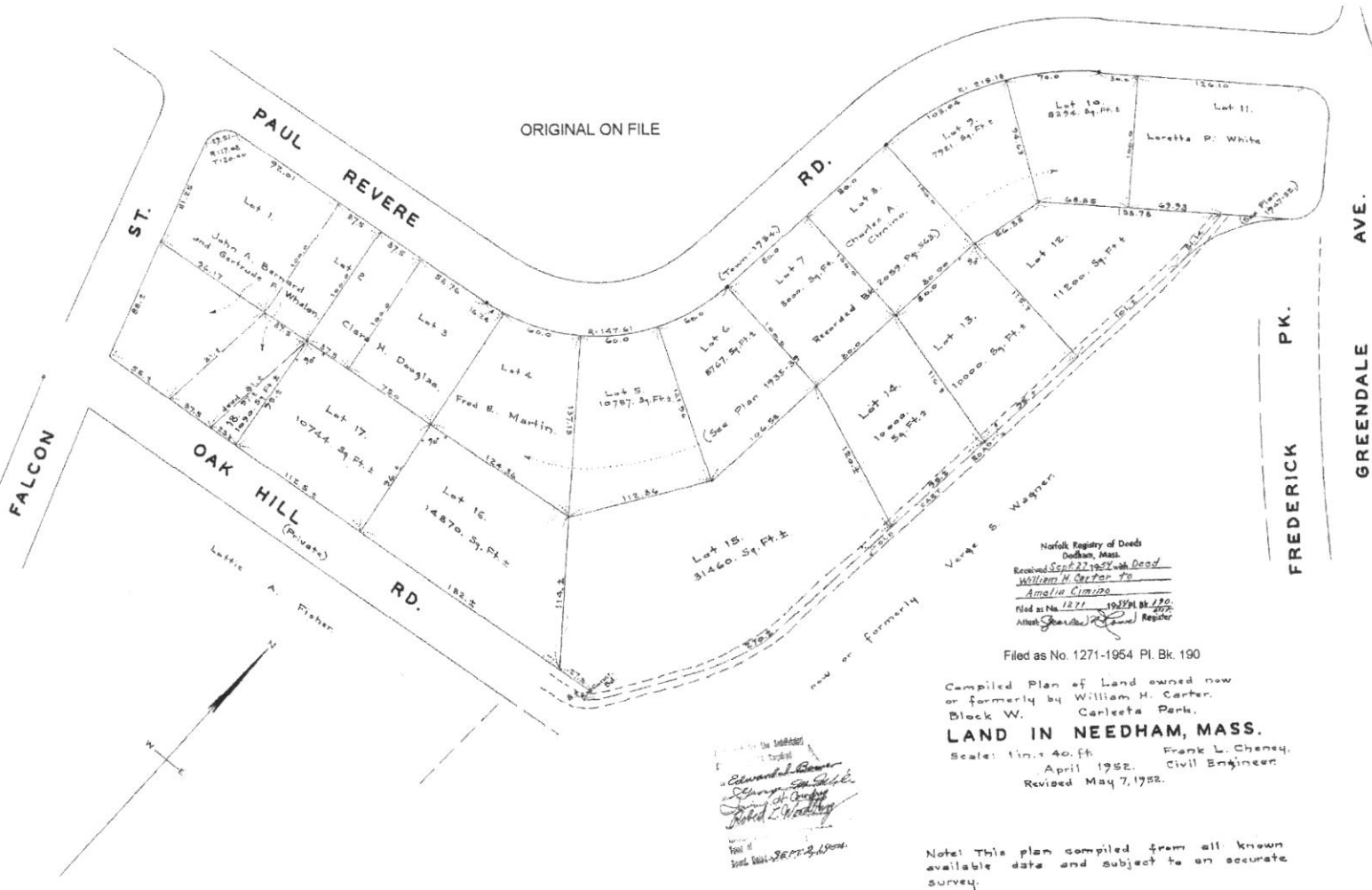
Filed as No. 224 1960 Bk 3798 Pg. 635
Attest: *Frank L. Cheney* Ass't. Register



Approval Under The Subdivision
Control Law NOT Required:

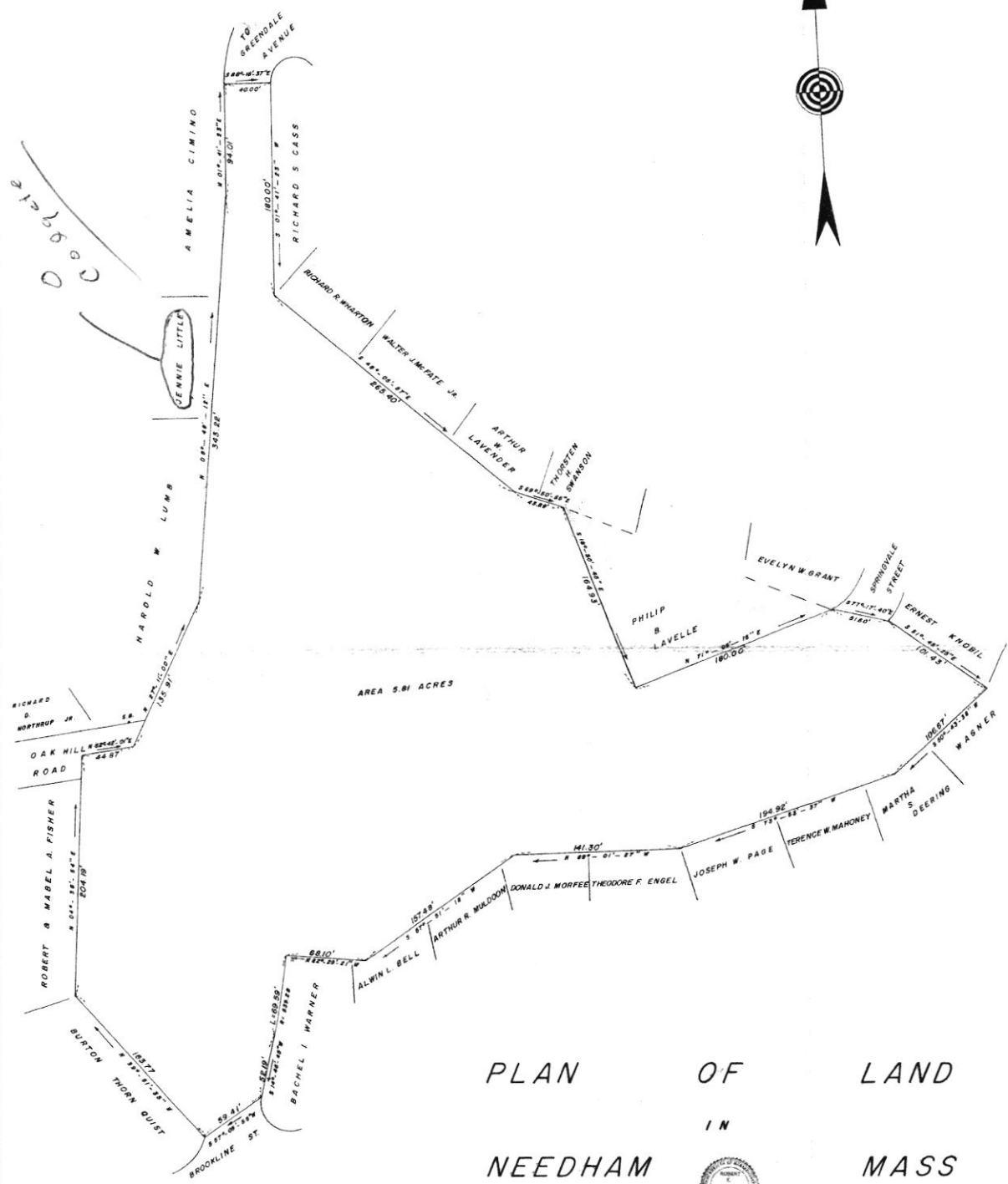
Antonia P. Richardson
Edward Price
John J. Giff
Edmund W. Wainwright
Norman J. Russell
Planning Board
Date: January 5, 1960

PB 190
1271



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

SUB-DIVISION OF LAND

NEEDHAM,

MASS.

SCALE: 1" = 40'

MARCH 22, 1933

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

APPROVED BY
TOWN ENGINEER

APPROVED BY: MAY 31, 1933
NEEDHAM PLANNING BOARD

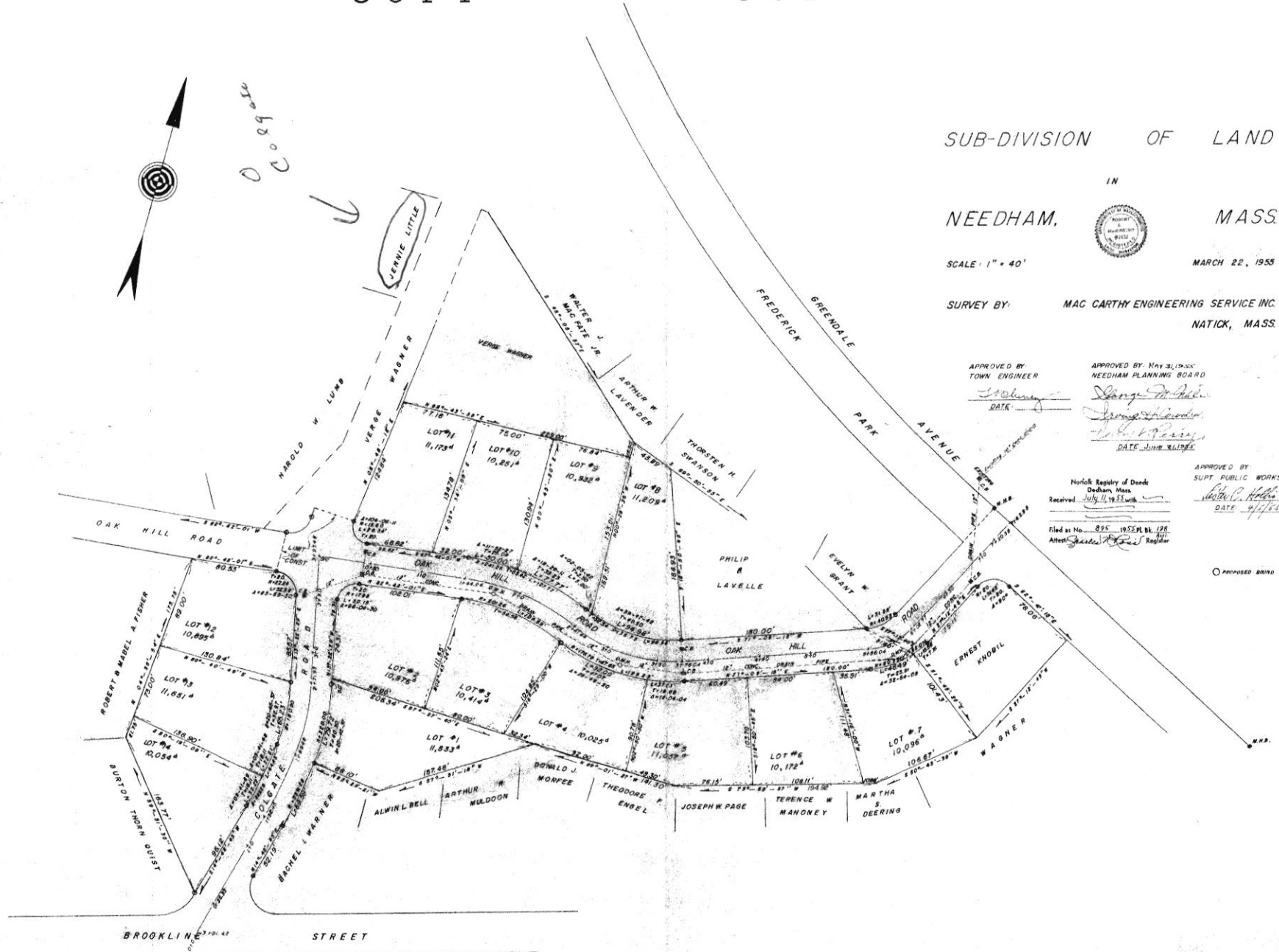
DATE

DATE: JUNE 21, 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: *[Signature]* Registrar

PROPOSED BRIDGE



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

Norfolk County

Registry of Deeds,

Book 3372

Page 596

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;

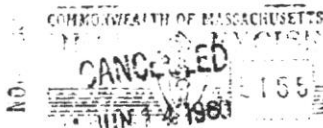
3822

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

DAWSON 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

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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
SUB-TOTAL \$13,907.00	
15% price escalation	2,386.00
TOTAL \$18,293.00	

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,

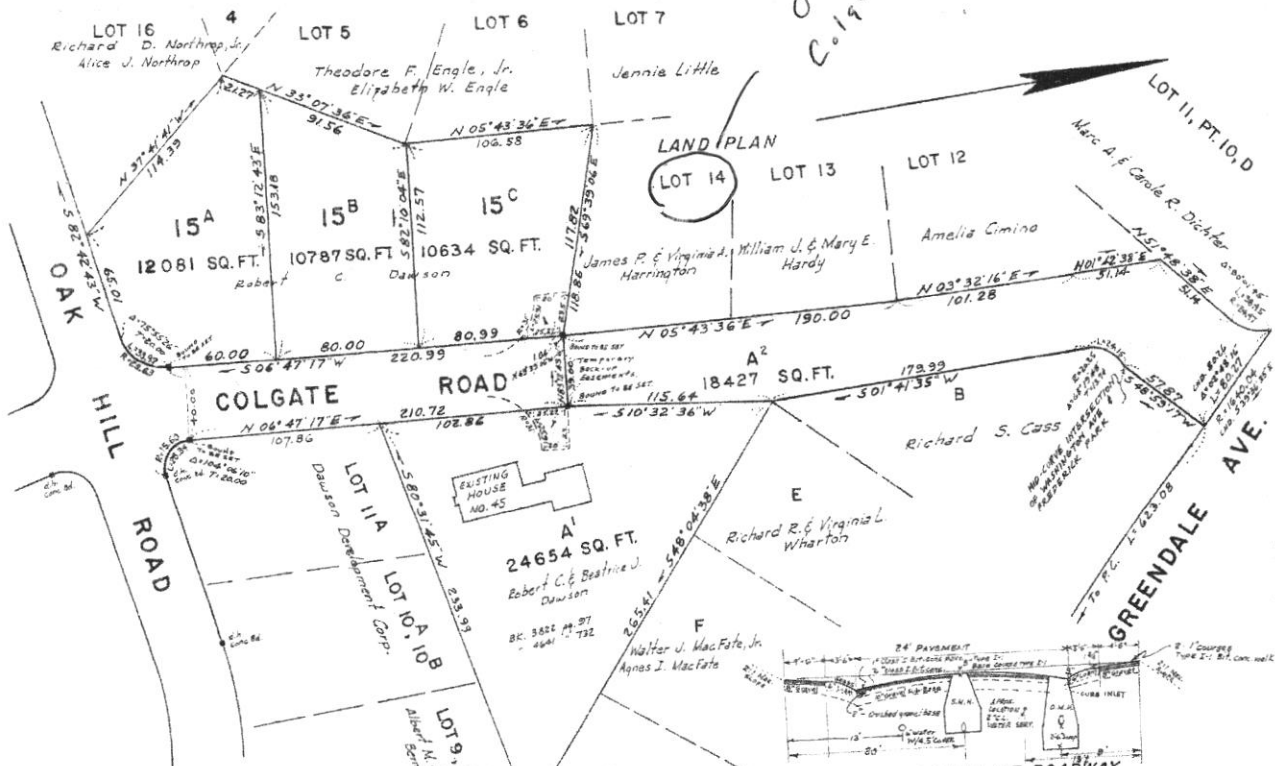
Richard H. Jensen
Notary Public My Comm Exp
Richard H. Jensen MAY 27, 1977

Approved as to form:

William A. Cross
Town Counsel

-6-

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



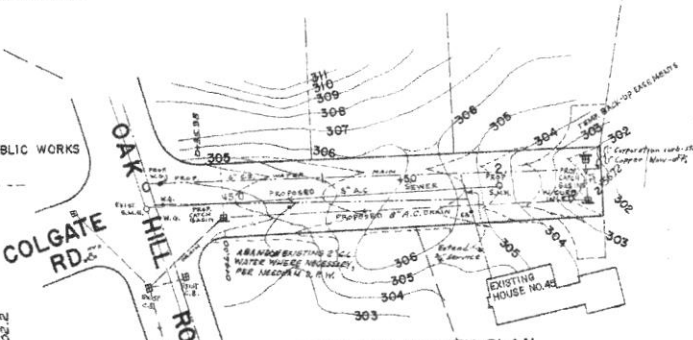
APPROVED IN ACCORDANCE WITH SECTION 81-U OF CHAPTER 41A OF THE GENERAL LAWS, AS AMENDED (11/11/75) BY THE TOWN ENGINEER.

APPROVED 3-11-75 NEEDHAM PLANNING BOARD
[Signature]
[Signature]
[Signature]

APPROVED JAN 30 1975 Supt. of Public Works
[Signature]

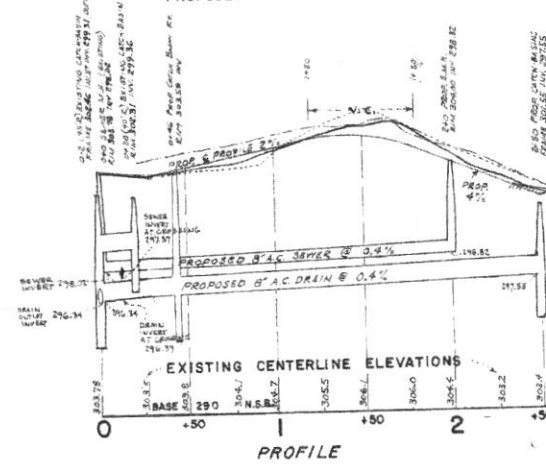
APPROVED 3-31-75 TOWN ENGINEER
[Signature]

CROSS-SECTION OF ROADWAY



CONTOUR AND UTILITY PLAN

PROPOSED CENTERLINE ELEVATIONS



PROFILE

Noted by Clerk of Board
 March 27, 1975 with Cmnt.
 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.

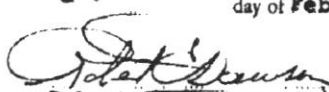
This conveyance is subject to easement as shown on said plan and to a taking by the Town of Needham for right to maintain drains in Oak Hill Road and Falcon Street, filed with Norfolk Deeds in Book 4496, Page 608.

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 - ~~RECEIVED~~

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.

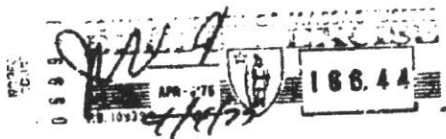
This conveyance is subject to a reservation to Robert C. Dawson, his heirs or transferees, from Colgate Road and Lot A2 as shown on said plan, a twenty (20) foot wide temporary construction easement to enter said Lot A1 for the purpose of construction of said Colgate Road, the temporary turn-around therein, 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. Rhoads
JOHN O. RHOADS 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

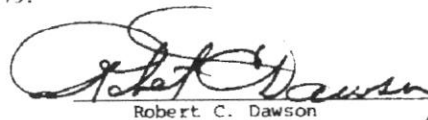
530

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.

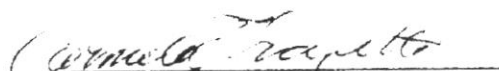
IN WITNESS WHEREOF, I, the said ROBERT C. DAWSON hereunto set my hand and seal this 23rd day of July, 1975.


Robert C. Dawson

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss

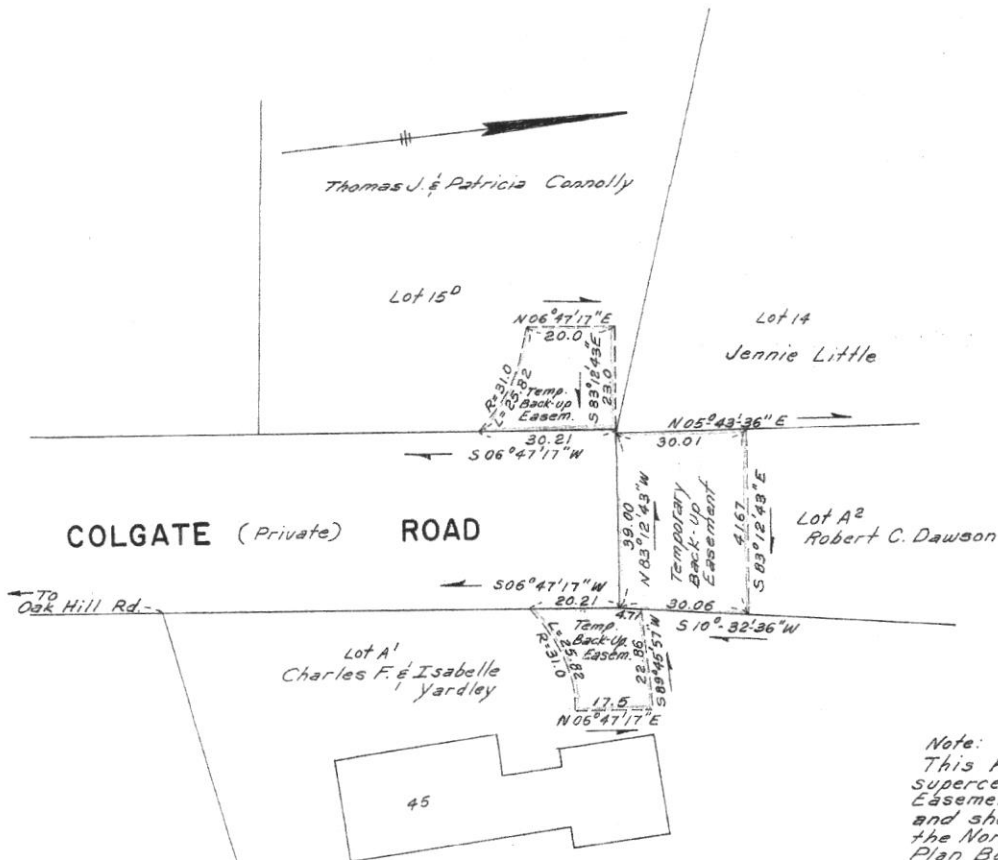
Then personally appeared the above-named ROBERT C. DAWSON and acknowledged the foregoing to be his free act and deed before me.


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.



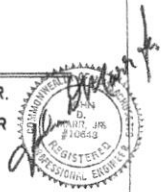
Note:
This Plan is to relocate and
supercede the Temporary Turnaround
Easement previously established
and shown on Plan recorded in
the Norfolk County Registry of Deeds
Plan Book #248 and filed as Plan
Number 144 of 1975, March 27, 1975.

TOWN OF NEEDHAM, MASS.
DEPT. OF PUBLIC WORKS

Temporary Easements to be Acquired at
COLGATE ROAD
in **NEEDHAM, MASS.**

SCALE: 1 in = 20 ft.
JUNE, 1975

JOHN D. MARR, JR.
TOWN ENGINEER



DIR. OF PUBLIC WORKS

a det a mac luen

PLANNING BOARD:

[Signatures of Planning Board members]

APPROVED *[Signature]* 9, 1975

Norfolk Registry of Deeds
NEEDHAM, MASS.
Received Sept. 27, 1975 with Grnt.
Charles F. Yardley & lto
Town of Needham
Filed as No. 650 1975 5163 528
Attest *[Signature]* Register

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.

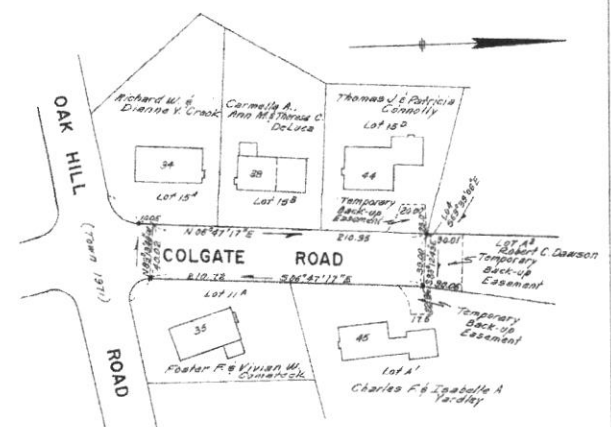
UNANIMOUS VOTE

A true copy. Attest:



Rose O. Mearns
 Town Clerk of Needham.

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



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.
March 31, 1976 Town Engineer

Received and Filed: 4/13/76
Town Clerk: Rose O. Wadsworth

0 25 50 75 100 150 200
Feet

Dir. Public Works:
Robert A. Marr, Jr.

Approved: 4/13/76

Selectmen: [Signatures]
Planning Board: [Signatures]

Notary Public
Dorothy M. [Signature]
Received March 31, 1976, before me
John D. Marr, Jr.
Notary Public
[Signature]

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 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 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. Dichter 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

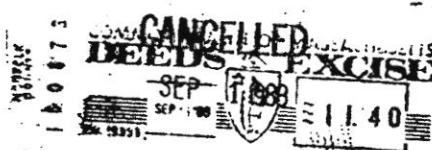
Then personally appeared the above named ROBERT C. DAWSON

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 RECORDED
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 DeRozzo

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

1983

6241-496 (dood w)

A Z

(C)

1984

6559-486 (dood w)

A Z

(C)

"

- 487 (dood)

Hovvitz

(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.

Peter D. Scull
 Hector 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

25 ru
9169

QUITCLAIM DEED

#66

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.

RECORDED
FEB - 5 1984
32

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

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

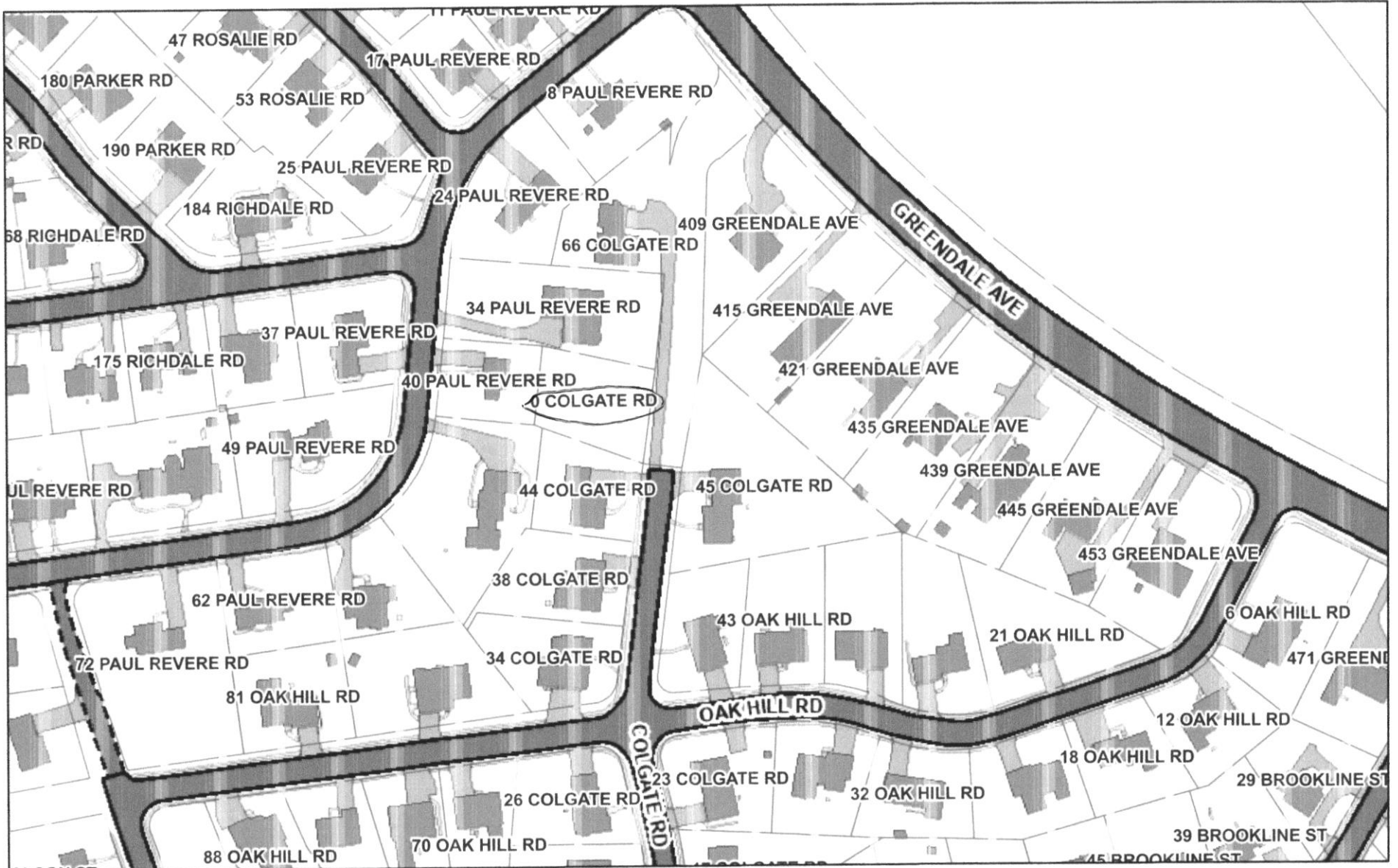
Land

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	

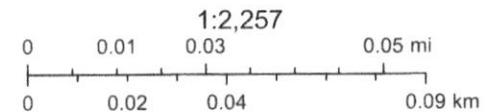
Printed on Thursday, June 20, 2024, at 1:11:47 PM EST

44

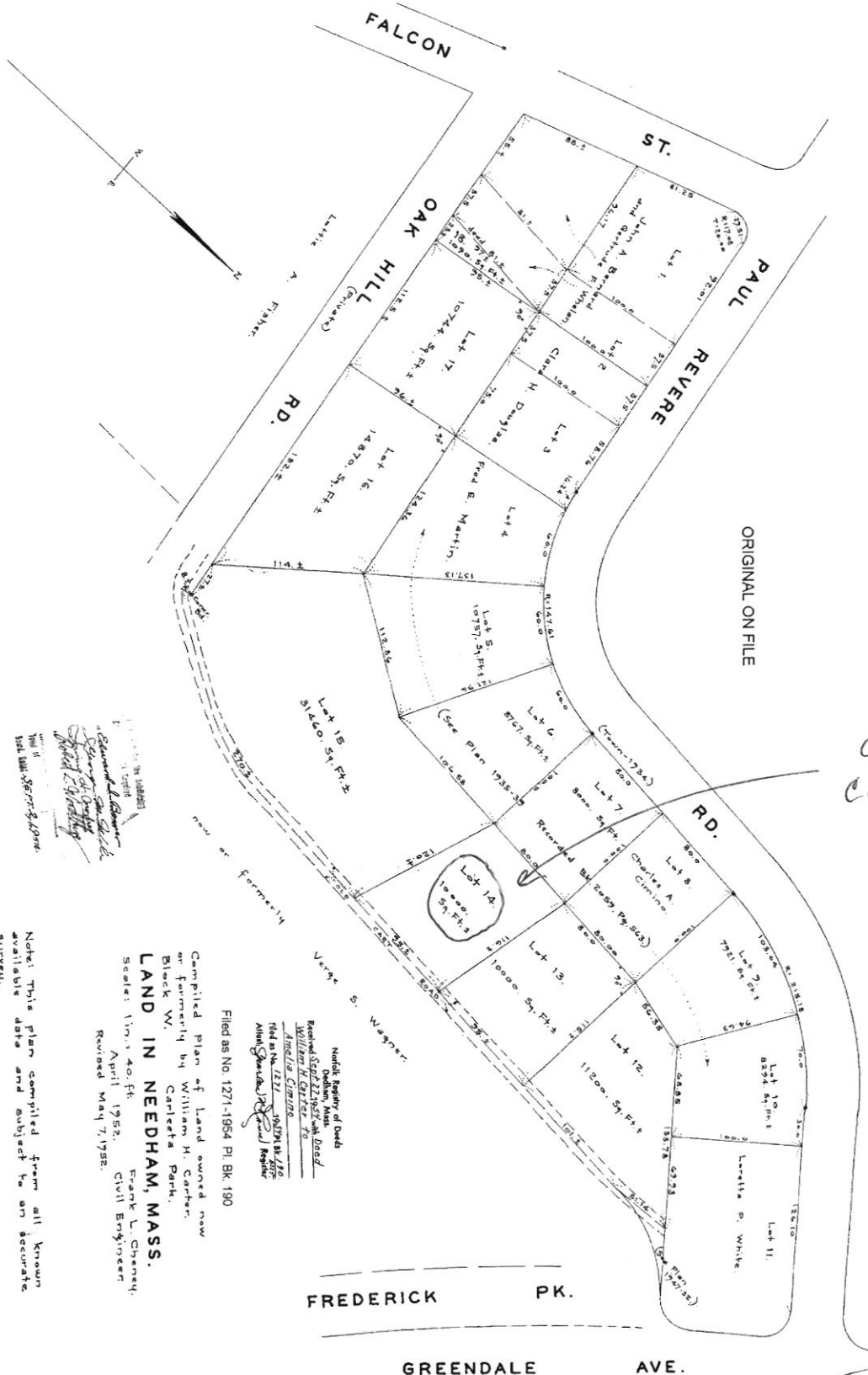
Town of Needham



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



PB 190
#1271

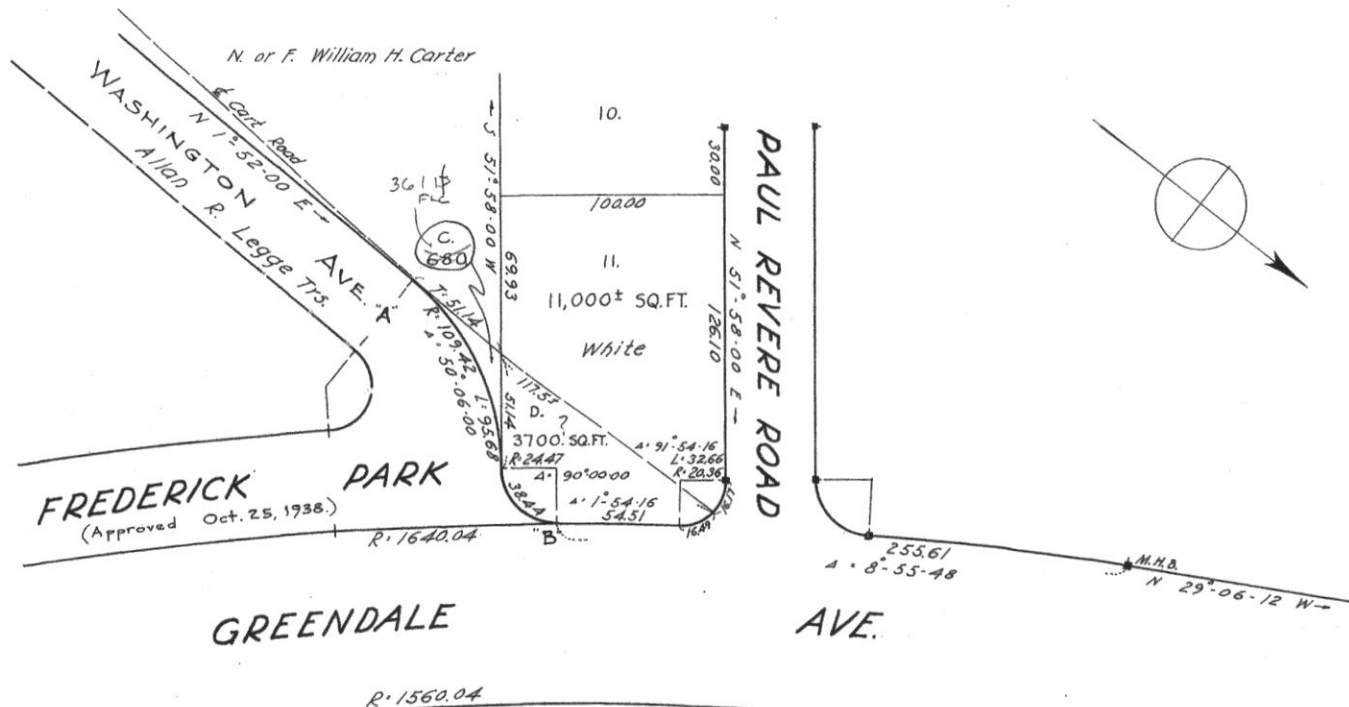


Notes: This plan compiled from all known available data and subject to an accurate survey.

Compiled Plan of Land owned now or formerly by William H. Carter, Black W.
LAND IN NEEDHAM, MASS.
Scale: 1 in. = 40 ft.
April 1952. Frank L. Cheney, Civil Engineer.
Revised May 7, 1952.

Filed as No 1271-1954 Pl. Bk. 190

Notable Registry of Deeds
Dorchester, Mass.
Returned Sept. 21, 1954
WILLIAM H. CARTER, JR.
MIDDLESEX COUNTY, MASS.
Filed as No 1271-1954 Pl. Bk. 190
MAY 7 1952
MAY 7 1952



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

Approved by the
Supt. of Public Works

Lester C. Hollis

Approved: Dec. 3, 1946.

Frank L. Cheney

Norfolk Registry of Deeds Town Engineer
DEDHAM, MASS.

Received Jan. 13, 1947 with Par. Rel.

William J. Hildebrand et ux.

to Allan R. Legge, Trs. or est.

Filed as No. 32-1947 Bk. 2658 Pg. 60

Attest:

L. Thomas Shum Register.

Approved by the
Planning Board

Walter R. Claiborne

Herbert L. Moor

Paul W. McKeown

Arthur W. Rehn

PLAN OF LAND

IN

NEEDHAM - MASS.

OWNED & DEVELOPED BY

Allan R. Legge, Trs.

SCALE 1 in. = 40 FT. • NOV. 22, 1946

ROLAND UHLIN • CIVIL ENG.

NATICK • MASS.

2658-60

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)

©

1977 5305-675 (deed)

Connors

©

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 P. Meliel
 Notary Public

My commission expires

April 8, 1977

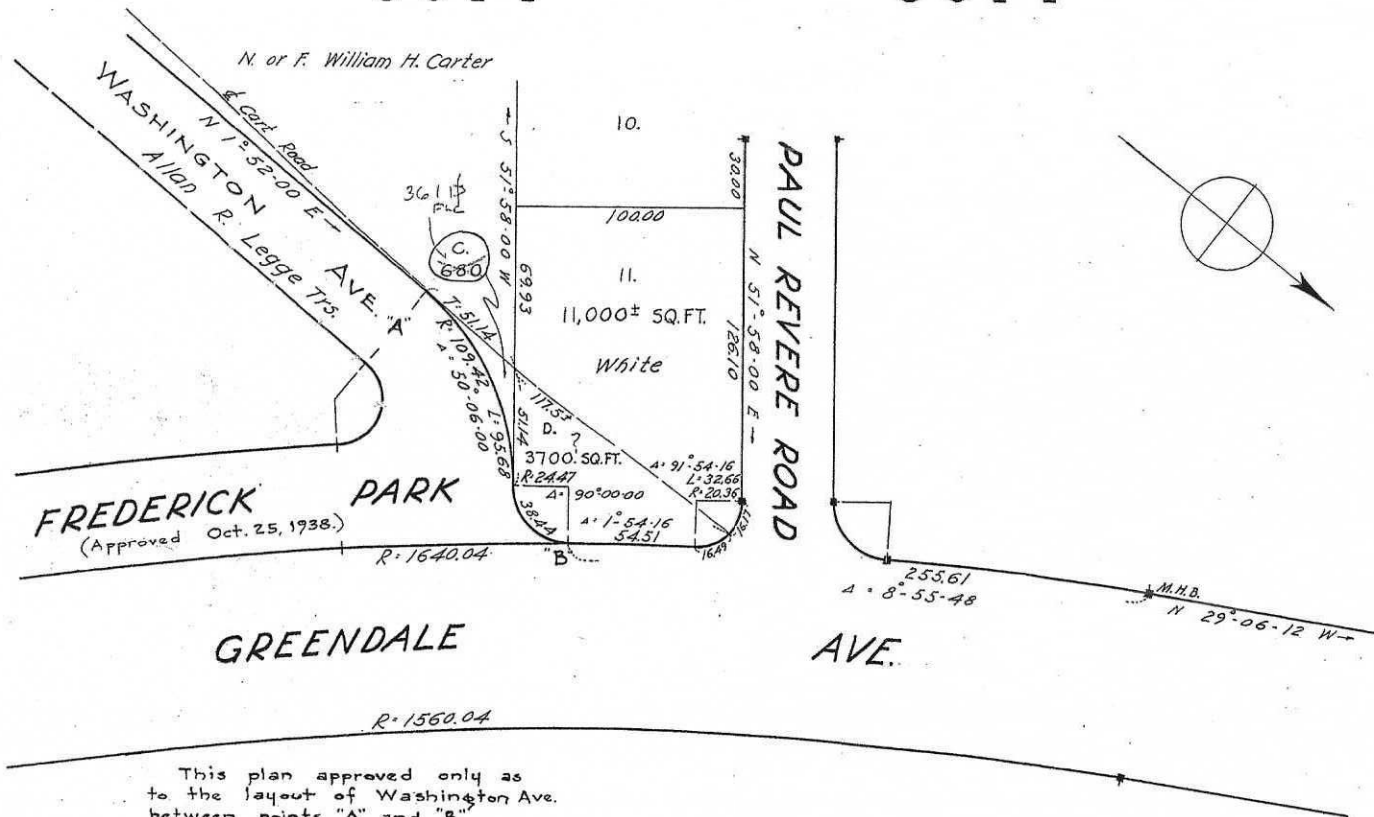
Recorded Feb. 7, 1977 at 2h. 22m. P. M.

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

EXHIBIT D

NOT
OFFICIAL

NOT
OFFICIAL



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

Approved by the
Supt. of Public Works

Lester C. Hollis

Approved: Dec. 3, 1946.

Frank L. Cheney

Norfolk Registry of Deeds Town Engineer
DEDHAM, MASS.

Received Jan. 13, 1947 with Par. Rel.
William J. Hildebrand et ux.
to Allan R. Legge, Trs. or est.
Filed as No. 32-1947 Bk. 2658 Pg. 60
Attest:

L. Thomas Shing
Register.

Approved by the
Planning Board

Walter R. Clausbach

Herbert L. Moor

Paul W. McKeen

Arthur W. Rohrer

PLAN OF LAND

IN

NEEDHAM - MASS.

OWNED & DEVELOPED BY

Allan R. Legge, Trs.

SCALE 1 in. = 40 ft. NOV. 22, 1946

ROLAND UHLIN - CIVIL ENG.
NATICK - MASS.

**MICHAEL A. CROWE
ATTORNEY AT LAW
200 HIGHLAND AVENUE
SUITE 302
NEEDHAM, MA 02494
781-444-5855**

MICHAELACROWEESQ@GMAIL.COM

October 3, 2025

Via email to: townclerk@needhamma.gov and dcollins@needhamma.gov

And Hand Delivery to:

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

RE: Application for Amendment to Special Permit
Property: 1545 Central Avenue, Needham, MA
Applicant: Needham Pool & Racquet Club, Inc.

Dear Sir/Madam:

Enclosed please find seven copies the following:

Needham ZBA Application for Hearing.
2020 Special Permit that Applicant is requesting to Amend.
Overall Sit Layout Plan Prepared by DiPrete Engineering.
Illumination Plan.
Night Photo, Night Photo 2 and Day Photo.
Memorandum in Support of the Application.
My check in the amount of \$200.00 for the application fee.

Please have the matter scheduled for the October 30th meeting. Thank you for you assistance and cooperation in this regard.

Sincerely



Michael A. Crowe

MICHAEL A. CROWE
ATTORNEY AT LAW
PH: 781-444-5855
200 HIGHLAND AVE. SUITE 306
NEEDHAM, MA 02494

5-7515/110

8578

DATE

10/3/25

PAY TO THE
ORDER OF

Town of Needham

\$200.00

Two Hundred

100

DOLLARS



Security Features
Included
Details on Back

Santander
Santander Bank, N.A.

MEMO

ZBA - fee

MP

⑆011075150⑆ 68400020209⑈ 8578



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 Pool & Racquet Club, Inc.	10/3/25
Applicant Address	1545 Central Avenue, Needham, MA 02492	
Phone		email
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 A. Crowe	
Address	200 Highland Avenue, Needham, MA 02494, Suite 302	
Phone	781-444-5855	email michaelacroweesq@gmail.com
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____		
Contact ☒ Me ☐ Representative in connection with this application.		

Subject Property Information

Property Address	1545 Central Avenue		
Map/Parcel Number	Map 226 Lots 21&22	Zone of Property	SRA
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:

Nine + Acres of land with Swimming pools, clubhouse, tennis courts and accessory facilities all pursuant to a Special Permit issued in 1962 and three Paddle Tennis Courts, warming Hut, fencing and lighting as approved by an Amendment to the 1962 Special Permit dated July 16, 2020.

Statement of Relief Sought:

1. Change the daily closing time from 10:00 PM to 11:00 PM, in Decision #3 and #4, page 18 of Amendment;
2. Change the time the warming hut lights must be turned off from 10:30 PM to 11:30 PM, in decision #4, on page 18, of the amendment;
3. Change the opening date of the club from October 1, to September 15, in decision #3, on page 18 of the amendment;

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

3.2.1 and 7.5.2 or any applicable sections of the By-laws.

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:
2021

Date Lot was created:
1963

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

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 October 2, 2025.
date of consult

Date: 10/3/25 Applicant Signature [Signature]

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

RECEIVED TOWN CLERK
NEEDHAM, MA 02452

2020 SEP 23 PM 3:12

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

SPECIAL PERMIT AMENDMENT

*Needham Pool and Racquet Club, Inc., applicant
1545 Central Avenue*

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

July 16, 2020

Needham Pool and Racket Club, Inc., applicant, made application to the Board of Appeals for a Special Permit Amendment under Sections 3.2.1, 4.1.6.3, 5.1, 7.5.3 and any other applicable Sections of the By-Law to allow the construction of three paddle tennis courts, warming hut, viewing stand, fencing and lighting, and operation of the same from October to May. The property is located at 1545 Central Avenue, Needham, MA in the Single Residential A District. A public hearing was held remotely on Zoom Meeting ID Number 869-6475-7241, on Thursday, July 16, 2020 at 8:00p.m.

Documents of Record:

- Application for Hearing, Clerk stamped June 22, 2020.
- Cover Letter from Michael A. Crowe, Attorney, June 22, 2020.
- 1545 Central Avenue – ZBA Special Permit, December 11, 1962.
- *Special Permit – Proposed Paddleball Courts*, Needham Pool and Racquet Club. Prepared by DiPrete Engineering – Proposed and Existing Conditions, Construction Plans and Elevations, Aerial Photo, Lighting Plan, Storm Water Master Plan, Storm Water Pollution Prevention Plan, and Drainage Analysis.
- Letter from Lee Newman, Director of Planning and Community Development, July 8, 2020.
- Letter from David A. Roche, Building Commissioner, July 8, 2020.
- Email from Dennis Condon, Chief of Department, Needham Fire Department, June 30, 2020.
- Email from Anthony DelGaizo, Town Engineer, July 10, 2020.
- Email from Tara Gurge, Assistant Public Health Director, July 6, 2020.
- Email from Chief John Schlittler, Police Department, June 30, 2020.
- Letter from Debbie Anderson, Director of Conservation, July 7, 2020.
- Email from John McCarthy, July 14, 2020.
- Email from Jenny Qu, July 15, 2020.
- Drone Photo of Paddle Court, July 15, 2020.

property address: 1545 Central Ave., Needham
cert. of title # 72928, Book 365, Page 128

- Research links
<https://www.theridgefieldpress.com/news/article/Rowdy-paddle-courts-will-move-14301831.php>
<https://www.birminghammail.co.uk/news/midlands-news/sports-clubs-tennis-court-plan-17032044>
<https://www.athleticbusiness.com/industry-press-room/athletic-club-quiets-paddle-ball-court-noise-with-acoustifence.html>
<https://www.athleticbusiness.com/industry-press-room/athletic-club-quiets-paddle-ball-court-noise-with-acoustifence.html>

Documents submitted before or at the August 20, 2020 hearing:

- Email and attachments from Dennis Pennington, August 9, 2020.
- Email from John McCarthy, August 10, 2020.
- Emails from Catherine McCarthy, July 17, 2020 and August 6, 2020.
- Petition from Catherine McCarthy, August 10, 2020.
- Email from Tara Gurge, Assistant Public Health Director, August 6, 2020.
- Email from Livia Rizzo, August 20, 2020.
- Letter from Michael Crowe, August 10, 2020.
- Updated Lighting Plan,
- Sample Noise Impact Assessment.

July 16, 2020

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

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Peter Friedenbergl, Associate Member. Also participating was Kathy Lind Berardi, Associate Member. Mr. Schneider opened the hearing at 8:10 p.m. by reading the public notice.

Michael Crowe, attorney for the applicant, reported that Needham Pool and Racquet Club, Inc. ("NPRC") has been in operation since 1962 under a Special Permit issued December 11, 1962 (the "1962 Special Permit"). The applicant is proposing to add three paddle courts, a warming hut and viewing stands with associated lighting. Paddle tennis is similar to tennis, but played in the winter mainly during the evening. The proposed operation would be from 8:00 a.m. to 11:00 p.m., seven days a week, October through May.

The property has 80 parking spaces including handicapped spaces. The proposed paddle tennis program has a maximum parking need of 36 spaces, based on the assumption that not more than 36 people would be using the paddle tennis facilities at any one time. Mr. Crowe noted that there is no need for a parking study since there is sufficient parking and the paddle tennis use will occur when the NPRC is closed. Mr. Crowe stated that the Building Inspector requested that the parking lot be restriped and signage for the handicapped spaces be installed.

He noted that there will be zero light spillage beyond the property as required by Town regulations.

The property has wetlands. The proposed project will be outside the wetlands area. The Conservation Director has requested that a plan delineating the wetlands resource area be

provided to identify its boundaries.

The proposal will not add to the septic system. A bathroom will be provided in the warming hut with a composting toilet.

Barry Nectow, who is leading the effort for the new facility, said that he is a paddle player and plays with a small club in Brookline at Pine Manor College. He noted that the game is played at night outdoors during the winter months. He stated that the game is similar to tennis and, like squash, the fence around the courts is in play. The Boston area has an active league. The matches are generally played between 6:00 p.m. and 10:00 p.m. The proposed paddle courts and warming hut are sited to be out of the way of neighbors and to fit in the NPRC campus. The paddle program will be active from Labor Day to Memorial Day.

The paddle program will be operated by a separate entity from the NPRC that will lease the ground and pay rent to the NPRC. The program is projected for a maximum of 150 individuals and they hope to be fully subscribed in three years.

Mr. Tamkin inquired about the appearance of the courts. The applicant provided a drone photo of existing paddle tennis courts. Mr. Nectow noted that Wellesley Country Club, across from Babson College, has paddle courts and screens like those being proposed here.

Brandon Carr, engineer with DiPrete Engineering, reported that they had completed the wetlands resource delineation and will be following up with the Conservation Director. The work will be 150 feet outside the wetlands, so no Conservation Commission approval will be required. The proposed courts will be located in the center of the property in a wooded area which will be cleared off and graded to capture stormwater. The courts are raised decks with open boards to allow rainwater to drain off the courts to a stone base which allows for ground infiltration.

The proposed toilets will not be tying into the septic system. Self-contained composting toilets will be provided in the warming hut. A model from the MASS DEP's list of approved manufacturers will be selected. The project will be located away from the existing septic system components.

The site work for the project will be minimal because the raised deck system is built on piers. Some of the area pathways will need to be rerouted.

The lighting plan indicates that the lighting will not spill beyond the courts. The courts are 400 to 500 feet from the closest residential neighbors.

Chris Casiraghi, Reilly Green Mountain Platform Tennis Courts, indicated that the raised deck material for the courts is aluminum and will be heated to melt any snow or ice that cannot be cleared off the courts by hand. The raised deck allows for easy snow removal. The courts will be one foot off grade and will taper downhill. The courts are enclosed with a skirting material which maintains the heat and acts as a sound barrier. The warming hut will be an enclosed structure. The deck surface is an aggregate of epoxy paint and aluminum oxide which provides a non-slip surface and absorbs sound. The players and balls can bounce off the screens surrounding the courts, which have flexibility and sound absorbency.

There will be six LED lights which are 20 feet tall. There is little light spill with the light directed on the courts. The zero-foot candle limit occurs well within the boundary of the property.

Kevin Kileen, current president of the NPRC, reported that the Board of the NPRC voted unanimously in support of the project and the creation of a separate LLC to lease the land from NPRC, Inc. and then build and operate the paddle facility.

Mr. Tamkin inquired if any tennis courts would be eliminated. Mr. Crowe responded that no tennis courts would be eliminated. The proposed site of the paddle facility is presently undeveloped.

Tony DiBiasio, paddle manager of the Dedham Country Club, reported that they have four paddle courts. He said it was a growing sport. There have been no complaints about noise or lighting from the paddle courts in Dedham. It's generally an affluent adult sport. They offered clinics for children. Most paddle courts are located at country clubs.

Mr. Schneider inquired if alcohol was going to be allowed at the facility. Mr. Crowe responded that the same alcohol policy as for the NPRC will apply. Mr. Kileen said that the NPRC alcohol policy allows alcohol during the weekends – Friday, Saturday and Sunday. They obtained their liquor license four or five years ago. Alcohol is allowed in the tent area between the Club and the pool area. Mr. Nectow added that alcohol will be allowed for the paddle operation on a carry-in/carry-out system without the need of a liquor license.

Mr. Schneider asked if the new entity will be a non-profit. Mr. Crowe responded that it would be a separate not-for profit entity; and four of the five board members are members of the NPRC.

Mr. Schneider asked about the noise and lighting. Mr. Casiraghi responded that the light spillage is less than the lights for baseball and football fields. The three paddle courts are compact and use less area space than one tennis court. The courts will be located in the woods which provides screening.

Mr. Casiraghi said that sound has never been an issue with paddle courts. You cannot hear the ball or the players running on the courts or bouncing into the screens. He has built 6,000 courts in 26 states and sound has never been an issue. Lighting, however, has been a concern. He noted that paddle tennis is played in the winter when most people are indoors with the doors and windows closed.

The following comments were received:

- The Planning Board had no comment.
- The Fire Department had no issue.
- The Police had no issue.
- The Engineering Department identified that the applicant has not signed the Stormwater Forms for delegating responsibility for the project, construction and maintenance.
- The Health Department requested that an *Addition to a Septic System* form be submitted to the Health Department and that this proposal not add to the existing load of the existing septic system; Covid19 distancing protocols be in place for the courts,

- warming hut and viewing stands; and that lighting not spill or cause a public health nuisance. If complaints are received, lighting may need to be adjusted.
- The Building Commissioner requested if issued, any permit contain conditions for the parking spaces to be restriped, that the handicapped spaces have the required signage and that a chain obstructing access for the handicapped from the parking lot to the building be removed.
- The Conservation Commission requested a delineation of the wetlands on the property be provided.
- John McCarthy opposed the proposal because it has commercial implications, the year-round use, the hours of operation until 11:00 p.m., the light and noise generation, the compost toilets, and the negative impact on his property value.
- Jenny Qu opposed the proposal because of the noise, increase in traffic, use of alcohol and the light pollution.

Mr. Tamkin did not see any document which identified Needham Platform Tennis Club, LLC, the proposed paddle entity, as a non-profit entity. Mr. Crowe responded that Paragraph 4 on the Certificate of Organization of that entity filed with the Secretary of the Commonwealth identifies it as a "private club not conducted as a business". Mr. Tamkin responded that notwithstanding that, there is nothing that identifies the entity as a non-profit entity. Mr. Crowe argued that "a private club not conducted as a business" is the type of entity required under section 3.2.1 of the Zoning By-Law. Mr. Tamkin wanted clarification on the non-profit status of the NPRC as well.

The meeting was opened to public comment.

John and Cathy McCarthy, 1509 Central Avenue, are neighbors of the NPRC. They are concerned with the expansion and the compost toilets, specifically the possibility of odors and who will be responsible for toilet maintenance. They wanted to see the toilets upgraded and tied into the septic system with available running water. He was concerned if the toilets were not properly maintained, participants would use the woods to relieve themselves, visible from his home. He was also concerned about the hours of operation until 11:00 p.m. and the car noises and headlights from players lingering and socializing with alcohol until midnight. During the summer, he can hear all the noise and see lights from the activities at the NPRC. Mr. Schneider responded that the closing time would be a condition in the Special Permit. Mr. McCarthy preferred a 9:00 p.m. closing time especially since it will be open 7 days a week from 8:00 a.m.

Mr. McCarthy suggested that the paddle courts be located at the basketball courts, which would have less impact on trees and be further from abutting residential neighbors. From his observation, paddle tennis was an aggressive and loud sport. He felt that the paddle courts would transform the seasonal NPRC into a year-round for-profit sports complex. He believed he would be hearing the paddle noise whether his windows and doors were closed in the winter. He was concerned with the negative impact the courts would have on his property.

Seth Schulman, 18 Starr Ridge Road, was concerned with noise from the paddle tennis courts. In the summer with the air conditioning on, he can hear the noise from the tennis courts. He believed paddle tennis was louder than tennis. Based on his web searches, paddle courts are loud. In the winter, there is no tree foliage to add noise mitigation. He'd like to see more evergreens be planted for screening and noise proofing. He also suggested 12 - 15 feet high

fencing be installed on the Starr Ridge Road side for aesthetic purposes, and to provide a buffer to the noise and light. He, too, was concerned about property values.

Eric Sokol, 324 Country Way, attends the Brookline paddle courts. He is a tennis player and paddle tennis player. He enjoys playing paddle tennis in the winter. He was supportive of paddle courts and believed them to be an additional asset to the Town.

Laura DeMaio, 237 Marked Tree Road, is the treasurer and member of the NPRC. She supported the project.

Denis Pennington, representing his parents who reside at 1574 Central Avenue, opposes the paddle courts. He was concerned about the impact of the noise, light and traffic until 11:00 p.m. on his parents' sleep. He was also concerned about the effect on their property values.

Mr. Casiraghi reported that paddle tennis is a popular growing sport established in the 1970s. He assured that from a warming hut you cannot hear the noise from the courts. He could hear an occasional exuberant outburst. Noise is not an issue.

Mr. Pennington was concerned about the noise from the spectators' stands at tournaments. Mr. DiBiasio responded that there are no spectator stands proposed. There is a small deck right outside the warming hut where people can stand while they are waiting to play. He noted that the decibel level at 210 feet is 60 decibels, which is mild to moderate noise. The neighbors are located 400 to 500 feet away. Mr. DiBiasio said that pool noise is 10 times louder than a paddle facility.

Mr. Tamkin wanted clarification on the viewing stands as presented in the plans and whether the applicant would like to remove them. Mr. Crowe clarified that there are no viewing stands included in the project; the plans call for a viewing platform.

Enrique Bellido, 66 Grant Street, is a former member of the NPRC. He is a paddle player at Brookline paddle courts. He is an architect and reviewed the plans. He was in support of the project.

Andrea Shuman, 36 Starr Ridge Road, supported the comments made by Mr. Schulman. She was concerned about the noise and light from the project. She thought the daily 11:00 p.m. closing time was too late. She supported the installation of a fence and evergreens for screening.

Mark Sagamore, 36 Starr Ridge Road, did not support the project and was concerned about the daily noise and lights until 11:00 p.m. He'd like to see an earlier closing time. He was also concerned about the use of alcohol and its impact on the noise level.

Jenny Qu, 48 Starr Ridge Road, was concerned about the lights and traffic from the project. During the summer the woods and the foliage provide a buffer between the NPRC and the abutters. She thought 11:00 p.m. was too late. She requested that the NPRC add soundproofing through evergreen plantings and for an earlier closing hour.

Fred Sewall, 1554 Central Avenue, reported that the NRPC has been a good neighbor. He questioned the need for another entity for the paddle club; the financial relationship between

the NPRC and the new entity; and asked who would enforce conditions in the permit. Mr. Schneider responded that the Building Commissioner will be responsible for enforcing the conditions of the Special Permit and that neighbors can call the police if there is problem late at night. Mr. Sewall thought the project was a commercial enterprise marketed to the paddle league players of the region and did not benefit Needham residents. He thought the game was noisy with popping sounds like gunshots. He'd like some fencing or walls to buffer the sound.

Mr. Schneider announced that the hearing would be continued. He requested that the applicant be prepared at the next hearing to address the following items:

- alternative locations on the property which would put the courts further away from the residential neighbors;
 - a noise study which would provide quantifiable data on the noise generated;
 - fencing and tree planting options;
 - fewer hours of operation because of the traffic and imposition on the neighbors; and
 - an earlier closing time with the possibility for a later closing time after a trial period.
- He thinks that 11:00 p.m. is a late closing time.

Mr. Tamkin would like to watch and listen to a paddle game. Mr. Schneider suggested watching a paddle game at the Wellesley Country Club or the Dedham Country Club.

Mr. Tamkin requested that the applicant look at its hours of operation; address fencing and noise issues; and meet and work with the abutting neighbors to develop agreed-upon modifications. Mr. Tamkin requested clarification on why the tenant is not a non-profit when the NPRC is. He also had concerns about the use of alcohol at such a late hour.

Mr. Friedenberg thought 11:00 p.m. was too late and that it was an adult activity and not a family one at that hour. He was concerned about the use of alcohol. He had issues with the time the area would be vacated. He thought a noise study was needed. He thought the paddle courts were qualitatively different than the activities allowed under the 1962 Special Permit.

Ms. Berardi identified that she was a member of the NPRC. She wanted the applicant to address the concerns raised by the neighbors regarding noise and hours of operation. She questioned whether alternative locations had been explored.

The Board agreed to continue the hearing to the next Board meeting on August 20, 2020 at 8:00 p.m.

The meeting adjourned at 10:05 p.m.

August 20, 2020

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Peter Friedenberg, Associate Member. Also participating was Howard S. Goldman, Member. Mr. Schneider opened the hearing at 8:00 p.m. by reading the public notice. The meeting was held virtually on Zoom.

Mr. Schneider requested clarification on the paddle tennis program period of operation. Mr. Crowe responded that the program is being proposed from October to April when the NPRC

is closed.

Mr. Schneider reported that a number of Board members went to the Wellesley Country Club paddle courts to observe paddle tennis, the courts' design and materials, and the lighting and sound generated. The Board also researched the internet for information on paddle tennis. The relevant sites were shared with the applicant.

Mr. Schneider reminded the applicant that the Board had requested they explore and report back on four issues:

- a better location;
- an acoustical sound report;
- fencing and trees options; and
- shorter operational hours.

Mr. Crowe reported that a neighborhood meeting was held to provide information on paddle tennis and to clarify any confusion between pickleball (which is much noisier) and paddle tennis. He also informed that the paddle tennis entity will be re-filed as a non-profit entity with no commercial or profit ability.

Mr. Nectow said that the proposed site is the best site because it is surrounded by wooded vegetation and is far from abutting neighbors. Several other locations on site were explored but were not an option because of the location of the septic system, which has some large components. They do not want to disturb the existing septic system.

Acoustical sound barriers, fencing and trees were also explored. The best option is to place fencing along the driveway on the Starr Ridge Drive side. This option was presented to the neighbors. NPRC does not own enough land on the far side of that driveway to provide the fencing on their property, so any fencing would need to be installed on each neighbor's property.

Mr. Crowe stated that the applicant is open to reducing the hours of operation to 10:00 p.m.

Mr. Schneider asked why the courts couldn't be moved 30 to 40 feet closer to tennis courts #1 and #2. Mr. Nectow responded that this area is where the leaching field for the septic system is located, which cannot be disturbed.

Mr. Schneider inquired if the hut could be moved to the opposite side of the paddle courts so it would be further away from the neighbors. Mr. Nectow responded that the property slopes down at that location, but a relocation of the hut could be explored.

Mr. Schneider asked if they had investigated acoustical fencing for the court walls to buffer the sound. Mr. Nectow replied that they do not think it is necessary.

Mr. Nectow noted that the proposed program was compatible with the NPRC. It will be in operation from mid-October to April, when the NPRC is closed. It provides a healthy outdoor activity during the winter months. The addition of paddle courts is a positive addition to the NPRC and to Needham. The sport attracts families and professionals. The membership will be open to Needham and non-Needham residents. Paddle tennis is played seven days a week with the weekend being the busiest days. It's a league sport. The players will participate in

away games and host games as well.

Mr. Nectow discussed the difference between pickleball and paddle tennis. Paddle tennis is relatively quiet. He believes that there are no noise issues with neighbors at existing paddle courts.

Mr. Nectow shared a site map illustrating the vegetative areas of the property which surround the proposed courts. There will be little disturbance to the vegetation by the proposed project. Tree removal is limited to the court area. He also shared a drone photo of the lighting at similar courts which demonstrated that the lighting is directed onto the courts with little spill outside the courts and with none outside the boundary of the property. The closest neighbor is 375 feet from the courts across the street on Central Avenue. The majority of the abutting neighbors are 400 feet or further from the courts.

Mr. Nectow stated that the self-contained composting toilets are common at golf courses, beaches and recreation areas. A specific model will be selected from Mass DEP list of approved models to be approved by the Town Health and Building Departments. A maintenance plan will be provided. Mr. Schneider questioned why the existing NPRC bathroom facilities were not being used. Mr. Nectow said that the NPRC bathroom and facilities are closed during the paddle season.

The only shared NPRC facility is the parking. No parking will be allowed along the driveway. The maximum people number of people playing at the courts at one time would be twelve (four people per court) generating a maximum of twelve cars. With three games per night, the maximum of 36 cars will have staggered arrival and departure times. The impact on traffic is far less than what is generated by the NPRC. There is plenty of parking available at the property.

He reported that alcohol will be allowed on a carry-in/carry-out basis. No drinking will be allowed on the courts.

Mr. Schneider inquired about trees and fencing. Mr. Crowe responded that there is no need for fencing as the noise level is not detrimental.

Mr. Casiraghi presented that the hut, at its proposed location, acts as a barrier for light and noise and does not recommend relocating it to the other side. He noted that the height and peak of the hut is at the same height as the lights, providing a buffer for the lights.

Mr. Casiraghi reported that he has constructed 6,000 courts in the US. Only one has acoustic walls. Acoustic walls compromise the engineering of the fencing design which is supposed to be flexible. The solid wall would be a hazard to the players and would be expensive.

No sound study was conducted. Mr. Casiraghi found a sound study for a four-court paddle tennis facility that was conducted at 6:00 p.m. – 7:00 p.m. and 9:00 p.m. to 10:00 p.m. The decibel levels at 6:00 p.m. – 7:00 p.m. were recorded at 40 decibels; at 9:00 p.m. to 10:00 p.m. the levels were 37 decibels. He noted that a dishwasher was 55 decibels at 50 feet of distance. Neighbors to the courts are seven times the distance.

Joe Penny, engineer with Deprete Engineering, reported that he attended the site visit by

members of the Board at Wellesley Country Club's paddle courts. There were no buffering trees and there was no discernable sound at 375 feet from the courts. The courts at NPRC will have heavy vegetative surroundings, unlike those at Wellesley Country Club.

Mr. Kileen reported that the NPRC has been a good neighbor for the past 50 years. They serve alcohol on Friday, Saturday and Sunday without incident. It is a fair and affordable club. They are a fiscally sound institution.

Mr. Tamkin reported that he had attended the site visit. He listened to the difference of pickleball and paddle tennis and found paddle to be quieter. He viewed and listened to paddle playing at 300 feet and 200 feet. He was convinced that sound from paddle is minimum. He thought paddle tennis is so similar to tennis, that it is consistent with the existing Special Permit. He had a concern about the corporate status of the new entity but was satisfied with making the entity a non-profit as presented by Mr. Crowe. He thought limiting the operation to 10:00 p.m. was appropriate and that a trial period, similar to the one issued at DeFazio Field, should be a condition. He preferred an early end time. He preferred that there be a bartender dispensing alcohol and that its consumption be limited to three days a week. He thought the October 1- April 30 season was reasonable and that playing in the summer be restricted. He wanted the parking restriction to be clarified.

Steve Shauer, 20 Pheasant Road, was a member of the NPRC and supported the paddle tennis proposal.

Mr. McCarthy was pleased about the clarification of the status of the paddle court entity as a non-profit. He was concerned about the composting toilets. He was glad the hours had been changed to 10:00 p.m. He preferred a closing time at 9:00 p.m. He was concerned about the drinking from 10:00 p.m. to 11:00 p.m. He had no issues with the noise and lights if the use ends at 9:00 p.m. He thought the ideal location was on the front lawn in front of the basketball courts and that the facility should be tied into the septic system. Because of Covid19, he'd like the bathrooms to have running water.

Scott Packard, 847 Webster Street, supported the paddle tennis courts proposal. He plays paddle tennis in Brookline. He had no issues with noise.

Robert Rizzo, 8 Starr Ridge Road, reported that there was a noise issue with a paddle court in Connecticut that was located 40 feet from residents. It was relocated to 900 to 1000 feet away. He was not supportive of the paddle courts. The trees would be bare in the winter. He did not notice the NPRC in the summer because of the vegetation. He was glad that there would be no parking along the driveway. He questioned who would police the courts when the games got spirited. He wanted the bathroom to have running water especially with Covid19.

Janet Petronia, 21 Woodbury Drive, said she was a member of the NPRC and a paddle tennis player. She was supportive of the proposed project.

Fred Sewall, 1554 Central Avenue, said that he lived 350 feet from the proposed courts. As an abutter, he felt the courts would negatively impact him. He thought the proposal would add to the noise and traffic. He did not support the paddle courts being open to members outside of Needham.

Mike Elcock, 838 Webster Street, supported the paddle courts. He belongs to the Brookline paddle courts which had no complaints about noise from the neighbors. He wanted the courts to be open until 11:00 p.m.

Dennis Pennington sent links to a Globe article about paddle tennis as a party sport; and articles about stress and the deleterious effect on adults and children. He likened paddle tennis to MMA cage fights because people and balls bounce off the fences and create noise. He believed the sponsored tournaments will bring spectators and yelling.

Kate Carroll, 25 Ardmore Road, was supportive of the project. She is a paddle tennis player. She described the players as responsible, active athletes, and not a tailgating crowd. She was familiar with composting toilets and they were fine.

Greg Strakosh, 41 High Rock, supports paddle as a great family, outdoor recreational amenity for Needham.

Marc Sagamore did not support the courts in his neighborhood. He noted that all the supporters are not abutters. He thought the courts should be placed on DeFazio Field where there was plenty of parking and lighting. He thought no running water in the proposed bathroom was inadequate. He was concerned about the noise from three sessions of games during tournaments.

Gordon Myer, 70 Whittier Road, supported the proposal. He said that paddle provided an outdoor, fresh air activity during the winter.

Mr. Crowe said that compost toilets are a sophisticated alternative to traditional water toilets and can be found at Walden Pond, the Audubon in Wellfleet and at various beaches and recreational areas. The final model selection will be approved by the Building and Health Departments. The location of the courts is the best location. It is outside the wetlands and septic system areas. Any project must be 40 feet away from the leaching field of the septic system. He described the paddle courts to be a natural extension of the NPRC's activities with no commercial or profit motive. Noise will not be an issue with paddle tennis. There will be no parking on the driveway, and there will be no spillage of light outside the property. In response to the Building Commissioner's concern, the temporary gate was removed. NPRC will continue to be a good neighbor as required by Condition #9 of the Special Permit.

The Public Hearing was closed and the Board began deliberations.

Mr. Friedenberg found the site visit to the Wellesley Country Club helpful. He asked what were the NPRC hours of operation during the summer. Mr. Crowe answered that they are open until 9:00 p.m. There have been no complaints about the closing time.

Mr. Friedenberg asked who would hold the permit and how would the conditions be imposed on the operator. Mr. Crowe responded that the NPRC was the applicant and holder of the existing special permit and would be the responsible party. Mr. Friedenberg inquired about the status of the Conservation Commission request. Mr. Crowe reported that the delineation of the resource area was provided by their engineer to the Conservation Commission who were satisfied that the work was outside their jurisdiction.

Mr. Friedenberberg was concerned about the halo effect from the court lights that can be seen from a distance and questioned what was being done to shield that. Mr. Crowe responded that the lighting is designed to have zero spillage beyond the site. Based on the photometric study the spillage ends within the boundaries of the lot at the easement driveway. Mr. Friedenberberg said he could see the lights from the Babson College entrance. Mr. Crowe said that that the lights at Wellesley Country Club are higher than the ones proposed.

Mr. Friedenberberg had concerns with the hours. He preferred 9:00 p.m. lights off with players off of the premises by 9:30 p.m. similar to the DeFazio Field schedule.

Mr. Friedenberberg would like to explore limiting alcohol consumption to beer and wine and that it be consumed only in the hut to avoid tailgating.

Mr. Friedenberberg suggested a one-year renewable permit to allow the applicant to operate and prove it's not a detriment to the neighborhood.

Mr. Goldman supported a conditional permit as suggested by Mr. Friedenberberg. He'd like to see more effort for sound mitigation. He thought the review authorization process and maintenance plan for the compost toilets could be made a condition of the permit.

Mr. Tamkin thought a conditional one-year approval didn't make sense with the capital expense associated with the project. He did support a review of the conditions after a period of time. He suggested lights off at 10:00 p.m. Participants to leave the premises by 10:30 p.m. He agreed with limiting the alcohol consumption to the hut.

Mr. Tamkin asked why the new entity couldn't use the existing bathrooms at the NPRC. Mr. Kileen responded that the bathrooms are not available because of liability issues associated with the bathrooms being next to the pool, and the pipes are above ground and are drained in the winter.

Mr. Tamkin wanted clarification on how the NPRC was going to manage the new non-profit entity. Mr. Crowe said that the NPRC, as the Special Permit holder, will give permission and oversight to the paddle tennis entity. NPRC is the responsible party. Mr. Crowe was supportive of a permit where there is a review of the hours and alcohol use after a period of time.

Mr. Schneider reflected that whenever an owner develops its property, the neighbors are impacted. Nevertheless, a property owner has a right to use their property as long as it is reasonable.

Mr. Schneider said that he was familiar with composting toilets and found them to be like traditional toilets. In any event, any compost toilet selected would have to be approved by the Building and Health Departments.

Mr. Schneider was supportive of granting a special permit with the following conditions that:

- there be no light spillage beyond a set number of feet from the courts;
- a 10:00 p.m. closing with lights out and the premises to be cleared by 10:30 p.m. The applicant will be able to come back to the Board after a set period of operation for a possible modification of the hours;

- any time the Building Commissioner receives a complaint from the public, the Board may reconvene a hearing to review the hours, alcohol use, noise and lighting and may require that the applicant make mitigation to the Board's satisfaction;
- NPRC shall provide to the Building Commissioner, the Board and the neighbors the name and contact information for a person who will handle any problems at the paddle facility;
- there shall be no viewing stands;
- all parking shall be in the NPRC parking lot; and
- there shall be a maintenance plan for the composting toilets submitted to the Health and Building Departments.

Mr. Schneider noted that NPRC has been a good neighbor and deserved an opportunity to try this new venture. Mr. Goldman agreed.

Mr. Tamkin suggested that NPRC come back to the Board at a fixed time after completing a full season of operations to review the conditions and consider whether to modify the hours of operation, alcohol consumption, and light and sound barriers. He would like consumption of alcohol be limited to the hut. Mr. Tamkin thought that paddle tennis was allowable by the 1962 Special Permit because it was so similar to tennis.

Mr. Casiraghi estimated that the courts could be completed by January 2021 at the earliest.

Mr. Schneider suggested that the Board convene in the event there is a complaint within the first two years of operations. Mr. Crowe suggested a meeting be convened upon a complaint 60 days after the club has been in operation for two months.

Mr. Friedenberg suggested that the operator of the paddle courts be controlled by the NPRC and that the Special Permit not be transferable. Mr. Crowe noted that the board of directors of the paddle club is a five-member board with three members from the NPRC. Mr. Schneider suggested that the operator be specified, and it can't be changed or transferred without the approval of the Board.

Mr. Crowe said that he will provide the existence of the non-profit entity prior to the issuance of an amendment to the Special Permit.

Mr. Tamkin moved to grant the NPRC an amendment to its Special Permit to allow the construction of three paddle tennis courts, warming hut, fencing and lighting as specified in the plans submitted conditioned on the following:

- the operation of the paddle club will be managed and operated by a Chapter 180 non-profit Massachusetts entity and the majority of the board shall be members of the NPRC;
- the operation of the paddle club shall be from October 1 to April 30, and it may not operate during the operational summer season of the NPRC;
- there shall be no light spillage from the paddle courts beyond the property boundary;
- the hours of operations shall be seven days a week, 8:00 a.m. to 10:00 p.m. with lights out by 10:00 p.m. The premises shall be cleared by 10:30 p.m.;
- the name of a contact person including phone, email, and address shall be provided to the abutters, the Building Commissioner and the Board;
- all parking shall be limited to the parking lot of the NPRC; there shall be no parking

- on the driveway;
- the composting toilet(s) shall be subject to all applicable laws, rules and regulations, including the requirements of MassDEP as well as the regulations of the Health and Building Departments;
- the applicant shall return for a hearing before the Board 60 days after the paddle club has completed three months of operation; the Board may adjust the hours, alcohol consumption, and require sound and light mitigation as necessary;
- all alcohol shall be consumed entirely within the warming hut;
- there shall be no viewing stands;
- there shall be no pickleball; and
- the parking lot shall be restriped, and the handicapped parking shall have the signage added as required by the Building Commissioner in his comments on the application; and
- the Board reserves the right to clarify as they write the decision.

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

The meeting adjourned at 10:33 p.m.

Findings:

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

1. The property is owned by the applicant, Needham Pool and Racquet Club, Inc. ("NPRC"), and is situated in the Single Residence A zoning district.
2. Pursuant to the 1962 Special Permit, the NPRC has operated a seasonal recreational facility, including a pool, tennis courts, basketball court and clubhouse, for many years on the property. Based on the testimony from abutters at the hearings on this application, that operation has not created any significant issues in terms of noise, traffic, light spillage or otherwise.
3. A number of members of the NPRC also play paddle tennis during the fall, winter and spring at various clubs in the area and now wish to construct a facility on the NPRC property for paddle tennis. This facility, as shown on the plans identified above in this Decision, would include three paddle tennis courts, a warming hut, viewing platform, fencing around the courts and pole lights to illuminate the courts. During the course of the hearings, the applicant clarified that they do not intend to construct any viewing stands as part of this project.
4. The applicant proposes to operate the paddle tennis facility from 8:00 AM to 11:00 PM, seven days a week, from October to May. During this time, the other NPRC facilities are closed. In response to issues raised by the abutters concerning noise and people potentially congregating after 11:00 on-site, and questions from the Board, the applicant agreed to reduce its requested hours of operation to 8:00AM to 10:00PM, with all lights out by 10:00 PM and all persons off of the NPRC property by 10:30 PM.
5. Paddle tennis is a popular outdoor sport in the Boston area, and there are a number of

- facilities and leagues. The applicant would like to enroll as many as 150 members to the paddle tennis facility and include league play against teams from other towns or clubs.
6. The applicant intends to lease the portion of the NPRC property in which the paddle tennis facility will be constructed and operated to a separate but related entity which will qualify as both a non-profit entity under applicable law and a "private club not conducted as a business" for purposes of Section 3.2.1 of the Zoning By-Law. That Section permits use in a Single Residence A zoning district by such a private club upon issuance of a Special Permit by this Board.
 7. It is not clear that the proposed lessee of this property, Needham Platform Tennis Club, Inc., a Massachusetts limited liability company, is a non-profit entity. At the request of the Board, the applicant has agreed to re-organize that entity (or to create a new entity in its place) as a non-profit entity in accordance with applicable state law (which may include changing the form of that entity to a non-profit corporation organized under M.G.L. c. 180).
 8. The proposed location of the paddle tennis facility is a slight depression in the interior of the NPRC property which is currently undeveloped. It is separated from the residential abutters by the existing driveway from Central Avenue and the woods on the NPRC property between that driveway and the proposed location. The nearest residential abutter to the proposed location is 375 feet away (across Central Avenue), and the next closest group of residential abutters (along Starr Ridge Road) are 400 feet or more away from the proposed location. Construction of the paddle tennis facility will not require the removal of trees other than those in the immediate location of the proposed facility.
 9. In response to questions from abutters and the Board concerning possible alternative location on the NPRC property for the paddle tennis facility, the applicant demonstrated that the existence of the NPRC septic system and its leaching field precluded locating the paddle tennis facility at any of the other suggested locations.
 10. With three paddle courts, each of which holds a maximum of 4 players, the applicant estimates that the highest number of people that would be at the paddle tennis facility at any one time would be approximately 36 people. The existing NPRC parking lot, which would be empty and available for use by these people, contains approximately 80 parking spaces, so there will be sufficient parking for this facility available on site.
 11. In response to complaints voiced by abutters at the hearing, the applicant agreed to prohibit parking along the driveway to the NPRC facilities.
 12. A number of residents of Starr Ridge Road raised the issue of the applicant installing additional fencing or trees between the paddle tennis facility and their property to provide additional light and noise buffering. The applicant believes that there is not sufficient land on the side of the driveway nearest these residences to install a fence or trees, and that any such buffering would need to be installed on the abutters' properties.

13. The Building Commissioner has requested that (1) the existing NPRC parking lot be restriped, (2) signage identifying the handicapped parking spaces be installed, and (3) a chain which restricts access by disabled persons be removed. The applicant has removed the chain and has agreed to comply with the Building Commissioner's other two requests.
14. Based on the photometric plan provided by the applicant and the testimony at the hearing, the proposed paddle tennis facility is not anticipated to cast any light beyond the boundaries of the NPRC property.
15. Based on the materials submitted to the Board concerning the noise generated by paddle tennis (in particular as opposed to the far noisier pickleball, which is played on a similar court), the testimony received by the Board, and the view taken by members of the Board of other operating paddle tennis facilities, the noise generated by the paddles and ball is not substantially different from that generated by a tennis game. At the view taken at the Wellesley Country Club, when standing approximately 375 feet away from the paddle tennis court, the Board members could barely hear the game being played. The Board acknowledges that the presence of spectators and the possibility of spirited play may create more noise.
16. The applicant desires to permit players and spectators to bring alcohol to the paddle tennis facility for consumption on-premises. Although the NPRC has similarly permitted alcohol on-premises on weekend nights without incident, the Board is cognizant that at the paddle tennis facility this could lead to problems of noise, litter and, possibly, unruly behavior. Based on the information provided to the Board concerning the general demographic of paddle tennis players, the Board is willing to permit alcohol to be brought to the paddle tennis facility for consumption on-premises provided that all alcohol is consumed within the warming hut. The Board will review this at the follow-up hearing to be required as a condition to issuance of the amendment to the Special Permit.
17. The applicant is considering the installation of one or more composting toilets within a bathroom inside the warming hut for use by players and spectators. The applicant has investigated the possibility of tying this toilet into the existing septic system serving the other toilet facilities at the NPRC, but has determined that it is not feasible to do so.
18. Although there are bathroom facilities in the NPRC clubhouse, these facilities would not be available for use by the paddle tennis players and spectators since they will need to be shut down after the summer season for a number of reasons, including possible freezing of exposed above-ground water pipes and liability concerns about permitting people to use these facilities when the rest of the NPRC facilities are closed and unmanned.
19. Any toilet proposed to be installed at the paddle tennis facility would have to comply with all applicable laws, codes, rules and regulations.
20. The applicant reported that there are wetlands on the NPRC property, but that the proposed project is outside of the wetlands areas and outside of the Conservation

Commission jurisdiction, based on the wetlands delineation provided to the Conservation Commission by the applicant and approved by the Conservation Commission.

21. In light of the fact that the paddle tennis facility will not be permitted to operate at the same time as the other NPRC facilities, the existing parking lot on the NPRC property, which contains approximately 80 spaces, is more than sufficient to accommodate the parking needs of the paddle tennis facility without any increase in the size of, or redesign of, that parking lot.
22. The proposed additional use of the NPRC property as a paddle tennis facility, and the proposed paddle tennis facility as shown on the plans referenced above, are consistent with the provisions of the 1962 Special Permit and the general purposes of the Zoning By-Law. In particular, the proposed facility has been designed to be compatible with the existing features of the site and otherwise to be compatible with the surrounding area.
23. The proposed additional use of the NPRC property as a paddle tennis facility, and the proposed paddle tennis facility as shown on the plans referenced above, will not create a demonstrable adverse impact on the surrounding area resulting from excessive noise or illumination.
24. Although the Board believes that the requested amendment to the Special Permit can be issued consistent with the provisions of the Zoning By-Law, in light of the fact that the paddle tennis facility would operate during the portion of the year that the NPRC's existing facilities have always been closed, and the concerns voiced by nearby residents, the Board believes it is appropriate to require the applicant to return to the Board after the paddle tennis facility has been open for several months so that the operation can be evaluated in terms of its effects on the neighborhood, especially in terms of noise, light spillage, parking, and issues relating to alcohol consumption.

Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, amends the 1962 Special Permit to permit the construction and operation of three paddle tennis courts, together with an associated warming hut, viewing platform, fencing and lighting, all as shown on the plans identified above in the "Documents of Record" (collectively, the "Paddle Facility"), subject to the following conditions:

1. The Paddle Facility shall be constructed and shall be operated at all times by a private club which is organized as a non-profit entity (e.g., a non-profit corporation organized pursuant to M.G.L. c. 180) and which is controlled by members of the NPRC (such as by means of a majority of the members of the Board of that entity being members of the NPRC). The NPRC will enter into a lease with this entity to provide for such construction and operation. Prior to and as a condition to the issuance of any building permit for the Paddle Facility, the applicant shall provide to the Board an executed copy of this lease as well as evidence that the lessee named in the lease is both a non-profit entity and is controlled by members of the NPRC. The Board reserves the right

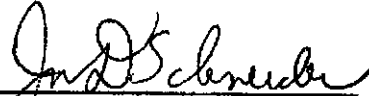
- to request similar documentation from time to time in the future to ensure continued compliance with this condition;
2. No viewing stands shall be constructed as part of the Paddle Facility, but the viewing platform shown on the plans referenced above shall be permitted;
3. The Paddle Facility shall be permitted to operate between the hours of 8:00 AM and 10:00 PM from October 1 to April 30; provided that at no time shall the Paddle Facility be operated while the NPRC facilities are open and available to its members;
4. All outside lighting at the Paddle Facility shall be turned off not later than 10:00 PM (lighting within the warming hut may remain on until 10:30). Everyone must leave the NPRC grounds by 10:30 PM;
5. Alcoholic beverages may be brought to the Paddle Facility by individuals for consumption within the warming hut during operating hours of the Paddle Facility, but in no event shall alcoholic beverages be consumed outside of the warming hut (including on the viewing platform or elsewhere on the NPRC property) at any time. Any remaining alcoholic beverages not consumed shall be removed from the Paddle Facility by the end of operating hours each day and shall not be stored at the Paddle Facility;
6. All vehicles shall be parked in the NPRC parking lot. No vehicles may be parked on or alongside the driveway to the NPRC facilities;
7. No light from any light fixture (indoor or outdoor) constructed as part of the Paddle Facility may spill over beyond the boundaries of the NPRC property;
8. No pickleball shall be permitted to be played; the Paddle Facility shall be limited to use for paddle tennis;
9. Any toilet to be installed as part of the Paddleball Facility shall be installed, operated and maintained in accordance with all applicable laws, codes, rules and regulations, including, but not limited to, those of the Massachusetts Department of Environmental Protection and the Town of Needham, and otherwise in accordance with good industry practice to avoid the emission of odors or seepage of materials. A written maintenance plan for such toilets shall be filed with the Needham Board of Health;
10. The parking lot at the NPRC shall be restriped and signage identifying the handicapped parking spaces shall be installed, all as required by the Building Commissioner;
11. The applicant shall provide to the Building Commissioner, this Board, and any neighbor who requests, from time to time, the name and contact information for a representative of the operator of the Paddle Facility to whom questions and complaints concerning the Paddle Facility should be directed;
12. The applicant shall notify the Board upon the conclusion of the first three (3) months of operation of the Paddle Facility. The Board shall schedule and hold a hearing approximately 60 days after the receipt of the notice to enable the Board to evaluate compliance with the conditions of this Decision and to take such further action as may be appropriate at that time, including, but not limited to, adjusting the hours of operation, restricting the consumption of alcohol on-site, and requiring sound and/or light mitigation measures, all as the Board, in its discretion, deems necessary. All required Board public hearing notice protocols shall be followed; and

13. This Special Permit Amendment shall not be transferrable by the NPRC without the prior approval of this Board.

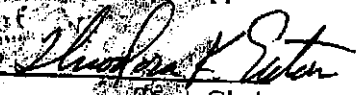
This is to certify that no appeal has been filed within the 20 day statutory appeal period.

Date 10/20/2020 Theresa K. Eaton
Town Clerk

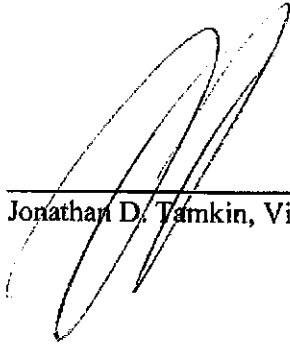
SIGNATORY PAGE -1545 CENTRAL AVENUE


Jon D. Schneider, Chair

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

Date 10/20/20 
Town Clerk

SIGNATORY PAGE – 1545 CENTRAL AVENUE



Jonathan D. Tamkin, Vice-Chair

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

Date 10/20/20 
Town Clerk

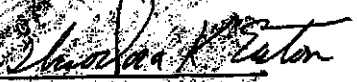
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Peter Friedenber, Associate Member

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filed within the 20 day statutory appeal
period.

Date

10/20/2020 

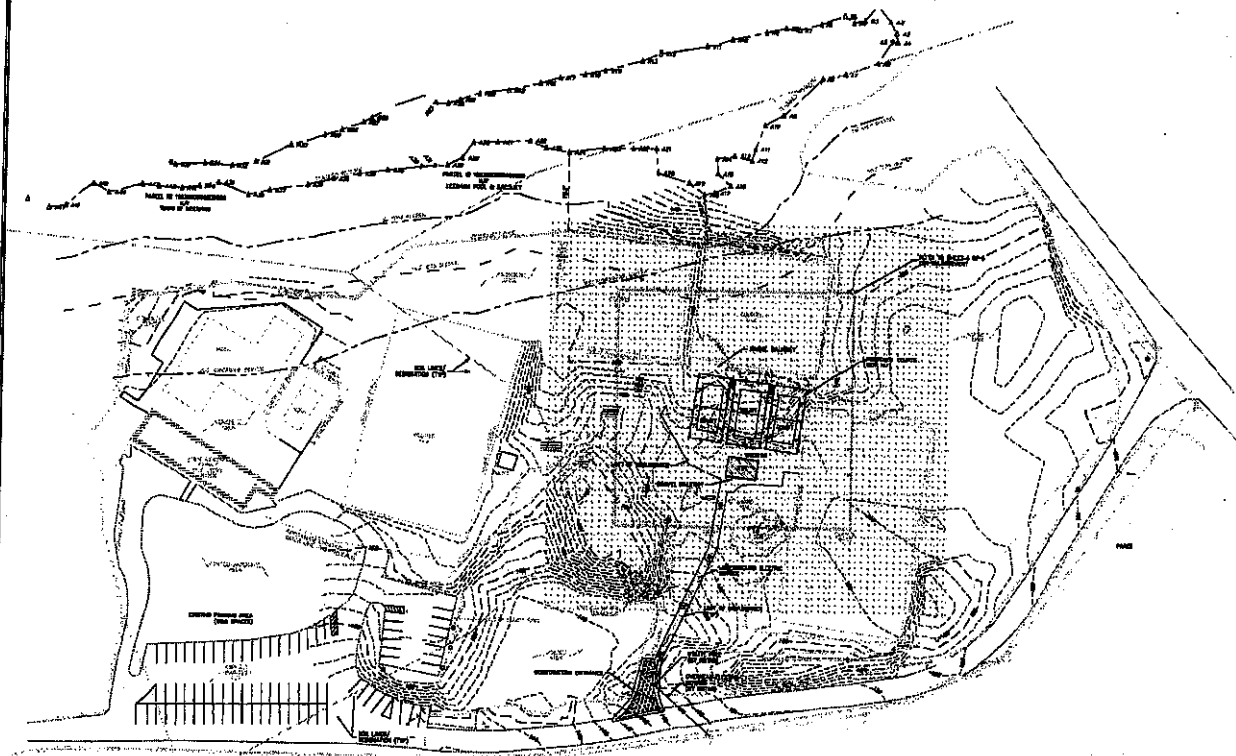
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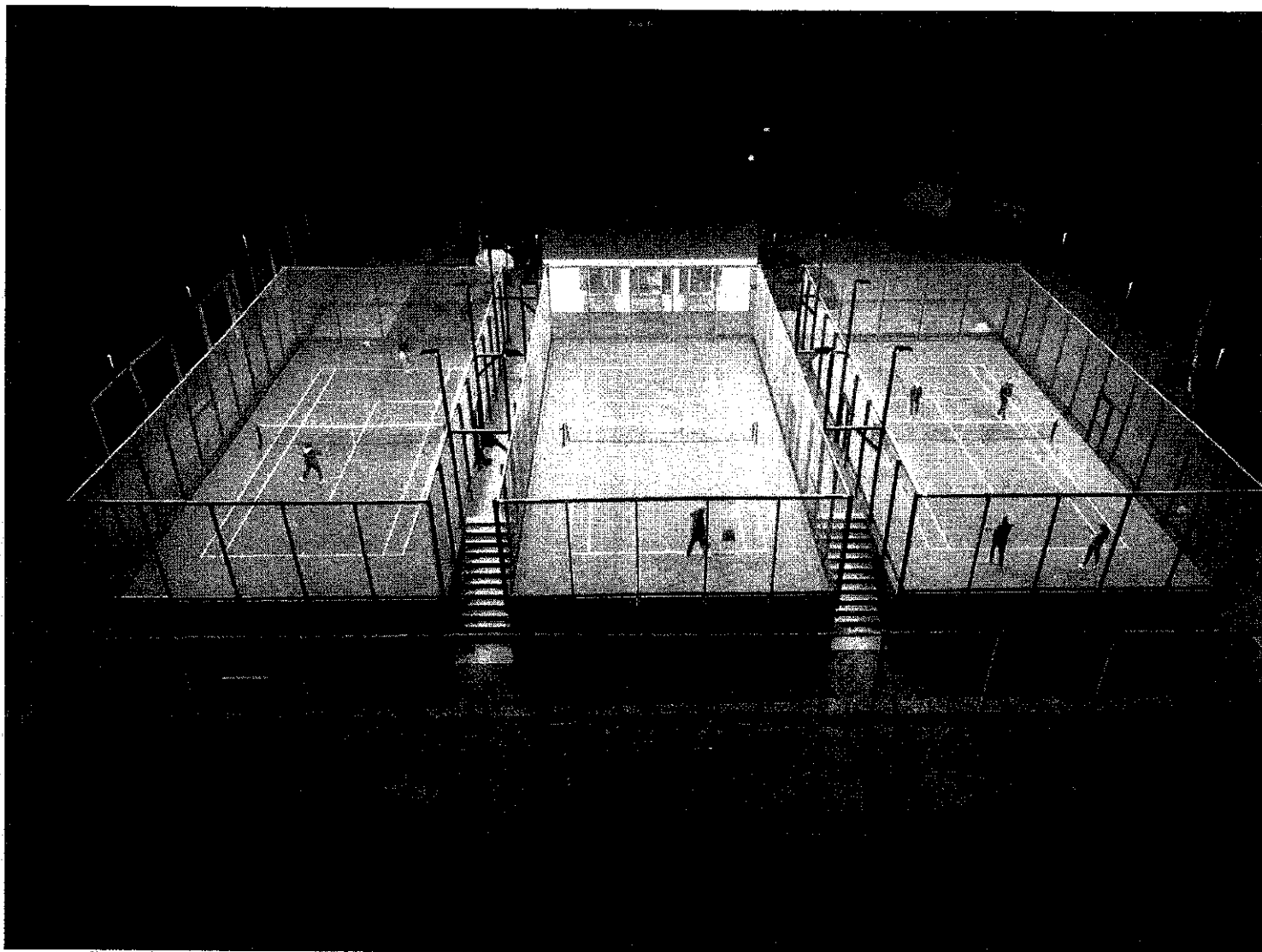
Needham Pool & Racquet Club

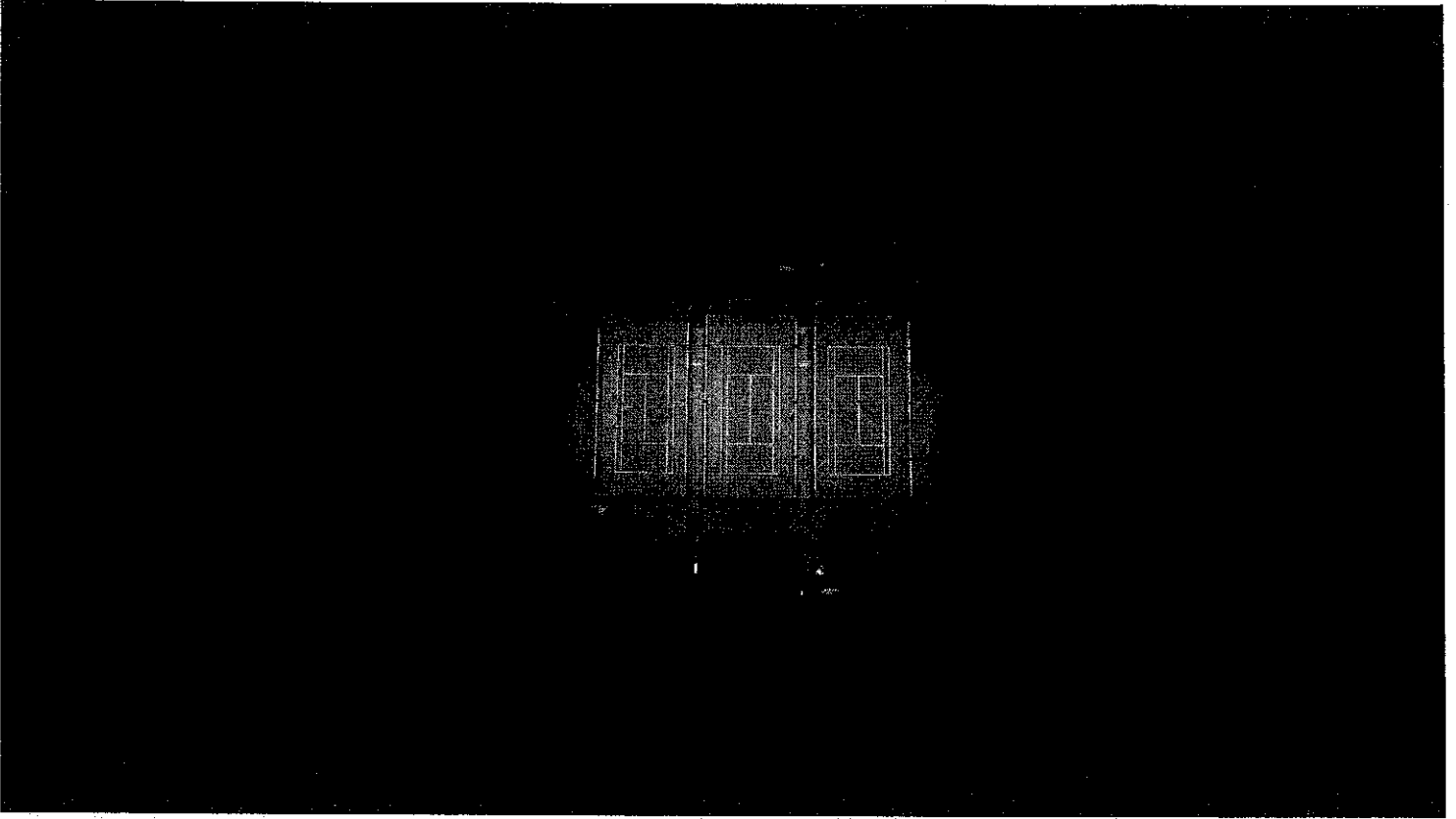
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Page 3 of 4



View of point by point







To: Town of Needham Zoning Board of Appeals

October 3, 2025

MEMORANDUM IN SUPPORT OF APPLICATION FOR THE ISSUANCE OF AN
AMENDMENT TO SPECIAL PERMIT
DATED JULY 16, 2020

1545 CENTRAL AVENUE, NEEDHAM,

The applicant, Needham Pool & Racquet Club, Inc., (NPRC) a not for profit Massachusetts corporation, owner of the real property at 1545 Central Avenue, Needham, MA (hereinafter the "Property"), seeks to amend a Special Permit dated July 16, 2020 (attached hereto) under Sections 3.2.1 and 7.5.2 or any other applicable Sections of the By-law to permit as follows:

1. Change the daily closing time from 10:00 PM to 11:00 PM, in Decision #3 and #4, on page 18, of the amendment;
2. Change the time the Platform lights must be turned off from 10:00 PM to 11:00 PM, warming hut lights must be turned off from 10:30 PM to 11:30 PM, in decision #4, on page 18, of the amendment;
3. Change the opening date of the club from October 1, to September 15, in decision #3, on page 18, of the amendment;

PRESENT USE/HISTORY

The Property consists of nine plus acres of land on the northerly side of Central Avenue and is within the SRA Zoning District. The Needham Pool & Racquet Club (NPRC) is a private club with approximately 325 family memberships. Originally, pursuant to a 1962 Special Permit, there was a clubhouse, swimming pools, 12 outdoor Tennis Courts and related similar activities. That use of the Club is currently open from May to September. The July 16, 2020 Special Permit allowed the addition of three approximately 20' by 44' Platform Paddle Tennis Courts with appropriate fencing, lighting and a warming hut. NPRC partnered with the Needham Platform Tennis Club, Inc. (NPTC), a not for profit Massachusetts Company to design, build and run the program under the supervision of the NPRC. The NPTC is managed by Barry Nectow, current member of the NPRC and past member of the its Board of Directors and past President. NPTC opened for play in October, 2021. NPTC has 150 members and a waiting list exceeding 125 persons to join.

NPTC leases land on the property of the Needham Pool and Racquet Club (“NPRC”). NPTC’s leasehold property includes three platform tennis courts and a 600 SF warming hut.

During the process of amending the special permit, several abutters expressed concerns about the existence of the platform tennis club causing excessive noise and the light spillage causing excessive illumination. Therefore, the Board Restricted the Paddle Facilities to be open seven days a week from 8:00 AM to 10 PM, from October 1 until April 30th of each year with the Paddle lights to be off by 10:00 PM, warming Hut by 10:30 PM and everyone to vacate the grounds by 10:30 PM.

Paddle tennis games are typically “doubles” with 4 players on the courts at any given time. League play is typically Monday- Wednesday evenings late October thru mid-March starting at 6PM. During these matches the maximum numbers of participants at the site would be 36 team members.

PROPOSED CHANGES

1 – Later Closing Time and Light turn off times

Over half of our members participate in league play, which is a cornerstone of our club’s culture and of platform tennis in Metrowest Boston. Our members compete in two leagues: matches are held on Monday and Tuesday evenings, and Thursday and Friday mornings.

Evening matches typically begin at 6:00 PM and are played in three waves:

- Three matches at 6:00 PM
- Three matches at 7:30 PM
- Two matches at 9:00 PM

Each match is scheduled for approximately 90 minutes, but they often run longer. As a result, it’s challenging to finish all matches by the current 10:00 PM closing time. Extending play until 11:00 PM would allow matches to conclude without interruption.

Evening hours are the most in-demand time slots. Extending closing time by one hour would provide members with greater flexibility and access to evening play.

Since opening in 2021, NPTC has not been contacted by the neighbors about noise or light issues since the first month of operation.

2 – Season Extension

During our initial negotiations with NPRC and later with the zoning board, concerns were raised about overlapping seasons between NPTC and NPRC. The primary issues cited were traffic, parking, and potential interference between platform tennis and tennis activities.

Now, with over four years of experience, we've found these concerns to be unfounded:

- The 80 available parking spaces have consistently met demand.
- Traffic has not been an issue, thanks to staggered arrival and departure times.
- Platform tennis and tennis coexist smoothly, with players on both sides showing mutual respect.

Beginning the season in September would allow league participants time to practice and prepare for the official start in early October. For instance, our first league match is scheduled for October 2, 2025, leaving many players with only one day to practice under the current schedule.

LAW

The Applicant's request is to be evaluated pursuant to the standards of Section 7.5.2 of the By-law.

Pursuant to Section 7.5.2 of the By-law Prior to granting a special permit, the Board of Appeals shall make a finding and determination that the changes as proposed by the applicant:

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

If applicable, the Board shall make a finding and determination that the following objectives will be met:

- (d) the circulation patterns for motor vehicles and pedestrians which would result from the use or structure which is the subject of the special permit will not result in conditions that unnecessarily add to traffic congestion or the potential for traffic accidents at the site or in the surrounding area: and
- (e) the proposed use structure or activity will not constitute a demonstrable adverse impact on the surrounding area resulting from:

- 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area,
- 2) emission or discharge of noxious or hazardous materials or substances, or
- 3) pollution of water ways or ground water.

The requested amendments extending the dates of operation and hours of use and illumination at the Property are minimal and do not represent a substantial change from those uses allowed in the July 16 , 2020 special permit. This use at the site has always been designed to ensure that there will be no adverse impact on the surrounding area from excessive noise or level of illumination.

REQUESTED AMENDMENTS TO SPECAIL PERMIT

The applicant requests that the Board approves the Amendments to the 2020 Special Permit conditions and restrictions as follows:

1. Change the daily closing time from 10:00 PM to 11:00 PM, in Decision #3 and #4, on page 18, of the amendment;
2. Change the time the Platform lights must be turned off from 10:00 PM to 11:00 PM, warming hut lights must be turned off from 10:30 PM to 11:30 PM, in decision #4, on page 18, of the amendment;
3. Change the opening date of the club from October 1, to September 15, in decision #3, on page 18, of the amendment;

All other conditions to remain as set forth in said decision.

CONCLUSION

The proposed changes are consistent with the intent of the original Special Permit and is in harmony with the uses already allowed. The use has been designed to fit within the natural habitat of the site buffered by trees and distance from residences with appropriate measures taken to control illumination, noise and without creating additional undue traffic in the area. The new hours and dates of operation will not be detrimental or injurious to the neighborhood. There have been no complaints since the first month of operation and those were operational and quickly remedied.

As the 1962 Zoning Board stated that they are: "of the opinion that the Town is fortunate in having spotted throughout its entire area such facilities as the playgrounds, Golf Club, Rosemary Beach, Tennis Club, Memoria Park, Cricket Field, etc. practically, all in areas more congested than the area in question here." Allowing this use would just be a natural extension of what that Board described as "an integral part of community living"

Respectfully Submitted
Needham Pool & Racquet Club, Inc.
by its attorney,



Michael A. Crowe, Esquire
200 Highland Avenue
Suite 302
Needham, MA 02494
michaelacroweesq@gmail.com
781-444-5855

NEEDHAM PLANNING BOARD MINUTES

September 23, 2025

Joint Meeting with members of the Select Board, School Committee, School Building Committee/Permanent Public Building Committee (PBC), Recreation Commission, Planning Board, Finance Committee and Conservation Commission regarding the Collard Middle School Feasibility Study

September 23, 2025 at 6:30 p.m.

Broadmeadow Performance Center
120 Broad Meadow Road
Needham, MA 02492

At approximately 6:30 p.m., elected Board Chair Heidi Grail welcomed everyone and asked the Chairs of each board to come to the podium.

Chair Heidi Grail called the meeting to order, September 23, 2025.

Members of the board present: Heidi Grail, Susan McClellan, Adam Black, Amanda Eschada, and Eric Greenberg.

Members of the board absent:

Mayor Marie DiMelfo welcomed the group and acknowledged the significance of bringing all the boards together. He explained that each board will have a role to play in the process that either will materially shape the Collard Project or will determine its viability. Ms. DiMelfo said that there is wide consensus in the community that this is a critical project for the community, the needs of our students and the community with the Massachusetts School Building Authority (MSBA) is vital. In addition, the School Building Committee (BC) of the Public Building Committee (PBC) is currently doing the current site study to be a preliminary schematic design.

Ms. DiMelfo listed the four major decisions that are involved in the Collard Project:

- the current Collard site or new fields
- grade configuration or not
- the building or renovation
- the land source for the addition

Ms. DiMelfo reviewed the process that the Board and Committees will undertake and discuss the advantages and challenges both the Collard site and the new site for the construction of either a new or Collard Middle School. He asked each board to consider the essential questions: Can the Boards provide guidance to the BC/PBC whether to relocate a site or not? The feasibility study that each board should be asked to deliberate on includes and share their discussions publicly with the community in the BC/PBC.

Superintendent Charles Adams said that throughout his 20-year career, he has witnessed several successful collaborations in the Needham community. He presented a preliminary data on the Collard Middle School Building Project feasibility study. He reviewed the advantages and challenges both the Collard and new site options, noting that the field sites would be extremely rare and located in a scenic area.

Mayor, associate principal of M&A Architects, explained the fee construction process, including the additional fees and trade fees associated with both sites.

The committee recalled the jurisdictional land sale has been placed on the agenda for 2019. The committee also recalled the additional fees and challenges of the fee schedule. The committee is for the BC/BC to resolve the site with the M&A by December 1, 2020 with the aim of the M&A to have the recorded the fee chase schedule design by February 2020, with a possible override fee would be necessary by December 2020.

The committee held a question and answer session regarding the Millard Middle School Building project feasibility.

Laurel Board member Adam Black asked about site circulation and how the committee would access the residential fields during construction. Mr. Black said that the parking spaces that are currently in the area would be in the area of the traffic back lots. He said that the area of the traffic will be a challenge on either side. He said that a traffic engineer will be required to determine the impact.

Finance Committee Chair John Connolly asked about the timing behind the decision to request the site discussion and fee. The committee said that they have learned that the M&A requires a lease fee of \$100,000 as compared to the residential site of \$50,000. The designers have also received feedback from the cars and recreation committee that the fee of the site is a challenge on either side. The committee added that the fee is a difficult site, the committee needs to recognize that.

Laurel Board Chair Artie Crocker asked clarification questions about the theater design process. Mr. Black explained that the addition/replacement of the theater will be required in the design process. The fee construction process includes a 10 seat addition.

Cars and recreation committee member Cynthia Chas asked if the current Millard site would be used in the fields if the site is selected as a site. The committee said that while the fields are currently a site, the use of the site would likely be a committee decision.

The committee discussed for Laurel Board member Malasha Esada that the site space is currently under consideration.

Finance Committee member Peter Mall asked about the impact of the building a fee facilities and the current school design. Building design and construction fee for the school was explained that the fee for the public works would need to be released before the Millard project, therefore the site would require a full study of the current Millard building process, and would use M&A services.

Each Board discussed its response to the essential questions. Can the Boards provide guidance to the BC/BC whether to eliminate a site or the feasibility of the site.

The elected Board, School Committee, and Cars and recreation Committee all recognized that the fee will be required for consideration. Several members of the School Committee expressed dissatisfaction with the speed with which some stakeholders were willing to dismiss the fee. The Laurel Board indicated that the committee could review the requested information and fees for the Millard site, but did not have a final decision regarding the fee, and the traffic would be an issue on both sides. The Finance Committee emphasized the importance of the M&A and did not have a decision on the site. The Construction Committee had a meeting on the fee and indicated that the fee issues need to be addressed on both sides.

School Committee Chair Michael E. Bries said that the feedback received, which did not yield a strong consensus. He said that the significance of the site is a concern for the committee to discuss this critical project. He said that the design team for creating the models and renderings. A second session is being considered for later this fall to provide guidance to the BC/BC as it sees to arrange the recorded design.

Chair Briere had the opportunity to address the meeting, the BC/Perth Area Public Building Committee will continue to discuss the feedback and the regarding the submission of a sample of the MBAs. The BC/Perth Area Public Building Committee addressed their discussion on 24. The meeting was a 1 hour 00 minutes session as scheduled in the MBA on September 3, 2021, as per the reliable information.

At the meeting on 2021, each board identified all addressed.

Chair Arlie Crocker reiterated a meeting with the All Boards on September 2, 2021.

The meeting was held by Ada Blach and seconded by Eric Creeber. The meeting was a 1 hour 00 minutes session.

A list of all documents used at this All Boards meeting is available at <https://www.feedha.ca/2021/09/02/area/council/area/file.ashx?file=CBB>

A video recording of the September 2, 2021 All Boards meeting can be found at <https://www.feedha.ca/channel>

Respectfully submitted,

Elizabeth Allia

Executive Director of the Greater Victoria Chamber of Commerce

From: [Susan Herman](#)
To: [Artie Crocker](#); [Lee Newman](#); [Alexandra Clee](#)
Subject: Greystar Information
Date: Tuesday, October 7, 2025 11:53:51 AM

Hello Planning, I thought you might be interested in the following information. Conditioning approval so the experiences outlined below do not occur in Needham Heights may be something you can do under the General by-laws which the MBTA properties are subject to. Or at a minimum ask them about. I also believe departments need to understand that their responsibilities are a thorough permit process and are not any less because this is an "MBTA" property. Greystar developed and owns two properties in Dedham (at Dedham Station) where property visits may help out permitting departments. Unfortunately, the Needham Observer named the Natick as the closest property. Greystar bought the Natick property after it was built so it is not an example of their development.

Thank you,
Susan Herman

Informal complaints in Massachusetts

Unresponsiveness / Poor maintenance communication

Tenants say they've submitted many maintenance or lease-office messages/emails and receive little to no response. Birdeye

In some cases multiple issues (e.g. leaks, repair, safety) remain unresolved for long periods.

Security deposit issues

Several renters report delays in getting security deposits back after moving out. Birdeye

Experience Marketing platform

Sometimes, charges are made for cleaning, minor damage, etc., that tenants dispute as being "normal wear and tear." BBB+1

Safety / Amenities Problems

Broken safety features (e.g. gates, lighting) that aren't repaired promptly. The Daily Dot

Poor enforcement of rules: incidents of fights, security risks due to non-functioning gates or doors. The Daily Dot

Noise, thin walls, general tenant comfort issues

Complaints about thin walls, noise from common areas or neighboring units (e.g. gym, hallways) that management doesn't address satisfactorily. The Daily Dot

Hidden or disputed fees, rent increases

Rent hikes that seem disproportionately large, particularly after renovations. Reddit

Fees for cleaning, appliance repair, etc., sometimes contested by tenants.

Application or leasing fees seen as high or non-refundable (sometimes allegedly illegally so) in some reports. Consumer Info Network

Issues with tenant portal / documentation

Former tenants report losing access to online portals after move-out, making it difficult to get rental history, ledgers, or references. Reddit

General dissatisfaction with property condition / management quality, especially after acquisition

Some reports say properties managed by another company, when taken over by Greystar, suffer from declining maintenance, staff turnover, or slower response times. Reddit

Official actions & filings

1. **U.S. Department of Justice / Multi-state antitrust action (RealPage algorithm pricing)**

The DOJ (joined by Massachusetts AG Andrea Campbell and other states) filed an amended complaint alleging that large landlords used RealPage's pricing algorithms and coordinated to set rents. Greystar was a major subject in the broader enforcement and related settlements/proposed settlements. This is a large, formal federal enforcement matter affecting Massachusetts renters. [Department of Justice+1](#)

2. **Recent federal enforcement and settlements involving Greystar**

In 2025 there have been several federal actions and resolutions tied to Greystar: a proposed antitrust settlement reported by the DOJ and coverage about settlements/proposed settlements related to algorithmic pricing practices. These are formal government enforcement items (not just consumer reviews). [Department of Justice+1](#)

3. **Department of Justice — SCRA settlement (military tenants)**

The DOJ announced that Greystar would pay over \$1.4M to resolve allegations it violated the Servicemembers Civil Relief Act by imposing unlawful fees on servicemembers who terminated leases for military relocation. This is an official federal enforcement settlement. [Department of Justice](#)

4. **Local / state civil litigation (tenant suits in Massachusetts courts)**

There are Massachusetts Housing Court / Court of Appeals decisions involving Greystar entities (for example, *Flemming v. Greystar Management Services*), showing Greystar has been a named defendant in tenant disputes and class-action style claims in MA courts. These are formal court records. [Justia+1](#)

5. **Regulatory / consumer complaints aggregated by BBB and industry press**

The Better Business Bureau maintains complaint records and a profile for Greystar's Boston operations (complaints about maintenance, deposits, communications, etc.). Industry reporting (Multifamily Dive, local press) documents tenant lawsuits and regulatory actions in Massachusetts. These aren't government enforcement per se but are formal complaint records and press coverage

From: [Susan Herman](#)
To: [Planning](#)
Subject: Letter for Planning Board re: 100 West Decision
Date: Thursday, October 9, 2025 10:46:32 AM

To: Planning Board
From: Susan Herman
13 Carey Road
Re: 100 West Decision

Mellon, Morton, Carey and the single family residences on Highland Avenue are the neighborhoods that will be impacted by 100 West development. Residents work hard to maintain value - properties have improved and perhaps add in total to more than a completed 100 West Street.

The PB conditioned decision needs to include,

An independent peer review of the traffic study paid for by the proponent. The submitted traffic study conveniently stays below the threshold of 100 cars/ hour. An independent peer review is typically required at 100-200 peak hour trips.

An independent review would answer the following. Are food, product and service deliveries included in the traffic counts? This is the worst kind of traffic that makes stops and quickly moves onto the next stop. Further West Street entrance/egress needs to be fully functioning in order to be effective and an independent study would tell us if that is possible.

Another issue that needs to be answered is if tenants of 100 West be allowed to purchase spaces outside of those offered by the management of the building. There are small vendors in Avery Square that could rent out a space. The MBTA could rent out spaces. This matter was overlooked by the MDM traffic study as it was simply based on the 90% ratio. If this is allowed it would nullify the conclusions of the submitted traffic study. Other Greystar properties are probably not the right metric for Needham. I do not recall this issue resolved at the hearings but it is one that could be answered with an independent study.

Proper signage needs to be fair and responsive to all the neighborhoods surrounding the property, not just one street as currently proposed. This is concerning to Needham Heights neighborhoods as traffic kept off one street just travels on another. Each change in the Heights brings more traffic and some of these changes have been significant. We remain concerned residents coming out of 100 West will not be able to take a left onto Highland Avenue during the commuting hours or when the West Street intersection fails. Therefore they will take a right where the sight line is better. Cutting through Carey Road is logical - it happens now and will become a greater issue given the discussions by the Planning Board to date. An independent traffic study could help answer whether notification of staying off local roads at the lease signing will be effective and as currently envisioned... and if it is fair.

Truck traffic is particularly intense (and often fast) in our neighborhoods. We park our cars on the street during the day to slow it down, which forms a "wall" between traffic and small front setbacks. We believe truck traffic is an issue for Mellen St, Carey Rd, and we know it is a great issue for the single family homes on Highland Avenue. Parents of young children in

these neighborhoods are rightfully concerned.

For these reasons an independent traffic study should be part of the Planning Board's conditioned decision for the 100 West Street development. It makes sense to have complete and independent information on a matter of great concern to residents of Needham Heights.

Lastly and outside traffic, Liz Kapon's point on construction and rodents was correct. Construction vibration disturbs rats and they will nest elsewhere. A licensed pest control company needs to provide ongoing service during construction not just during management of the property

Alex, please confirm receipt of this email.

Thank You,
Susan Herman

From: [Lee Newman](#)
To: [Maurice Handel](#)
Subject: Re: FYI from MAPC re parking requirement THIS TIME WITH THE ATTACHMENT
Date: Thursday, October 16, 2025 10:32:55 AM
Attachments: [Screenshot 2025-10-16 10:32:55 AM](#)

From: Maurice Handel <mohandel@gmail.com>
Sent: Monday, October 13, 2025 2:28 PM
To: Lee Newman <LNewman@needhamma.gov>
Cc: Artie Crocker <artie.crocker@gmail.com>
Subject: Re: FYI from MAPC re parking requirement THIS TIME WITH THE ATTACHMENT

The Perfect Fit Parking Phase 5 Salem study adds yet another contribution to a robust regional dataset highlighting opportunities for parking reform, as most communities have built more residential off-street parking than is needed or utilized. Forthcoming municipal case studies from MAPC will further highlight how cities and towns in the MAPC region (including Salem) have reformed parking to advance their housing and community development goals. [Read the Press Release About Salem's Elimination of Parking Minimums.](#)



MAPC Executive Director, Lizzi Weyant, and Senior Transportation Planner, Adi Nochur, with Salem Mayor Dominick Pangallo, as he signs the ordinance to eliminate parking minimums.

> On Oct 13, 2025, at 14:26, Maurice Handel <mohandel@gmail.com> wrote:
>
> For the Planning Board's interest.
>
> Moe

Mayor Dominick Pangallo Signs Ordinance Eliminating Parking Mandates for New Multifamily Housing in Salem

The approval follows two affirming votes by the City Council of the ordinance first proposed by Mayor Pangallo and after considerable study and engagement with residents

SALEM - September 29, 2025 – Last Thursday, the Salem City Council took a final vote 10-1 in favor of an ordinance filed earlier this year by Mayor Dominick Pangallo that eliminates nearly 60-year-old, arbitrary parking minimums for new multifamily housing in the City. Today, Mayor Pangallo signed the Ordinance into law in an underutilized parking space, alongside City Councilors and staff, members of the Affordable Housing Trust Fund Board and Planning Board, and representatives from the Metropolitan Area Planning Council (MAPC). The City of Salem is the first community outside of MAPC's Inner Core to eliminate parking minimums as part of local and statewide efforts to boost housing production and more accurately align parking supply with local needs.

Salem's new Zoning Ordinance eliminates parking minimums for all new multifamily housing with three or more units and requires multifamily projects receiving Site Plan Review to identify how they will address residents' transportation needs via submittal of Transportation Demand Management plans. It also creates a uniform affordability expectation in the Inclusionary Housing ordinance of 10% of units affordable at 60% area median income (AMI) for eligible projects, exceeding the state standard of 80% of AMI.



MAPC Executive Director Lizzi Weyant and Senior Transportation Planner Adi Nochur joined Mayor Pangallo, Salem City Councilors and staff, and members of their Affordable Housing Trust Fund Board and Planning Board for the ordinance signing.

Salem previously required 1.5 parking spaces for every one new unit of multifamily housing, with limited exceptions. That ratio was adopted in 1969, when the City increased the requirement from one parking space to 1.5 spaces – setting a mandate that would remain in place for decades. **On average, the City and MAPC found that 1.18 parking spaces were built per unit of housing at the multifamily sites studied in Salem, and of the spaces built, 62% of them were occupied and 38% were vacant at the time of study. Households living in multifamily housing on average had a demand for 0.85 parking spaces per unit.**

This mismatch between parking supply and demand, as well as an unmet need for housing, made obvious the need for Salem to reform its parking policies accordingly.

“We have an affordability challenge here in Salem, just as many communities across Massachusetts do,” said **Mayor Dominick Pangallo**. “To make our community a less costly place to live, we must right-size our housing supply to better match demand. Until today, Salem required more parking spaces in its multifamily developments than there is demand or need for. Unused excess parking increases the cost of housing, exacerbates housing cost burdens for those at lower incomes who may not need or want that parking, adds to congestion and traffic by inducing

the demand for car ownership, and contributes to heat and stormwater related environmental impacts. Salem needs more homes and less empty asphalt parking spaces at these projects.”

From the **City of Salem Planning Board**, which offered the following in its unanimous positive recommendation for adoption of the ordinance: “This is a chance for Salem to take control of its future. Eliminating minimum parking requirements is a historic preservation strategy, a climate action, a mobility win and a housing affordability policy rolled into one. It helps make housing more affordable, neighborhoods more walkable, and our city more livable. It aligns with bipartisan best practices and growing momentum across the country. And finally, as we head into Salem’s 400th year, it gives us the local flexibility to, once again, design our City for people, not just for cars as we’ve done for the past half-century.”

Parking minimums are defined as the lowest number of off-street parking spaces required based on the type of activity on a site, codified in Zoning Ordinance or bylaw. Minimums are sometimes called parking mandates, as they create a required baseline. Salem’s new ordinance does not ban or even discourage production of new parking spaces for multifamily housing. Instead, the elimination of the required minimum creates flexibility for projects to provide the amount of parking that meets their needs, often based on market conditions such as proximity to transit and walkability of the project location. Similarly, the new ordinance does not apply to on-street and public parking. Through that flexibility, by allowing projects to right-size the off-street parking provided to their specific context, the City is creating greater opportunity for demand for off-street parking change over time. Although not every Salem neighborhood is ready for parking-light housing today, more will be in the future.

This change also advances other public policy goals of the City, by making it less likely that parking built will sit empty. Excess parking is known to encourage car-dependency, exacerbating traffic, related emissions, and other negative environmental impacts. Surface parking, in particular, impairs stormwater management efforts and contributes to urban heat island effect.

In 2022, Salem’s City Council adopted the Housing Road Map, consisting of 30 strategies and including revisiting the City’s residential parking minimums to meet the City’s housing needs. Mayor Pangallo selected the strategy as a priority for advancement and applied for a technical assistance grant from MAPC in 2024 to support the project, seeking to build upon [MAPC’s Perfect Fit Parking initiative](#). The

initiative provides guidance on how much parking is needed for given developments – and how much is too much.

As part of Phase 5, MAPC worked with City staff to examine the fitness of the City's current parking minimums. This included surveys and overnight parking counts conducted at 14 multifamily sites throughout Salem. The City and MAPC then analyzed parking supply, demand, and utilization at these sites and worked with City staff to share the study findings and hear from residents about their parking and housing experiences at a series of community engagement events. The resulting ordinance was informed by these findings and community input. Salem is the first municipality to directly apply MAPC's Perfect Fit Parking methodology to inform their zoning changes.

For the City of Salem, the elimination of multifamily parking minimums marks a significant milestone in addressing challenges to creating new housing. On its own, this policy will not solve the housing crisis, but it plays an important role in making it easier and more cost-effective to build new homes. To date, of the 30 strategies in the Housing Roadmap, 13 have been completed and nine others are actively in progress. More information on these efforts is available on [ImagineSalem.org](https://www.imagineSalem.org).

"We've been extremely proud to support the City of Salem with their local zoning ordinance through our Perfect Fit Parking Phase 5 data and research," said **MAPC Executive Director Lizzi Weyant**.

"Examples from across the Commonwealth and the country show that parking reform can help produce more housing, lower housing costs, provide growth with limited congestion and air pollution, and improve walkability. These are all priorities that we are working on with communities throughout the MAPC region, and Salem just set a great example of how it can be done. In the coming weeks, we look forward to sharing more detailed case studies of how Salem and other cities and towns in Greater Boston have achieved parking reform success."

MAPC's began its Perfect Fit Parking research in 2015 to equip local planners with detailed and accurate information so they can make informed decisions about parking plans and policies. Data from 260 multifamily housing sites across 22 communities in Greater Boston has shown that parking is consistently overbuilt and underutilized – whether in urban or suburban locations. The elimination of parking minimums for new multifamily residential properties provides the greatest ability to right-size the parking supply and allow developments to determine parking that meets the needs of their resident population, while reducing the

likelihood that parking will go unused. Forthcoming municipal case studies from MAPC will further highlight how cities and towns in the MAPC region (including Salem) have reformed parking to advance their housing and community development goals.

From: [Teresa Combs](#)
To: [Planning](#); [Alexandra Clee](#)
Subject: Re: Request for Direct Outreach to SRB Property Owners Regarding Potential Zoning Changes
Date: Wednesday, October 15, 2025 9:55:17 AM

Dear members of the LHRC and Planning Board,

I'm writing again to request that a direct mailing be sent to all residents in Needham who will be impacted by any prospective zoning changes. There has been poor attendance at the two community meetings to date; and the LHRC should do everything possible to ensure all residents are aware of its work and charge.

This is my third email (previous ones were sent on 7/31/25 and 8/7/25. I've received no responses to date, nor have my emails been read at any LHRC meetings. I also spoke at the 9/15 community meeting and again requested that a mailing go out.

A mailing was sent to alert residents about the Pollard project, and I just became aware that a similar mailing will be done for the Envision Project. This project is just as important, if not more so, given that any potential zoning changes can have serious unintended consequences for thousands of residents.

Again, please take the time to send out a mailing. Time is running out, as your recommendations will be made to the Planning Board before the end of the year.

Thank you
Teresa Combs

On Thursday, August 7, 2025 at 01:12:59 PM EDT, Teresa Combs <tcombs2@verizon.net> wrote:

Dear members of the LHRC and Planning Board,

I writing to follow up on my 7/31/25 email requesting that a direct outreach mailing be sent to all residents in the SRB zoning district who will be impacted by any proposed zoning changes.

Today I received the postcard shown below about the Pollard Project. This direct outreach mailing is informing residents about how to "participate in the Pollard Project, our shared investment in Needham's future". This outreach is exactly what I am requesting.

Again, I am requesting that the LHRC please send out a similar mailing. Residents need to be made aware of this equally important issue.

Thank you!

Teresa Combs

PARTICIPATE IN THE POLLARD PROJECT

OUR SHARED INVESTMENT IN NEEDHAM'S FUTURE

Pollard Middle School is over 65 years old, and the aging infrastructure is in need of critical upgrades. We are working on a solution to design a renovated or new school for our 1300+ middle school students that will fully meet their educational needs. **This project needs the input and support of the entire community, and we want to understand your priorities.**

Needham has a unique opportunity to partner with the state for partial funding of a renovated or new middle school facility that upgrades critical infrastructure while fully supporting the learning needs of our 6-8 students.

Your voice is vital! Join us at these upcoming sessions.
SHARE YOUR PRIORITIES. ASK QUESTIONS. LEARN MORE.



Visit:
<https://tinyurl.com/NPSPollardProject>

WEB LINK!



TURN OVER FOR INFORMATION & MEETING DATES →



SHARE YOUR PRIORITIES FOR POLLARD

Join us at these important upcoming meetings to learn more about the Pollard Middle School Building Project and share your valuable input. Your perspective is essential as we shape the future of our schools and community.

<https://tinyurl.com/ZoomPollard>

ZOOM LINK!



UPCOMING COMMUNITY MEETINGS & EVENTS:

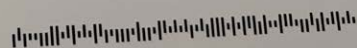
- **Thursday, August 21 at 6:30 p.m.** (Zoom)
Community Meeting: *What is our Vision and Q&A*
- **Wednesday, September 10 at 6:30 p.m.** (In Person at Pollard & Zoom)
Community Meeting: *What We're Hearing*
- **Saturday, October 4 at 9:00 - 10:30 a.m.** (In Person at Pollard)
Pollard Open House: *Tours and Q&A*
- **Thursday, November 6 at 6:30 p.m.** (In Person at Pollard & Zoom)
Sharing Preliminary Plans & Gathering Additional Feedback
- **Saturday, November 15, 9:00 - 10:30 a.m.** (In Person at Pollard)
Pollard Open House: *Tours and Q&A*



Needham Public School
1330 Highland Ave.
Needham, MA 02492

PRESORT
STANDARD MAIL
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N READING MA
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RESIDENT
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NEEDHAM HEIGHTS, MA 02494-2120



Sent from my iPhone

On Jul 31, 2025, at 3:07 PM, Teresa Combs <tcombs2@verizon.net> wrote:

Dear Members of the Large House Review Study Committee and Planning Board,

My partner and I have lived in Needham for almost 25 years, and our 26-year-old son attended and graduated from the Needham Public Schools. I am 65 years old, love our town and am committed to staying here.

I am writing to respectfully request that the Committee conduct direct outreach to residents of the more than 7,000 properties located within the SRB zoning district who will be impacted by any prospective zoning changes under consideration. These homeowners deserve to be made aware - through a mailed postcard or flyer - of the Committee's charge and ongoing discussions, so they have sufficient time and opportunity to understand the implications and share their perspectives.

I appreciate the work the Committee is doing and acknowledge the public outreach efforts to date, including the June 9th public hearing at Town Hall, the online survey, and the recent discussion with some local developers. That said, I have some concerns about the methods used to gather community input and how that input might be interpreted and/or used.

From my experience, residents who attend public meetings tend to be those already actively engaged or supportive of a particular viewpoint on an issue. Similarly, while the online survey received approximately 1,000 responses, the sample was self-selected and does not necessarily reflect a representative cross-section of Needham residents. Additionally, some of the survey questions appeared leading, subjective, or emotionally charged. For example, Question 1 - "Needham has a large house and/or teardown issue" - presupposes a problem and may have influenced responses to later questions. The fact that 76% of respondents agreed or strongly agreed with that statement likely impacted the overall tone of the results.

I am also concerned by the use of ChatGPT to analyze and draw conclusions from the public meeting notes and survey responses. AI can be a helpful tool, but it is only as good as the information and context it is given. It would be irresponsible to draw strong conclusions - particularly statements about a community-wide mandate for zoning reform - based on this type of analysis.

Given these concerns, I urge the Committee to please broaden its outreach and specifically notify residents in the SRB district, many of whom may not be aware of the changes being considered or the potential implications for their properties and neighborhood. Direct outreach would ensure a more inclusive and equitable process.

Thank you for your time and consideration.

Sincerely,

Teresa Combs
7 Utica Road, Needham

From: [Caitlin Siegrist](#)
To: schoolcommittee@needham.k12.ma.us; [Town Meeting](#); [Town Hall](#); [Planning](#); [ParkandRecreation](#)
Subject: In support of new Pollard Middle School
Date: Thursday, October 16, 2025 2:11:50 PM

Hi -

I am writing today as a Needham citizen in support of the new proposed Pollard Middle School project. The educational benefits of a single 6-8 school will positively impact the quality of the Needham Public School education. The cost savings over time are meaningful, offering fewer redundancies and more efficient use of resources.

As a resident, I hope a few loud voices don't delay us from making the right choice to invest in our school's infrastructure. As a parent, I strongly support the new construction model and hope there aren't delays in making this important decision for our town.

Thanks,
Caitlin Siegrist

54 Mackintosh Ave
Needham MA

--

email: caitlinemurphy@gmail.com
phone: 617.910.6946

From: [Lisa Mesicek](#)
To: [Planning](#)
Subject: Pollard project
Date: Thursday, October 16, 2025 4:36:13 PM

I am writing to express my support of the new Pollard project as currently proposed with the 6 to 8 model at the current Pollard site.

Thank you!

Lisa

Parent of 2 NPS students

From: [Rachel Sayko Adams](#)
To: [Selectboard](#); schoolcommittee@needham.k12.ma.us; [Town Meeting](#); [Town Hall](#); [Planning](#); [ParkandRecreation](#)
Subject: Strong support for the building of the New Pollard (6-8 model)
Date: Friday, October 17, 2025 9:19:16 AM

To whom it may concern,

I am writing to express my strong support for the building of a new Pollard Middle School (grades 6-8) on the existing site.

We have daughter's currently in 8th grade at Pollard and 4th grade at Newman.

After careful consideration of the long-term costs and benefits, it is clear that the **new Pollard Middle School (grades 6–8)** on the existing site is the superior choice for our children. It also allows the town to be fiscally conservative, ensuring strong state funding support.

Thank you for all you are doing to support our students.

Sincerely,
Rachel Sayko Adams, PhD, MPH
49 N Hill Ave, Needham, MA 02492
617-852-6652

Committee	How is Gross Floor Area defined	What is being regulated	What A/square footage is being utilized	What type of process
Needham	Article AEA The area shall be the sum of the horizontal areas of the several floors of each building, including the area of the exterior faces of the exterior walls, balconies, base of eaves, awnings, balconies located directly above the second floor, enclosed porches, and any other space the area included and desired for the parking of automobiles whether accessible buildings or structures, or industrial buildings or structures. Chapter A Chapter of the town of Needham is created for the building of a building or structure, building enclosed, covered or uncovered lands or porches or less such covered lands or porches have habitable space directly above, below, or overhangs, balconies, chimneys and buildings as provided in required setbacks as provided above, as well as other fireplaces, decks, patios and pools.	Chapter Chapter and A	Article E Buildings and Structures on Lots Created before or Plan Endorsed or Recorded prior to January 9, 1986 and Not Including New Construction The maximum floor area ratio shall be as follows: for lots containing less than 12,000 square feet – .38; and for lots containing 12,000 or more square feet – .36. Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 5,500 square feet – 30%; For lots containing at least 5,500 square feet but less than 6,000 square feet – 29%; For lots containing at least 6,000 square feet but less than 6,500 square feet – 28%; For lots containing at least 6,500 square feet but less than 7,000 square feet – 27%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 26%; and For lots containing at least 7,500 square feet – 25%. Buildings and Structures on Lots Created before or Plan, Endorsed or Recorded on or After January 9, 1986 and Not Including New Construction The maximum floor area ratio shall be as follows: for lots containing less than 12,000 square feet – .38; and for lots containing 12,000 or more square feet – .36. Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 5,500 square feet – 30%; For lots containing at least 5,500 square feet but less than 6,000 square feet – 29%; For lots containing at least 6,000 square feet but less than 6,500 square feet – 28%; For lots containing at least 6,500 square feet but less than 7,000 square feet – 27%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 26%; and For lots containing at least 7,500 square feet – 25%. Buildings and Structures Created through New Construction on an Lot The maximum floor area ratio shall be as follows: for lots containing less than 12,000 square feet – .38; and for lots containing 12,000 or more square feet – .36. Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 5,500 square feet – 30%; For lots containing at least 5,500 square feet but less than 6,000 square feet – 29%; For lots containing at least 6,000 square feet but less than 6,500 square feet – 28%; For lots containing at least 6,500 square feet but less than 7,000 square feet – 27%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 26%; and For lots containing at least 7,500 square feet – 25%.	Article Article

Committee	How is Gross Floor Area defined	What is being regulated	What A/sq ft are footage is being utilized	What type of process
Newton	Gross Floor Area Shall include i. First and second stories ii. A floor area above the second story, whether finished or unfinished, that meets all of the following criteria - lies within the area a horizontal plane that is in the plane of the roof which reaches the side walls and/or the underside of the rafters - is a leaseable space or a horizontal division, as measured within the area having a full height to the ceiling or floor - has a minimum ceiling height of at least 10 feet unless required by local area code - has a floor area of less than 10 square feet as measured within the area having a full height to the ceiling or floor. iii. Atria, vaulted ceilings, and other vertical spaces, where floor area shall be calculated based on the floor level area of each space below a horizontal line the average height is divided by 10 iv. Enclosed porches v. Attached garages - Attached garages and a space above the first story of a detached garage that has a ceiling height of at least 8 feet - Other detached accessory buildings, such as sheds or cabanas, enclosures or other buildings. - A structure less than the first story, may be calculated as follows: the lesser of 10% of the floor area of the first story or the full area of the structure area less than the first story here or the width of the section enclosed walls below the first story having a ceiling height of at least 4 feet as measured from critical or finished grade, whichever is lower, the structure of the first story or exterior exterior walls below first story Gross Floor area shall not include i. Enclosed porches ii. Porches or patios less than 24 square feet iii. Exterior stairs added to a building, in which case gross floor area shall be added to the exterior face of the structural wall of the Carport and of the detached accessory building equal to or less than 120 square feet.	Floor area ratio A shall apply to all single and multifamily structures, whether or not existing, except for rear lots	Areas designated for use and for district or city and for all other purposes. 2.4.1. The floor area of the side lot and the 3.3.1. The floor area of the side lot The construction of lots created before 12/31/03, an additional increase in A of 0.02 above the actual height of the building shall be allowed, provided that the construction of the additional A is based on the area of the building. The area of the building shall be calculated based on the area of the building. The area of the building shall be calculated based on the area of the building. (7.8.2. Nonconforming Buildings, Structures, or Uses, (b) De Minimis Relief.)	An increased A may be allowed by special ordinance if the proposed structure is consistent with and considerate of the site, scale and design of the surrounding area.

Communit	How is Gross Floor Area defined	What is being regulated	What A/square footage is being utilized	What type of process
Winchester	Floor Area The area of the horizontal area in square feet of all floors of a building or several buildings of the same lot measured from the exterior faces of walls enclosing each building, exclusive of porches, cellar and attic areas used for storage or for service incidental to the operation or maintenance of such building or buildings.	Total square footage	See table	A floor deletion or replacement is subject to the following all of the following as determined by the Planning Commission is subject to the following. The Planning Commission is required to: 1. The Commission, a change in use of a building, a use of vacant land, or replacement of the space of a building 2. Therefore, all in a district where the total number of parking spaces required will be 20 or more 2. The Commission or replacement of a building shall have a building's replacement area equal to or greater than 1,000 square feet of building area and a lot area with head room of less than 10 feet higher, excluding base area of the A20 district 3. The Commission or replacement of a building shall have a building's replacement area equal to or greater than 1,000 square feet of building area and a lot area with head room of less than 10 feet higher, excluding base area of the B10 district The Planning Commission shall be able to determine the following building.

Communit	How is Gross Floor Area defined	What is being regulated	What A/square Footage is being utilized	What type of process
Scituate	Section 86A EA The scope of the areas of the several lots of a building, including areas used for household accessory base uses, and enclosures, as measured from the exterior faces of the walls. It does not include cellars, enclosed porches or patios used for household accessory shall include the horizontal area of each lot level devoted to stairwells and elevator shafts.	City of Scituate shall regulate floor area of single family dwellings constructed with certain lot area		

Communit	How is Gross Floor Area defined	What is being regulated	What A/square Footage is being utilized	What type of process
Natic	gross Floor Area is the sum of the areas of all stories of a building measured from the exterior faces of the exterior walls for the centerline of all setbacks of buildings, including a floor area below grade of the usable for residential, office, business, storage, industrial, or other purposes, below ground area used exclusively for heating, air conditioning or other mechanical equipment which services the building, and underground area included or designed for storage or parking.	Perceivable Building Considered in Building Access or Circulation		How does it relate 1. The radial area of the BA section of the area for the design 2. Section of the area for all the records of the special permit and increase in the design of the 10 perceivable the building board. This is really for records that all the side of the area for the special permit, both under the building board.

IV-B INTENSITY REGULATIONS BY ZONING DISTRICT

District Designation	Minimum Lot Dimensions (in feet)		Minimum Lot Dimensions (in feet)				Maximum % Building coverage (including Accessory Building)	Maximum Height of Building (c)*	Open Space Requirement per lot
	Area	Cont. Frontage	Depth	Front	Side	Rear			
RSA	15,000	110	125	30	12 (z)	25	25	2 1/2 stories or 35 ft	None
RSB	40,000	140	150	40	20 (z)	40	20	2 1/2 stories or 35 ft.	None
RSC	20,000	120	125	30	12 (z)	25	20	2 1/2 stories or 35 ft	None
RSD	60,000	200	200	40	20	40	15	2 1/2 stories or 35 ft.	None
RSE	80,000	225	225	40	40	40	10	2 1/2 stories or 35 ft.	None

Commitment	How is Gross Floor Area defined	What is being regulated	What sqft/square footage is being utilized	What type of process
Dedham	EA shall be defined as the square feet of the habitable area in a building which shall be determined by enclosing the building in a rectangular area. A. Areas used for parking or loading. B. Areas devoted exclusively to the operation and maintenance of a building, irrespective of its contents, such as heating, ventilation, or communication, electrical and telephone facilities, telephone, elevator machinery, or mechanical equipment. C. The thickness of load bearing walls, at each floor. D. Elevator shafts and corridors, stairs, and corridors, hallways at each floor. E. Porches, balconies, which are attached. F. Fire escape.	Lot Area shall apply to the single and multifamily houses in B districts and other residential districts.	0.	

Town of Dedham

Table 2 - Table of Dimensional Requirements

	SRA	SRB	GR	LMA/LMB	HB	LB	GB	CB
				RDO/AP ⁴				
Minimum Frontage (feet)	125 ¹³	95	*1	150 ⁴	200 ⁴	N/A ⁹	N/A	N/A ⁹
Minimum Lot Area (square feet)	40,000	12,500	*1	1 acre ⁴	1 acre ⁴	12,500	N/A ⁹	N/A ⁹
Minimum Lot Width as percentage of required Minimum Frontage	70 ^{12,13}	70 ¹²	*1 ¹²	70	70	70	N/A ⁹	N/A ⁹
Minimum Front Yard (feet)	25	25	20	30 ¹¹	30	20	*2	*2
Minimum Side Yard (feet)	25 ⁵	15 ⁵	15 ⁵	15 ¹¹	20	15 ⁶	N/A	N/A
1-st. Det. Accessory Building ¹⁵	5	5	5	15	15	5	N/A	N/A
Minimum Rear Yard (feet)	25 ⁵	25 ⁵	25 ⁵	25 ¹¹	25	25	N/A	N/A
1-st. Det. Accessory Building	5	5	5	25	25	20 ⁷	N/A	N/A
Maximum Lot Coverage ⁸ (%)	30	30	30	50	40	40	80	80
Maximum Floor Area Ratio	15 ¹⁴	0.5 ¹⁴	0.9	.35 ¹⁰	0.35	0.4	0.4	2.4
Space between Buildings (feet) for buildings erected, moved, or added after January 22,1990	10	10	10	15	15	10	15	N/A

* Dimensional requirements for each planned residential or commercial development to be specified in the Special Permit

** If a semi-detached or multi-family dwelling occupies several lots in the same ownership, this Table of Dimensional Requirements shall apply as if such lots constituted a single lot.