

NEEDHAM PLANNING BOARD

Wednesday November 12, 2025

7:00 p.m.

Select Board Chambers

Needham Town Hall, 1471 Highland Avenue, Needham, MA

AND

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

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

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

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **880 4672 5264**

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

1. Request for Permit Extension: Amendment to Major Project Site Plan Special Permit No. 2015-05: Normandy Real Estate Partners, 99 Summer Street, Boston, MA, Petitioner (Property is located at 89 A Street (formerly 77 A Street), 156 B Street, 189 B Street & 0 A Street, Needham, MA 02494).
2. Public hearing

7:00 p.m. Major Project Site Plan Special Permit No. No. 2025-02: Bohemian, LLC, 1037 Great Plain Avenue, Needham, MA 02492, Petitioner, (Property located at 1037 Great Plain Avenue, Needham, Massachusetts). Regarding request to renovate the former restaurant space for use as a full-service restaurant with 110 indoor seats and a takeout station.
3. Update from the Large House Review (LHR) Study Committee.
4. Update on the Pollard Elementary School project and associated required zoning modifications.
5. Zoning Board of Appeals – November 20, 2025.
6. Minutes.
7. Report from Planning Director and Board members.
8. Correspondence.

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

ROBERT T. SMART, JR., ESQ.

ATTORNEY AT LAW

399 CHESTNUT STREET

NEEDHAM, MASSACHUSETTS 02492

TEL (781) 444-9344 FAX (781) 449-0242

E-MAIL bob@robertsmart.net WEBSITE www.robertsmart.net

Email and Mail

October 8, 2025

Lee Newman, Planning Director
Needham Planning Board
500 Dedham Avenue
Needham, MA 02492

Re: Permit Extension for Needham Nine Owner, LLC
Application 2015-05
77 A Street, 156 B Street, 189 B Street, and 0 A Street

Dear Lee and Members of the Board:

I represent Needham Nine Owner, LLC ("Needham Nine"), owner of property at 77 A Street, 156 B Street, 189 B Street, and 0 A Street, Needham (the "Property"). On November 10, 2015, the Planning Board issued a Major Site Plan Special Permit (the "Decision") to Normandy Real Estate Partners, Petitioner, for the Property, then and now owned by Needham Nine. The Decision was recorded at the Norfolk County Registry of Deeds in Book 33905, Page 1. A copy of the Decision is provided herewith.

The Decision authorized construction of multiple buildings on the 22.12-acre site, most of which have been completed. The proposed hotel and retail building, which was to be located on a 3.67-acre portion of the site, has not been built.

The Decision was amended on January 29, 2019. This Amendment approved certain increases in the occupancy of the hotel, and other related changes, but did not extend the lapse date under the Decision.

After the Decision, the intended hotel user decided not to proceed, and efforts to find another hotel user have been unsuccessful. The Covid pandemic severely dampened commercial deal flow until late 2023. It also adversely affected construction costs, and materials and equipment availability. To this day, finding commercial users for the site, such as life science and office, remains difficult.

The 2015 Decision contains a 10-year lapse provision, in Section 4.6. The date of lapse is ten years from the filing of the Decision with the Town Clerk, that is, November 18, 2025. Section 4.6 provides that the Board may extend the lapse period upon request, for good cause shown, without the requirement of a public hearing.

As you pointed out, the special permit relief granted by the Decision was automatically extended for two years under Section 280 of the Mass Leads Act (Acts of 2024, Chapter 238). A copy of some materials relating to this Act are provided herewith. That Act extended the permit to November 18, 2027.

Needham Nine hereby requests that the Board grant a two-year extension for lapse of the Decision, beyond the two years provided under the Mass Leads Act. This would extend the lapse date to November 18, 2029.

There is good cause to grant this further two-year extension. Needham Nine has been diligent in trying to develop the vacant 3.67-acre site. The commercial real estate market remains difficult. Needham Nine will continue to be diligent in seeking a new user for the site, and will consider a range of potential users, including hotel, office, and residential.

It is requested that the Board schedule this request for consideration at the Board's first meeting in November.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'R. Smart', is positioned above the printed name.

Robert T. Smart, Jr.

Cc: Needham Nine Owner, LLC



TOWN OF NEEDHAM, MA

NOT A N
PLANNING AND COMMUNITY
OFFICE DEVELOPMENT DEPARTMENT I A L
COPY COPY

RECEIVED TOWN CLERK
NEEDHAM, MA 02492

2015 NOV 08 PM 1:36

Needham, MA 02492
781-455-7500

PLANNING

DECISION MAJOR SITE PLAN SPECIAL PERMIT

Normandy Real Estate Partners
Application No. 2015-05
November 10, 2015

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

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

Decision of the Planning Board (hereinafter referred to as the Board) on the petition of Normandy Real Estate Partners, 99 Summer Street, Boston, Massachusetts 02110 (hereinafter referred to as the Petitioner) for property located at 77 A Street, 156 B Street, 189 B Street & 0 A Street, Needham, MA 02494 (hereinafter referred to as the Property). The Property is owned by Needham Nine Owner, LLC (hereinafter referred to as the Property Owner). Said Property is shown on Needham Town Assessor's Plan No. 300 as Parcels 17, 18, 19 and 27, containing 22.12 acres and is found in the New England Business Center Zoning District.

This Decision is in response to an application submitted to the Board on July 27, 2015, by the Petitioner for: (1) a Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the "By-Law"), Article II of the Planning Board Rules, and Section 4.2 of Major Project Site Plan Special Permit No. 1993-02, a Major Project Site Plan Review Amendment; (2) a Special Permit pursuant to Section 3.2.4.2(d) of the By-Law for a hotel; (3) a Special Permit pursuant to Section 4.8.3 of the By-Law to reduce the minimum side setback from 20 feet to 16 feet with respect to the southerly side setback of 189 B Street; (4) a Special Permit pursuant to Section 4.8.3 of the By-Law to reduce the minimum open space requirement from 25% to 18.75%; (5) a Special Permit pursuant to Section 4.8.3 of the By-Law to reduce the minimum 20 foot front setback to parking areas set forth in Section 4.8.1(2), from 20 feet to 15 feet, with respect to the 9 standard parking spaces adjacent to B Street; (6) a Special Permit pursuant to 4.8.3 of the By-Law to increase the 300 foot maximum uninterrupted façade length (required by Section 4.8.1(6)), with respect to the north façade of 189 B Street (342 feet) and to the south façade of 189 B Street (356 feet) (Note these dimensions are presently legal, pre-existing, non-conforming conditions); (7) a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements); (8) a Special Permit pursuant to Section 4.8.3 of the By-Law to waive the requirements contained in Section 4.8.1(2) ("where appropriate, street trees shall be planted at least every 40 feet along the frontage") to the extent shown on the landscaping plans; (9) a Special Permit pursuant to Section 4.8(1) of the By-Law to increase the maximum height of the hotel from 72 feet to 84 feet; (10) a Finding that the Premises is not a corner lot and that Section 4.8.1 (1) is not applicable to the Premises or this Project; (11) a Finding that the six spaces shown on the plans west of 189B Street are allowable as short-term parking, in front of a building as set forth in Section 4.8.1(2) of the By-Law, or in the alternative that the Board grant a waiver of six additional spaces pursuant to Sections 5.1.1.5 and 5.1.2 of the By-Law; and (12) that the Board authorizes the occupancy of up to 50,000 square feet of 189 B Street, on a temporary basis (for a period currently anticipated to be approximately one year) for the future tenant of the bulk of 77 A Street, provided that parking for at least 167 vehicles be provided in the existing parking area, that the proposed work and occupancy be considered a separate phase or sub-phase of the Project, that no Planning Board approvals for this temporary space be required except for the filing of a plan designating the location of the 167 parking spaces, and that all other construction and occupancy

issues pertaining to this temporary space be handled by the Building Department without the necessity of prior authorization of the Planning Board.

The requested Major Project Site Plan Special Permit, would, if granted, permit the Petitioner to:

1. Create a separate parcel of approximately 5.13 acres (approximately 223,345 square feet) at the northerly portion of the property for the development of a Chapter 40B project. A Local Initiative Program (LIP) application for a 390 unit project was filed with and approved by the Massachusetts Department of Housing and Community Development (DHCD). On October 16, 2015 an application for the 390 unit project was filed with the Needham Board of Appeals for said project and is undergoing permitting. The remaining land comprised of approximately 22.12 acres (963,682 square feet), is the land that is the subject of this application and is referred to as the "Premises". The redevelopment that is the subject of this application is referred to as the "Project" and is described in numbered paragraphs 2 through 8 below.
2. Redevelop the building at 77 A Street for office/research and development purposes. The redeveloped building will contain approximately 260,429 square feet of floor area. The building presently contains approximately 263,653 square feet of floor area.
3. Redevelop the building at 189 B Street for office/research and development purposes. The redeveloped building will contain approximately 160,000 square feet of floor area. The building presently contains approximately 171,004 square feet of floor area.
4. Demolish the building at 156 B Street, which presently contains approximately 80,335 square feet of floor area and replace it with a hotel comprising approximately 91,000 square feet of floor area and containing 128 guest units (studio units, one bedroom units and two bedroom units), approximately 12,500 square feet of common areas including conference/function space, a guest dining area, lounge/bar area, indoor pool, exercise room, and other hotel amenities. The Petitioner acknowledges that the conference/function space shall not exceed 1,300 square feet. The Petitioner proposes to provide the following amenities in each of the hotel units for the guests' comfort and convenience: a refrigerator with freezer, dishwasher, a two-burner cook top, microwave and sink.
5. Develop a portion of the first floor of the building that will house the hotel (but will not be part of the hotel itself), with approximately 19,000 square feet of retail space.
6. Reconfigure the existing parking areas, maneuvering aisles, landscaping and other site improvements.
7. Utilize on a temporary basis (for a period currently anticipated to be approximately one year), up to 50,000 square feet of 189 B Street as temporary space for the future tenant of the bulk of 77 A Street, while 77 A Street is being renovated for their use and permanent parking is being constructed on the adjacent parcel to accommodate the parking demand. The temporary space will be located in the northeast section of the building and the required parking will be in the existing rear parking area to the east of 189 B Street.
8. Major Project Site Plan Special Permit No. 2012-07, will be amended to increase the parking supply on the adjacent site, to accommodate a portion of the parking demand generated by the Project.

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 Chairman, Jeanne S. McKnight, on Tuesday, September 8, 2015 at 7:30 p.m. in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue,

Needham, Massachusetts. The hearing was continued to Tuesday, September 29, 2015, at 7:30 p.m. in the Charles River Room at the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was continued to Tuesday, October 6, 2015, at 9:00 p.m. in the Charles River Room at the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. The hearing was further continued to Tuesday, October 27, 2015, at 9:00 p.m. in the Powers Hall, at the Needham Town Hall, 1470 Highland Avenue, Needham, Massachusetts. The October 27, 2015 continued public hearing was kept open for the limited purpose of allowing the Petitioner to reach agreement with the property owner at 300 First Avenue on certain site changes so that they could be incorporated into the decision or noted as a plan modification. The public hearing process on the project was fully closed following the October 27, 2015 public hearing. Board members Jeanne S. McKnight, Bruce T. Eisenhut, Elizabeth J. Grimes and Paul S. Alpert were present throughout the September 8, 2015, September 29, 2015, October 6, 2015 and October 27, 2015 proceedings. Board member Martin Jacobs was present for all of the proceedings except the hearing occurring on October 27, 2015. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Jacobs examined all evidence received at the missed session and listened to an audio recording of the meeting. The record of the proceedings and the submissions upon which the Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

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

Exhibit 1 Properly executed Application for (1) a Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the "By-Law"), Article II of the Planning Board Rules, and Section 4.2 of Major Project Site Plan Special Permit No. 1993-02, a Major Project Site Plan Review Amendment; (2) a Special Permit pursuant to Section 3.2.4.2(d) of the By-Law for a hotel; (3) a Special Permit pursuant to Section 4.8.3 of the By-Law to reduce the minimum side setback from 20 feet to 16 feet with respect to the southerly side setback of 189 B Street; (4) a Special Permit pursuant to Section 4.8.3 of the By-Law to reduce the minimum open space requirement from 25% to 18.75%; (5) a Special Permit pursuant to Section 4.8.3 of the By-Law to reduce the minimum 20 foot front setback to parking areas set forth in Section 4.8.1(2), from 20 feet to 15 feet, with respect to the 9 standard parking spaces adjacent to B Street; (6) a Special Permit pursuant to 4.8.3 of the By-Law to increase the 300 foot maximum uninterrupted façade length (required by Section 4.8.1(6)), with respect to the north façade of 189 B Street (342 feet) and to the south façade of 189 B Street (356 feet); (7) a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements); (8) a Special Permit pursuant to Section 4.8.3 of the By-Law to waive the requirements contained in Section 4.8.1(2) ("where appropriate, street trees shall be planted at least every 40 feet along the frontage") to the extent shown on the landscaping plans; (9) a Special Permit pursuant to Section 4.8(1) of the By-Law to increase the maximum height of the hotel from 72 feet to 84 feet; (10) a Finding that the Premises is not a corner lot and that Section 4.8.1 (1) is not applicable to the Premises or this Project; (11) a Finding that the six spaces shown on the plans west of 189B Street are allowable as short-term parking, in front of a building as set forth in Section 4.8.1(2) of the By-Law, or in the alternative that the Board grant a waiver of six additional spaces pursuant to Sections 5.1.1.5 and 5.1.2 of the By-Law; and (12) that the Board authorizes the occupancy of up to 50,000 square feet of 189 B Street, on a temporary basis (for a period currently anticipated to be approximately one year) for the future tenant of the bulk of 77 A Street, provided that parking for at least 167 vehicles be provided in the existing parking area, that the proposed work and occupancy be considered a separate phase or sub-phase of the Project, that no Planning Board approvals for this temporary space be required except for the filing of a plan designating the location of the 167 parking spaces, and that all other

construction and occupancy issues pertaining to this temporary space be handled by the Building Department without the necessity of prior authorization of the Planning Board. said application dated July 27, 2015, with Exhibit A.

- Exhibit 2** Four letters from Attorney Roy A. Cramer to the Planning Board Members, dated July 20, 2015, August 27, 2015, October 5, 2015 and October 6, 2015.
- Exhibit 3** Memorandum, prepared by Nancy B. Doherty, Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, dated July 10, 2015.
- Exhibit 4** Stormwater Management Report, Center 128 East, prepared by Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, dated July 10, 2015.
- Exhibit 5** Plan entitled "Site Development Plans, Center 128 East, Plan of Land," prepared by Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, dated July 10, 2015.
- Exhibit 6** Plan entitled "Site Development Plans, Center 128 East, Preliminary Phasing Plan," prepared by Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, dated July 10, 2015.
- Exhibit 7** Plan entitled, "Site Development Plans, Center 128 East, Needham Nine Owner, LLC" prepared by Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, North Shore Survey Corporation, 14 Brown Street, Salem, MA, 01970, Terraink, Inc., P.O. Box 261, Arlington MA 02476, Elkus Manfredi Architects, 25 Drydock Avenue, Boston, MA 02210, Symmes Maini & McKee Associates, 1000 Massachusetts Avenue, Cambridge, MA 02138, Procon, P.O. Box 4430, Manchester NH, 03108, consisting of 41 sheets: Sheet 1, Sheet C-1, Cover Sheet dated July 10, 2015; Sheet 2, Sheet C-2, entitled "Existing Conditions Plan," dated July 10, 2015; Sheet 3, Sheet C-3, entitled "Existing Conditions Plan," dated July 10, 2015; Sheet 4, Sheet C-4, entitled "Existing Conditions Plan," dated July 10, 2015; Sheet 5, Sheet C-5, entitled "Site Context Plan," dated July 10, 2015; Sheet 6, Sheet C-6, entitled "Site Layout Plan," dated July 10, 2015; Sheet 7, Sheet C-7, entitled "Site Layout Plan," dated July 10, 2015; Sheet 8, Sheet C-8, entitled "Site Layout Plan," dated July 10, 2015; Sheet 9, Sheet C-9, entitled "Grading and Drainage Plan," dated July 10, 2015; Sheet 10, Sheet C-10, entitled "Grading and Drainage Plan," dated July 10, 2015; Sheet 11, Sheet C-11, entitled "Grading and Drainage Plan," dated July 10, 2015; Sheet 12, Sheet C-12, entitled "Utility Plan," dated July 10, 2015; Sheet 13, Sheet C-13, entitled "Utility Plan," dated July 10, 2015; Sheet 14, Sheet C-14, entitled "Utility Plan," dated July 10, 2015; Sheet 15, Sheet C-15, entitled "Erosion and Sediment Control Plan," dated July 10, 2015; Sheet 16, Sheet C-16, entitled "Erosion and Sediment Control Plan," dated July 10, 2015; Sheet 17, Sheet C-17, entitled "Erosion and Sediment Control Plan," dated July 10, 2015; Sheet 18, Sheet C-18, entitled "Site Lighting Plan," dated July 10, 2015; Sheet 19, Sheet C-19, entitled "Site Lighting Plan," dated July 10, 2015; Sheet 20, Sheet C-20, entitled "Site Lighting Plan," dated July 10, 2015; Sheet 21, Sheet C-21, entitled "Detail Sheet," dated July 10, 2015; Sheet 22, Sheet C-22, entitled "Detail Sheet," dated July 10, 2015; Sheet 23, Sheet C-23, entitled "Detail Sheet," dated July 10, 2015; Sheet 24, Sheet C-24, entitled "Detail Sheet," dated July 10, 2015; Sheet 25, Sheet C-25, entitled "Contech Water Quality Unit Details," dated July 10, 2015; Sheet 26, Sheet C-26, entitled "Stormtech Recharge Area Details," dated July 10, 2015; Sheet 27, Sheet C-27, entitled "Stormtech Recharge Area Details," dated July 10, 2015; Sheet 28, Sheet C-28, entitled "Stormtech Recharge Area Details," dated July 10, 2015; Sheet 29, Sheet L-1, entitled "Site Landscape Plan," dated July 10, 2015; Sheet 30, Sheet L-2, entitled "Site Landscape Plan," dated July 10, 2015; Sheet 31, Sheet L-3, entitled "Site Landscape Plan," dated July 10, 2015; Sheet 32, Sheet L-4, entitled "Landscape

Details,” dated July 10, 2015; Sheet 33, Sheet A101-SD, 77 A Street, entitled “First Floor Plan,” dated July 10, 2015; Sheet 34, Sheet A102-SD, 77 A Street, entitled “Second Floor Plan,” dated July 10, 2015; Sheet 35, Sheet A103-SD, 77 A Street, entitled “Roof Plan,” dated July 10, 2015; Sheet 36, Sheet A200-SD, 77 A Street, entitled “Exterior Elevations,” dated July 10, 2015; Sheet 37, Sheet A1.01, 156 B Street, entitled “Proposed First Floor Plan,” dated July 10, 2015; Sheet 38, Sheet A1.02, 156 B Street, entitled “Proposed Upper Floor Plan,” dated July 10, 2015; Sheet 39, Sheet A1.06, 156 B Street, entitled “Proposed Roof Plan,” dated July 10, 2015; Sheet 40, Sheet A3.01, 156 B Street, entitled “Proposed Exterior Elevations,” dated July 10, 2015; Sheet 41, Sheet A3.02, 156 B Street, entitled “Proposed Exterior Elevations,” dated July 10, 2015.

Exhibit 8 Plan entitled, “Site Development Plans, Center 128 East, Needham Nine Owner, LLC” prepared by Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, North Shore Survey Corporation, 14 Brown Street, Salem, MA, 01970, Terraink, Inc., P.O. Box 261, Arlington MA 02476, Elkus Manfredi Architects, 25 Drydock Avenue, Boston, MA 02210, Symmes Maini & McKee Associates, 1000 Massachusetts Avenue, Cambridge, MA 02138, Procon, P.O. Box 4430, Manchester NH, 03108, consisting of 15 sheets: Sheet 1, Sheet C-6, entitled “Site Layout Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 2, Sheet C-7, entitled “Site Layout Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 3, Sheet C-8, entitled “Site Layout Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 4, Sheet C-9, entitled “Grading and Drainage Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 5, Sheet C-10, entitled “Grading and Drainage Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 6, Sheet C-11, entitled “Grading and Drainage Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 7, Sheet C-12, entitled “Utility Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 8, Sheet C-13, entitled “Utility Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 9, Sheet C-14, entitled “Utility Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 10, Sheet C-19, entitled “Site Lighting Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 11, Sheet C-20, entitled “Site Lighting Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 12, Sheet L-1, entitled “Site Landscape Plan,” dated July 10, 2015, revised August 26, 2015; Sheet 13, Sheet L-2, entitled “Site Landscape Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 14, Sheet L-3, entitled “Site Landscape Plan,” dated July 10, 2015, revised August 25, 2015; Sheet 14, Sheet L-4, entitled “Landscape Details,” dated July 10, 2015, revised August 25, 2015.

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Exhibit 10 Plan entitled, “Site Development Plans, Center 128 East, Needham Nine Owner, LLC” prepared by Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, North Shore Survey Corporation, 14 Brown Street, Salem, MA, 01970, Terraink, Inc., P.O. Box 261, Arlington MA 02476, Elkus Manfredi Architects, 300 A Street, Boston, MA 02210, Symmes Maini & McKee Associates, 1000 Massachusetts Avenue, Cambridge, MA 02138, Procon, P.O. Box 4430, Manchester NH, 03108, consisting of 41 sheets: Sheet 1, Sheet C-1, Cover Sheet dated

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Exhibit 11 Application and Report stamped "Approved" by the Town of Needham Design Review Board dated October 5, 2015. Project plans approved by Design Review Board are described under Exhibit 10 above.

- Exhibit 12** Supplemental Draft Environmental Impact Report (containing only the Transportation component), prepared by Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, dated August 31, 2015.
- Exhibit 13** Illustrative drawings of the site, undated, as shown at the September 8, 2015 hearing. (Seventeen images were presented).
- Exhibit 14** Memorandum, prepared by Nancy B. Doherty, Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, dated September 16, 2015, with attachments.
- Exhibit 15** Memorandum, prepared by Nancy B. Doherty, Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, dated September 18, 2015, with attachment.
- Exhibit 16** Memorandum, prepared by Nancy B. Doherty, Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, dated September 25, 2015, with attachment.
- Exhibit 17** Illustrative drawings of the site, undated, as shown at the September 29, 2015 hearing. (Five images were presented).
- Exhibit 18** Email from Diane Abbot, 69 Highland Terrace, dated October 1, 2015.
- Exhibit 19** Letter from Janice Epstein, 75 Highland Terrace, dated October 5, 2015.
- Exhibit 20** Email from Robert Deutsch, 14 Highview Street, dated October 6, 2015.
- Exhibit 21** Email from Diane Abbot, 69 Highland Terrace, dated October 6, 2015.
- Exhibit 22** Email from Joseph Manning, 68 Riverside Street, dated October 6, 2015.
- Exhibit 23** Email from Elizabeth Kaponya, Town Meeting Member – Precinct J, 27 Highland Terrace, dated October 6, 2015.
- Exhibit 24** Interdepartmental Communications (IDC) to the Board from Matthew Varrell, Conservation Department, dated July 28, 2015; IDC to the Board from Chief Dennis Condon, Needham Fire Department dated September 2, 2015 and October 5, 2015; IDC to the Board from Lieutenant John H. Kraemer, Needham Police Department dated August 26, 2015; IDC to the Board from Tara Gurge, Needham Health Department dated August 28, 2015 and September 29, 2015; IDC to the Board from Anthony L. Del Gaizo, Assistant Director of Public Works dated September 3, 2015 and September 29, 2015.

Exhibits 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, and 17 are hereinafter referred to as the Plan.

FINDINGS AND CONCLUSIONS

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

- 1.1 The subject property is located in the New England Business Center Zoning District and is owned by Needham Nine Owner, LLC. The property consists of four parcels that are currently shown on Needham Town Assessors Map 300 as parcels 17, 18, 19 and 27 totally approximately 27.25 acres (approximately 1,187,027 square feet). A separate parcel of approximately 5.13 acres will be created for separate development of a Chapter 40B project as described below in Section 1.3.

The remaining land (approximately 22.12 acres), is proposed to be merged into a single parcel and comprises the "Project" that is the subject of this application.

- 1.2 On November 18, 2014 the Planning Board issued an Amendment to its Decision of Major Project Site Plan Special Permit No. 1993-02, to General Dynamics C4 Systems, Inc., and General Dynamics Information Technology, Inc. The property that was the subject of that Decision is shown on Assessor's Map No. 300, Parcels 17, 18, 19 and 27 and contains approximately 27.25 acres in the New England Business Center Zoning District. The property is improved by three buildings at 77 A Street, 156 B Street and 189 B Street, respectively, containing a total of approximately 514,992 square feet of floor area, associated parking and landscaping. The use of the property by General Dynamics is research and development including laboratories and company offices, not open to the public. The parking requirement is 1,330 spaces, and 1,248 surface parking spaces are provided. A waiver of 88 parking spaces was granted by the Board, as well as a waiver from most of the parking plan and design criteria set forth in Section 5.1.3 of the Zoning By-Law. The applicant purchased the property in December, 2014.
- 1.3 The Petitioner's development proposal is a multi-phased project to accomplish the following:
 - a. Create a separate parcel of approximately 5.13 acres (approximately 223,345 square feet) at the northerly portion of the property for the development of a Chapter 40B project. A Local Initiative Program (LIP) application for a 390 unit project was filed with and approved by the Massachusetts Department of Housing and Community Development (DHCD). On September 24, 2015 the Petitioner filed its application for the 390 unit project with the Needham Board of Appeals which project is presently undergoing permitting. The remaining land comprised of approximately 22.12 acres (963,682 square feet), is the land that is the subject of this application and is referred to as the "Premises". The redevelopment that is the subject of this application is referred to as the "Project" and is described in numbered paragraphs b through g below.
 - b. Redevelop the building at 77 A Street for office/research and development purposes. The redeveloped building will contain approximately 260,429 square feet of floor area. The building presently contains approximately 263,653 square feet of floor area.
 - c. Redevelop the building at 189 B Street for office/research and development purposes. The redeveloped building will contain approximately 160,000 square feet of floor area. The building presently contains approximately 171,004 square feet of floor area.
 - d. Demolish the building at 156 B Street, which presently contains approximately 80,335 square feet of floor area and replace it with a hotel comprising approximately 91,000 square feet of floor area and containing 128 guest units (studio units, one bedroom units and two bedroom units), approximately 12,500 square feet of common areas including conference/function space, a guest dining area, lounge/bar area, indoor pool, exercise room, and other hotel amenities. The Petitioner acknowledges that the conference/function space shall not exceed 1,300 square feet. The Petitioner proposes to provide the following amenities in each of the hotel units for the guests' comfort and convenience: a refrigerator with freezer, dishwasher, a two-burner cook top, microwave and sink.
 - e. Develop a portion of the first floor of the building that will house the hotel (but will not be part of the hotel itself), with approximately 19,000 square feet of retail space.

- f. Reconfigure the existing parking areas, maneuvering aisles, landscaping and other site improvements.
- g. Utilize on a temporary basis (for a period currently anticipated to be approximately one year), up to 50,000 square feet of 189 B Street as temporary space for the future tenant of the bulk of 77 A Street, while 77 A Street is being renovated for their use and permanent parking is being constructed on the adjacent parcel to accommodate the parking demand. The temporary space will be located in the northeast section of the building and the required parking will be in the existing rear parking area to the east of 189 B Street.
- h. Major Project Site Plan Special Permit No. 2012-07, will be amended to increase the parking supply on the adjacent site, to accommodate a portion of the parking demand generated by the Project.

The total square footage of the three buildings after the completion of the Project on the Premises will be approximately 530,429 square feet.

- 1.4 As described above, the Project is a multi-phased project. A phasing plan has been filed with the application (Exhibit 6). The various phases of Project are as follows: (1) Phase 1: Redevelopment of the building at 77 A Street for office/research and development purposes with other associated site improvements; (2) Phase 2: Demolition of the building at 156 B Street and its replacement with a 128 unit hotel and development of a portion of the first floor of the building that will house the hotel (but will not be part of the hotel itself), with retail space and other associated site improvements; and (3) Phase 3: Redevelopment of the building at 189 B Street for office/research and development purposes with other associated site improvements.
- 1.5 As relates the hotel, the Petitioner has requested the right to revise the floor plans and the mix of guest units between studios, one bedroom units and two bedroom units within the footprint of the square footage currently designated for said unit use on the building's second, third, fourth and fifth floors as shown on the Plan (including associated halls and support functions) without further review or approvals by the Planning Board, provided that the square footage of the hotel does not exceed 91,000 square feet, the total number of guest units does not exceed 128, the total square footage of the first floor common areas including conference/function space, guest dining area, lounge/bar area, indoor pool, exercise room, and other hotel amenities does not exceed approximately 12,500 square feet and the square footage of the first floor conference/function space does not exceed 1,300 square feet. As relates the buildings at 189 B Street and 77 A Street, the Petitioner has requested the right to revise the floor plans without further review or approvals by the Planning Board, provided that the square footage of the buildings does not exceed what is presently on the Plans.
- 1.6 The Petitioner has requested the right to condominiumize the Premises without further Planning Board action or approval, and/or to base ownership on a ground lease arrangement. That is, the hotel or office buildings could be units in a condominium encompassing the Premises; there is no intention or request that the hotel itself be converted to a condominium hotel.
- 1.7 The Petitioner has stated that it is critical that each subsequent phase or sub-phase of the Project be allowed to stand on its own and upon completion of each phase a Permanent Certificate of Occupancy be issued for such phase, notwithstanding the status of other phases of the Project, which may not have been commenced or not completed. The Petitioner has stated that for each of the phases of the Project there will be parking spaces available equal to or in excess of what is required pursuant to the By-Law. The Board finds it appropriate that the Project may be divided

into separate phases, authorizes the issuance of separate permanent certificates of occupancy upon completion of each individual phase or sub-phase, and grants the Petitioner the discretion to initially determine and subsequently modify the location and sequence of individual phases without further Board review except as described in Section 3.35 of this Decision, provided further that each phase or sub-phase include the construction of a structure and parking spaces equal to or in excess of what is required pursuant to the By-Law. The plans for each phase shall include the limits of the phase, and to the extent not already shown on the Plan approved by this Decision, the landscaping, walkways, and other hardscape and utility connections.

- 1.8 Detailed plans for the hotel, the size and location of retail space in the hotel building and 77 A Street have been filed as part of this application, but a detailed design of 189 B Street has not yet been prepared, since future prospective tenants will have individualized requirements that are not yet known. In addition, prospective tenants for the retail space are not yet known. Notwithstanding the foregoing, approval is sought at the present time for approval of the full development of the Premises. The Petitioner requests that at such time as plans for 189 B Street are finalized, and at such time that any façade changes or floor plans to the retail component at 156 B Street are finalized, that they may be filed with the Board for review and approval either on an administrative level or at a public meeting, without the need for additional public hearings. In addition, any façade changes or other exterior changes will be subject to review by the Design Review Board. With respect to 189 B Street, the Petitioner anticipates that the design elements of the façade of the building will be substantially similar to the facades proposed for 77 A Street. Petitioner requests that the “Design Guideline” for 189 B Street be the design proposal for 77 A Street, and that no public hearing for 189 B Street be required so long as the Design Review Board recommends, and the Planning Board determines that the design is substantially similar to the design of 77 A Street. Public hearings would only be required if (a) additional special permits for new uses or additional dimensional waivers are required, (b) if the total square footage of the retail area exceeds what is shown on the Plan, and (c) if the total square footage of 77 A Street and 189 B Street shown on the Plan (420,429 square feet) is proposed to be increased.
- 1.9 The Petitioner proposes to place one emergency back-up generator in the rear yard area of the building located at 77 A Street. Additionally, the Petitioner proposes to provide one emergency back-up generator for the building located at 189B at a location yet to be determined. The Petitioner has stated that the emergency generators will be designed and operated to comply with all applicable Federal, state and local regulations, including those addressing sound attenuation to protect the adjoining adjacent properties.
- 1.10 The proposed buildings and the proposed Project will conform to zoning requirements as to height, front, side and rear setbacks, maximum lot coverage, maximum floor-area ratio and minimum open space, with the exception of the Special Permits that have been requested by the Petitioner. The lot conforms to zoning requirements as to size and frontage.
- 1.11 An Application for Further Site Plan Review of the Center 128 West project (Permit No. 2012-07 issued to Normandy Real Estate Partners) has been filed with the Planning Board to expand the capacity of Parking Garages A and B to accommodate 857 additional parking spaces in Garage B. A permanent parking easement will be prepared, executed and recorded at the Norfolk Registry of Deeds granting employees, visitors, invitees, etc. to Center 128 East the right to use 857 spaces in Garage B at Center 128 West on a non-exclusive basis.
- 1.12 Under the provisions of Section 5.1.2 of the By-Law a minimum of 1,607 parking spaces are required for the Project. The parking requirement for the hotel use is the following: “One space for each sleeping unit plus one space for each 200 square feet of function or conference area, plus

one space for each three employees on the largest shift.” Accordingly, the parking requirement for the hotel use is 140 parking spaces computed as the sum of (a) 128 sleeping units equals 128 parking spaces; (b) 1,300 square feet of conference/function space equals 7 parking spaces; and (c) 15 employees on the largest shift equals 5 parking spaces. Under the provisions of Section 5.1.2 of the By-Law, the parking requirement for an office use is “One parking space per 300 square feet of floor area”. Accordingly, the parking requirement for the office use is 1,403 computed as the sum of $260,429/300 + 160,000/300 = 1,403$. Under the provisions of Section 5.1.2 of the By-Law, the parking requirement for a retail use is “One parking space per 300 square feet of floor area”. Accordingly, the parking requirement for the retail use is 64 computed as $19,000/300 = 64$.

- 1.13 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking). Under the provisions of Section 5.1.2 of the By-Law a minimum of 1,607 parking spaces are required for the Project. A total of 650 parking spaces have been provided for the Project. More specifically, the waiver requested is 957 spaces allocable as follows: (a) to reduce the required number of parking by 857 parking spaces, since 857 parking spaces will be made available on a non-exclusive basis in Garage B of 128 Center West, and (b) to further reduce the required number of parking by 100 spaces, for the reason that the hotel’s parking utilization during the day will be low when parking utilization for office use will be high, and a substantial number of visitors to the proposed retail space will already be on-site as employees, invitees and guests to the businesses on the Premises and have parking provided for them. For a more complete description of the rationale for the granting of said waiver, the Board notes the traffic memorandum prepared by Tetra Tech, Inc., dated July 10, 2015 (Exhibit 3).
- 1.14 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.3 (Parking Plan and Design Requirements) as follows:
- a. Waiver is requested from strict adherence to Section 5.1.3(h) (“Parking Space Layout”) with respect to the 6 spaces west of 189 B Street described above (“In no case shall spaces so located as to require the backing or maneuvering onto the sidewalk or into a public or private way upon entering or leaving the space.”)
 - b. Waiver is requested from strict adherence to Section 5.1.3(m) (“Location”), requiring off-street parking on the same lot as the principal use or on a lot within 300 feet within the same ownership. A waiver under Section 5.1.2 has been requested on the basis that parking spaces serving the Premises will be located in Garage B, on a non-exclusive basis, on the adjacent Center 128 West property, which is not in the same ownership as the Center 128 East property.
 - c. Waiver is requested from Section 5.1.3(j) (“Parking Setbacks”) with respect to (i) the 9 parking spaces located 15.1 feet from B Street where B Street “hooks” to the east of Third Avenue; (ii) 0’ parking setback between B Street and 6 parking spaces adjacent to B Street west of 189 B Street; (iii) 0’ parking setback between proposed Chapter 40B project westerly lot line and 10 parallel spaces shown (minimum side setback is 4 feet); (iv) 12 foot, non-landscaped parking setback between proposed Chapter 40B project southerly lot line and 9 parallel spaces; and (v) less than 5 feet between maneuvering aisle and building line (existing condition at south side of 189 B Street) and a waiver of width requirements and side-yard setback requirements with respect to said driveway, if necessary.

- d. Waiver is requested from Section 5.1.3(k) ("Landscaped Areas") to the extent that waivers are required pursuant to Section 5.1.3(j).
- 1.15 The Petitioner has requested an amendment to the Major Project Site Plan Special Permit No. 1993-02, dated November 18, 2014, under Section 7.4 of the By-Law, Article II of the Planning Board Rules and Section 4.2 of Major Project Site Plan Special Permit.
- 1.16 The Petitioner has requested a Special Permit pursuant to Section 3.2.4.2(d) of the Zoning By-Law for a hotel.
- 1.17 The Petitioner has requested a Special Permit pursuant to Section 4.8(1) of the Zoning By-Law to increase the maximum height of the hotel from 72 to 84 ft.
- 1.18 The Petitioner has requested a Special Permit pursuant to Section 4.8.3 of the Zoning By-Law to reduce the minimum side setback from 20 feet to 16 feet with respect to the southerly side setback of 189 B Street. (Note this is presently a legal, pre-existing non-conforming condition.)
- 1.19 The Petitioner has requested a Special Permit pursuant to Section 4.8.3 of the Zoning By-Law to reduce the minimum open space requirement from 25% to 18.75%.
- 1.20 The Petitioner has requested a Special Permit pursuant to Section 4.8.3 of the Zoning By-Law to reduce the minimum 20 foot front setback to parking areas set forth in Section 4.8.1(2), from 20 feet to 15 feet, with respect to the 9 standard parking spaces adjacent to B Street.
- 1.21 The Petitioner has requested a Special Permit pursuant to Section 4.8.3 of the Zoning By-Law to increase the 300 foot maximum uninterrupted façade length (required by Section 4.8.1(6)), with respect to the north façade of 189 B Street (342 feet) and to the south façade of 189 B Street (356 feet). (Note these dimensions are presently legal, pre-existing, non-conforming conditions.)
- 1.22 The Petitioner has requested a Special Permit pursuant to Section 4.8.3 of the Zoning By-Law to waive the requirement contained in Section 4.8.1(2) ("where appropriate street trees shall be planted at least every 40 feet along the frontage") to the extent shown on the landscape plans.
- 1.23 The Petitioner has requested that the Board make a finding that the Premises are not on a corner lot and that Section 4.8.1(1) is not applicable to this Project or the Premises.
- 1.24 The Petitioner has requested that the Board make a finding that the 6 spaces shown on the plans west of 189 B Street are allowable as short-term parking in front of a building as set forth in Section 4.8.1(2) of the By-Law. If the Board fails to make said finding and disallows the 6 spaces shown on the plan, request is made that the Board grant a waiver of 6 additional parking spaces to Section 5.1.1.5 and 5.1.2 of the By-Laws.
- 1.25 The Petitioner has requested that the Board authorize the occupancy of up to 50,000 square feet of 189 B Street, on a temporary basis (for a period currently anticipated to be approximately one year) for the future tenant of the bulk of 77 A Street, provided that parking for at least 167 vehicles be provided in the existing parking area, that the proposed work and occupancy be considered a separate phase or sub-phase of the Project, that no Planning Board approvals for this temporary space be required except for the filing of a plan designating the location of the 167 parking spaces, and that all other construction and occupancy issues pertaining to this temporary space be handled by the Building Department without the necessity of prior authorization of the Planning Board.

- 1.26 Adjoining premises will be protected against any seriously detrimental uses on the site through provision of surface water drainage, sound and sight buffers, and preservation of views, light and air. Four separate parcels will be consolidated into one larger parcel. The site is currently developed with three General Dynamics office buildings. Two of the buildings will remain; the building at 77 A Street will be renovated as part of the Project and the building at 189 B Street will be renovated as part of the Project. The third building, at 156 B Street, is proposed to be completely demolished. The existing location of the 156 B Street building, at the corner of B Street and Third Avenue, completely blocks any viewpoints into and through the site, particularly as one drives in a northerly direction along Third Avenue. A major site design intent is to improve sight lines and views, light and air by removing this large building (building footprint area of 80,335 square feet) and locating and positioning the Project's smaller hotel and retail building (building footprint area of 32,500 square feet) in such a way as to open up the view corridor from Third Avenue looking north towards the site and to decrease the visual impact towards the parking structures that serve the overall Center 128 campus. In addition, mechanical equipment necessary to support the campus buildings will be located and screened in a way to reduce visual and auditory impacts to the extent practicable and as required by the Town and Commonwealth.

Regarding surface water drainage, the existing site drainage system is old and outdated, consisting of only catch basins, manholes and pipe. There are no water quality treatment devices or any significant areas of infiltration/recharge systems. The Project's proposed stormwater management system, designed in accordance with Department of Environmental Protection (DEP) Stormwater Management Standards for new construction (despite this being a redevelopment site) and consisting of twelve (12) subsurface infiltration/recharge chamber systems, nineteen (19) water quality treatment units, twenty-six (26) deep-sump hooded catch basins, and five (5) building roof storage cisterns used for water harvesting/landscape irrigation re-use, significantly improves water quality and eliminates the potential for detrimental surface water drainage effects on adjoining premises.

- 1.27 Convenience and safety of vehicular and pedestrian traffic will not be adversely affected by the Project. The Project's design provides safe and convenient vehicular and pedestrian site access and circulation, including five driveway openings from public streets, pedestrian sidewalks, ramps, crosswalks, and traffic control signage. The Project's design meets ADA and Massachusetts Architectural Access Board (AAB) Regulations for handicap parking, accessible pedestrian routes and entrances, and significantly improves safety and accessibility in comparison to existing site conditions.
- 1.28 Parking and loading spaces have been adequately arranged in relation to the proposed uses on the Premises. The Project's site design provides for safe and efficient parking and loading facilities for each building, designed in conformance with the Needham Parking Plan and Design Requirements except as otherwise waived. As described in Section 1.7 above, in each of the phases of the Project there will be parking spaces available equal to or in excess of what is required pursuant to the By-Law.
- 1.29 Adequate methods for disposal of refuse and waste will be provided by the Project in compliance with all applicable rules and regulations. Solid refuse, as well as recycling, will be provided in service areas located at the loading docks for each building. The site sanitary wastewater system is connected to the municipal sewer system and will continue to be so.

- 1.30 The relationship of the structures to be constructed to those in the surrounding area will substantially improve the present condition of the site. The Project will provide pedestrian friendly spaces that will be visually and programmatically activated to accommodate a variety of user groups, and will integrate and expand upon the design for the Trip Advisor building and amphitheater. Pedestrian corridors and open spaces will be thoughtfully interwoven throughout the entire campus to create visual continuity and accessible connectivity within, and between, the existing structures and the new buildings. The circulation passageways, together with the open gathering nodes, will maintain a variety of hardscape and softscape materials that will celebrate their New England context and the nearby Charles River corridor, including indigenous stone walls, textured paving materials and native plant species. The resulting campus will serve as a vibrant hub of activity for the immediate users, as well as the neighboring communities.
- 1.31 The proposed Project will not have any adverse impact upon the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The proposed Project will not have any adverse impact on the Town's water or wastewater infrastructure.
- 1.32 The existing public infrastructure is able to adequately service the proposed facility without negatively impacting existing uses, including but not limited to water supply, drainage and sewage services. The site currently fronts A Street and B Street. All roadways are public and contain water drainage and sewage infrastructure. The water, drainage, sewer and utility infrastructure in the public roadways are capable of supporting the proposed Project.
- 1.33 The Project proposes to provide parking spaces sufficient in number to service the demand generated by the development. The impact on traffic conditions at the site, on adjacent streets and in nearby neighborhoods, including the adequacy of roads and major intersections to safely and effectively provide access to and from the areas included in the New England Business Center, Highland Avenue Corridor, and Wexford/Charles Street Industrial District Plan, dated June 2001 (District Plan) and the areas immediately adjacent to said areas, will be addressed by the Kendrick Street Interchange associated with the I-95/I-93 (Route 128) Transportation Improvement Project and the Highland Avenue Improvement Project.
- 1.34 The Board has considered the long term and short term fiscal implications of the Project to the Town of Needham and finds that the Project will be beneficial to the Town. The New England Business Center is a principal generator of income to the Town of Needham. It is anticipated that the Project will generate substantial net additional annual property taxes to the Town of Needham.
- 1.35 The Project is consistent with the goals of the New England Business Center, Highland Avenue Corridor, and Wexford/Charles Street Industrial District Plan dated June 2001 and set forth in the document entitled "Goals of the June 2001 New England Business Center, Highland Avenue Corridor, and Wexford/Charles Street Industrial District Plan", as adopted by the Planning Board on December 11, 2001 (Goals of the District Plan).
- 1.36 The Project will help to create a high quality office park that meets the space and infrastructure needs of the regional office market. The existing structures (77 A Street, 189 B Street, and 156 B Street) no longer meet the needs of the modern, regional office market. The proposed Project will upgrade two of them into a modern, highly efficient and very attractive suburban office buildings of the design and quality sought after by the market. With structured parking on the adjacent site and functional open space, the proposed buildings will cater to a wide variety of high-quality tenants looking to establish themselves in Needham. The eventual completion of the Add-a-Lane project, including the construction of the Kendrick Street intersection, will, in the future, increase

the desirability of the New England Business Center as a high quality office park. The construction of a hotel on the Property will also enhance the attractiveness of the office park and will complement the business expected to locate at the property.

- 1.37 The Project will create a “campus-like” character for the district through the design of buildings, streets and/or public spaces. The Project has been designed specifically to create a “campus-like” character. The placement of the Garage B expansion and parking in relation to the buildings will maximize convenience for visitors. The incorporation of strategically located driveways and landscaped interior “streets” further promotes the campus ideal. The construction of a hotel on the campus and retail space will increase the viability and success of the campus and serves to decrease vehicle trips for those business people doing business in the New England Business Center from out of town and will add an element of diversity of use in the “campus”.
- 1.38 The Project has been approved by the Design Review Board.
- 1.39 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted in the New England Business Center Zoning District, if the Board finds that the proposed project complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and criteria, the Board finds that the Plan, as conditioned and limited herein for 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 proposed a development which is harmonious with the surrounding area.
- 1.40 Under Section 3.2.4.2(d), a Special Permit may be granted for a hotel in the New England Business Center Zoning District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law and 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. The Board finds that the proposed development plan shown on the Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.
- 1.41 Under Section 4.8(1), a Special Permit may be granted to increase the maximum height of buildings in the New England Business Center to 84 ft. provided that the proposed structures are properly accessible to firefighting equipment. The Board finds that the proposed hotel is properly accessible to firefighting equipment. The Board further finds that the waiver is consistent with the goals for the district. The Board notes that the building is compatible with the characteristics of the surrounding commercial area as the building will be placed in close proximity to existing buildings of comparable size and scale, will be located in close proximity to a regional highway (Route 128) and will be sited on a lot of sufficient size to accommodate the building’s proposed height and mass.
- 1.42 Under Section 4.8.3 of the By-Law, a Special Permit may be granted to waive any or all dimensional requirements set forth in Section 4.8 of the By-Law, by relaxing each by up to a maximum of 25% if it finds that, given the particular location and/or configuration of a project in relation to the surrounding neighborhood, such waivers are consistent with the public good, that to grant such waivers does not substantially derogate from the intent and purposes of the By-Law or the Goals of the District Plan cited in Section 6.8.1(b) of the By-Law, and that such waivers are consistent with the requirements of Section 6.8. The requested waivers are as follows:
 - a. The Petitioner has requested Special Permits under Section 4.8.3 to waive the requirements of Sections 4.8.1(6) of the By-Law (“maximum uninterrupted façade lengths shall be 300 ft. or

200 ft. if within 350 ft. of a General Residence District Zoning Boundary, a river or a lake”). The north façade of 189 B Street (342 feet) and the South (356 feet) will exceed the 300 ft. of uninterrupted facade length requirement. The Board notes that these dimensions are presently legal, pre-existing, non-conforming conditions.

- b. The Petitioner has requested a Special Permit pursuant to Section 4.8.3 to reduce the minimum 20 foot front setback to parking areas set forth in Section 4.8.1(2), from 20 feet to 15 feet, with respect to the 9 standard parking spaces adjacent to B Street.
- c. The Petitioner has requested a Special Permit pursuant to Section 4.8.3 of the Zoning By-Law to reduce the minimum open space requirement from 25% to 18.75%.
- d. The Petitioner has requested a Special Permit pursuant to Section 4.8.3 of the Zoning By-Law to reduce the minimum side setback from 20 feet to 16 feet with respect to the southerly side setback of 189 B Street. The Board notes that these dimensions are presently legal, pre-existing, non-conforming conditions.
- e. The Petitioner has requested a Special Permit pursuant to Section 4.8.3 of the Zoning By-Law to waive the requirement contained in Section 4.8.1(2) (“where appropriate street trees shall be planted at least every 40 feet along the frontage”) to the extent shown on the landscape plans.

The Board finds that given the particular location and/or configuration of the Project in relation to the surrounding neighborhood, the five requested waivers are consistent with the public good and that to grant such waivers does not substantially derogate from the intent and purposes of the By-Law or the Goals of the District Plan cited in Section 6.8.1(b) of the By-Laws, and that such waivers are consistent with the requirements of Section 6.8. The Board further finds that with respect to the requested findings described above, that given the particular location and/or configuration of the Project in relation to the surrounding neighborhood, the requested findings are consistent with the public good and that to grant such relief and/or to make said findings does not substantially derogate from the intent and purposes of the By-Law or the Goals of the District Plan cited in Section 6.8.1 of the By-Laws and that such findings are consistent with the requirements of Section 6.8.

- 1.43 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) of the By-Law (Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements and that the project demonstrates that it is providing the maximum number of off-street parking spaces practicable. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.
- 1.44 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.3 (parking plan and design requirements) may be granted in the New England Business Center Zoning 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 uses, and is consistent with the intent of the Zoning By-Law;
- b. the ability to provide parking and design in accordance with the particular requirements of Section 5.1.3 was considered, and
- c. the granting of a Special Permit under the Section shall not exempt a structure, use or lot from future compliance with the provisions of Section 5.1.2 and/or 5.1.3.

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 will not be a detriment to the Town's and neighborhood's inherent use of the surrounding area.

THEREFORE, the Board voted 5-0 to GRANT:

- 1. the requested Special Permit for Site Plan Review of a Major Project pursuant to Zoning By-Law Section 7.4.4, Article II of the Planning Board Rules and Section 4.2 of Site Plan Special Permit No. 1993-02, dated November 18, 2014;
- 2. the requested Special Permit under Section 3.2.4.2(d) of the Zoning By-Law for a hotel;
- 3. the requested Special Permit under Section 4.8(1) to increase the maximum height of the hotel from 72 ft. to 84 ft.;
- 4. the requested Special Permits under Section 4.8.3 of the Zoning By-Law to waive the requirements of Section 4.8.1(6) of the By-Law relative to maximum uninterrupted façade length to permit the north and south façades of the building located at 189 B Street to exceed 300 feet, to the extent requested;
- 5. the requested Special Permit under Section 4.8.3 of the Zoning By-Law to reduce the minimum 20 foot front setback to parking areas set forth in Section 4.8.1(2), from 20 feet to 15 feet, with respect to the 9 standard parking spaces adjacent to B Street;
- 6. the requested Special Permit under Section 4.8.3 of the Zoning By-Law to reduce the minimum open space requirement from 25% to 18.75%;
- 7. the requested Special Permit under Section 4.8.3 of the Zoning By-Law to reduce the minimum side setback from 20 feet to 16 feet with respect to the southerly side setback of 189 B Street;
- 8. the requested Special Permit under Section 4.8.3 of the Zoning By-Law to waive the requirement contained in Section 4.8.1(2) regarding street trees, to the extent requested;
- 9. 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 (required parking) so as to reduce the number of required parking spaces from 1,607 parking to a total of 650 parking spaces as follows: (a) to reduce the required number of parking by 857 parking spaces, since 857 parking spaces will be made available on a non-exclusive basis in Garage B of 128 Center East, and (b) to further reduce the required number of parking for the Project by 100 spaces;

10. the requested Special Permit under Section 5.1.1.5 to waive strict adherence to the requirements of Section 5.1.3 (parking plan and design requirements), more specifically in Sections 5.1.3(h), 5.1.3(m), 5.1.3(j) and 5.1.3(k), to the extent requested;
11. the requested right to approve specific building design, façade changes and floor plans for 189 B Street and the retail component of 159 B Street without further public hearings provided that said plans and/or changes fall within the design guidelines described herein, and further provided (a) additional special permits for new uses or additional dimensional waivers are not required, (b) the total square footage of the retail area does not exceed what is shown on the Plan, and (c) the total square footage of 77 A Street and 189 B Street shown on the Plan (420,429 square feet) is not increased;
12. the requested right to divide the Project into separate phases without further public hearings, and to initially determine and subsequently modify the location and sequence of individual phases subject to Board review and approval as described in Section 3.35 of this Decision, provided that each phase includes the construction of a structure and parking spaces equal to or in excess of what is required pursuant to the By-Law;
13. the requested right to revise the floor plans and the unit mix in the hotel without the need for additional hearings or approvals from the Board, provided that the square footage of the hotel does not exceed 91,000 square feet, the total number of guest units does not exceed 128, the approximately 12,500 square feet of first floor common areas including conference/function space, guest dining area, lounge/bar area, indoor pool, exercise room, and other hotel amenities uses remains and the conference/function space does not exceed 1,300 square feet;
14. the requested right to modify floor plans of the office/research and development buildings without further Board review or approval, provided that (a) the aggregate number of parking spaces in the Project is not reduced below 1,507, and (b) the footprint and total square footage of the subject office/research and development building does not exceed what is shown on the Plan;
15. the requested right to condominiumize the Premises (but not the individual units within the hotel) or create ground leases between Petitioner and third parties without further Board action or approval;
16. the requested finding that the Premises is not a corner lot and that Section 4.8.1(1) is not applicable to the Premises or the Project;
17. the requested finding that the six spaces shown on the plans west of 189 B Street are allowable as short-term parking in front of a building as set forth in Section 4.8.1(2) of the By-Law; and
18. the requested authorizations with respect to the 50,000 square feet of 189 B Street to be used on a temporary basis (for a period currently anticipated to be approximately one year) for the future tenant of the bulk of 77 A Street, provided that parking for at least 167 vehicles be provided in the existing parking area, that the proposed work and occupancy be considered a separate phase or sub-phase of the Project, and that no Planning Board approvals for this temporary space be required except for the filing of a plan designating the location of the 167 parking spaces, and that all other construction and occupancy issues pertaining to this temporary space be handled by the Building Department without the necessity of prior authorization of the Planning Board.

PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the Site, the Petitioner shall

cause the Alternative Plan Set to be revised, if necessary, 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 Alternative Plan Set contains or 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.

- 2.1 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. All requirements and recommendations of the Board, set forth below, shall be met by the Petitioner.
 - a. The parking table on the Plan shall be revised to show 650 surface parking spaces at Center 128 East and a parking waiver of 100 spaces.

CONDITIONS

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 3.43 hereof.

I. Conditions pertaining specifically to the hotel

- 3.1 This permit is issued for a hotel comprising approximately 91,000 square feet and containing 128 guest units and not more than, approximately 12,500 square feet of first floor common areas including conference/function space, a guest dining area, lounge/bar area, indoor pool, exercise room, and other hotel amenities and parking for 140 vehicles. Ancillary to the hotel use each guest unit may have a self-contained kitchen area with some or all of the following: a refrigerator with freezer, dishwasher, a two-burner cook top, microwave and sink. A conference/function space of not more than 1,300 square feet may be provided for hotel guest use and that of outside parties. A guest dining area, lounge/bar area, indoor pool, exercise room, and other hotel amenities may be provided for the exclusive use of hotel guests and their invitees. Notwithstanding the above, the mix of guest units between studios, one-bedroom units and two-bedroom units within the footprint of the square footage designated for said unit use on the building's second, third, fourth and fifth floors as shown on the hotel plan shall be allowed (including associated halls and support functions) without further review or approvals by the Planning Board, provided that the square footage of the hotel does not exceed 91,000 square feet, the total number of guest units does not exceed 128, the use of the approximately 12,500 square feet of first floor conference/function space, guest dining area, lounge/bar area, indoor pool, exercise room, and other hotel amenities uses remains unchanged, and the conference/function space does not exceed 1,300 square feet.
- 3.2 No services commonly associated with transitional housing or short term residential studio units, including but not limited to provision of case management, or counseling, may be provided to hotel clients on-site.

- 3.3 The hotel shall only be used by transients and shall not be used as a residence and shall at all times be licensed under Massachusetts General Laws Chapter 140, Section 6 as a hotel. All guests shall be licensees under Massachusetts law and not tenants. To ensure that the hotel is used solely for transient or overnight occupancy and not as a permanent residence, multi-family residence or rooming house, the hotel's marketing shall disclose that the hotel does not provide residences (notwithstanding that the hotel name may use the word "residence") but provides only hotel-room or hotel-suite accommodations for transient or overnight occupancy, and the hotel shall be operated so that the majority of guest-nights per calendar year are provided to guests whose stay is no longer than thirty days and no guest shall be allowed to stay for ninety continuous days in any one calendar year. The Petitioner shall provide to the Board pre-opening copies of its marketing materials, and shall, forthwith after one full calendar year of operation and for each year thereafter, provide to the Board both its then-current marketing materials and a written report based on its guest log, without disclosure of guest names, giving number of guests and number of nights for each unit. If marketing or occupancy history indicates that the hotel is marketed or used for other than transient occupancy, the Petitioner shall revise its marketing materials and business practices to the satisfaction of the Board so as to ensure transient occupancy.
- 3.4 The following hotel operational procedures shall be followed: the operator shall provide the furnishings and utilities; the hotel shall provide maid service; the operator shall provide the keys or means of access, there shall be a front desk (staffed 24 hours) and a centralized reservation system. The hotel's license with the guest shall prohibit the guest from using the hotel address for voter or automobile registration.
- 3.5 The hotel shall be limited to one hundred twenty-eight 128 guest units. The staffing for the hotel shall be limited to fifteen (15) employees on-site during the largest shift.
- 3.6 The hotel building, parking area, driveways, walkways, landscaped area, and other site and off-site features shall be constructed in substantial accordance with the Plan. Any changes, revisions or modifications to the Plan shall require approval by the Board.
- 3.7 Notwithstanding the provisions of Section 3.33 relative to condominiumization of the Property, nothing in this Decision shall constitute permission for the hotel to be converted to a condominium hotel.

II. General Conditions

- 3.8 The proposed buildings, parking areas, driveways, landscape areas, and other site and off-site features shall be constructed in substantial accordance with the Plan and shall contain the dimensions and be located on that portion of the Property as shown on the plan and in accordance with applicable dimensional requirements of the By-Law, except as may be approved by this Board in accordance with the terms of this Decision. Upon completion of the Project a total of 1,507 parking spaces shall be provided to service the Project (650 on-site surface parking spaces and 857 spaces in Garage B on the Center 128 West site). 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, or as may be waived in the future by this Board.
- 3.9 The proposed buildings and support services shall contain the dimensions and shall be located on that portion of the locus as shown on the Plan, as modified and/or approved pursuant to Section 3.34 of this Decision, and in accordance with the applicable dimensional requirements of the By-

Law as have been waived as modified by this Decision or as may be waived in the future by this Board.

- 3.10 This permit is issued for professional, business or administrative offices, laboratories engaged in scientific research and development, retail uses and hotels. Any changes of such above-described uses shall be permitted only by amendment of this approval by the Board.
- 3.11 The Petitioner has prepared a Draft Approval Not Required Plan which shows the creation of Lot 1 having an area of 22.12 acres and comprising the Premises upon which the Project is proposed and Lot 2 comprising 5.13 acres at the northerly portion of the property on which a 40 B project is proposed (Exhibit 5). Except (a) as a result of the condominiumization of the Premises, or (b) the Premises being ground leased, all buildings and land constituting the Premises shall remain under single ownership.
- 3.12 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 and 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.
- 3.13 Sufficient parking shall be provided on the Premises (650 spaces) and in Garage B (857 spaces) on the Center 128 West site at all times in accordance with the Plan and there shall be no parking of motor vehicles outside of the noted locations at any time except in designated legal on-street parking areas. The leasing plan shall not allow the allocation of parking spaces to tenants in excess of the available number.
- 3.14 The application for Further Site Plan Review of the Center 128 West project (Permit No. 2012-07 issued to Normandy Real Estate Partners) filed with the Planning Board on July 24, 2015 to expand the capacity of Parking Garages A and B to accommodate 857 additional parking spaces in Garage B shall have been approved by the Board. A permanent parking easement shall be prepared, executed and recorded at the Norfolk Registry of Deeds granting employees, visitors, invitees, etc. to 128 Center East Project the right to use 857 spaces in Garage B at 128 Center West on a non-exclusive basis. Said easement shall be reviewed and approved by the Board.
- 3.15 The Petitioner shall undertake a Transportation Demand Management (TDM) program to facilitate carpooling, transit usage and parking management. A copy of the TDM program plan as described above shall be submitted to the Board for review and approval for compliance with the terms of the permit prior to the issuance of the occupancy certificate for each project phase.
- 3.16 The Petitioner shall undertake the following measures:
 - a. Petitioner shall encourage its prospective tenants and/or purchasers of the proposed new office buildings to provide that ground floor retail uses in the office/R&D buildings (including, but not limited to retail establishments, restaurants, cafeterias, daycare, indoor athletic and exercise facilities) shall be open to the public.
 - b. Petitioner shall provide a bike share program for the NEBC (such as Zagster or similar programs).

c. The Transportation Demand Management program (TDM program) described in Section 3.15 of this Decision shall include (a) provisions for Zipcar parking spaces and (b) participation in the 128 Business Council's shuttle service, which shall provide or make available shuttle service between the Project buildings and public transportation stations during the hours of 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m., Monday through Friday.

- 3.17 All deliveries and trash dumpster pick up shall occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, not at all on Sundays and holidays. The trash shall be picked up no less than two times per week or as necessary.
- 3.18 All lights shall be shielded during the evening hours to prevent any annoyance to the neighbors and to minimize light pollution.
- 3.19 All new utilities, including telephone and electrical service, shall be installed underground from the street line or from any off-site utility easements, whichever is applicable. If installed from an off-site utility easement the utility shall be installed underground from the source within the easement. Provided further, however, that the existing above-ground utilities within the Eversource easement running through a portion of the Premises may remain above ground on poles and overhead wires.
- 3.20 All solid waste shall be removed from the Property by a private contractor. Snow shall also be removed or plowed by private contractor. All snow shall be removed or plowed such that the total number and size of required parking spaces remain available for use.
- 3.21 The Petitioner shall seal all abandoned drainage connections and other drainage connections where the Petitioner cannot identify the sources of the discharges. Sealing of abandoned drainage facilities and abandonment of all utilities shall be carried out as per Town requirements.
- 3.22 The Petitioner shall connect the sanitary sewer line only to known sources. All sources which cannot be identified shall be disconnected and properly sealed.
- 3.23 The Petitioner shall secure from the Needham Department of Public Works a Sewer Connection Permit and shall pay an impact fee, if applicable.
- 3.24 The Petitioner shall secure from the Needham Department of Public Works a Street Opening Permit.
- 3.25 The 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.
- 3.26 The construction, operation and maintenance of the subsurface infiltration facility, on-site catch basins and pavement areas, shall conform to the requirements outlined in the EPA's Memorandum of Understanding signed by the Needham Board of Selectmen.
- 3.27 The Petitioner shall implement the following maintenance plan:
 - a. Parking lot sweeping - sweep twice per year; once in spring after snowmelt, and early fall.
 - b. Catch basin cleaning - inspect basins twice per year; in late spring and fall. Clean basins in spring.

- c. Oil/grit separators - inspect bi-monthly and clean four times per year of all oil and grit.
- 3.28 The maintenance of parking lot landscaping and site landscaping, as shown on the plan, shall be the responsibility of the Petitioner. The undeveloped portions of the site shall be loamed and seeded on a temporary basis until future phases of work on the property are approved and implemented.
- 3.29 In constructing and operating the proposed building and parking area on the Property pursuant to this Decision, due diligence shall be exercised and reasonable efforts be made at all times to avoid damage to the surrounding areas or adverse impact on the environment.
- 3.30 Excavation material and debris, other than rock used for walls and ornamental purposes and fill suitable for placement elsewhere on the Property, shall be removed from the Property.
- 3.31 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.
- 3.32 The following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be between 8:00 a.m. and 5:00 p.m., Monday through Friday, 9:00 a.m. and 5:00 p.m., Saturday, not at all on Sundays and holidays.
 - b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the Project Property which require excavation or otherwise pose a danger to public safety.
 - c. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building 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 A Street, B Street, First Avenue, Second Avenue, Third Avenue or the adjacent roads.
 - d. The Petitioner shall take the appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping A Street, B Street, First Avenue Second Avenue, and Third Avenue clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 3.33 Condominiumization of the Premises. The Board hereby acknowledges that the land comprising the Premises and the improvements thereon will be submitted to the provisions of Massachusetts General Laws Chapter 183A by the recording of condominium documents with the Norfolk County Registry of Deeds (the "Condominium"). It is anticipated that the Master Deed of the Condominium will be amended to add, as additional Units, each new building constructed pursuant to this Special Permit.

The Master Deed will specifically provide that each Unit Owner may submit its Unit to the provisions of Chapter 183A and establish a secondary condominium. In the event that a secondary condominium is created for a particular building/Unit authorized by this Special Permit, following the issuance of a permanent certificate of occupancy for the core and shell of that building/Unit, temporary and permanent certificates of occupancy may be issued for individual units within the secondary condominium unit. Except for condominiumization of the property and/or to base ownership on ground lease arrangements, the buildings and land constituting the property shall remain under a single ownership. Nothing herein shall constitute permission for the hotel to be converted into a condominium hotel.

- 3.34 Design Guidelines. The Board approves the plans for the site, the Hotel, and the location of the retail space in the hotel building and the building at 77A Street. The Board acknowledges that a detailed design of 189 B Street has not yet been prepared, since future prospective tenants will have individualized requirements that are not yet known. In addition, the Board acknowledges that prospective tenants for the retail space are not yet known. Accordingly, as a prerequisite for final approval and the issuance of a building permit, the retail space in the hotel building and the building located at 77A Street Building shall be subject to design review by the Planning Board to determine conformance to the following Design Guidelines. Design approval shall be granted by the Planning Board for final plans that are consistent with the Design Guidelines and the applicable requirements of the By-Law and further provided (a) no additional special permits for new uses or additional dimensional waivers are required, (b) the total square footage of the retail area does not exceed what is shown on the Plan, and (c) the total square footage of 77 A Street and 189 B Street as shown on the Plan (420,429 square feet) is not increased.

Design Guidelines

- a. The design elements of the façade of the building at 189 B Street shall be substantially similar to the facades proposed for the building at 77 A Street.
- b. The building at 189 B Street shall be designed in a first class manner and in accordance with Class A commercial building standards consistent with the Central Route 128 office market.

The proposed plans and an application for review shall be filed with the Planning Board. At the same time application materials shall also be submitted to the Design Review Board along with an application for design review. Within 20 days of receipt of the Design Review application, the Design Review Board shall hold a public meeting, to which the Applicant shall be invited for the purpose of determining whether the proposed plans fall within the Design Guidelines described above. Within 15 days of the meeting the Design Review Board shall transmit its determination as to the plans' compliance with the Design Guidelines described above and its design review report to both the Planning Board and Applicant. The Planning Board shall review said plans with the Applicant at its next public meeting following receipt of said recommendation from the Design Review Board provided such recommendation is received at least 7 days prior to the next scheduled meeting. If the Planning Board finds that the plans do fall within said Design Guidelines, the Planning Board shall approve and endorse said plans and transmit its decision to the Applicant and Building Inspector via memorandum. If the Planning Board finds that the plans do not fall within said Design Guidelines, the Applicant may modify said plans or file a Request for Further Site Plan Review with the Board. The Planning Board shall make its determination within 60 days of receipt of said plans from the Petitioner.

- 3.35 Project Phasing: The Planning Board approves the division of the Project into separate phases. The Board grants the Petitioner the discretion to initially determine and subsequently modify the location and sequence of individual phases subject to Board review and approval as described in Section 3.33 of this Decision and the provisions of this section and further provided that each phase includes the construction of a structure and parking spaces equal to or in excess of that which is required pursuant to the By-Law. The plans for each phase shall include the limits of the phase, and to the extent not already shown on the Plan approved by this Decision, the landscaping, walkways, and other hardscape and utility connections. Approval of a Project phase shall be granted by the Planning Board for plans that are consistent with the above-noted requirements and the applicable requirements of the By-Law. Approval of a Project phase by the Planning Board shall constitute the Planning Board's determination that the proposed phasing plans are consistent with this Decision and meet all applicable standards of review for the Project.
- 3.36 No building permit shall be issued for individual phases of the Project or the entirety of the Project in the pursuance of this Decision until:
- a. The final plans shall be in conformity with those previously approved by the Board, or approved by the Board as provided in the Design Guidelines section of this Decision and a statement certifying such approval has been filed by this Board with the Building Inspector.
 - b. A phasing plan shall have been submitted to the Board for their review and approval pursuant to Section 3.35 of this Decision. The Board acknowledges that said phasing plan has been submitted to and approved by the Board for construction of the Hotel and retail phase and associated parking as shown on the phasing plan, and the phase consisting of 77 A Street and associated parking as shown on the Phasing Plan.
 - c. A construction management and staging plan shall have been submitted to the Police Chief and Building Inspector for their review and approval.
 - d. The Petitioner shall have recorded the Approval Not Required Plan pursuant to Section 3.11 of this Decision.
 - e. The Plan shall be revised to include the specifications for the emergency back up generator serving the building at 77 A Street and/or 189 B Street for which a building permit is being requested. A noise analysis shall be provided demonstrating that the back up emergency generator for the affected building has been designed and will operate in compliance with all applicable Federal, state and local regulations, including those addressing sound attenuation to protect the adjoining adjacent properties. Said plan and noise analysis shall be submitted to and approved by the Board.
 - f. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this approval with the appropriate reference to the Book and Page number of the recording of the Petitioner's Title, Deed or Notice endorsed thereon.
- 3.37 No building or structure, or portion thereof for any phase of the Project and subject to this Decision shall be occupied until:
- a. An as-built plan supplied by the engineer of record certifying that the on-site and off-site Project improvements pertaining to the applicable phase of the Project were 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 applicable phase of the Project. In addition, the as-built plan for the applicable phase of 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 applicable phase of 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 plans for the applicable phase of the Project.
- c. There shall be filed with the Board and Building Inspector an as-built Landscaping Plan substantially showing the final location, number and type of plant material, final landscape features, parking areas, and lighting installations for the applicable phase of 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. The proposed roadway and sidewalks improvements on A Street, B Street, Second Avenue and Third Avenue shall have been built to Town of Needham specifications to the extent that the relevant portions of the roadways and sidewalks are part of the applicable phase of the Project.
- e. There shall be filed with the Board and Building Inspector a Final Affidavit signed by a registered architect upon completion of construction for the applicable phase of the Project.
- f. A copy of the TDM program as described in Section 3.15 of this Decision shall have been submitted to and approved by the Board for the applicable Phase of the Project.
- g. The proposed roadways between A Street, B Street and First Avenue, shall have been completed to a stage where fire apparatus can easily maneuver throughout the proposed project. Water mains and fire hydrants shall be fully functional.
- h. There shall be filed by the Petitioner a supplemental letter from the Petitioner's acoustical Engineer certifying that the emergency back-up generator serving the building at 77 A Street and 189 B Street for which a certificate of occupancy is being requested has been installed such that its operation at any time of the day or night shall not exceed the applicable Commonwealth of Massachusetts and Town of Needham noise regulations.
- i. Pursuant to Section 3.14 of this Decision, the Petitioner shall have recorded the Permanent Parking Easement at the Norfolk Registry of Deeds granting employees, visitors, invitees, etc. to 128 Center East the right to use 857 spaces in Garage B at 128 Center West on a non-exclusive basis as approved by the Board.
- j. Notwithstanding anything in this Decision to the contrary, permanent certificates of occupancy shall be granted for portions of a building to be occupied by individual tenants if such work is completed and final landscaping and other site features including parking are completed but other portions of the building have not been yet constructed. Moreover, if the

hotel is completed and final landscaping and other site features are completed, the hotel shall be entitled to a Permanent Certificate of Occupancy notwithstanding the condition of the retail portions of the building in which the hotel is located, as long as adequate fire protection systems have been installed in the retail space.

- k. Notwithstanding the provisions of a, b, and c hereof, the Building Inspector may issue one or more certificates for temporary occupancy of all or portions of the building in each Phase 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 such Phase of the Project.
- 3.38 In addition to the provisions of this Decision, the Petitioner must comply with all applicable requirements of all state, federal, and local boards, commission or other agencies, including, but not limited to the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.39 The proposed new sidewalks on A Street, B Street and First Avenue shall be built to Town of Needham specifications to the extent that the relevant portions of the sidewalks are part of the applicable phase of the Project.
- 3.40 The building and parking area authorized for construction by this Decision (including the portion or phase that is the subject of such request) 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 said building or parking area has been issued by the Building Inspector.
- 3.41 The Petitioner, by accepting this Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.42 Reference is made to roadway improvements for Third Avenue, as further described in the Memorandum prepared by Nancy B. Doherty, Tetra Tech, 100 Nickerson Road, Marlborough, MA 01752, dated September 25, 2015, with attached concept plan. Provided that the Board of Selectmen, upon request of the Town of Needham Department of Public Works, grants its approval to construct the improvements described in the Memorandum, and all other governmental permits and approvals required for said construction are obtained by said Department of Public Works all within one (1) year from the date of this Decision, Petitioner shall construct said improvements, at Petitioner's expense, within one (1) year after the date that all permits and approvals have been obtained. In the event that any of said permits and approvals are not obtained within said one (1) year period, the Petitioner shall not be required to undertake such construction and this Section shall be deemed to have been waived. The Petitioner shall work cooperatively and diligently with the Town to finalize the plans and specifications for said roadway improvements. The issuance of building permits, temporary and/or permanent certificates of occupancy for any portion of the Project shall not be affected by the construction or non-construction of the roadway improvements, except that if one year has passed after the timely obtaining by the Town of Needham of all of said permits and approvals, and the roadway work remains uncompleted, the Planning Board shall have the discretion to withhold authorization of a permanent certificate of occupancy for 189 B Street until such work is completed, and an as-built plan of such roadway improvements is filed with and approved by the Board.

- 3.43 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

The authority granted to the Petitioner by this Decision is limited as follows:

- 4.1 This Decision applies only to the Property improvements, which are the subject of this Decision. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this Decision and shall be limited to the improvements on the approved plans. There shall be no further development of this Property without further site plan approvals as required under Section 7.4 of the By-Law.
- 4.2 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 to clarify the terms and conditions of this Decision.
- 4.3 This Decision applies only to the requested Amendment to Major Project Site Plan Review Special Permit and related special permits and approvals specifically granted herein. Other permits or approvals required by the By-Law, other governmental board, agencies or bodies having jurisdiction should not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This special permit shall be governed by the provisions of Chapter 40A and Section 7.5.2 of the By-Law, which establish the time within which construction authorized by the Decision must commence. Construction of one of either the hotel or one of the office buildings must commence within two years of the date of filing of the Decision with the Town Clerk.

Given the size of the Project, and its anticipated duration of full build out, the precise time for each subsequent building to commence construction cannot be established with any certainty at the time of the granting of this Decision. Therefore, the Board establishes the following conditions and limitations:

- a. All authorized construction of buildings and required site improvements, infrastructure and mitigation measures shall be constructed or under construction (or authorized by the issuance of a Building Permit), installed, or put into operation within ten (10) years of the date of filing of this Decision with the Town Clerk. Extension of the ten (10) year time period shall be permitted only for good cause.
- b. Should the Petitioner not seek design approval for a building for a period of two years from design approval for the preceding building, the Petitioner shall report to the Board at the end of that two year period, updating the Board on the anticipated schedule for future construction, difficulties encountered in executing the balance of the Project, and whether the Petitioner believes that the entire Project can be fully constructed within the ten (10) years provided, and if not how much additional time might be required.
- c. It is the intention of the Board that this Decision shall not lapse, and shall continue in effect, during the ten (10) year period, as long as the Petitioner continues to report to the Board under subparagraph (b) above.

Any further requests for an extension of the time limit set forth herein must be in writing to the Board at least thirty (30) days prior to the expiration of the Original Decision. 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. This Decision shall not take effect until (1) a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after this Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied and (2) this Decision is recorded with Norfolk District Registry of Deeds, and (3) the Petitioner has delivered a certified copy of the recorded document to the Board.

The provisions of this Major Site Plan Special Permit shall be binding upon every owner or owners of the lots and the executors, administrator, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land in accordance with their terms, 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 10th day of November, 2015.

NEEDHAM PLANNING BOARD

Jeanne S. McKnight
Jeanne S. McKnight, Chairman

Paul S. Alpert
Paul S. Alpert

Bruce T. Eisenhut
Bruce T. Eisenhut

Elizabeth J. Grimes
Elizabeth J. Grimes

Martin Jacobs
Martin Jacobs

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Nov. 10 2015

On this 10 day of November, 2015, before me, the undersigned notary public, personally appeared Jeanne McKnight, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was in the form of a state issued driver's license, 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.

Alexandra Allen
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 Normandy Real Estate Partners, 99 Summer Street, Boston, Massachusetts, for property located at 77 A Street, 156 B Street, 189 B Street & 0 A Street, Needham, Massachusetts, has passed, and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed.)

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # _____
Town Clerk
Building Inspector
Director, PWD
Board of Health
Conservation Commission
Design Review Board

Board of Selectmen
Engineering
Fire Department
Police Department
Roy A. Cramer
Parties in Interest

A Third Permit Extension Act is Enacted

*Nathaniel Stevens, Esq., Partner
McGregor Legere & Stevens PC*

On November 20, 2024, Massachusetts Governor Maura Healey signed the “Act relative to strengthening Massachusetts’ economic leadership.” Also known as the “Mass Leads Act”, this comprehensive economic development bill includes provisions to again extend the life of land use permits.

As a result of the real estate downturn in 2008, the state enacted very similar permit extension acts in 2010 and then again in 2012.

Like the first two, this latest act automatically extends many but not all real estate development permits by two years. As before, this extends many types of land development permits as an operation of law, requiring no action by the entities issuing the permit. For that reason, there is no need for a document officially memorializing the extension. Also, as earlier, this act could revive permits that have expired.

Specifically, Section 280 of Chapter 238 of the Acts of 2024 provides that “an approval in effect or existence” during the “tolling period” of January 1, 2023 to January 1, 2025, inclusive, shall be extended for a period of two (2) years from its expiration date. Note that the granting of the approval does not have to occur during that period; rather, the approval only has to be in effect during the tolling period, even for just one day.

An “approval” is broadly defined as “any permit, certificate, order, excluding enforcement orders, license, certification, determination, exemption, variance, waiver, building permit . . . concerning the use or development of real property” from municipal, regional or state governmental entities under specific laws, including, but not limited to those pertaining to wetlands protection, waterways, subdivision, and zoning and the relatively new Starter Home Law (Chapter 40Y). Like before, comprehensive permits granted under Chapter 40B are not extended. Unlike before, certain approvals granted under the state’s hazardous waste clean-up law, 21E, are included in the definition.

Enforcement orders are specifically exempt and thus not extended. Federal permits, “40B” comprehensive permits, and certain hunting, fishing and aquaculture licenses issued by the state also are not extended. These exclusions are consistent with the exclusions in the first two extension acts.

Unlike the first two extension acts, this one explicitly provides that any approval in effect during the tolling period shall be governed by the applicable by-law or ordinance in effect at the time the approval was granted, unless the holder of the approval elects to waive this protection. Interestingly, there is not a similar provision for approvals by regional or state entities.

This third Permit Extension Act requires one to look at each permit, determine whether it was in effect during at any point between January 1, 2023 and January 1, 2025, and, if so, determine its expiration date, and then add two years to reach the new expiration date.

Note that some permits that expired are revived. For example, a permit that had a stated expiration date of February 1, 2023 is now revived by this law by being extended, retroactively, two years. It now expires February 1, 2025.

This Permit Extension Act, like the ones before it, does not provide for formalizing or memorializing its extension of a permit. That is, the holder of an approval, or permit, is not required to apply for an extension.

For example, with Wetlands Protection Act permits, under the prior permit extension acts, Conservation Commissions were largely been left to handle this issue on their own, so will need to do so again. Some Commissions, when requested, issued confirmation letters to applicants and could do so again.

Some boards, agencies, and officials issued generic letters acknowledging the existence of the Permit Extension Act. Others did nothing other than perhaps update their internal list of permits. Yet others issued corrected permits with new expiration dates, so the permit can be recorded showing the actual calendar dates they cease having effect, so they are self-contained on the record.

At least this third time around, Commissions and other municipal, regional, and state entities will be able to look back and largely repeat what they did (or did not) do in 2010 and 2012.

mass leads act section 280



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Section 280 of the Mass Leads Act (Acts of 2024, Chapter 238) is a **permit extension provision** that automatically extends qualifying permits, licenses, determinations, and approvals related to real property use and development for a period of **two years** beyond their lawful term, provided they were in effect or existence between January 1, 2023, and January 1, 2025. This automatic, two-year extension is a function of law and does not require any action from the permit holder or the issuing authority, and it can even revive permits that may have expired during the specified "tolling period". 



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Mass Leads Act Extends Permits, Offers Protections for ...

Nov 20, 2024 — Permit Extension **Act (Section 280)**. The so-called Permit Extension **Act (Section 280)** of the Bill) generally applies to any permit, certificate ...

People also ask :

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What is the third permit extension in Massachusetts? ▾

What is the Massachusetts Leads Act permit extension act? ▾

What is Chapter 40a Section 9 Massachusetts General Laws? ▾

Economic Development Compromise Reached - Permit Extension Act Included

Updated November 20

On November 20, Governor Healey signed The Mass Leads Act ([<https://www.naiopma.org/2024/11/13/60305/>](https://urldefense.proofpoint.com/v2/url?u=https-3A__zik4tqkab.cc.rs6.net_tn.jsp-3Ff-3D001aZ0UQV0A8IHZO7gSt7uPaATE99fPeKnYWiu4IMAlIPcvL-2DIYXYtwxnHT1prjfzrUL-5F0BhQDEqY7-5F62a06eju-2DxOBd4RmsejU0luGfPATc3U6lyTB1x38KdKsi66-2DEtivrkdXtsZIDjhUD9MIkXZtHK0do0UGUsYC0o4OINmG0c9oDyEKW-5FUw-3D-3D-26c-3DoaYACtpoWoltK-2D46zjMRYQnZkET3pdwVQPJLGYSYQZE-5F-5FH7mquQ2eA-3D-3D-26ch-3DoUqUMJrIrFncTV4QqpNgcsSfXDRd4NlifgttOIJ1oVrTJ7S1U0MgFQ-3D-3D&d=DwMFaQ&c=euGZstcaTDIlvimEN8b7jXrwqOf-v5A_CdpagnVfiiMM&r=bFamcznvLWuSePDfaOE3GIqcZ0u3Je4q2abxp7ya2cM&m=Xx_-pxeEeyqno9i3ZCug-zDh_uPiikP6s29IkAOf2GjwTKV80DI78_TZS_du2MKI&s=50IvdBo8d6Si7AKULgp0zaslMea6nBjAdAApGgzmwPc&e=) into law.</p></div><div data-bbox=)

The nearly \$4 billion legislation includes several of NAIOP's priorities, **including a two-year Permit Extension Act** (section 280); *An Act to Safeguard Municipal Permitting* (section 171); the **establishment of a State Permit Regulatory Office, Permit Ombudsman and Regulatory Ombudsman** (section 40); and the creation of a qualified data center tax credit (section 70).

NAIOP strongly supported this legislation and worked closely with the Healey-Driscoll Administration both to develop the recommendations that informed the legislation's initial filing and advocate for its passage.

In the Governor's press release

(["NAIOP applauds the Healey-Driscoll Administration and the Legislature for the passage of a bold economic development bill. The critical permitting reforms signed into law today will bring increased predictability to](https://urldefense.proofpoint.com/v2/url?u=https-3A__zik4tqkab.cc.rs6.net_tn.jsp-3Ff-3D001aZ0UQV0A8IHZO7gSt7uPaATE99fPeKnYWiu4IMAlIPcvL-2DIYXYtw9YbGjw8Dd17-5FZNcucfWOLKCQVc5eXSImQ-5FxCPLmM0EyDkD7FAYRmHVF0lrUfe8NejTnJZw0asBmr2DJSU8fFjDXBDZ4UgTS9x0eantXs7SVvs6UkkCMFEv5mqpmAT0WqQHjYOZf6kxqebFFe3gLFW4pYTBGz4sytojFILOWAID5xcAGWXQhPkR1EOjstWhAnR-5FCcoNxSMxCbCdfErOy9lmcOa9KDITdxRBVsbaF7t-5FC4J8-2DRn71KbFVPmm6QX-5FtfM5AD6fayOW734F0K84jzl-3D-26c-3D0aYACtpoWoltK-2D46zjMRYQnZkET3pdwVQPJLGYSYQZE-5F-5FH7mquQ2eA-3D-3D-26ch-3D0uQUMJr1rFncTV4QqpNgcsSfXDRd4NIifgttOIJ1oVrTJ7S1U0MgFQ-3D-3D&d=DwMFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=bFamcznvLWuSePDfaOE3GlqcZ0u3Je4q2abxp7ya2cM&m=Xx_-pxeEeyqno9i3ZCug-zDh_uPiikP6s29IkAOf2GjwTKV80DI78_TZS_du2MKI&s=oAnNKLy n f0TZb_dz-N6DLjrXK4zYx3InvDbbKXVUolw&e=), NAIOP Massachusetts CEO Tamara Small stated,</p>
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developers, lenders, and communities, while ensuring housing and economic development projects throughout Massachusetts can move forward."

Because The Mass Leads Act contained an emergency preamble, the law goes into effect immediately.

Originally posted November 13

The evening of November 12, the Massachusetts Legislature formally released the final version of the pending economic development legislation, The Mass Leads Act (<https://malegislature.gov/Bills/193/H5100>).

The nearly \$4 billion legislation includes several of NAIOP's priorities:

- **Permit Extension Act** - Section 280 of the bill includes NAIOP's proposal for a Permit Extension Act. This language applies to any permit, certificate, order (excluding enforcement orders), license, certification, determination, exemption, variance, waiver, building permit or other approval or determination of rights from any municipal, regional or state governmental entity, concerning the use or development of real property, and any environmental permit, including certificates, licenses, certifications, determinations, exemptions, variances, waivers, building permits or other approvals or determinations of rights (with some exceptions) **in effect or existence between January 1, 2023 and January 1, 2025, and extends those approvals for a period of two years in addition to the lawful term of the approval.**
- **An Act to Safeguard Municipal Permitting** - Section 171 of the legislation includes language NAIOP filed at the beginning of the session ensuring that special permits and site plan review approvals are protected from retroactive zoning for the length of the permit.
- **Establishment of Permit Regulatory Office** - Section 40 of the Mass Leads Act creates a State

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S. 11, and the Needham Zoning By-Laws, Sections 3.2.2, 1.4.6, 5.1.1.6, 5.1.2, 5.1.3 and 7.4, the Needham Planning Board will hold a public hearing on Wednesday, November 12, 2025, at 7:00 PM in the Needham Town Hall, Select Board Chambers, 1471 Highland Ave, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264 (further instructions for accessing by zoom are below), regarding the application of Bohemian, LLC, 1037 Great Plain Avenue, Needham, MA 02492, for a Special Permit under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 1037 Great Plain Avenue, Needham, Massachusetts, shown on Assessor's Map 51, Parcel 11 containing 14,636 square feet. The requested Major Project Site Plan Special Permit would, if granted, permit the Petitioner to renovate the former restaurant space for use as a full-service restaurant with 110 indoor seats and a takeout station. At a later time, outdoor seats will be added to the area labeled as "patio" on the plans.

In accordance with the Zoning By-Law, Section 3.2.2, a Special Permit is required for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter in the Center Business District. In accordance with the Zoning By-Law, Section 3.2.2, a Special Permit is required for a take-out operation accessory to the restaurant. In accordance with the Zoning By-Law, Section 3.2.2, a Special Permit is required for more than one non-residential use on a lot. In accordance with the Zoning By-Law, Section 1.4.6, a Special Permit is required for change and extension of a lawful, pre-existing, non-confirming use or building. In accordance with the Zoning By-Law, Section 5.1.1.6, a Special Permit is required to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the Zoning By-Law (Off Street Parking Requirements). In accordance with the Zoning By-Law, Section 7.4, a Major Project Site Plan Review is required.

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

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

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: 880 4672 5264

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

Copies of the plan are available upon request in the office of the Planning Board. Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (<http://masspublicnotices.org/>).

NEEDHAM PLANNING BOARD

Hometown Weekly, October 23, 2025 and October 30, 2025.

GEORGE GIUNTA, JR.
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EMAIL: george.giuntajr@needhamlaw.net
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

September 26, 2025

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

Re: Major Project Site Plan Review
Taberna Restaurant
Bohemian, LLC
1037 Great Plain Avenue, Needham, MA

Dear Lee,

Please be advised that this office represents Bohemian, LLC, a Massachusetts limited liability company with an address of 1037 Great Plain Avenue, Needham, MA 02492 (hereinafter, and in the materials submitted herewith, interchangeably, the “Applicant” and “Bohemian”) relative to the commercial space known and numbered 1037 Great Plain Avenue, Needham, MA (the “Premises”). In connection therewith, submitted herewith pursuant to M.G.L. Chapter 40A and the Town of Needham Zoning By-Law (the “By-Law”), please find the following materials. Same are submitted both electronically and in paper format.

1. Three copies of Completed Application for Site Plan Review with Addendum A;
2. Three copies of plan set prepared by Sousa Design, Architects, 81 Boylston Street, 2nd Floor, Brookline, MA 02445, consisting of five sheets as follows:
 - a. Sheet A-300, “Exterior Elevations” dated July 29, 2025;
 - b. Sheet A-300 “Exterior Elevations”, dated September 5, 2025;
 - c. Sheet A-301, “Exterior Elevations”, dated September 5, 2025;
 - d. Proposed First Floor Plan, 1037 Great Plain Ave, Needham, MA, undated; and
 - e. Exiting Basement Floor Plan, 1037 Great Plain Ave, Needham, MA, undated;
3. Three copies of Proposed Plot Plan, prepared by Christopher C. Charlton, 105 Beaver Street, Franklin, MA 02038, dated June 3, 2025;
4. Draft Menu, “Taberna, a mediterranean small plates tavern”;

5. Three copies of Authorization letter of Triantos Thomas and Dina Thomas, Trustees, Great Plain Avenue Realty Trust, owners of the Premises; and

6. Check in the amount of \$1,000 for the requisite filing fee.

The Premises is located in the Center Business Zoning District, on the north side of Great Plain Avenue, adjacent to the train racks. It is located within one of two buildings located on the property identified as Parcel 11 on Town of Needham Assessor's Map No. 51.¹ The Premises consists of 2,867 square feet of space on the first floor and 2,826 square feet of space in the basement. It was most recently used for restaurant purposes by the Rice Barn, and before that, several other Asian themed restaurants.²

Stuart Henry, Manager of the Applicant entity and the real party behind the application, currently co-owns and operates The James, conveniently located immediately behind the Premises. His vision for the Premises is to renovate and refurbish it as a new restaurant focusing on Mediterranean small plates. The new restaurant will initially include a total of 110 interior seats, as shown on the plans submitted herewith, as well as accessory take-out / catering. Eventually, outdoor seats will be added to the area labeled as "patio" on the plans, following applicable review as determined by the number of outdoor seats proposed.

The menu for the new restaurant will feature a variety of dishes, including meat, seafood and vegetable based small plates, as well as greens, a raw bar and a limited number of larger plates. In addition, a curated selection of wines, beers, ciders and cocktails will be offered. A draft menu has been submitted herewith to provide a better idea of the type and variety of dishes that will likely be available. General hours of operation are anticipated to be 11:30 AM through 4:00 PM, for lunch, and 4:00 PM through 10:00 PM for dinner, seven days a week, subject to demand.

The Applicant is not proposing to expand the Premises or make any changes to the footprint of the building. However, as part of the renovations, the Applicant is proposing certain exterior renovations to the front and rear of the building as follows. In the front façade, Bohemian is proposing to close off the existing window openings at the left front corner and replace them with brick to match the existing structure. In addition, the existing awning will be removed and the existing front windows and light fixtures will all be replaced. The existing door and window

¹ The subject building contains two tenant spaces, namely, the Premises and an adjacent space used and occupied by Architrave, a "toy store, play space, and art studio". The other building, situated behind the Premises, similarly contains two tenant spaces and is currently used and occupied by The James for restaurant purposes, and Fann's Tailor Shop for consumer service purposes.

² See Decision of the Zoning Board of Appeals, dated January 20, 1987, issued to Great Shanghai Restaurant, Inc., transferred to Joy Luck Café, Inc. by Decision dated November 14, 1994; Decision of Planning Board, Application #95-2, issued to Kenny Chan d/ba Joy Luck Café, Inc., amended by Decision dated April 2 1996, transferred to Banyan Tree, LLC d/b/a The Rice Barn, by Decision dated September 5, 2006, further transferred to Zucchini Gold, LLC by Decision dated June 18, 2013 and affected by Amendment dated December 15, 2020.

near the middle of the front façade will also be removed and replaced with a new window, to match the other new windows, as well as a small section of brick, to match the existing structure.³ Finally, the existing entry door and window at the right corner of the façade will be replaced with a new door and window.

In the rear façade, the Applicant is proposing to remove the existing door and one window near the middle of the rear wall, as well as the existing door to the left side of the wall. A new door will then be installed, located further towards the left corner of the wall, and new patio doors will also be installed, towards the middle of the wall.

Analysis

I. Use

Pursuant to Section 3.2.2 of the By-Law, the use of property in the Center Business District for a restaurant serving meals for consumption on the premises and at table with service provided by waitress or waiter presently requires a special permit, as does a take-out operation accessory to same. Furthermore, whereas both the building and the property of which the Premises are a part contain multiple non-residential uses, a special permit pursuant to Section 3.2.2 for more than non-residential use on a lot is also required.

Provided the afore-mentioned special permits are issued, the proposed restaurant with accessory take-out and catering will comply with the applicable use related provisions of the By-Law.

II. Parking

Pursuant to Section 5.1.2 of the By-Law, the parking demand for the proposed restaurant is a total of 47 spaces, calculated as follows:

110 Seats @ 1 space / 3 seats = 36.67 spaces = 37 spaces, rounded up
1 Take-Out Station = 10 spaces
37 + 10 = 47 Total Spaces Required

The prior use of the Premises by the Rice Barn for restaurant purposes with take-out required a total of 44 spaces, calculated as follows:

102 Seats @ 1 space / 3 seats = 34 spaces
1 Take-Out Station = 10 spaces
34 + 10 = 44 Total Spaces Required

Thus, the total number of required spaces will increase slightly, by 3 spaces, as a result of the 8 additional seats that are proposed.

³ There are currently two entry doors to the Premises as a result of the way in which the space was previously expanded and revised, one towards the right front corner of the space and one near the middle of the front facade.

There are four tandem spaces located on the property, directly behind the building, as well as one handicapped space adjacent to the other building, near the rear property line. These are the only off-street parking spaces on site, and only the four tandem spaces are available for use by the Applicant.

For this reason, a special permit waiving strict adherence with the off-street parking requirements was issued for the restaurants that previously occupied the Premises, specifically including the Rice Barn. However, whereas the Rice Barn ceased operation over two years ago, such special permit has likely now lapsed. In addition, whereas the Taberna restaurant will include a handful of additional seats, a slightly larger waiver is required in any event, as mentioned above. Therefore, a new waiver is required and has been requested.

In addition, because the existing spaces do not comply with the design standard set forth at Section 5.1.3 of the By-Law, a special permit waiving adherence with such standards is also required and has been requested. Provided these special permits are issued, the parking will comply with the By-Law.

As grounds for such waivers, the building and the property that contain the Premises are both fully developed and have been pre-existing for many years, without practical room for any additional off-street parking. In addition, the Premises was used for many years for similar restaurant purposes, with just slightly less seats than currently proposed. Finally, the Chapel Street municipal parking lot is immediately adjacent to the property to the rear, the Lincoln and School Streets municipal parking lot is located within close walking distance, and there are numerous on street parking spaces located in the vicinity of the Premises.

III. Site Plan Analysis

(a) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light, and air.

Limited changes are proposed for the front façade and rear wall of the building, involving removal and installation of windows and doors, as shown on the plans. However, no substantial or significant changes are proposed for the exterior of the building or the property, and the use of the Premises will remain as a restaurant. Therefore, no material impacts are anticipated to surface water drainage, sound and sight, views, light and air. Moreover, the Applicant asserts that the continued use of the Premises for restaurant purposes does not constitute a “seriously detrimental use” as contemplated by the By-Law.

(b) 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.

Adequacy of the arrangement of parking and loading spaces in relation to the proposed use of the premises has been assured. The building and property in which the Premises is located are fully developed and no changes are proposed that would affect vehicular or pedestrian movement. And while there is only very limited parking available on site, the Premises is located in close proximity to two municipal parking areas and numerous on-street parking spaces.

(c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises.

The building and property containing the Premises are currently fully developed and bounded by existing established ways and the Chapel Street parking lot. Moreover, the Applicant is not proposing to expand or later the footprint or layout of the building. Rather, only minor façade changes are proposed for the front and rear facades, along with a variety of internal renovations. The Premises is located in Needham Center, immediately adjacent to one municipal parking lot and in close proximity to a second municipal lot and numerous on-street parking spaces. Whereas the Premises has previously been used for restaurant uses for many years, the existing arrangement of parking and loading spaces is anticipated to be fully adequate for such continued use.

(d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site.

Adequate methods for disposal of refuse and waste will be provided. The site is already developed with infrastructure in place and there is an existing dumpster in the parking area which is shared by multiple tenants. All waste and refuse will be disposed of in a timely fashion and in conformance with all applicable Federal, State and local regulations.

(e) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-Law.

The building and property containing the Premises are fully developed and located within a long-standing commercial area. Therefore, the relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area, and compliance with other requirements of the By-Law will be met, as no material change to the footprint or layout of the building or property is proposed or contemplated. Furthermore, the Applicant is not aware of any significant community assets in the area immediately adjoining the premises with the sole exception of the Town Hall and the Town Common, which are not anticipated to be materially affected by the proposed restaurant.

(f) Mitigation of adverse impacts on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection, and streets.

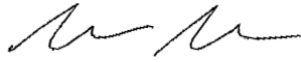
The building and property containing the Premises are presently fully developed and fully connected to Town infrastructure. Moreover, the Applicant is proposing only limited façade changes in connection with the more substantial interior changes, none of which are anticipated to materially change or affect the relationship or impact of the Premises from its prior use for restaurant purposes. Therefore, the Applicant does not anticipate any significant or material change, or any adverse impacts to any Town resource.

Conclusion

Based on the foregoing, the Applicant asserts that the proposed renovation, redevelopment and continued use of the Premises for restaurant purposes with accessory take out, as set forth above and in the materials submitted herewith, is both proper and appropriate. The building and property containing the Premises are fully and completely developed and have been both pre-existing for many years. The Premises is located within a commercial district wherein food service uses are desirable and appropriate, and in a space that was previously used for food service purposes for many years. Therefore, the Applicant does not anticipate any material adverse impact and requests that the relief be granted.

Your courtesy and attention are appreciated.

Sincerely,

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

George Giunta, Jr

TOWN OF NEEDHAM
MASSACHUSETTS



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: Major Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property 1037 Great Plain Avenue, Needham, MA
Name of Applicant Bohemian, LLC
Applicant's Address 1037 Great Plain Avenue, Needham, MA 02492
Phone Number 857-891-7928

Applicant is: Owner _____ Tenant X _____
Agent/Attorney _____ Purchaser _____

Property Owner's Name Triantos Thomas and Dina Thomas, Trustees, Great Plain
Avenue Realty Trust
Property Owner's Address 198 Curve Street, Dedham, MA 02026
Telephone Number 781-329-5894

Characteristics of Property: Lot Area **14,636 SF** Present Use **Mixed Commercial**
Map # **51** Parcel # **11** Zoning District **Center Business (CB)**

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

Renovation of prior restaurant space for continued use as a restaurant, as shown and described in the plans and materials submitted herewith. See Exhibit A for list of zoning relief.

Bohemian, LLC, by its attorney
George Giunta, Jr., Esq.

Signature of Applicant (or representative) _____

Address if not applicant: P.O. Box 70, South Weymouth, MA 02190

Telephone # 781-449-4520

Owner's permission if other than applicant See letter of authorization provided herewith

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board _____ Date _____
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

NOTE: Reports on Minor Projects must be issues within 35 days of filing date.

ADDENDUM A
TO
APPLICATION FOR SITE PLAN REVIEW
OF
Bohemian, LLC
1037 Great Plain Avenue
Needham, Massachusetts

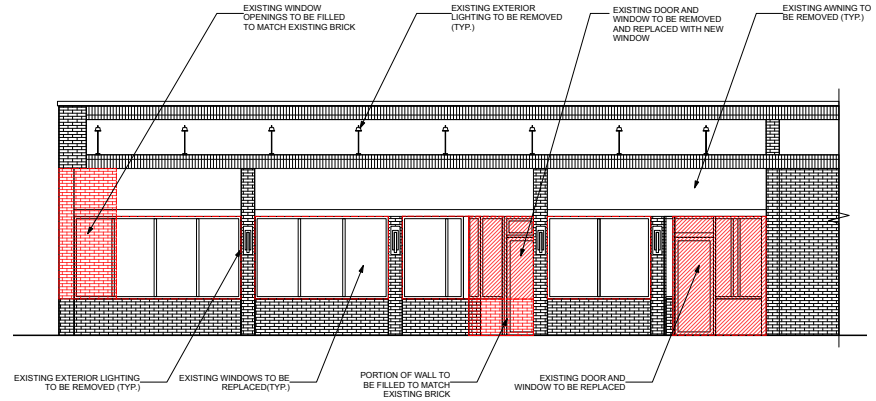
The following relief is or may be required, and is hereby requested:

1. Special Permit pursuant to Section 7.4 of the Zoning By-Law for Major Project Site Plan Review;
2. Special Permit pursuant to Section 3.2.2 for more than one non-residential use on the property of which the Premises are a part;
3. Special Permit pursuant to Section 3.2.2 for a restaurant serving meals for consumption on the premises and at table with service provided by waitress or waiter;
4. Special Permit pursuant to Section 3.2.2 for a take-out operation accessory to the restaurant;
5. Special Permit pursuant to Section 5.1.1.6 waiving strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3;
6. Waiver, pursuant to Section 7.4.4 of the Zoning By-Law for the submission of any information not provided in these materials or otherwise submitted herewith;
7. If, as and only to the extent necessary and applicable, Special Permit pursuant to Section 1.4.6 for the change and extension of a lawful, pre-existing, non-confirming use or building; and
8. Any and all additional relief required or appropriate for the renovation, redevelopment and use of the Premises for restaurant purposes with accessory take-out, catering and retail sales of prepared food items, as detailed in the plans and materials submitted herewith.

Notwithstanding any of the above or anything in these materials to the contrary, the Applicant reserves and requests the right to revise the interior layout as depicted on the plans submitted herewith, without the need for further review, provided, in all cases, that the building footprint is not increased or expanded and that the total number of dining seats shall not exceed the total permitted.



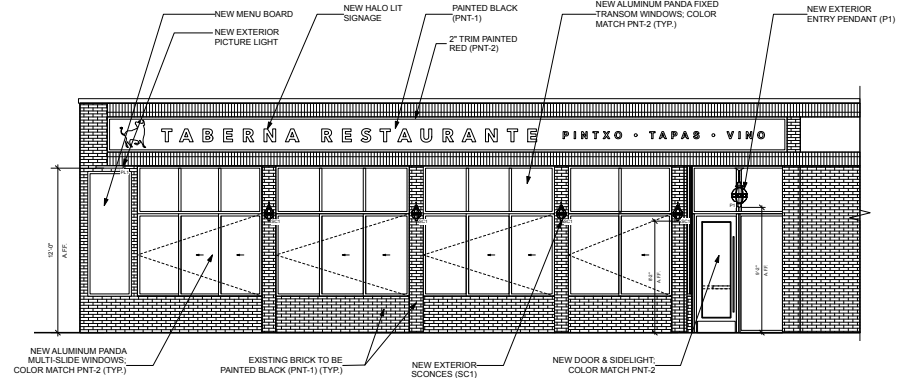
1 EXISTING EXTERIOR PHOTOGRAPH
Scale: 1/4" = 1'-0"



1 EXISTING EXTERIOR ELEVATION
Scale: 1/4" = 1'-0"



2 PROPOSED EXTERIOR RENDERING
Scale: 1/4" = 1'-0"



2 PROPOSED EXTERIOR ELEVATION
Scale: 1/4" = 1'-0"

TABERNA

1037 GREAT PLAIN AVE,
NEEDHAM, MA 02462

ALL DRAWINGS, SPECIFICATIONS AND ARCHITECTURAL DESIGNS ARE THE PROPERTY OF SOUSA DESIGN ARCHITECTS AND SHALL NOT BE REPRODUCED OR USED ON THIS OR ANY OTHER PROJECT WITHOUT WRITTEN CONSENT FROM THE ARCHITECT.

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS ON SITE PRIOR TO BEGINNING ANY WORK. REPORT ALL DISCREPANCIES IN WRITING TO SOUSA DESIGN ARCHITECTS BEFORE PROCEEDING WITH THE WORK AND SHALL ACCEPT FULL RESPONSIBILITY FOR SAME. DRAWINGS SHALL NOT BE SCALED. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS AND TO THE SATISFACTION OF THE OWNER AND THE ARCHITECT.

EACH CONTRACTOR SHALL SUBMIT TO SOUSA DESIGN ARCHITECTS FOR APPROVAL: SHOP DRAWINGS, SAMPLES, CUTS OF ALL THE ITEMS OF WORK INCLUDED. SHALL BE INCLUDED IN THE CONSTRUCTION. ALL ITEMS TO BE INCLUDED SHALL BE APPROVED FOR USE IN THE TOWN OF NEEDHAM AND SHALL HAVE AN ASTM AND UL NUMBER WHICH EACH TEAM REQUEST THIS DESIGNATION. EACH CONTRACTOR SHALL CO-ORDINATE HIS WORK WITH ALL OTHER CONTRACTORS.

THE QUALITY OF WORKMANSHIP AND MATERIALS USED SHALL COMPLY WITH ALL TOWN OF NEEDHAM AND MA STATE BUILDING CODES. DRAWINGS SUBJECT TO APPROVAL BY ALL GOVERNMENTAL AGENCIES HAVING JURISDICTION. ALL APPLICABLE HANDICAPPED ACCESSIBILITY LAWS.

ISSUED FOR:
REVIEW

SOUSA design
Architects

41 Regent St., 2nd Floor
Boston, MA 02108
617.489.4950
sousedesign.com

Job # 202509C

Drawn by: Ctd by:
Date: 07.29.25

Revisions

NO.	DESCRIPTION	DATE

EXTERIOR ELEVATIONS

A-300

TABERNA

1037 GREAT PLAIN AVE
NEEDHAM, MA 02462

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ISSUED FOR:
PERMIT

SOUSAdesign
Architects

87 Bayshore Dr., 2nd Floor
Boston, MA 02116
617-451-1166
www.sousadesign.com

Job # 202509C

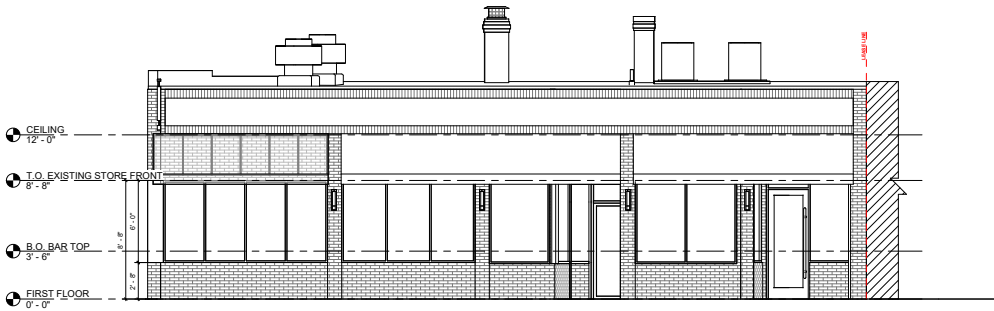
Drawn by Author Ckd by Checker

Date 09.05.25

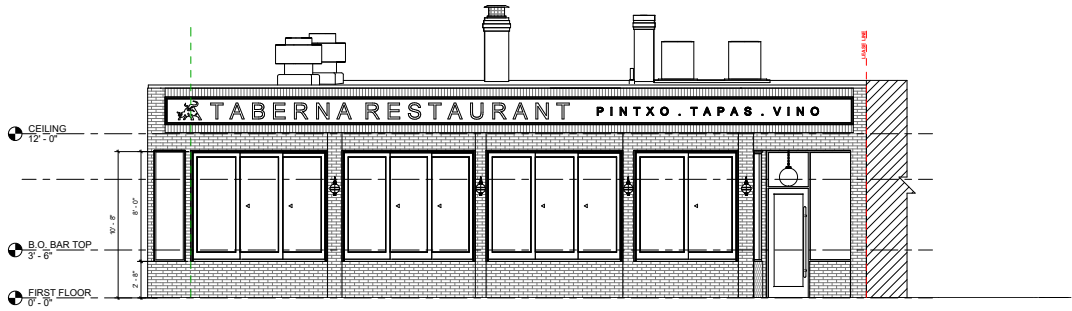
Revisions

EXTERIOR ELEVATIONS

A-300



② EXISTING SOUTH ELEVATION
1/4" = 1'-0"



① PROPOSED SOUTH ELEVATION
1/4" = 1'-0"

TABERNA

1037 GREAT PLAIN AVE
NEEDHAM, MA 02462

ALL DRAWINGS, SPECIFICATIONS AND ARCHITECTURAL DESIGNS ARE THE PROPERTY OF SOUSA DESIGN ARCHITECTS AND SHALL NOT BE REPRODUCED OR USED ON THIS OR ANY OTHER PROJECT WITHOUT WRITTEN CONSENT FROM THE ARCHITECT.

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ISSUED FOR:
PERMIT

SOUSAdesign
Architects

87 Bayshore Dr., 2nd Floor
Boston, MA 02116
617-552-1166
www.sousadesign.com

Job # 202509C

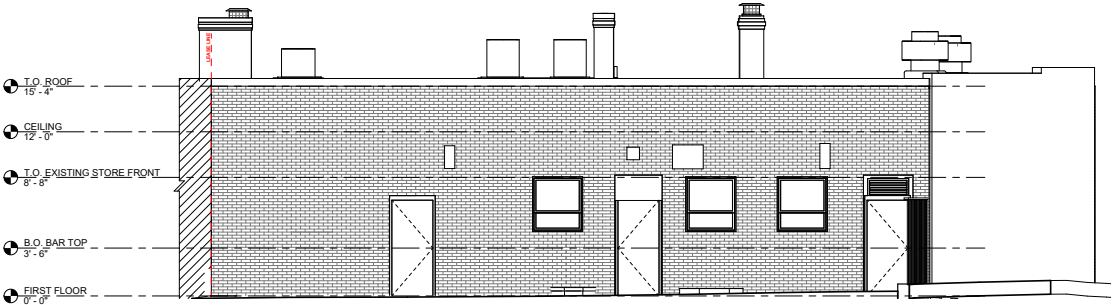
Drawn by Author Ckd by Checker

Date 09.05.25

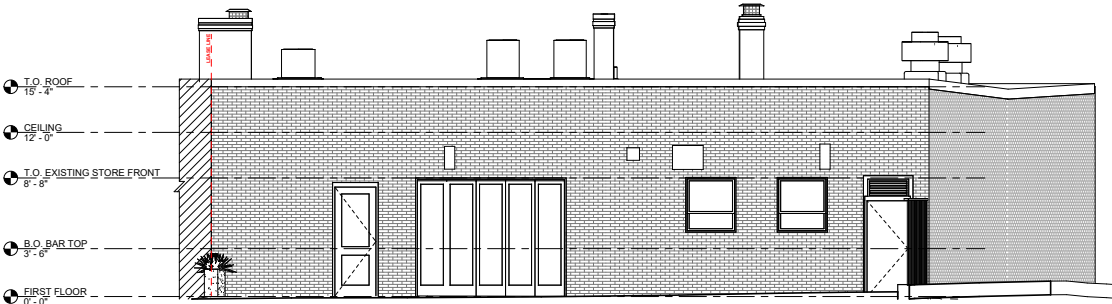
Revisions

EXTERIOR ELEVATIONS

A-301

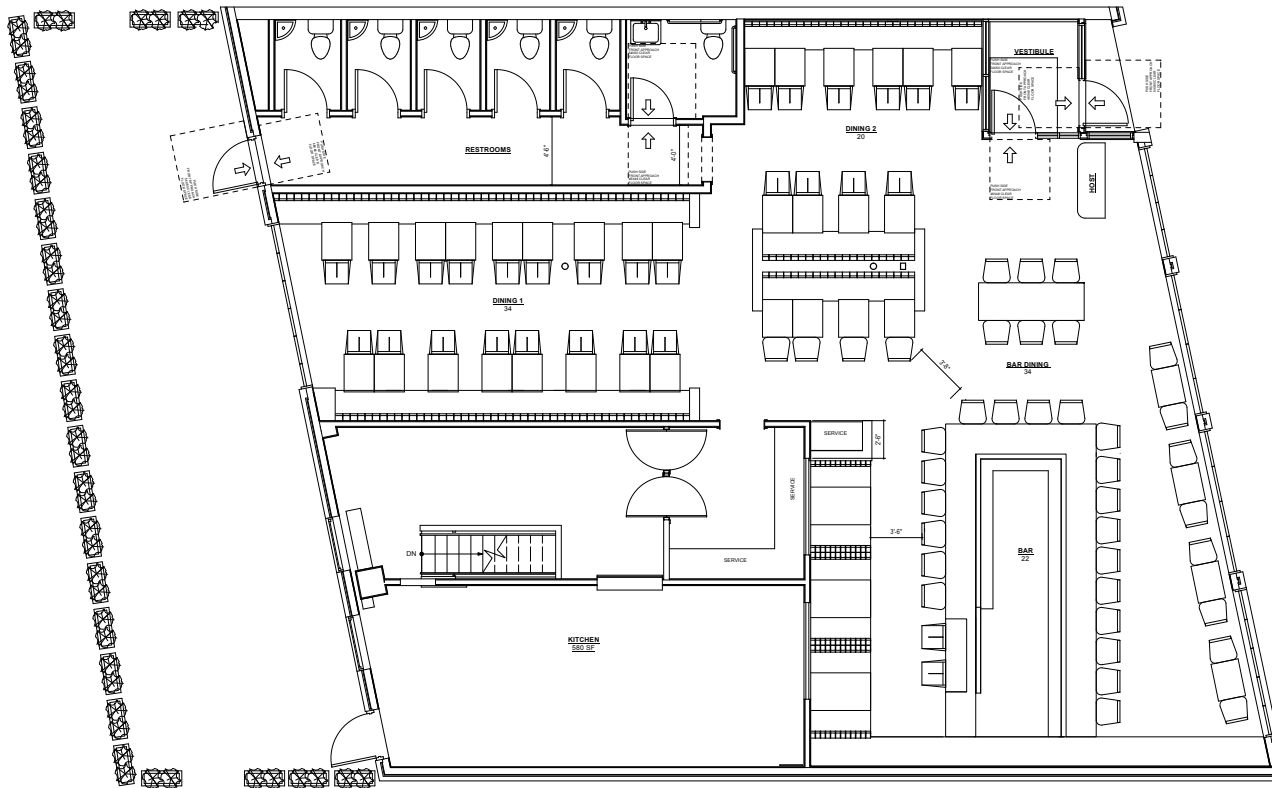


1 EXISTING NORTH ELEVATION
1/4" = 1'-0"



2 PROPOSED NORTH ELEVATION
1/4" = 1'-0"

1037 Great Plain Ave
NEEDHAM, MA



TOTAL AREA: ±2,867SF

1 PROPOSED FIRST FLOOR PLAN
Scale: 1/8" = 1'-0"

RESTROOMS:
6 TOTAL
4 WOMEN'S (4 FIXTURES PER 25
OCCUPANTS) = 100 OCCUPANTS

100 (OCCUPANTS PER SEX) X 2
(EACH SEX) = **200 TOTAL**
ALLOWABLE OCCUPANTS

PROPOSED SEATING SUMMARY

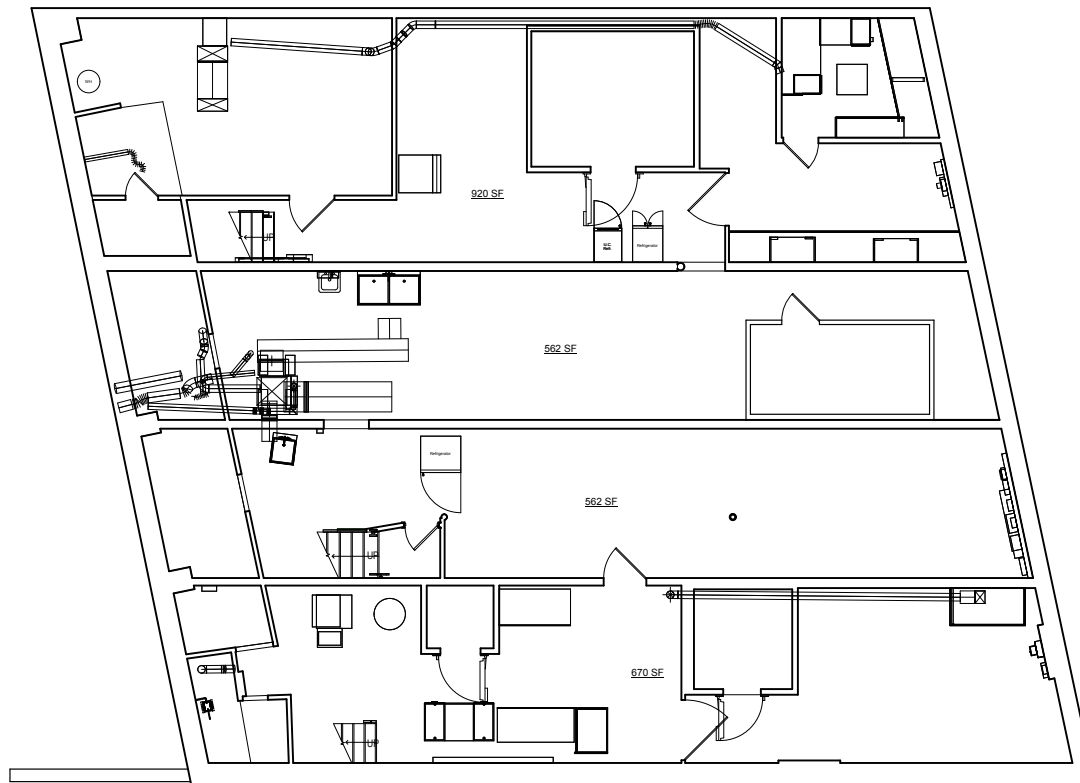
BAR	= 22
BAR DINING	= 34
DINING	= 34
DINING 2	= 20

TOTAL PROPOSED INTERIOR SEATING	= 110
--	--------------

SOUSA design
Architects

81 Boylston Street, 2nd Floor
Brookline, MA 02445
617 . 879 . 9100

1037 Great Plain Ave
NEEDHAM, MA



TOTAL AREA: ±2,826 SF

1 EXISTING BASEMENT FLOOR PLAN
Scale: 1/8" = 1'-0"

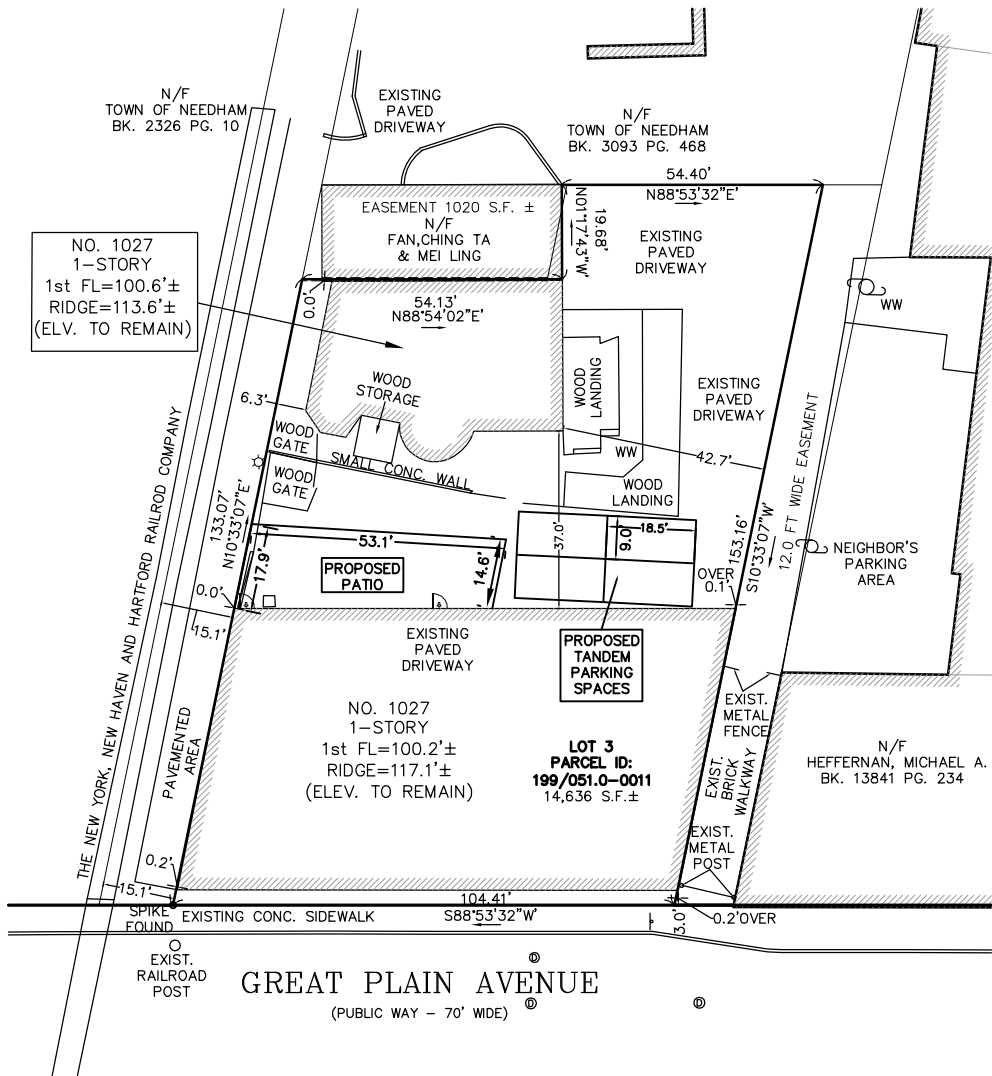
SOUSA design
A r c h i t e c t s

81 Boylston Street, 2nd Floor
Brookline, MA 02445
617 . 679 . 9100

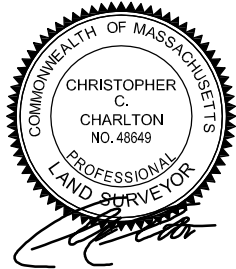
TOWN OF NEEDHAM, MASSACHUSETTS
BUILDING INSPECTION DEPARTMENT

Assessor's Map & Parcel Number: 051-011
Building Permit No.:
Lot Area: 14,636 S.F.±
Owner: THOMAS, TRIANTOS
Zoning District: CB-NEEDHAM CENTER OVERLAY DISTRICT A
Address: NO.1027 GREAT PLAIN AVE. NEEDHAM, MA.
Builder:

PROPOSED PLOT PLAN
SCALE: 1"= 40'



EXISTING LOT COVERAGE
(TO REMAIN) = 53.2 % ±



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

*Accessory structures may require a separate building permit - See Building Code.

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

The above is subscribed to and executed by me this: 3RD day of: JUNE 2025
Name: CHRISTOPHER C. CHARLTON Registered Land Surveyor #: 48649
Address: 105 BEAVER STREET City: FRANKLIN State: MA Zip: 02038 Tel. No: (508) 528-2528
Approved: Director of Public Works: Date
Building Inspector: Date

TABERNA

a mediterranean small plates tavern

charcuterie 7

Jamon serrano | castilla Y leon

chorizo | la rioja

mortadella | rome

nduja | malaga

Basque salami | san sebastian

sobrasada | majorica

cheese 7

valdeon | castilla Y leon

mahon | islas baleares

drunken goat | murcia

aged feta | athens

manchego | la mancha

Parmigiano Reggiano | Emilia-Romagna

house ricotta | pink peppercorns, honey, mint

olives 5

manzanilla | mild | green

kalmata | black | briny

gordal | fat | green

cacerena | sweet | salty | black

dips & house pita 8

black garlic hummus | zat tar oil, sumac

romesco | roasted red peppers,

tzatziki | yogurt, dill, garlic, cucumber

whipped feta | grapefruit, mint, olive oil

babagnoush | smoked eggplant

muhummara | pomegranate

greens

mixta - gem lettuce, cucumber, roasted shallots, confit tomato.

san Isidro - little leaf, spinach, olives, red onion, egg, parsley.

vegetable - zucchini, pine nuts, raisins, mint, feta.

fattoush - parsley, mint, feta, pickles,

raw bar

local oysters- gazpacho mignonette.

jumbo shrimp -lemon, old bay remoulade

local fluke crudo - white balsamic, Thai basil, pistachio

ceviche - shrimp, cod, lime, avo, tortilla

octopus salad - chili oil, potato chips

spiced sardines in oil - grilled, garlic

small plates

land

chorizo a la sidra - golden raisin mostarda | 11

polpette - spiced meatballs, greek yogurt, pine nuts | 12

pork belly -crispy skin, PX sauce, mint | 13

fried chicken thigh - hot honey, muhummara, lemon yogurt | 9

beef empanada - salsa rojo | 8

lamb lollipops - grilled lemon, horseradish fries | 22

crispy little ribs - pork, orange coriander glaze, fried garlic | 13

lamb kofta - spicy feta, red onion salad, pita | 16

beef tartare - ras el hanout, olive oil, egg, mustard, fried capers | 16

hamburger sliders- american cheese, pickle, real truffle mayo | 12

foie gras - seared torchon, martins potato roll, sauternes onion jam | 18

sea

bougrones - olive oil, smoked salt, lemon, tomato bread | 9

sardines a la plancha - harrisa tomato sauce, toasted sourdough | 12

stuffed squid - eggplant, orzo, nduja | 13

pastéis de bacalhau - salt cod fritters, salt & vinegar aioli | 10

moules frites- white wine, creme fraiche, fries | 13

las tortillas de camarones - tiny shrimp fritters, garlic aioli | 12

grilled pulpo - octopus, chickpea puree, crispy chickpeas | 17

gambas al pil pil - sherry, shrimp, garlic, paprika, olive oil, parsley | 12

roasted razor clams - crispy chorizo, anchovy butter | 14

fried calamari - oregano, paprika, grilled lemon | 16

cod escabeche - tomato, sherry vinegar, piquillo

vegetables

padron peppers- fried and salted | 9

patatas bravas - garlic aioli, spicy tomato sauce | 9

wild mushrooms - honey, parsley, sea salt | 10

feta stuffed peppers - garlic aioli | 11

manchego croquetas- crispy, calabrian chili oil | 9

stuffed grape leaf - rice, preserved lemon | 9

ratatouille tartine - tomato, zucchini, eggplant, herbs | 10

roasted carrots- baharat yogurt, pepitas, pomegranate | 8

roasted chilled beets - crispy goat cheese, asparagus, seville orange

tortillas espanola- garlic dashi mayo, caviar | 14

charred leek - spicy marcona almond butter | 7

large plates

half peri peri chicken - grilled broccolini | 27

flank steak - papas arrugadas, piri piri onions, chimchurri | 32

whole branzino - butternut squash puree, peppers, lime, salsa verde | 30

clam bucatini - essex clams, white wine, parsley

paella marisco - shrimp, scallops, mussels | 36

cocktails

Frozen Martini- mahon
spanish gin, cornichon infused
de muller vermouthe iris blanco
(olive, onion, lemon)

The Negroni - malfi lemon gin,
campari, dolin rosso, peychauds

Exiled to Elba - house mango
vodka, lime, mint, fee foam.

Penny Drops - Pisco, fino
sherry, creme de cacao, pear

Porto Flip - Tawny port, cognac,
palm sugar syrup, aqua faba.

Ou,zo sweet - vodka, greek
ouzo, lemon, thyme, honey.

No caffeine after 8 - licor 43,
galliano ristretta, rye, Pierre
Ferrand Dry Curaçao.

Big No No - bacon washed
bourbon, muddled pineapple,
basil.

GinTonic

Taberna - Atlantic gin, fever
tree mediterranean tonic,
orange, rosemary,

Coastal - mahon gin, fino sherry,
Q tonic, sea salt, lemon.

Mountain - mare gin, fever tree
light tonic, basil, lemon.

Wine Cocktails

Traditional Sangria-
tempranillo, brandy, oj, cane
sugar, apples and oranges.

White Sangria- vino verde,
pear brandy, curacao, lemon,
strawberries.

Tinto Verano- rioja,
housemade lemonata.

little white bean soup - tartufata | 9
lentil falafel- tahini sauce, Cucumber salad, | 9

wine by the glass
sparkling

Cava.....spain
champagne.....france
prosecco.....italy
Sparkling rose.....greece
rose & orange
rezabal.....spain
chinon.....france
provence.....france
vermentino.....italy

white
vinho verde.....portugal
alsace.....france
vermentino.....italy
roditis.....greece
priorat.....spain
sancerre.....france
roditis.....greece
priorat.....spain
sancerre.....france

red
touriga national.....portugal
cab franc.....france
chanti.....italy
liatidis.....greece
tempranillo.....spain
cote du rhone.....france
liatidis.....greece
tempranillo.....spain
cote du rhone.....france
tempranillo.....spain
cote du rhone.....france
liatidis.....greece
tempranillo.....spain
cote du rhone.....france

port & sherry

Beer & Cider

San Miguel | Lager | Spain | 4.2% | 8

Red Donkey | Santorini Brewing | Amber | Greece | 5.5% | 9

Estrella Damm | Light Lager | Spain | 5.4% | 8

Empresa de Cervejas da Madeira | Coral Stout | Portugal | 5% | 9

La Petite Aixoise | Double India Wheat Ale | France | 7% | 10

Grolsch | Premium Lager | Netherlands | 5% | 8

Ciders of Spain | Cider | Good Clean Funk | Spain | 5% | 9

Duché de Longueville | Cider | France | 7% | 12

Mythos | Pale Lager | Greece | 4% | 6

Fiddlehead | Vermont | IPA | 6% | 10

Allagash | Maine | White Ale | 5.5% | 10

Triantos Thomas & Dina Thomas, Trustees
Great Plain Avenue Realty Trust
198 Curve Street
Dedham, MA 02026

August 28, 2025

Town of Needham
Planning Board
Needham, Massachusetts 02492

Attn: Lee Newman, Planning Director

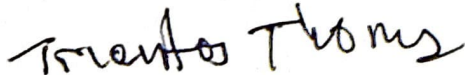
Re: 1027 Great Plain Avenue, Needham, MA
Application for Site Plan Review and Zoning Relief

Dear Mrs. Newman,

Please accept this letter as confirmation that Triantos Thomas and Dina Thomas, Trustees of the Great Plain Avenue Realty Trust, owner of the property known and numbered 1037 Great Plain Avenue, Needham, MA 02492, previously used and occupied by the Rice Barn (the "Premises"), have authorized Stuart Henry and Bohemian, LLC, acting directly or through their attorney George Giunta, Jr., Esquire, to make application for site plan review, 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 contemplated renovation, alteration and redevelopment of the Premises for restaurant use. In connection therewith, Stuart Henry and Bohemian, LLC, acting directly or through their attorney George Giunta, Jr., Esquire are specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Site Plan Review and Application for Design Review Board Review.

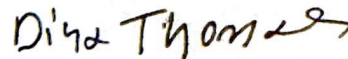
Sincerely,

Triantos Thomas, Trustee



Great Plain Avenue Realty Trust

Dina Thomas, Trustee



Great Plain Avenue Realty Trust

From: [John Schlittler](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - Bohemian, LLC dba Taberna Restaurant
Date: Thursday, October 16, 2025 2:32:43 PM

Police has no issue

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Thursday, October 16, 2025 2:22 PM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcDonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Robert Giumetti <rgiumetti@needhamma.gov>
Subject: Request for comment - Bohemian, LLC dba Taberna Restaurant

Dear all, << File: 1037 Great Plain Site Plan Application Package.pdf >>

We have received the application materials for the proposal for a new restaurant at 1037 Great Plain Ave. More information can be found in the materials, which are attached.

The Planning Board has scheduled this matter for November 12, 2025. Please send your comments **by Wednesday November 5, 2025**, at the latest.

The documents attached for your review are detailed below:

1. Application for Major Project Special Permit No. 2025-02, with Addendum A.
2. Authorization Letter from Triantos Thomas and Dina Thomas, Trustees, Great Plain Avenue Realty Trust, dated August 28, 2025.
3. Letter from Attorney George Giunta Jr., dated September 26, 2025
4. Plans prepared by Sousa Design Architects, 81 Boylston Street, 2nd Floor, Brookline,

MA, 02445, consisting of 5 sheets: Sheet 1, Sheet A-300, entitled "Exterior Elevations," dated July 29, 2025; Sheet 2, SheetA-300, entitled "Exterior Elevations," dated September 5, 2025; Sheet 3, SheetA-301, entitled "Exterior Elevations," dated September 5, 2025; Sheet 4, "Proposed Floor Plan," undated; Sheet 5, "Existing Basement Floor Plan," undated.

5. Proposed Plot Plan, prepared by Christopher C. Charlton, Land Surveyor, dated June 3, 2025.

6. Sample menu from Taberna Restaurant.

Thank you, alex.

<< OLE Object: Picture (Device Independent Bitmap) >> **Alexandra Clee**

Assistant Town Planner

Town of Needham

Public Services Administration Building, 500 Dedham Ave

Needham, MA 02492

(781) 455-7550 ext **72271**

New Extension

www.needhamma.gov/planning

From: [Tom Conroy](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - Bohemian, LLC dba Taberna Restaurant
Date: Tuesday, October 21, 2025 2:03:01 PM

Hi Alex,

No issues with Fire.

Thanks,

Tom

Thomas M. Conroy

Fire Chief - Needham Fire Department

tconroy@needhamma.gov

Ph (781) 455-7580

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, October 21, 2025 1:45 PM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Robert Giumetti <rgiumetti@needhamma.gov>
Subject: RE: Request for comment - Bohemian, LLC dba Taberna Restaurant

Dear all,

I updated the application to include a more detailed set of plans I received from the applicant. The substance didn't change, but there are more details included now.

Police – I already heard from you, no need to re-comment unless you have anything new to add

<< File: 1037 Great Plain Site Plan App Package FINAL.pdf >>

Thanks, alex.

<< OLE Object: Picture (Device Independent Bitmap) >> **Alexandra Clee**

Assistant Town Planner

Town of Needham

Public Services Administration Building, 500 Dedham Ave

Needham, MA 02492

(781) 455-7550 ext **72271**

New Extension

www.needhamma.gov/planning

From: Alexandra Clee

Sent: Thursday, October 16, 2025 2:22 PM

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

Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Robert Giumetti <rgiumetti@needhamma.gov>

Subject: Request for comment - Bohemian, LLC dba Taberna Restaurant

Dear all, << File: 1037 Great Plain Site Plan Application Package.pdf >>

We have received the application materials for the proposal for a new restaurant at 1037 Great Plain Ave. More information can be found in the materials, which are attached.

The Planning Board has scheduled this matter for November 12, 2025. Please send your comments by Wednesday November 5, 2025, at the latest.

The documents attached for your review are detailed below:

1. Application for Major Project Special Permit No. 2025-02, with Addendum A.
2. Authorization Letter from Triantos Thomas and Dina Thomas, Trustees, Great Plain Avenue Realty Trust, dated August 28, 2025.
3. Letter from Attorney George Giunta Jr., dated September 26, 2025
4. Plans prepared by Sousa Design Architects, 81 Boylston Street, 2nd Floor, Brookline, MA, 02445, consisting of 5 sheets: Sheet 1, Sheet A-300, entitled "Exterior Elevations," dated July 29, 2025; Sheet 2, SheetA-300, entitled "Exterior Elevations," dated September 5, 2025; Sheet 3, SheetA-301, entitled "Exterior Elevations," dated September 5, 2025; Sheet 4, "Proposed Floor Plan," undated; Sheet 5, "Existing Basement Floor Plan," undated.
5. Proposed Plot Plan, prepared by Christopher C. Charlton, Land Surveyor, dated June 3, 2025.
6. Sample menu from Taberna Restaurant.

Thank you, alex.

<< OLE Object: Picture (Device Independent Bitmap) >> **Alexandra Clee**

Assistant Town Planner

Town of Needham

Public Services Administration Building, 500 Dedham Ave

Needham, MA 02492

(781) 455-7550 ext **72271**

New Extension

www.needhamma.gov/planning

From: [Joseph Prondak](#)
To: [Alexandra Clee](#)
Cc: [John Mellen](#)
Subject: RE: Request for comment - Bohemian, LLC dba Taberna Restaurant
Date: Thursday, October 30, 2025 9:11:43 AM

Hi Alex,

I have reviewed the plans on this proposal and have no concerns or additional comments.

Joe Prondak

Needham Building Commissioner

781-455-7550 x72308

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, October 21, 2025 1:45 PM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Robert Giumetti <rgiumetti@needhamma.gov>
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<< File: 1037 Great Plain Site Plan App Package FINAL.pdf >>

Thanks, alex.

<< OLE Object: Picture (Device Independent Bitmap) >> **Alexandra Clee**

Assistant Town Planner

Town of Needham

Public Services Administration Building, 500 Dedham Ave

Needham, MA 02492

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Assistant Town Planner

Town of Needham

Public Services Administration Building, 500 Dedham Ave

Needham, MA 02492

(781) 455-7550 ext **72271**

New Extension

www.needhamma.gov/planning

2:56



Reply

TGurge@needhamma.gov



To: Alexandra Clee



Subject: Re: Request for comment - Bohemian, LLC db...

Hello Alex-

Here are the Public Health Divisions comments for the proposed Planning Board project up for discussion located at **#1037 Great Plain Ave.** See below:

- The owner/applicant must ensure that all prior items and violations noted during the Building Department/Public Health Division joint inspection are sufficiently addressed. (Public Health can provide a copy of that joint inspection report if needed.)
- On-going pest control must be conducted during the building interior and/or exterior renovations, if pest activity is observed, to prevent the risk of pests.
- The owner will need to fill out/apply for an online Food Permit Plan Review application along with submitting proposed food establishment design plans, which will need to be submitted and reviewed and approved by the Public Health Division prior to start of construction. Here is the direct link to the online Food Establishment Plan Review permit application -
<https://needhamma.viewpointcloud.com/categories/1073/record-types/1006516> .





Design Review Board

Public Services Administration Bldg.
500 Dedham Avenue
Needham, MA 02492

Application and Report

Location: 1037 Great Plain Avenue

Date: October 27, 2025

Owner: Triantos Thomas and Dina Thomas, Trustees, Great Plain Avenue Realty Trust

Address: 198 Curve Street, Dedham, MA 02026

Street

Telephone: 781-329-5894

Applicant: Bohemian, LLC

Address: 1037 Great Plain Avenue, Needham, MA 02492

Street

Telephone: 857-891-7928

Designer/Installer: Sousa Design Architects

Address: 81 Boylston Street, 2nd Floor, Brookline, MA 02445

Street

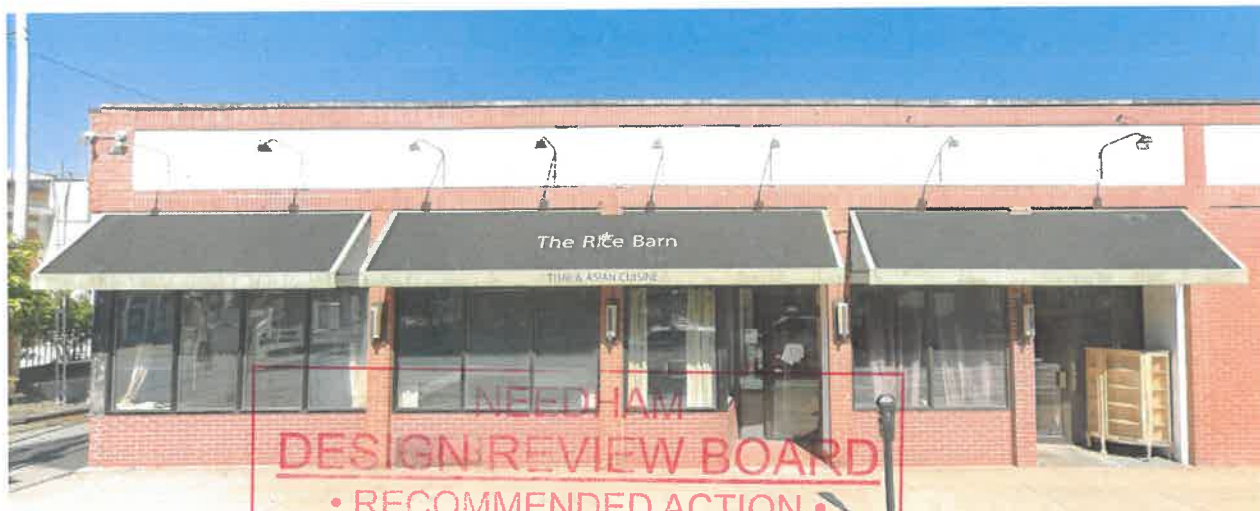
Telephone: 617-879-9100

Type of Application

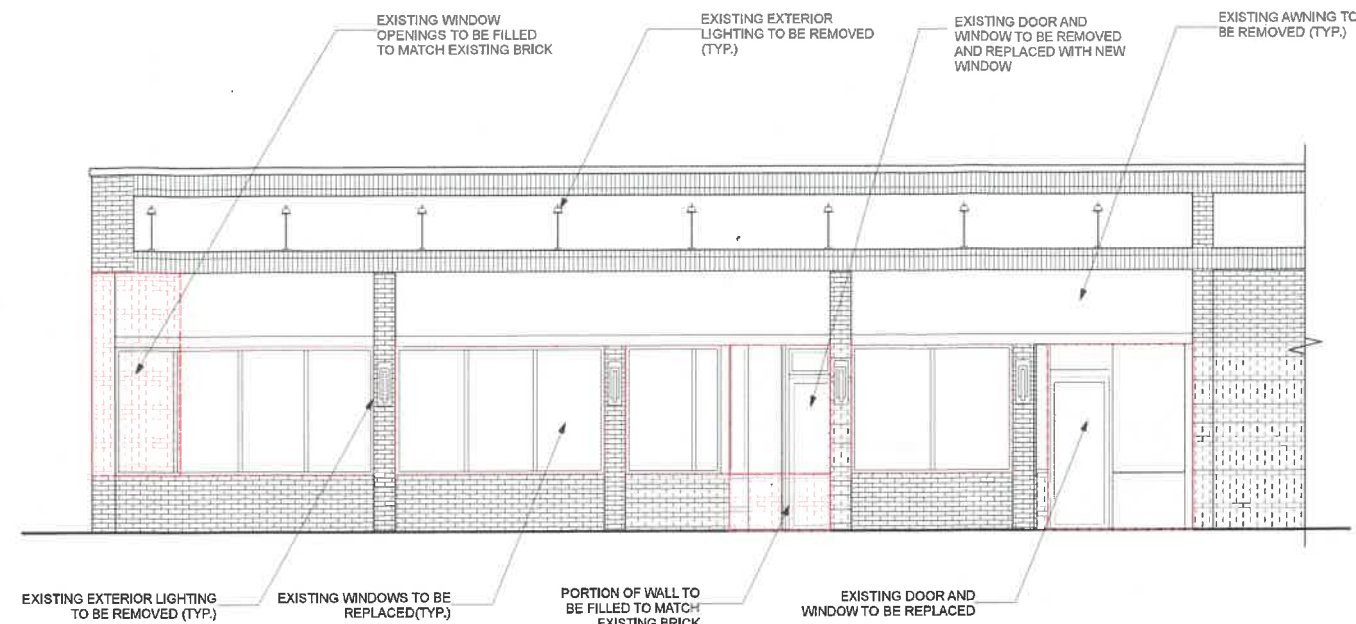
- | |
|--|
| ☐ Sign |
| ☐ Minor Project |
| ☐ Exterior Alterations |
| ☐ Major Project |
| ☐ - preliminary |
| ☒ - final |
| ☐ Flexible Subdivision |
| ☐ Planned Residential Development |
| ☐ Residential Compound |

Brief description of sign or project:

Renovation of former Rice Barn restaurant for use as new Taberna restaurant, including front and rear facade changes, as shown on plans provided herewith.



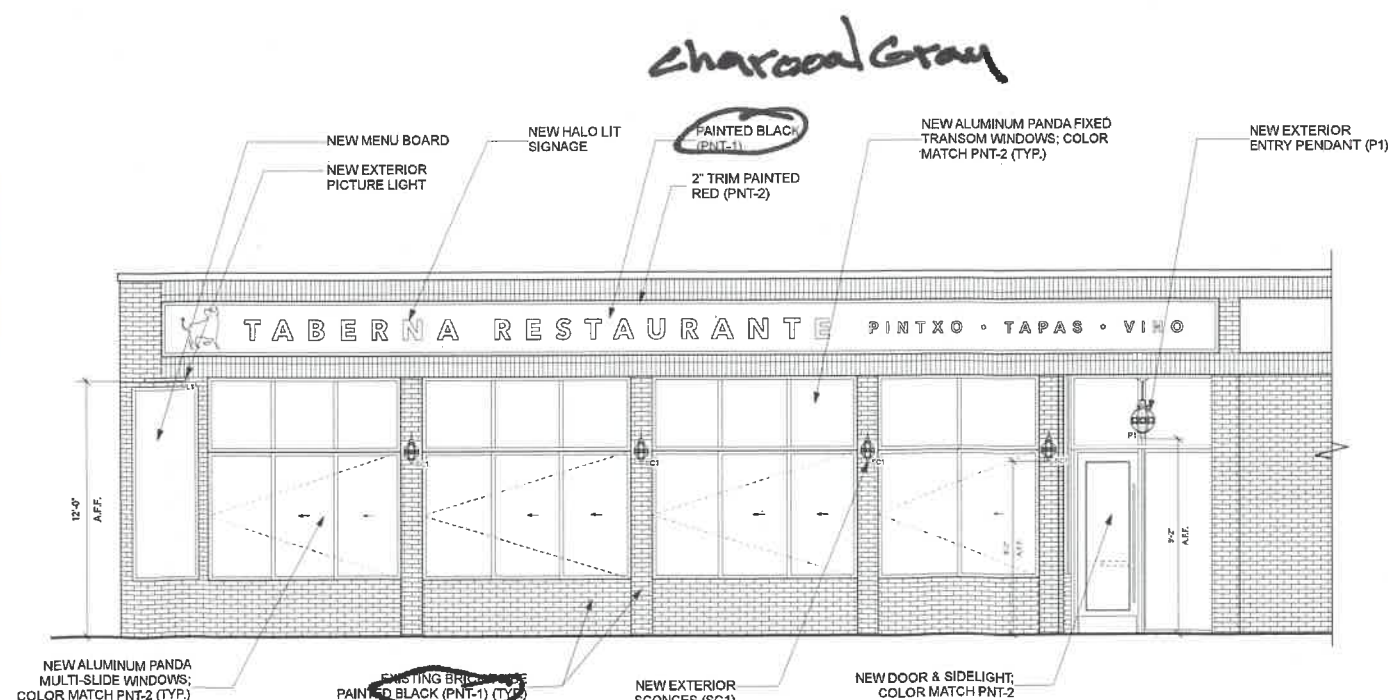
1 EXISTING EXTERIOR PHOTOGRAPH
Scale: 1/4" = 1'-0"



1 EXISTING EXTERIOR ELEVATION
Scale: 1/4" = 1'-0"



2 PROPOSED EXTERIOR RENDERING
Scale: 1/4" = 1'-0"



2 PROPOSED EXTERIOR ELEVATION
Scale: 1/4" = 1'-0"

TABERNA

1037 GREAT PLAIN AVE,
NEEDHAM, MA 02492

ALL DRAWINGS, SPECIFICATIONS AND ARCHITECTURAL DESIGNS ARE THE PROPERTY OF SOUSA DESIGN ARCHITECTS AND SHALL NOT BE REPRODUCED OR USED ON THIS OR ANY OTHER PROJECT WITHOUT WRITTEN CONSENT FROM THE ARCHITECT.

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS ON SITE PRIOR TO BEGINNING ANY WORK. REPORT ALL DISCREPANCIES IN WRITING TO SOUSA DESIGN ARCHITECTS BEFORE PROCEEDING WITH THE WORK AND SHALL ACCEPT FULL RESPONSIBILITY FOR SAME. DRAWINGS SHALL NOT BE SCALED. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS, AND TO THE SATISFACTION OF THE OWNER AND THE ARCHITECT.

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ISSUED FOR:
PLANNING REVIEW

SOUSA design
Architects

51 Bayshore Rd, 2nd Floor
Needham, MA 02492
OFF: 781.979.9000
www.sousadesign.com



Job # 202509C

Drawn by SA Ckd by SAS

Date 10.20.25

Revisions

NO.	DESCRIPTION	DATE

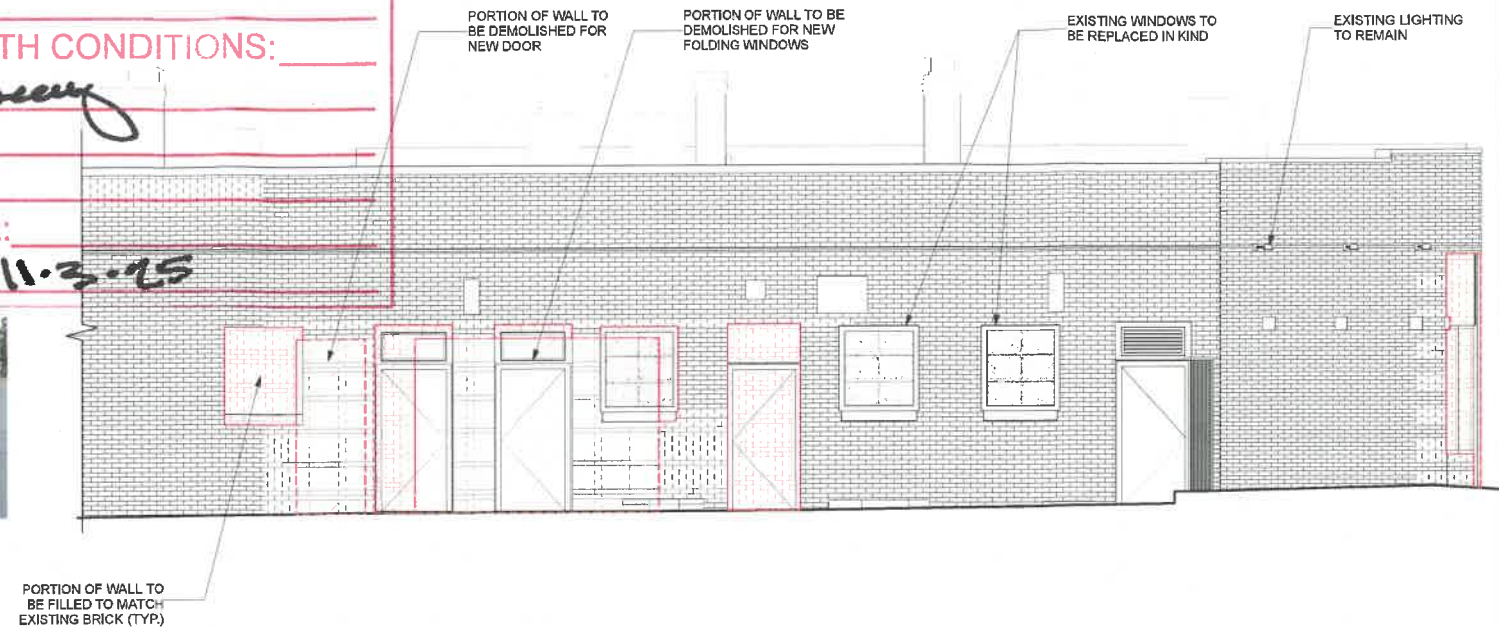
EXTERIOR FRONT
ELEVATION

A-300



1 EXISTING EXTERIOR PHOTOGRAPH
Scale: 1/4" = 1'-0"

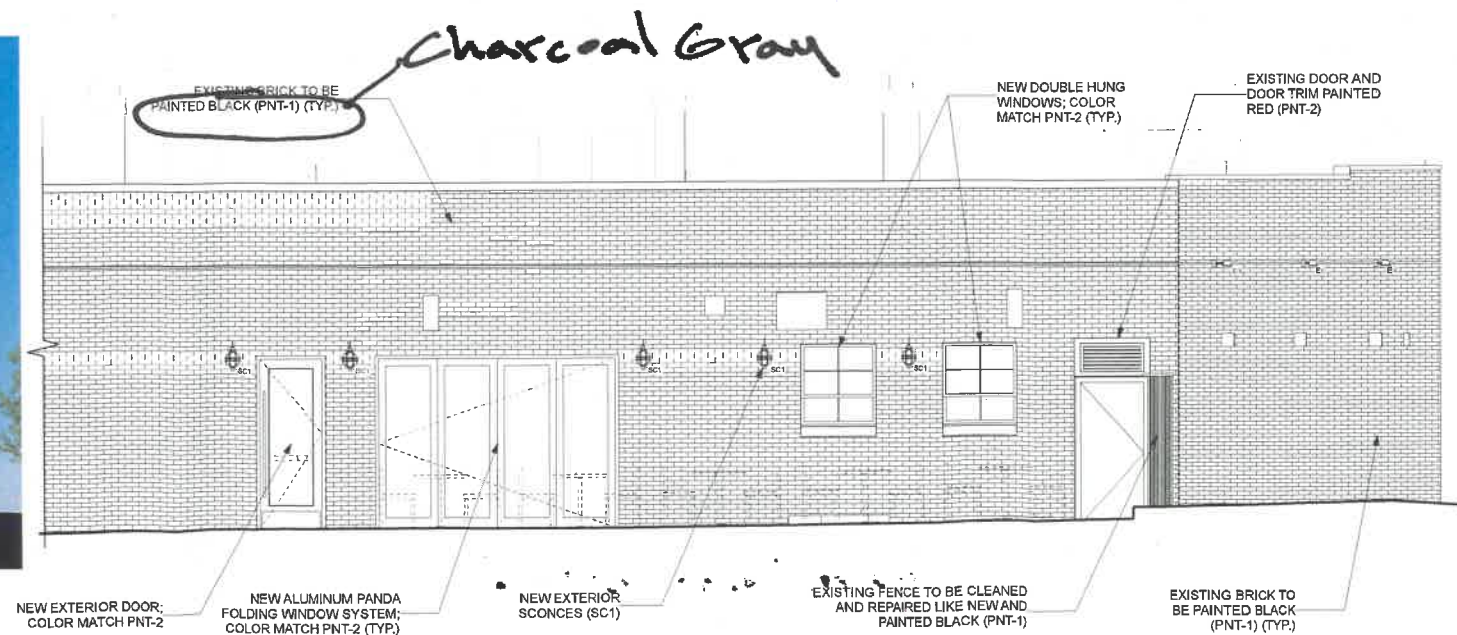
NEEDHAM
DESIGN REVIEW BOARD
• RECOMMENDED ACTION •
APPROVAL: _____
APPROVAL WITH CONDITIONS: _____
McGueeny
DISAPPROVAL: _____
DATE: *11.3.25*



1 EXISTING EXTERIOR ELEVATION
Scale: 1/4" = 1'-0"



2 PROPOSED EXTERIOR RENDERING
Scale: 1/4" = 1'-0"



2 PROPOSED EXTERIOR ELEVATION
Scale: 1/4" = 1'-0"

TABERNA

1037 GREAT PLAIN AVE,
NEEDHAM, MA 02492

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ISSUED FOR:
PLANNING REVIEW

SOUSA design Architects

81 Beulah St., 2nd Floor
Needham, MA 02461
617-879-9188
www.sousadesign.com



Job # 202508C

Drawn by SA ckd by SAS

Date 10.20.25

Revisions

NO.	DESCRIPTION	DATE

EXTERIOR REAR ELEVATIONS

A-301

EXTERIOR LIGHTING SPECIFICATIONS

CAMPANILE
FS005-FRFR

HUDSON VALLEY
LIGHTING GROUP | hvlgroup.com | 1.800.814.3993

FINISHES
FRENCH IRON
Coastal Suitable Finish (LFRF): No

DIMENSIONS
Height: 23.5"
Width/Diameter: 13.75"
Canopy Backplate: 6"
Hanging Type: 22" Chain
Product Weight: 17.8lb
Canopy Backplate Shape: Round
Shaped Ceiling Compatible: Yes
Living Finish: No
Lighting Only: No

SHADE
Shade 1: Glass
Shade 1 Finish: Clear
Shade 1 Top Width: 13"
Shade 1 Bottom L/W: 8" / 4.35"
Shade 1 Height: 13"

ELECTRICAL
Bulb 1
Bulb Included: No
Socket: E12 Candelabra Base
Max Voltage: 60
Bulb Quantity: 3
Bulb Included: No
Wire Length: 144"
Dimmer Type: Incompatible
Gem Box Required (2"x3"): No
Dark Sky: No

SHIPPING
Carton 1: 20" x 17" x 17"
Carton 1 Weight: 26lb
Shipping Method: Ground
Country of Origin: VN

CAMPANILE
SS001-FRFR

HUDSON VALLEY
LIGHTING GROUP | hvlgroup.com | 1.800.814.3993

FINISHES
FRENCH IRON
Coastal Suitable Finish (LFRF): No

DIMENSIONS
Height: 17"
Width/Diameter: 8"
Product Weight: 7.4lb
Canopy Backplate: 6"
Top to Center: 10.25"
Canopy Backplate Shape: Round
Shaped Ceiling Compatible: No
Living Finish: No
Lighting Only: Yes

SHADE
Shade 1: Glass
Shade 1 Finish: Clear
Shade 1 Top Width: 7.25"
Shade 1 Bottom L/W: 6" / 4.35"
Shade 1 Height: 7.25"
Replacement Glass Item # (L): GL85001-CD

ELECTRICAL
Bulb 1
Bulb Included: No
Socket: E26 Medium Base
Max Voltage: 60
Bulb Quantity: 1
Bulb Included: No
Wire Length: 7"
Dimmer Type: Incompatible
Gem Box Required (2"x3"): No
Dark Sky: No

SHIPPING
Carton 1: 20" x 14" x 11"
Carton 1 Weight: 8lb
Shipping Method: Ground
Country of Origin: VN

P1

Terrace LED Sign Light
By Hilsley

LUMENS
Call Us (877) 445-4486

Product Options
Finish: Museum Bronze
Size: 28 inch

Details
• Linear head rotates 360 degrees for precise adjustments
• Operates with CL dimmer
• Wiring kit is supplied

Dimensions
28 inch Option Features: Width 28.25", Height 2.25", Depth 12", Weight 34.25lb

Lighting
Lamp Type: LED Bulb-In
Color Temp: 3000 (Soft White)
Total Current: 2400
CRI: 95
Total Watts: 2500
Equivalent: Kodger, CFL or LED
Watts: 500
Location Rating: UL Listed Wet

Additional Details
Product URL: <https://www.lumens.com/terrace-led-sign-light-by-hilsley>
Rating: UL Listed Wet
ITEM#: HKY2354791

SC1

NEEDHAM
DESIGN REVIEW BOARD

EXISTING WINDOW OPENINGS TO BE FILLED TO MATCH EXISTING BRICK

RECOMMENDED ACTION:

APPROVAL WITH CONDITIONS:

DISAPPROVAL:

DATE: 11.3.25

PL1

STOREFRONT WINDOW SPECIFICATION

PANDA
WINDOWS & DOORS

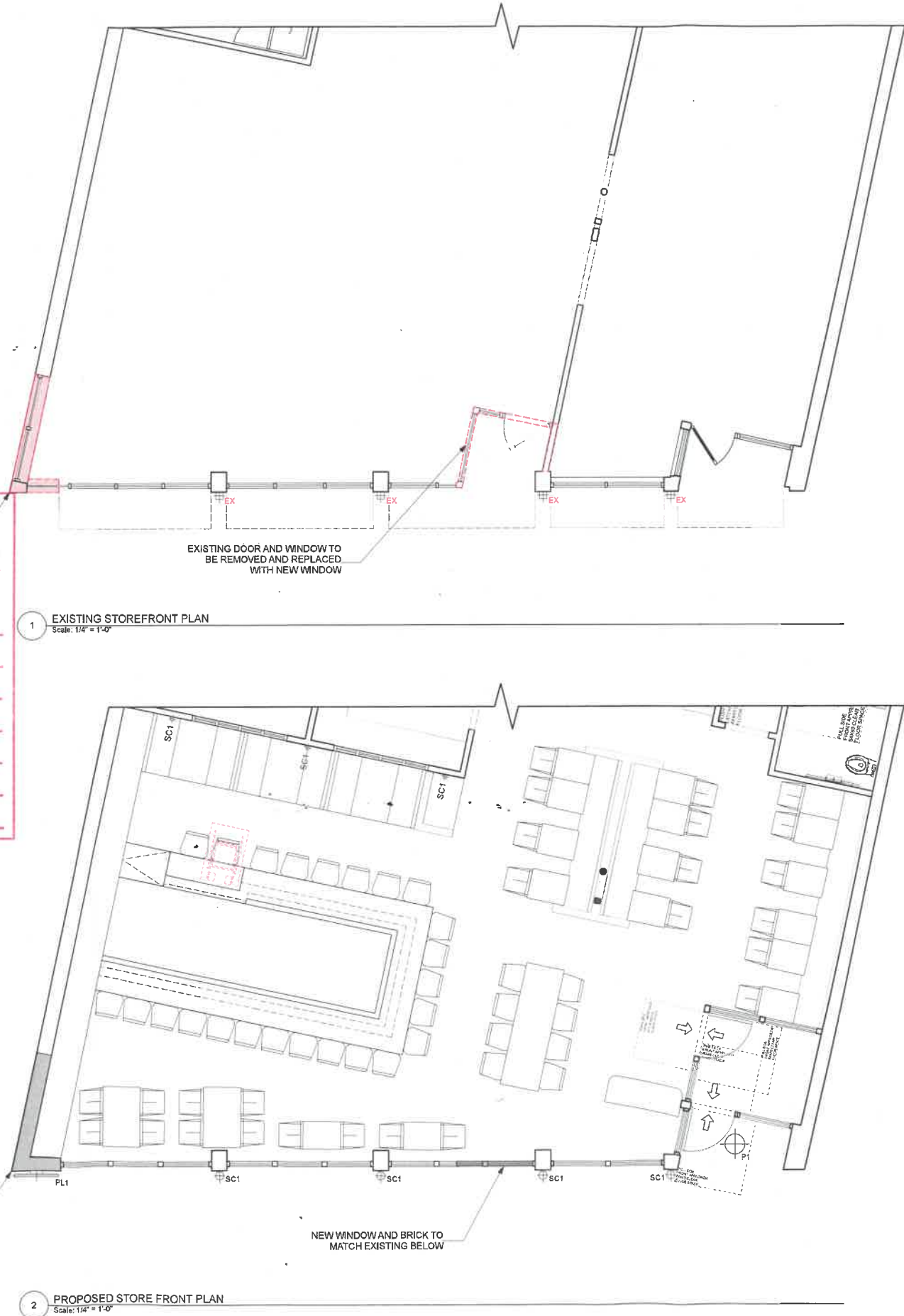
Sliding Windows

ALUMINUM MULTI-SLIDE WINDOWS; COLOR MATCH PNT-2 (TYP.)

PANDA
WINDOWS & DOORS

Fixed

ALUMINUM FIXED WINDOWS; COLOR MATCH PNT-2 (TYP.)



TABERNA

1037 GREAT PLAIN AVE,
NEEDHAM, MA 02492

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ISSUED FOR:
PLANNING REVIEW

SOUSA design
Architects

81 Beethoven St., 2nd Floor
Needham, MA 02462
617.459.4999
www.sousadesign.com



Job # 202509C
Drawn by SA Ckd by SAS
Date 10.20.25

Revisions

EXTERIOR FRONT
DETAILS

A-302

EXTERIOR LIGHTING SPECIFICATIONS

CAMPANILE
50014FRN

FINISHES
FRENCH BRONZE
Consistent Finish (EPDM, No)

DIMENSIONS
Height: 17"
Width/Depth: 12"
Product Weight: 7.48lb
Extension: 10.25"
Top to Center: 10.5"
Canopy/Backplate Shape: Round
Single Chasing Compatible: No
Living Finish: No
Uplight Only: Yes

SHADE
Shade 1: Glass
Shade 1 Finish: Clear
Shade 1 Top Width: 7.25"
Shade 1 Bottom L/W: 2" / 4.75"
Shade 1 Height: 7.25"
Replacement Glass Note #1: GL55001-CD

ELECTRICAL
Bulb 1:
Bulb Included: No
Socket: E26 Medium Base
Max Voltage: 50
Bulb Quantity: 1
Bulb Included: No
Wire Length: 7"
Dimmer Type: Incompatible
Gem Box Required (2"x3"): No
Dim Style: No

SHIPPING
Carton 1: 20" x 14" x 11"
Carton 1 Weight: 8lb
Shipping Method: Ground
Country of Origin: VN



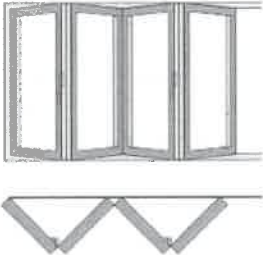
IRIDUSON VALLEY
LIGHTING GROUP | irvgroup.com | 1.800.814.3993

SC1

WINDOW SPECIFICATIONS

PANDA
WINDOWS & DOORS

4 Left



ALUMINUM FOLDING WINDOW SYSTEM; COLOR MATCH PNT-2 (TYP.)

NEEDHAM
DESIGN REVIEW BOARD

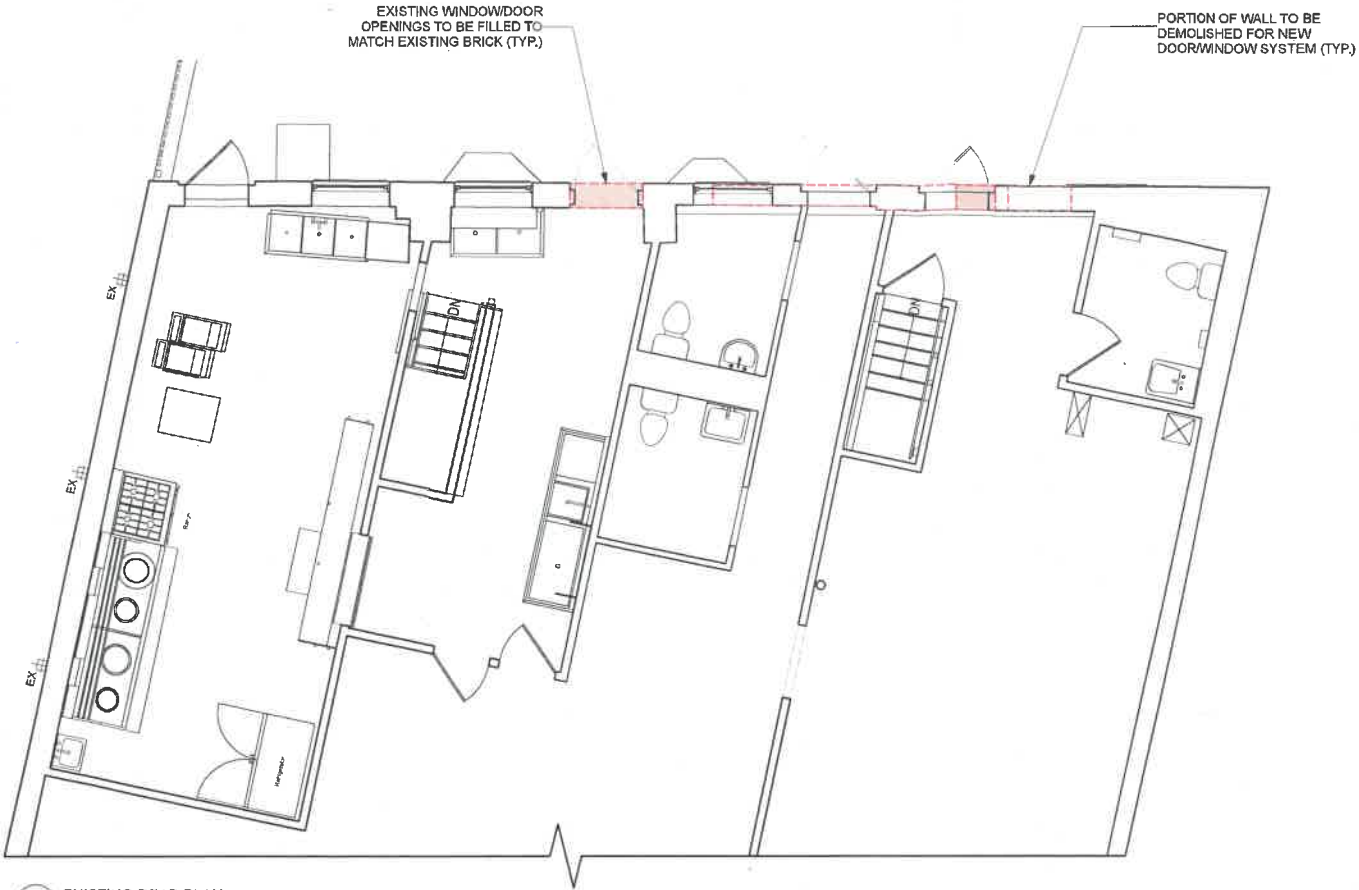
• RECOMMENDED ACTION •

APPROVAL: *M. G. [Signature]*

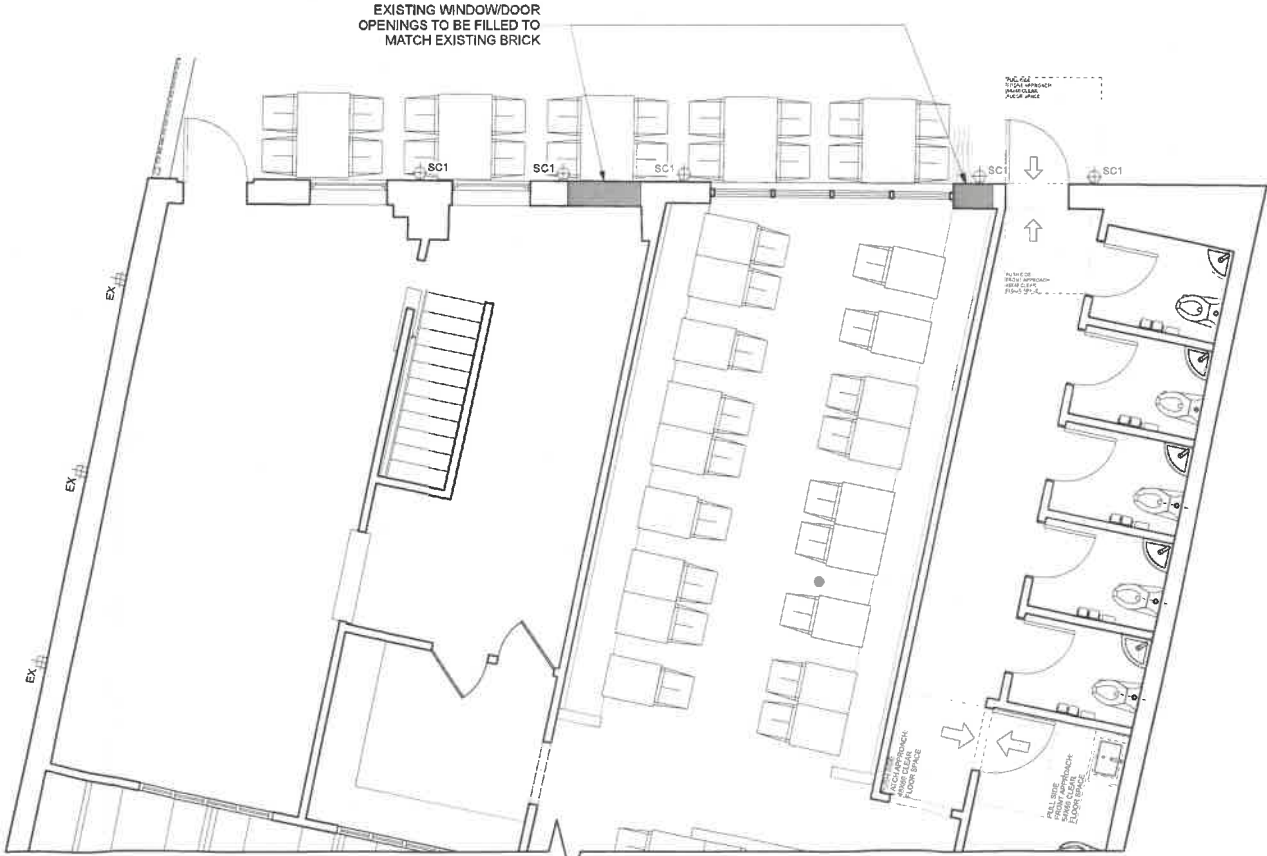
APPROVAL WITH CONDITIONS:

DISAPPROVAL:

DATE: *11.3.25*



1 EXISTING REAR PLAN
Scale: 1/4" = 1'-0"



2 PROPOSED REAR PLAN
Scale: 1/4" = 1'-0"

TABERNA

1037 GREAT PLAIN AVE,
NEEDHAM, MA 02492

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ISSUED FOR:
PLANNING REVIEW

SOUSA design
Architects

81 Bayshore Rd., 2nd Floor
Needham, MA 02445
617-459-9550
www.sousadesign.com



Job # 202509C

Drawn by SA Chk'd by SAS

Date 10.20.25

Revisions

NO.	DESCRIPTION	DATE

EXTERIOR REAR
DETAILS

A-303

Needham, MA Large House Study

Value Analysis and Fiscal Impact Study

October 28, 2025

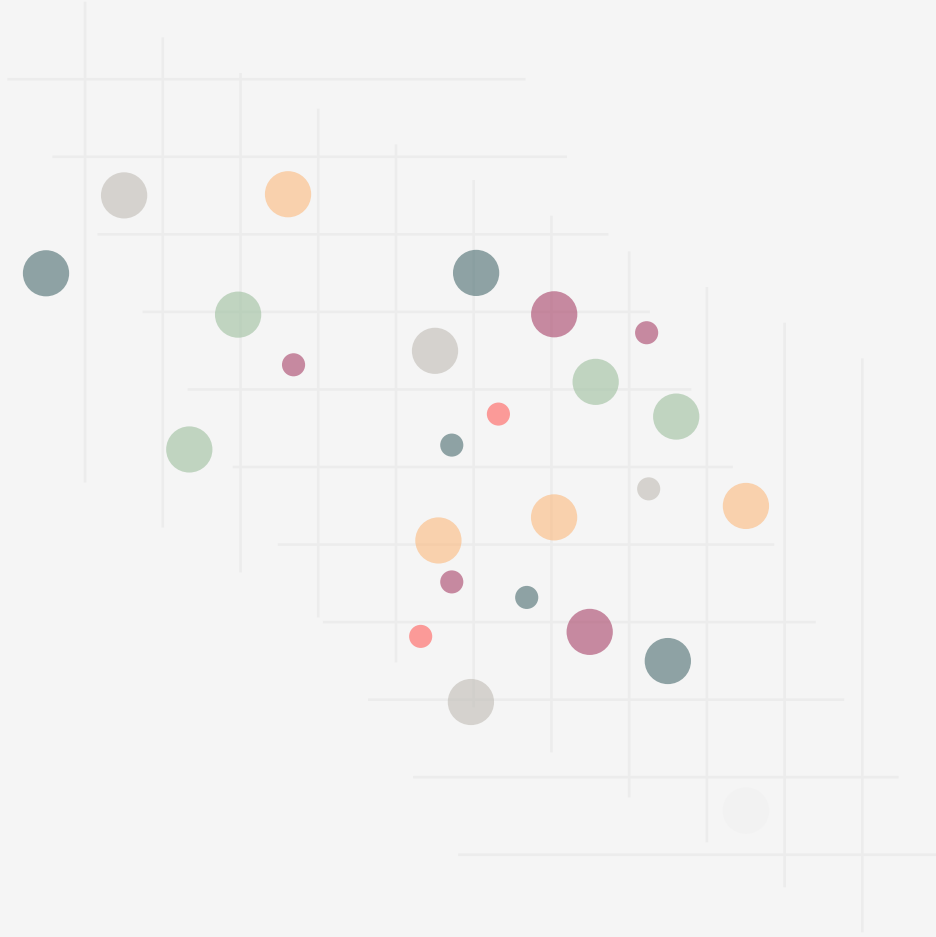


Study Purpose

Over the past several years, Needham has experienced a growing number of smaller, more affordable homes being torn down and rebuilt as much larger, more expensive homes within established neighborhoods, particularly in the Single Residence B (SRB) zoning district. While new construction has contributed to overall housing investment and taxable value, it has also raised concerns about the diminishing availability of smaller homes and how redevelopment trends are reshaping the town's housing mix and architectural character.

To better understand these dynamics, the Needham Planning Board appointed the Large House Review Study Committee to evaluate how adjustments to the allowable Floor Area Ratio (FAR) could influence home building activity and the scale of new construction relative to existing homes and lots. An analysis examining how potential FAR reductions could affect market values, redevelopment feasibility, and municipal tax revenues was conducted.

This study draws on data analyzing homes that have been torn down and rebuilt in Needham between 2020 to 2025, actual MLS sales information, and financial modeling to estimate how changes to allowable home size may influence sale prices, property values, developer behavior, and local tax receipts. The results are intended to help inform zoning decisions by illustrating the range of potential market and fiscal outcomes under different FAR reduction scenarios.



Value Analysis

Overview of Approach

Analysis Approach

In order to accurately analyze the potential impact of the FAR reductions on homes in Needham, RKG Associates (RKG) worked closely with members of the Large House Subcommittee to collect actual sales information on properties where teardown/rebuilds occurred between the years 2020 and 2025 (to date). We also worked closely with Town of Needham staff to collect demolition and new construction permits on actual projects in Needham. These two data sets were then merged to form a pool of teardown/rebuild projects that occurred over this five-year period giving us:

- The statistics of the original home that was sold.
- The location and date of the demolition.
- The statistics of the new rebuilt home that was sold.

This pool of projects forms the basis for the valuation analysis and projecting potential impacts to both original sellers of property and to developers selling the newly rebuilt homes.

The following pages describe the process RKG used to pare down the total pool of home sales in Needham to those that were used for this analysis.



Analysis Approach

Step 1: Collect MLS Public Record Data

- Total of **1,861 Property records** from **2019-2025**.
- These records provided sales information, including sale dates, prices, square footage, and condition.
- This dataset forms the foundation for identifying market activity, sale trends, and redevelopment outcomes.

Step 2: Collect Demolition and Construction Data

- Compiled **429 new construction permits (2020–2024)** across all residential zoning districts, including **396 single-family home construction permits**.
- Collected **479 demolition permits**, including amendments and Health Department records, representing **424 unique teardown addresses**.
- Together, these permit datasets allow us to identify where redevelopment activity has physically occurred.

Step 3: Identify Teardown/Rebuild Projects

- Matched **demolition and construction permits** by address to identify properties where a teardown was followed by new construction.
- Found **424 address matches**, including **392 single-family teardown/rebuild projects**.
- This matching isolates parcels that have undergone full redevelopment rather than additions or renovations.

Analysis Approach

Step 4: Focus on SRB District

- Since the majority of teardown/rebuild activity occurred within the **Single Residence B (SRB)** district, subsequent analysis focused exclusively on this zone.
- A total of **332 teardown/rebuild projects** were identified in the SRB district since 2020.

Step 5: Match Permit Data with MLS Sales Records

- Cross-referenced addresses from the teardown/rebuild dataset with MLS sales records to identify projects that were resold on the open market.
- Identified **281 matching properties** (across all districts) with available MLS sales data. **252 are in SRB.**
- Some rebuilt properties did not appear in MLS, which is common for **direct developer sales, off-market transactions, or private listings.**
- This linkage enables a comparison between **pre- and post-rebuild sales values and physical characteristics** (e.g., price, square footage, PPSF).

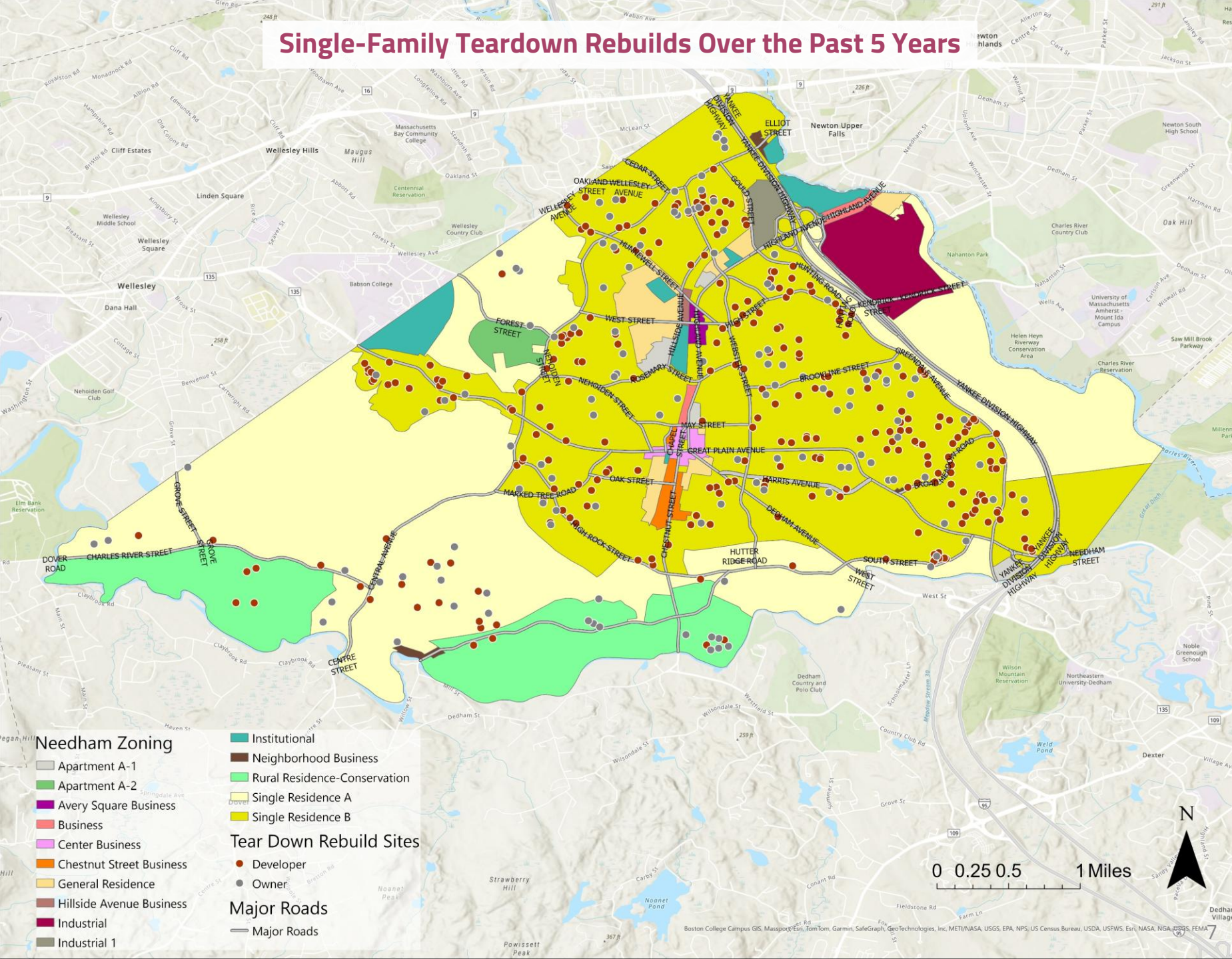
Step 6: Research Previous Sales

- For matched teardown/rebuild properties, compared **pre-rebuild (old)** and **post-rebuild (new)** sales to measure changes in home size, price, and price per square foot.
- This comparison quantifies the **scale and market impact of redevelopment activity.**
- Because some properties lacked complete or accurate sales data, we manually reviewed each record and identified **202 properties in SRB** with valid pre- and post-teardown or rebuild information.

The map on the right highlights properties that have submitted demolition and construction permits within the past five years across all of Needham. Of these teardown/rebuild projects, 392 were single-family homes. 268 properties were purchased by developers, while 124 were identified as individual purchases.

Single-Family Tear Down Rebuilds by Zoning District

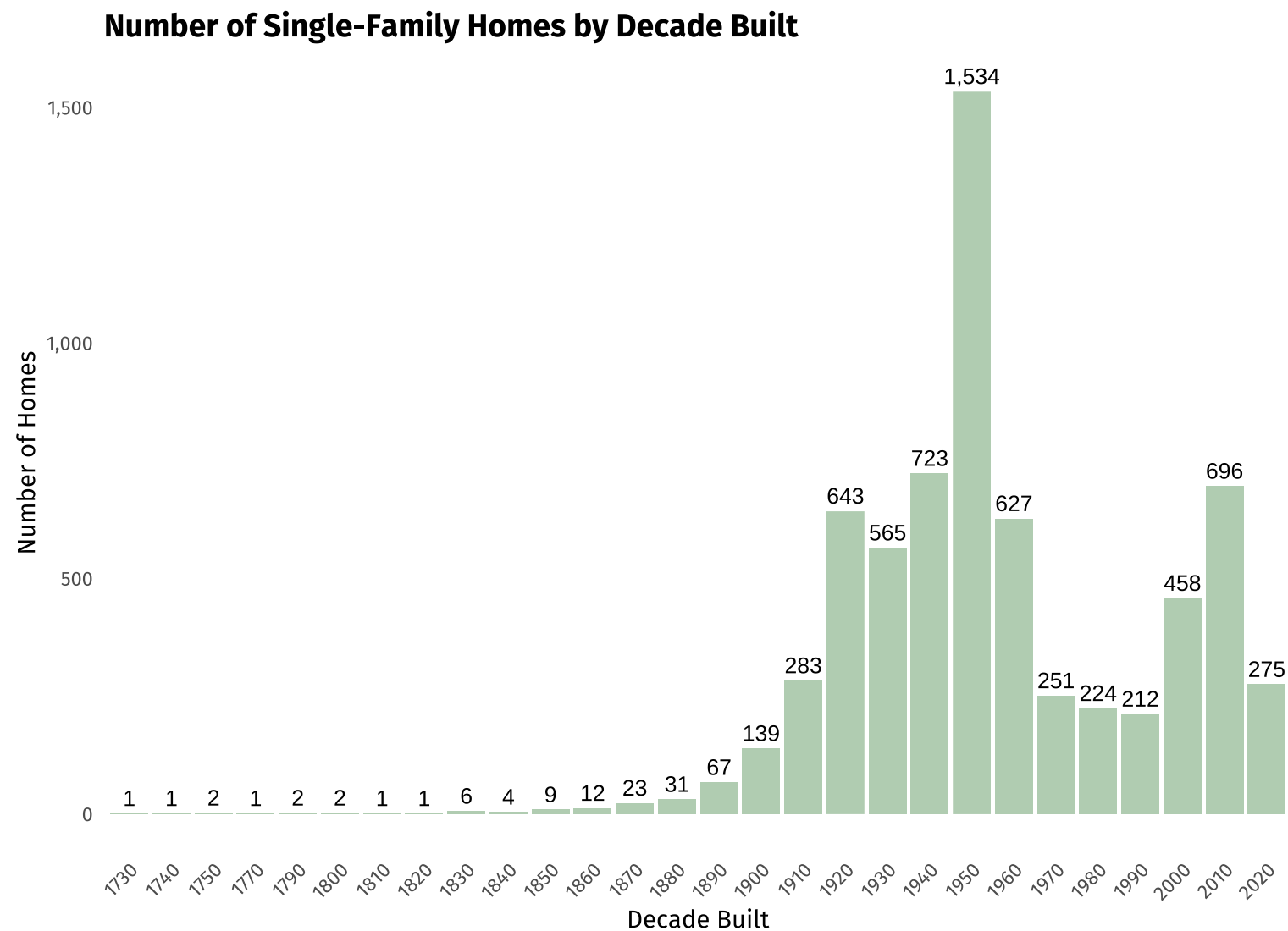
Zoning District	Number of Permits
SRB	332
SRA	43
Other	17
Total	392



Source: MLS, Needham Construction and Demolition Permits, RKG Associates

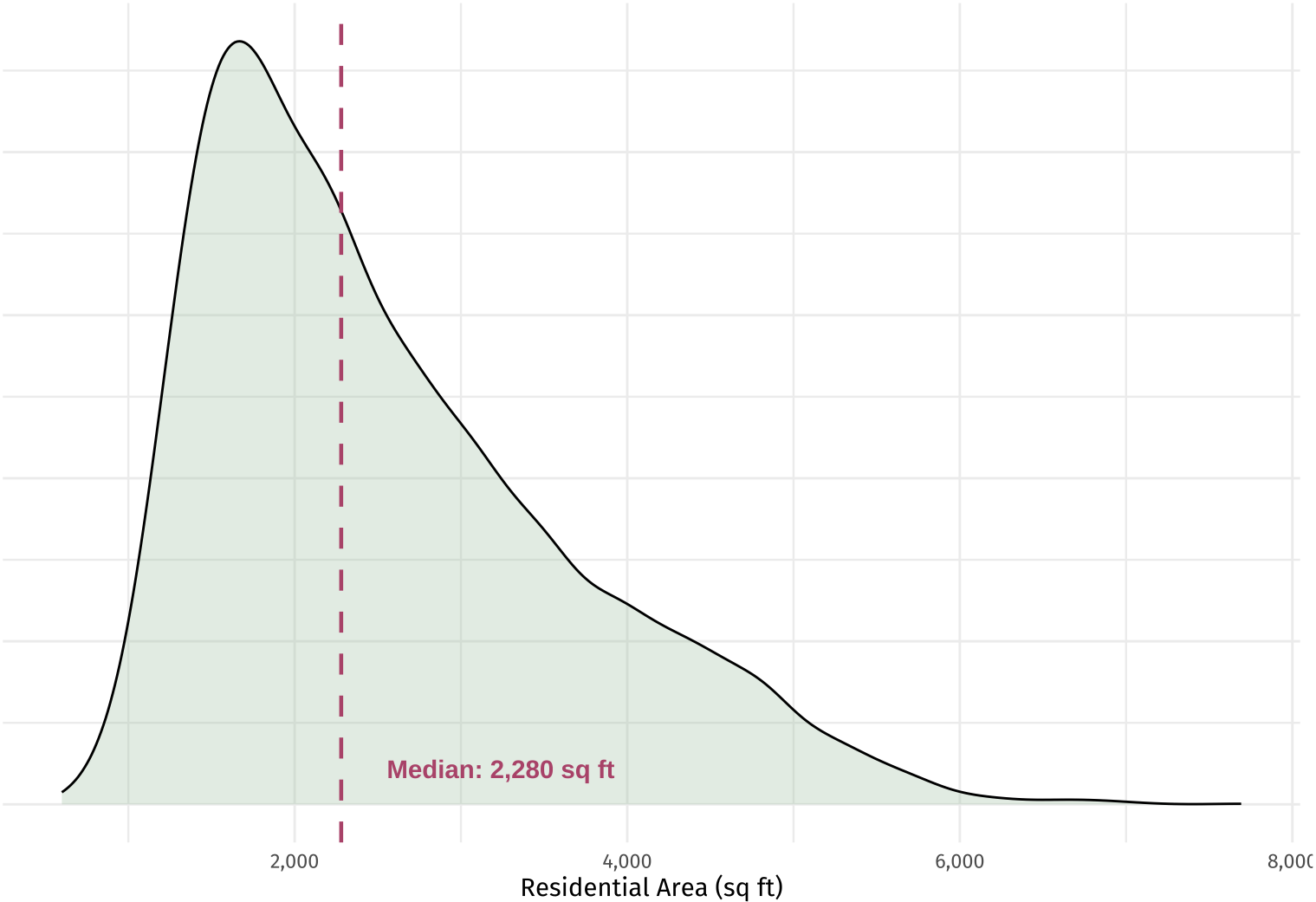
The median single-family home in SRB was built in 1955.

More than half of single-family homes in the SRB district were built before 1960, reflecting an older housing stock. Most of these homes are in livable condition, but many need updates or renovations to meet current buyer preferences, which is driving both remodeling and new construction in the area.



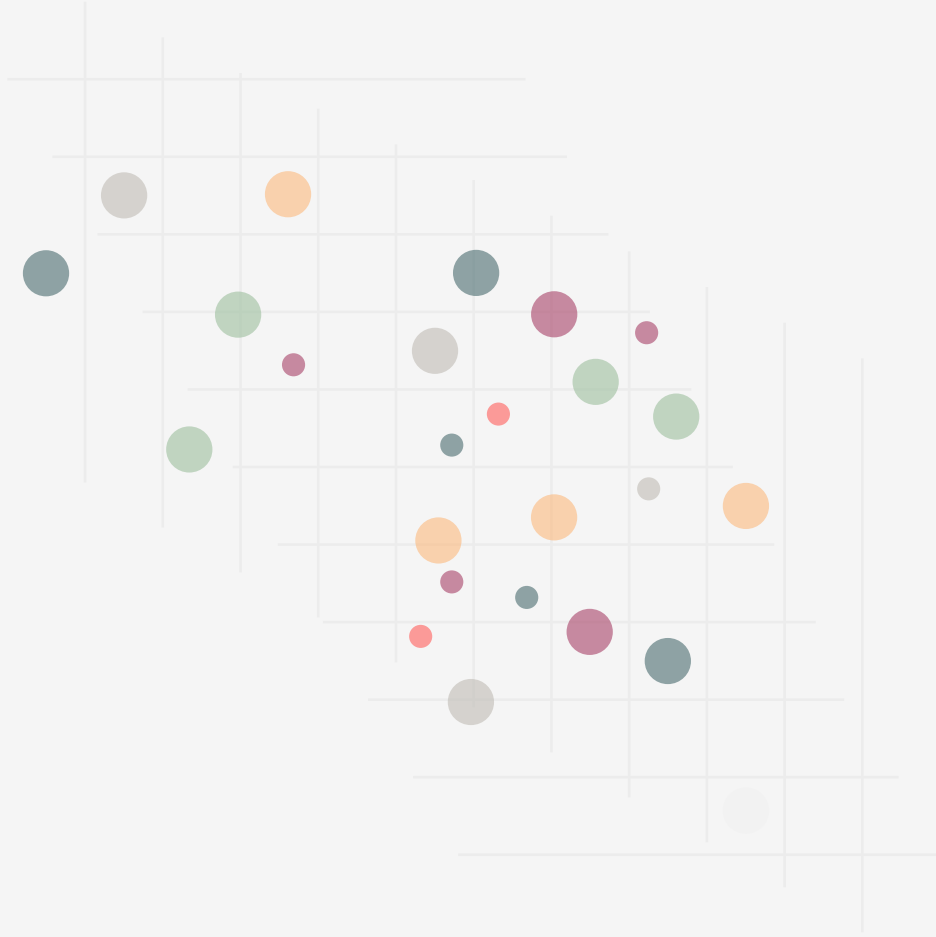
The median single-family home in SRB is 2,280 sq ft.

Distribution of Residential Area for Single-Family Homes



Examining all single-family home sizes in the SRB district shows that homes targeted for teardown/rebuild are smaller than typical single-family homes in the district. While the median size of all single-family homes is 2,280 sq ft, the average size of homes purchased for teardown-rebuilds was closer to 1,700–1,800 sq ft before reconstruction.

Source: RKG Associates



Value Analysis

Results

Rebuilt homes average around 5,600 sq ft compared to about 1,700 sq ft before redevelopment, making them almost three times larger.

Metric	Developer ¹	Individual ²
Median Old SF	1,770	1,688
Median Old Price	\$875,000	\$850,000
Median Old PPSF	\$493	\$506
Median New SF	5,535	5,765
Median New Price	\$2,550,000	\$2,650,000
Median New PPSF	\$458	\$438

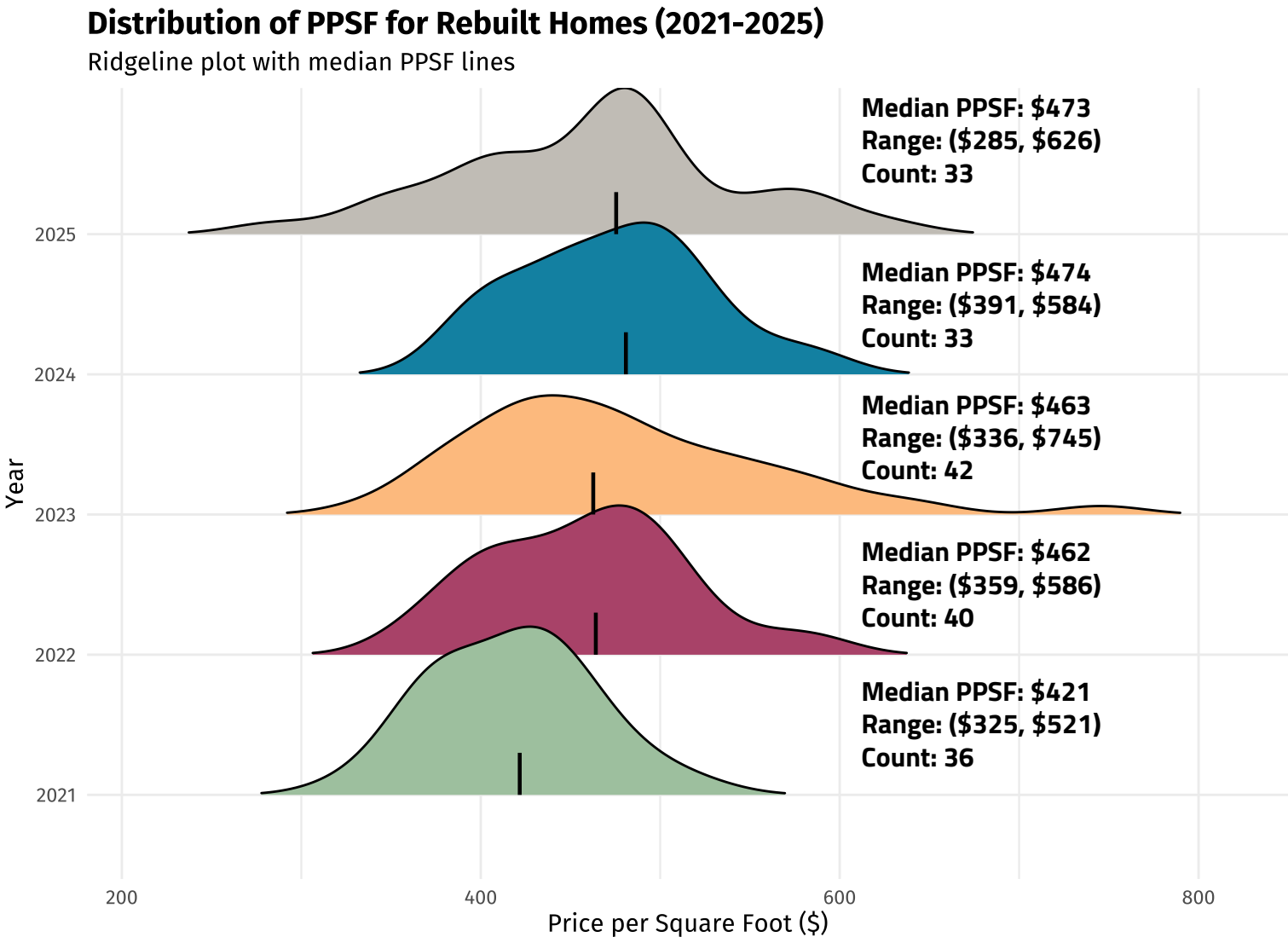
¹ Developer: Purchases identified as developers, including known company names or entities (LLC, INC, TRUST) that are likely to redevelop or renovate properties.

² Individual: Purchases by private buyers not matched to developer identifiers; typically homeowners.

By comparing permit dates with sale dates, the MLS data provides insight into presale and post sale conditions. The analysis shows that new homes sold after permit activity are typically larger and more expensive, while older homes sold before permit activity are generally smaller and less costly. Overall, the developer (171 identified) and individual (31 identified) properties performed similarly in both pre-redevelopment and post-redevelopment conditions.

In 2025, the median price per square foot of the rebuilt homes was \$473.

The distribution of price per square foot (PPSF) among rebuilt homes has remained relatively consistent over the past several years, with modest year-to-year variation. Median PPSF peaked in 2025 at **\$473**, down slightly from **\$474** in 2024 and **\$463** in 2023. In 2022, the median was **\$462**, indicating that overall pricing for new homes has held steady with gradual appreciation.



Source: RKG Associates

Of the 202 teardown/rebuild properties analyzed, 33 were most recently sold in 2025. These new homes average roughly 6,000 square feet and sold for around \$2.7 million. By comparison, their pre-redevelopment homes averaged about 1,700 square feet and sold for roughly \$1 million.

2025 Single-Family Teardown/Rebuilds

Teardown/Rebuild Summary - Year 2025		
Metric	Old ¹	New ¹
Median SF	1,672	5,800
Median Price	\$1,025,000	\$2,700,000
Median PPSF	\$591	\$473
¹ Median old vs. new square footage, sale price, and PPSF for properties from the 202-record dataset resold this year.		

2024 Single-Family Teardown/Rebuilds

Of the 202 teardown/rebuild properties analyzed, 33 were most recently sold in 2024. These new homes average roughly 5,600 square feet and sold for around \$2.6 million. By comparison, their pre-redevelopment homes averaged about 1,800 square feet and sold for roughly \$700,000-\$800,000.

Teardown/Rebuild Summary - Year 2024		
Metric	Old ¹	New ¹
Median SF	1,755	5,600
Median Price	\$855,000	\$2,625,000
Median PPSF	\$458	\$474
¹ Median old vs. new square footage, sale price, and PPSF for properties from the 202-record dataset resold this year.		

Of the 202 teardown/rebuild properties analyzed, 42 were most recently sold in 2023. These new homes average roughly 5,600 square feet and sold for around \$2.6 million. By comparison, their pre-redevelopment homes averaged about 1,800 square feet and sold for roughly \$900,000.

2023 Single-Family Teardown/Rebuilds

Teardown/Rebuild Summary - Year 2023		
Metric	Old ¹	New ¹
Median SF	1,781	5,552
Median Price	\$950,000	\$2,642,500
Median PPSF	\$516	\$463
¹ Median old vs. new square footage, sale price, and PPSF for properties from the 202-record dataset resold this year.		

Of the 202 teardown/rebuild properties analyzed, 40 were most recently sold in 2022. These new homes average roughly 5,400 square feet and sold for around \$2.5 million. By comparison, their pre-redevelopment homes averaged about 1,800 square feet and sold for roughly \$800,000.

2022 Single-Family Teardown/Rebuilds

Teardown/Rebuild Summary - Year 2022		
Metric	Old ¹	New ¹
Median SF	1,840	5,300
Median Price	\$830,000	\$2,567,500
Median PPSF	\$463	\$462
¹ Median old vs. new square footage, sale price, and PPSF for properties from the 202-record dataset resold this year.		

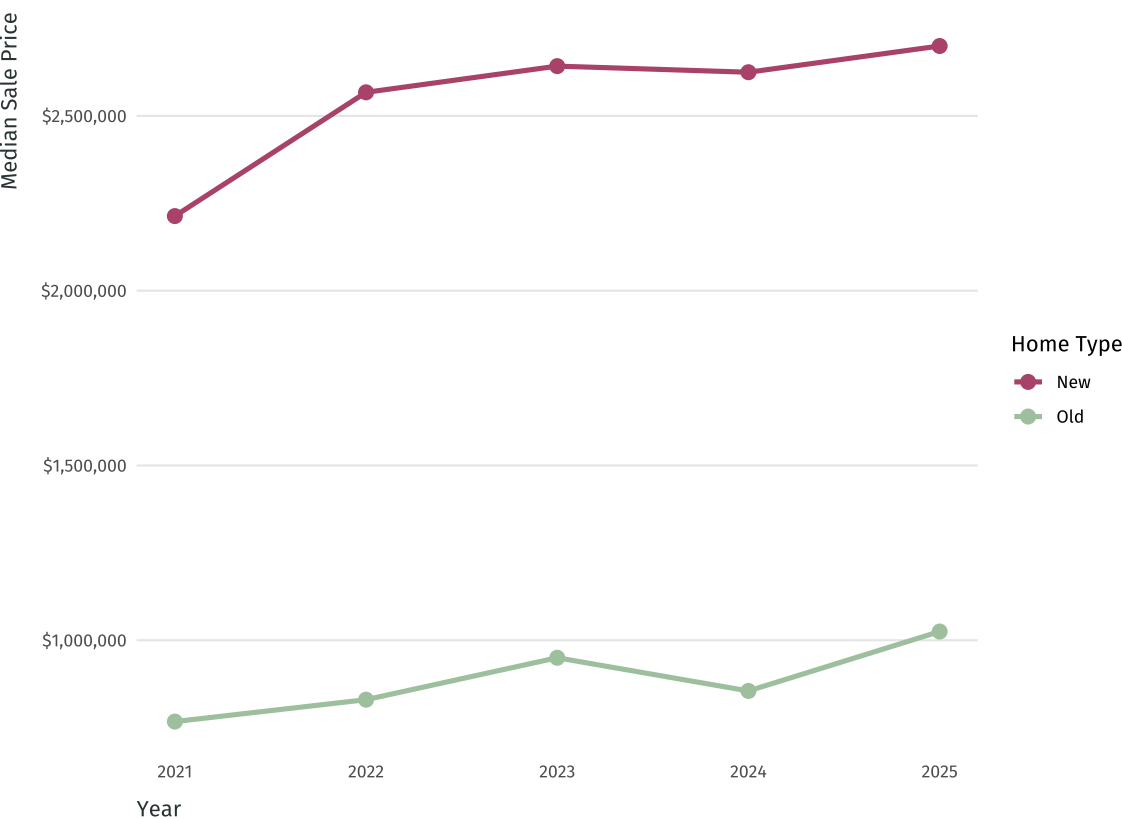
Of the 202 teardown/rebuild properties analyzed, 36 were most recently sold in 2021. These new homes average roughly 5,200 square feet and sold for around \$2.2 million. By comparison, their pre-redevelopment homes averaged about 1,700 square feet and sold for roughly \$700,000.

2021 Single-Family Teardown/Rebuilds

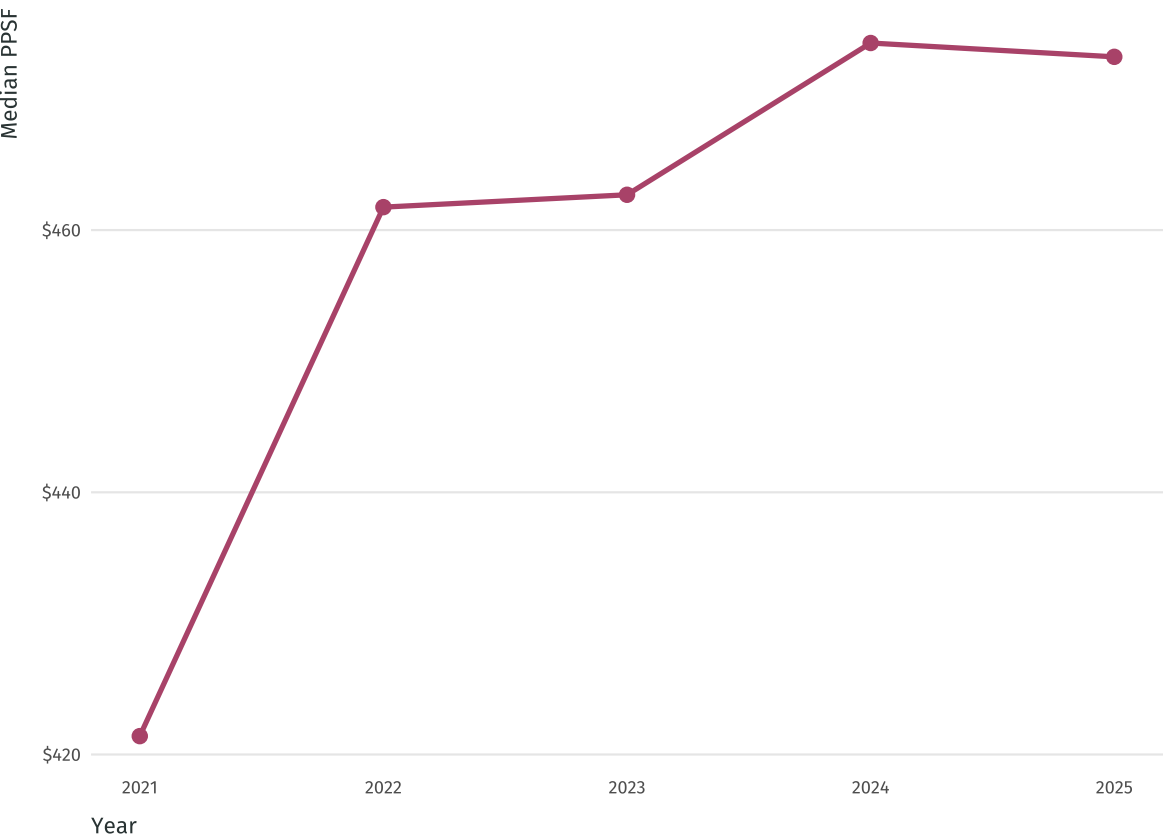
Teardown/Rebuild Summary - Year 2021		
Metric	Old ¹	New ¹
Median SF	1,786	5,236
Median Price	\$767,450	\$2,213,500
Median PPSF	\$425	\$421
¹ Median old vs. new square footage, sale price, and PPSF for properties from the 202-record dataset resold this year.		

In 2025, median sales price for teardown/rebuilds in SRB reached \$2.7 million.

Median Sale Price: Old vs New Homes (2021–2025)



Median Price per Square Foot for Teardown/Rebuilds (2021–2025)



**Data are categorized by the year of each property's most recent sale. The 'old' home information reflects the property before the sale, linked to that year's transaction, not its original sale date.*

Over the past five years, median sales prices for teardown/rebuild properties in SRB have steadily risen, increasing from approximately \$2.2 million in 2021 to \$2.7 million in 2025. This upward trend is also reflected in the price per square foot (PPSF), which reached \$473 in 2025, growing from \$421 in 2021.

The median price per square foot for ALL single-family homes sold in Needham over the past five years is approximately \$481.

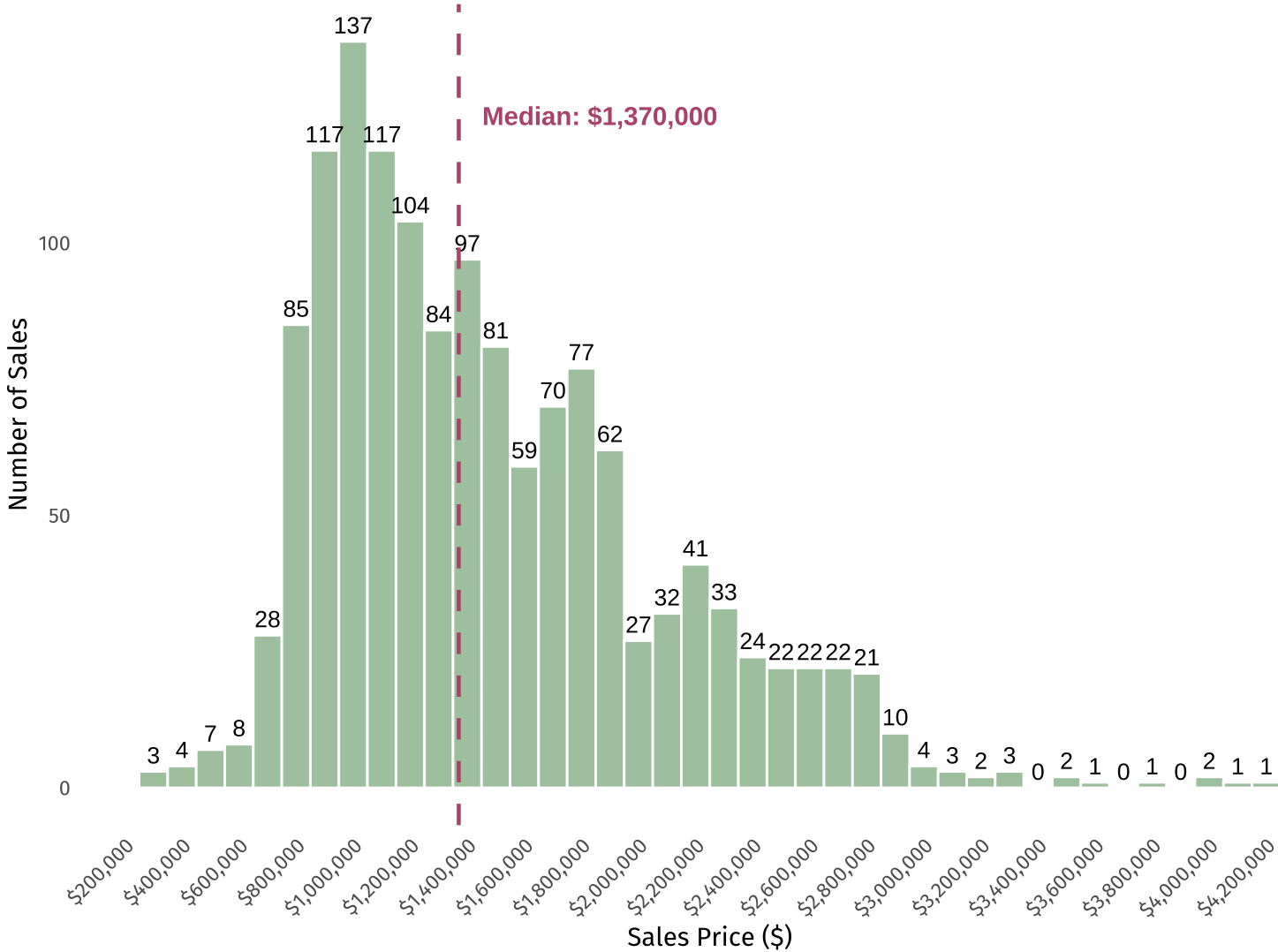
For comparison, we also analyzed all **MLS listings from the past five years** that were **not associated with construction permits**. Using each property’s most recent sale, we found that the **median sale price for single-family homes in Needham** is approximately **\$1.5 million**, with a **median home size of about 3,000 square feet**.

MLS Sales Without Associated Permits	
Metric	Value ¹
Mean SF	3,417
Median SF	2,990
Mean Sale Price	\$1,589,214
Median Sale Price	\$1,475,000
Mean PPSF	\$496
Median PPSF	\$481
Count	1,168

¹ Summary statistics for MLS-only properties not linked to permits

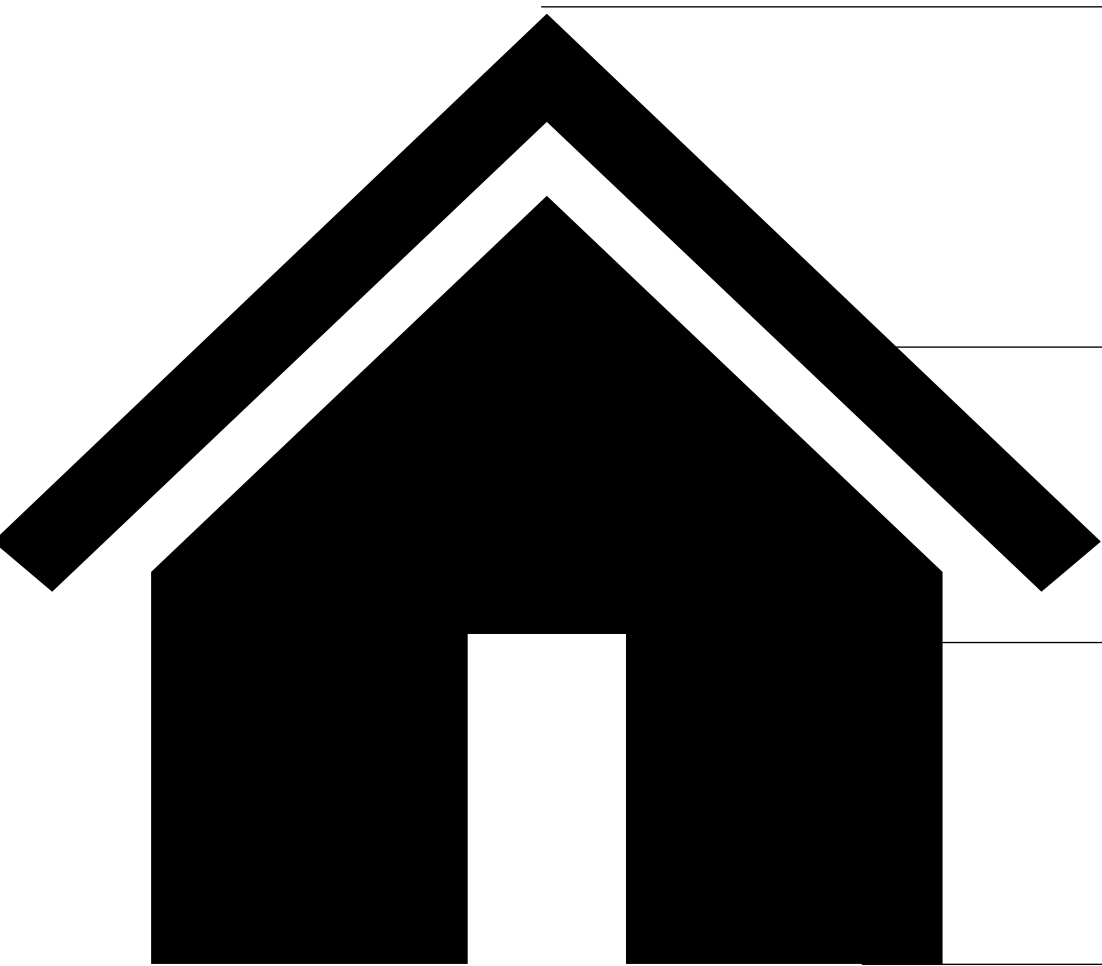
Many single-family home sales in SRB over the past five years fell within the \$800,000 to \$1.5 million range.

Distribution of Single-Family Home Sales Prices in SRB



The concentration of sales between \$800,000 and \$1.5 million reflects steady demand for mid- to upper-priced homes in the SRB district. With a median sales price of about \$1.37 million, most recent transactions have occurred above the \$1 million mark. The limited number of sales below \$800,000 suggests that few homes are entering the market at lower price points, reinforcing the district’s position as a higher-value residential area.

Developers Compete for Smaller, Cheaper Homes While Owners Tend to Buy Larger, Higher-Priced Homes



Owners Tend to Win the Larger, Higher-Priced Homes

\$1.3M+, competition is mostly among owner-occupants.

As home size and price increase, more owners tend to win bids, since more expensive homes leave less profit for developers.

Larger homes typically meet modern space expectations, reducing redevelopment incentive.

Middle ground: an even playing field

\$1M–\$1.3M, competition is balanced between owners and developers.

Sellers may receive multiple offers from both groups depending on location, lot size, and condition.

Pricing and property condition often determine who ultimately wins the bid.

Developers Tend to Win the Smaller, Lower-Priced Homes

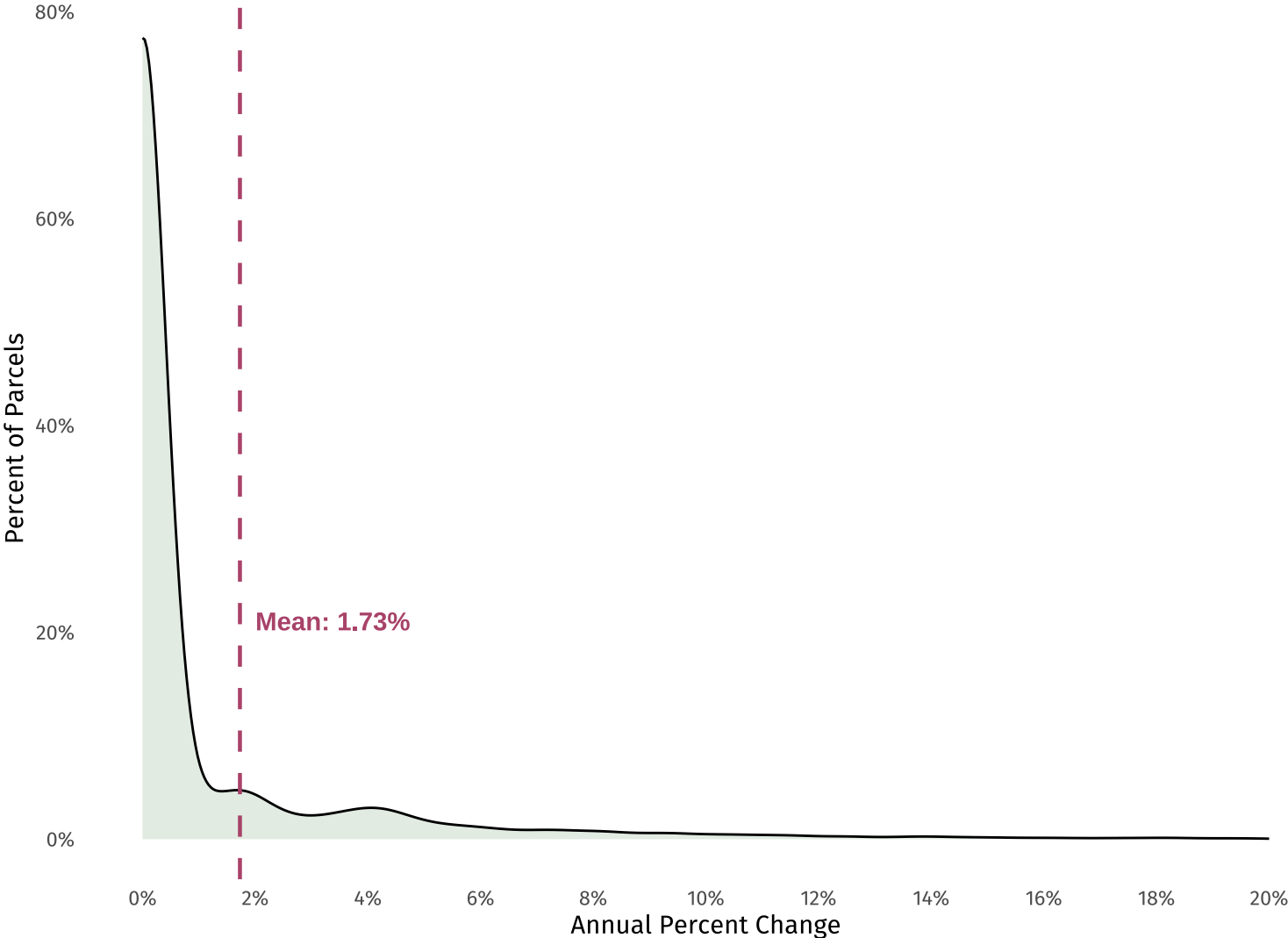
\$800K–\$1M, where price justifies redevelopment.

Developers are **most active** where the **land value outweighs the building value**—typically smaller, older homes.

Move quickly with cash offers, often waiving inspections and flexible closing conditions.

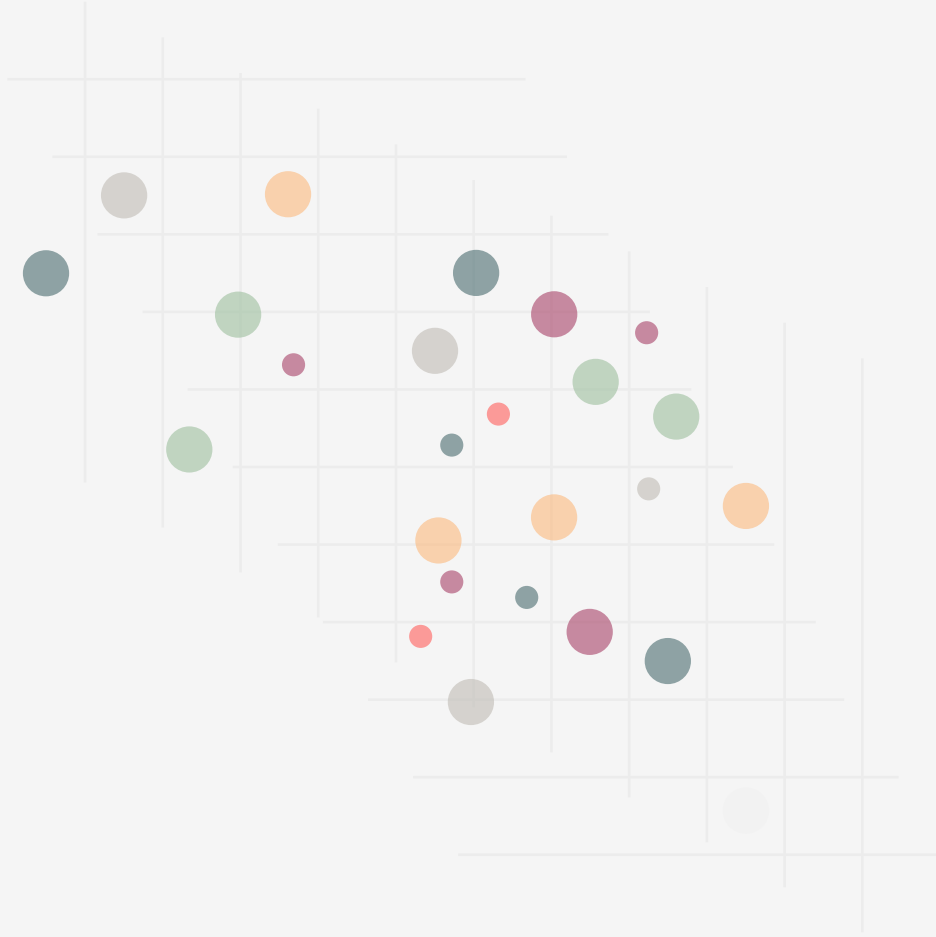
Single-family lots in the SRB district appreciated at an average annual rate of about 1.7% prior to the 2024/25 reassessment.

Distribution of Annualized Total Value Change (2020–2022)



Vintage assessment data for single-family lots in the SRB district were compared between 2020 and 2022. Parcels with unchanged lot sizes were used to isolate value changes independent of land expansions or subdivisions. Total and annualized percent changes were calculated for each property.

Before the 2024/25 reassessment, total assessed values increased by about 1.7% per year on average, reflecting steady appreciation even among parcels with consistent lot sizes. This trend points to sustained growth in underlying land values over the past several years.



Fiscal Impacts

Analysis and Results

Analysis Approach

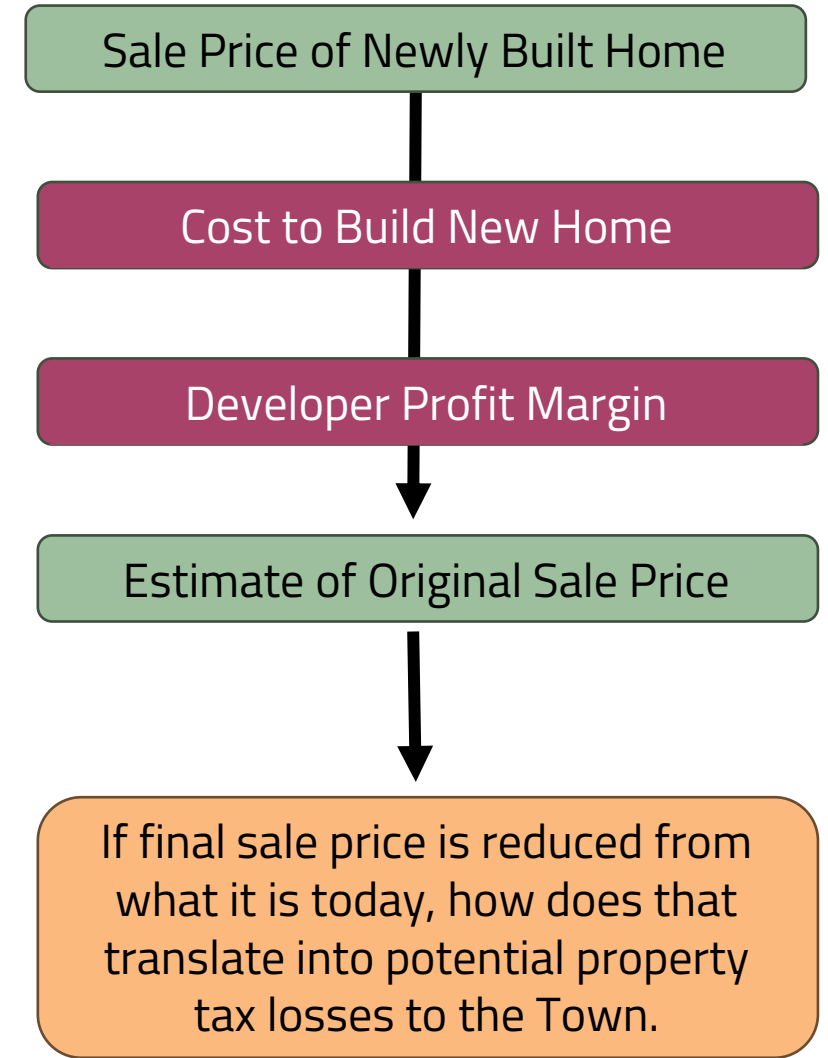
After analyzing actual sales and property assessment data on homes that were torn down and rebuilt in Needham over the five-year period, the next step was to develop estimates of:

- The financial impact to current owners looking to sell a home.
- The financial impact to developers looking to sell a rebuilt home.
- The fiscal impact (tax implications) to the Town of Needham if reductions in FAR were implemented.

For this analysis, RKG worked closely with members of the Large House Subcommittee who have direct experience building homes in Needham as well as selling homes in Needham.

Working with the Subcommittee members, RKG constructed a simplified development proforma model to test how changes in house size and sales per square foot could potentially change the final sale price of a rebuilt home. Estimating that final sale price allowed us to back into an original sale price for the property by subtracting construction costs, holding costs, soft costs, and builder profit from the final sale price. Those are typically fixed costs in the developer's proforma with the flexible piece being the sale price the developer is willing to pay the original seller.

Once the methodology and variables were agreed upon, RKG analyzed each of the house reduction scenarios as provided by the Large House Committee varying the FAR of each home to understand impact on potential sale prices and ultimately the impact on assessed value and property taxes to the Town of Needham. The following pages provide the results of this analysis for each house scenario.



Summary of Market, Cost, and Fiscal Variables

Metric	Description	Source / Note
PPSQFT (Price per Sq Ft)	Median sale price per square foot for recent new construction, adjusted for each reduction scenario.	MLS data; calculated as <i>(Reduction 3 Median PPSF – Base House Median PPSF) / 3</i> .
Livable Area (SQFT)	Total finished floor area across all levels, including basements and attics but excluding garages.	MLS data.
Estimated Sale Value	Estimated market sale value based on size and PPSQFT.	Calculated: $PPSQFT \times Livable\ Area$.
Estimated Assessed Value (95%)	Assumed assessed value for tax purposes, using 95% of the estimated sale value.	Calculated: $Estimated\ Sale\ Value \times 0.95$.
Change in Assessed Value	Difference in assessed value compared to the base house.	Calculated: $Base\ House\ Assessed\ Value - (Reduction\ Estimated\ Sale\ Value \times 0.95)$.
FY25 Tax Rate (\$10.60)	Applied property tax rate for FY25.	MA DOR.
Tax Value per House	Estimated annual property tax per new home.	Calculated: $(Assessed\ Value \times Tax\ Rate) / 1,000$.
Difference per House	Change in annual property tax revenue per home relative to the base case.	Calculated: $Base\ House\ Tax\ Value - Reduction\ Tax\ Value$.
Opportunity Cost	Estimated loss in annual tax revenue if a teardown/rebuild does not occur due to lower FAR.	Calculated as $(0.95 \times (Median\ Sale\ Price - Original\ Sale\ Price) / 1,000) \times Tax\ Rate$.
Original Purchase Price (Median)	Typical acquisition cost for teardown properties.	MLS data.
Second Sale Price (Median)	Typical resale price of new construction homes.	MLS data.
Change in Sale Value	Added market value resulting from redevelopment.	Calculated: $Second\ Sale\ Price - Original\ Sale\ Price$.
Cost to Build	Estimated construction cost based on sale price and developer profit assumptions.	Calculated: $Final\ Sale\ Price - Profit - Original\ Sale\ Price$.
Estimated Gross Profit Margin	Developer's expected return including soft costs.	Assumed 15%, based on discussions with local builders.
Revised Cost or Price Needed to Maintain Margin	Adjustment needed in original purchase price to maintain the original profit margin under each reduction.	Calculated: $Original\ Purchase\ Price - Delta\ to\ Maintain\ Original\ Margin$.

Scenario Summary

Working with members of the Subcommittee, RKG developed estimates to illustrate how the **original purchase price** of a home in Needham could change under different FAR reduction options. The table below outlines four “Base House” scenarios used to estimate how changes in a newly built home’s sale value could affect developer profit if the original home’s purchase price remains constant. For this analysis, RKG used three different parcel sizes as the home’s FAR is ultimately a function of the total square feet of the parcel it is built upon. Through our research on teardown/rebuild homes, we found a spread of parcel sizes that ranged from those that are undersized compared to minimum lot sizes in the zoning district (under 9,500SF), those that largely conform to minimum lot sizes (10,000–11,500 SF), and those that are oversized compared to minimum lot sizes (over 12,000 SF). We then found teardown/rebuild homes sold in the past two years which provided starting points for final sales price, square footage of the home, and sale price per square foot which could then be varied as the FAR was reduced.

To maintain the same profit in dollars (not percentage) as the FAR is reduced, developers would likely need to offer a lower purchase price to the original homeowner, representing a potential reduction in the seller’s sale value. These outcomes depend on many factors, including the condition and location of the home and whether it appeals to individual buyers or primarily to developers. Homes in better condition or desirable locations may continue to attract individual buyers (not developers) with minimal price impact, while those needing extensive renovation may be more affected.

It is also important to note that prices are likely to increase over time in response to zoning changes. Qualitative interviews with officials in the Towns of Lexington and Concord observed that, following similar zoning changes, prices adjusted over time, with sellers generally not experiencing lasting declines in sale prices.

Base House Scenarios for the Analysis

Scenario	Description	Source / Notes
Base House 1 – Median Teardown/Rebuild	Represents the overall median conditions across all teardown/rebuilds.	Based on 202 teardown/rebuild projects completed between 2020–2025.
Base House 2 – Undersized Lots	Represents teardown/rebuilds on smaller lots (under 9,500 sq. ft.).	Based on 10 teardown/rebuilds that resold in 2024–2025.
Base House 3 – Average Conforming Lots	Represents teardown/rebuilds on standard-sized lots (10,000–11,500 sq. ft.).	Based on 22 teardown/rebuilds that resold in 2024–2025.
Base House 4 – Large Lots	Represents teardown/rebuilds on larger lots (over 12,000 sq. ft.).	Based on 23 teardown/rebuilds that resold in 2024–2025.

Base House 1 – Medians All Teardown/Rebuilds (2020-2025)

The table below illustrates the information used by RKG and the Subcommittee to estimate potential change in original sale price to current homeowners selling to a developer for a teardown/rebuild. The Base House 1 Scenario utilizes the median sale value of homes in SRB to understand the potential impact to homeowners from each of the reduction scenarios currently being considered by the Large House Committee.

As was noted earlier in the report, the **estimated sale value of the new home** is used as the starting point for the analysis. From there, the **cost to buy the original house** and the **estimated profit (15%)** are subtracted from the sale value leaving the **change in sale value** estimate. As the sale value of the new home is reduced based on FAR reductions, the developer still needs to maintain a 15% profit margin. If the cost to build the house does not change, the cost to buy the original house is likely the only malleable variable in the equation. The **required change in original purchase price to maintain profit** is our estimate of how much the original seller may need to discount their price for a developer to maintain their profit margin.

Base House 1 – 5,682 SQFT

Metric	Base House 1	Reduction 1	Reduction 1.5	Reduction 2	Reduction 3
PPSQFT	\$479	\$490	\$502	\$509	\$525
Livable Area (sqft)	5,682	5,227	4,915	4,602	3,977
Estimated Sale Value of New Home	\$2,700,000	\$2,582,355	\$2,464,837	\$2,342,632	\$2,088,135
Cost to Buy Original House (Median)	\$1,025,000	\$1,025,000	\$1,025,000	\$1,025,000	\$1,025,000
Change in Sale Value	\$1,675,000	\$1,557,355	\$1,439,837	\$1,317,632	\$1,063,135
Estimated Profit (15% of Change in Sale Value)	\$251,250	\$233,603	\$215,976	\$197,645	\$159,470
Required Change in Original Purchase Price to Maintain Profit	-	-\$17,647	-\$35,274	-\$53,605	-\$91,780
Revised Purchase Price to Developer	-	\$1,007,353	\$989,726	\$971,395	\$933,220

**All figures reflect current market conditions and are subject to change as interest rates, construction costs, and other economic factors evolve, influencing buying and selling activity.*

Base House 2 – Medians Across Undersized Lots (Under 9,500 SF, 2024-25)

The same analytical approach was used for each parcel size described earlier in the report. The table below illustrates the results for the Base House 2 scenario on an average parcel size of 9,500 SF. Under this scenario, the original purchase price is substantially lower because of the size of the parcel. Here we do not estimate a financial impact to the original seller until we reach reduction 1.5 and above.

Base House 2 – 5,145 SQFT

Metric	Base House 2	Reduction 1	Reduction 1.5	Reduction 2	Reduction 3
PPSQFT	\$497	\$523	\$536	\$549	\$576
Livable Area (sqft)	5,145	4,939	4,631	4,270	3,550
Estimated Sale Value of New Home	\$2,557,065	\$2,583,202	\$2,481,948	\$2,344,422	\$2,044,829
Cost to Buy Original House (Median)	\$770,000	\$770,000	\$770,000	\$770,000	\$770,000
Change in Sale Value	\$1,787,065	\$1,813,202	\$1,711,948	\$1,574,422	\$1,274,829
Estimated Profit (15% of Change in Sale Value)	\$268,060	\$271,980	\$256,792	\$236,163	\$191,224
Required Change in Original Purchase Price to Maintain Profit	-	-	-\$11,268	-\$31,896	-\$76,835
Revised Purchase Price to Developer	-	-	\$758,732	\$738,104	\$693,165

**All figures reflect current market conditions and are subject to change as interest rates, construction costs, and other economic factors evolve, influencing buying and selling activity.*

Base House 3 – Medians Across All Standard-Sized Lots (10,000-11,500 SF, 2024-25)

The table below illustrates the results for the Base House 3 scenario on parcel sizes that fall between 10,000 and 11,5000 SF. Under this scenario, the original purchase price is closer to Base House 1 with the larger parcel sizes but price per square foot is not as high as Base House 2 which impacts estimated sale value of the new home. Here we see potential impacts to the original seller from Reduction 1 through Reduction 3.

Base House 3 – 5,699 SQFT

Metric	Base House 3	Reduction 1	Reduction 1.5	Reduction 2	Reduction 3
PPSQFT	\$467	\$505	\$524	\$543	\$580
Livable Area (sqft)	5,699	4,844	4,502	4,160	3,419
Estimated Sale Value of New Home	\$2,661,433	\$2,446,296	\$2,359,158	\$2,259,027	\$1,983,252
Cost to Buy Original House (Median)	\$918,000	\$918,000	\$918,000	\$918,000	\$918,000
Change in Sale Value	\$1,743,433	\$1,528,296	\$1,441,158	\$1,341,027	\$1,065,252
Estimated Profit (15% of Change in Sale Value)	\$261,515	\$229,244	\$216,174	\$201,154	\$159,788
Required Change in Original Purchase Price to Maintain Profit	-	-\$32,271	-\$45,341	-\$60,361	-\$101,727
Revised Purchase Price to Developer	-	\$885,729	\$872,659	\$857,639	\$816,273

**All figures reflect current market conditions and are subject to change as interest rates, construction costs, and other economic factors evolve, influencing buying and selling activity.*

Base House 4 – Medians Across All Larger Lots (Over 12,000 SF, 2024-25)

The table below illustrates the results for the Base House 4 scenario on parcel sizes that are 12,000 SF and above. Under this scenario, the original purchase price is also slightly closer to Base House 1 with the larger parcel sizes but price per square foot falls again compared to both Base House 2 and 3. This impacts estimated sale value of the new home with potential impacts to the original seller from Reduction 1 through Reduction 3.

Base House 4 – 6,190 SQFT

Metric	Base House 4	Reduction 1	Reduction 1.5	Reduction 2	Reduction 3
PPSQFT	\$438	\$471	\$488	\$504	\$537
Livable Area (sqft)	6,190	5,200	4,766	4,395	3,652
Estimated Sale Value of New Home	\$2,711,220	\$2,449,012	\$2,323,571	\$2,215,030	\$1,961,178
Cost to Buy Original House (Median)	\$930,000	\$930,000	\$930,000	\$930,000	\$930,000
Change in Sale Value	\$1,781,220	\$1,519,012	\$1,393,571	\$1,285,030	\$1,031,178
Estimated Profit (15% of Change in Sale Value)	\$267,183	\$227,852	\$209,036	\$192,754	\$154,677
Required Change in Original Purchase Price to Maintain Profit	-	-\$39,331	-\$58,147	-\$74,429	-\$112,506
Revised Purchase Price to Developer	-	\$890,669	\$871,853	\$855,571	\$817,494

**All figures reflect current market conditions and are subject to change as interest rates, construction costs, and other economic factors evolve, influencing buying and selling activity.*

Potential Fiscal Impacts - Reducing the FAR would have an impact on annual property tax collections for future rebuilds.

After calculating the potential change in final sale price after a teardown/rebuild occurs, RKG needed to calculate the potential fiscal impact of each FAR reduction. Since the final sale price of a home is used to calculate an assessed value for tax purposes, RKG needed to analyze the impact of lower final sales values on property taxes from the base house and each FAR reduction scenario.

For this calculation, RKG used the **Development Inputs** and **Estimated Sale Price** from the previous Base House Scenario tables to generate the potential sale price. From there, we took 95% of the estimated sale price as our estimate of assessed value from which property taxes would be calculated. Assessors typically do not assess a property at full market value, hence a 5% discount from the estimated sale price. From there, RKG applied the Town’s tax rate of \$10.60/\$1,000 in valuation to estimate a property tax bill for each house example. The **opportunity cost** represents the difference in taxable value between the original home’s sale price and the new home’s sale price, while the **difference in tax per house** represents the potential loss in property taxes from the reduced sale price of a new home under reach reduction scenario.

Base House 1 – 5,682 SQFT

Category	Metric	Base House	Reduction 1	Reduction 1.5	Reduction 2	Reduction 3
Development Inputs	PPSQFT	\$479	\$494	\$502	\$509	\$525
	Livable SF	5,682	5,227	4,915	4,602	3,977
Market & Fiscal Values	Estimated Sale Price	\$2,721,678	\$2,582,138	\$2,467,330	\$2,342,418	\$2,087,925
	Estimated Assessed Value (95%)	\$2,585,594	\$2,453,031	\$2,343,964	\$2,225,297	\$1,983,529
	Change in Assessed Value	—	-\$132,563	-\$241,631	-\$360,297	-\$602,065
Fiscal Impact per House	FY25 Tax Rate	\$10.60	\$10.60	\$10.60	\$10.60	\$10.60
	Tax Value per House	\$27,407	\$26,002	\$24,846	\$23,588	\$21,025
	Opportunity Cost	\$17,086	\$15,680	\$14,524	\$13,266	\$10,704
	Difference in Tax per House	—	-\$1,405	-\$2,561	-\$3,819	-\$6,382

**All figures reflect current market conditions and are subject to change as interest rates, construction costs, and other economic factors evolve, influencing buying and selling activity.*

Base House 2 – Fiscal Impacts on Lots under 9,500 SF (2024-25)

The table below illustrates the potential opportunity cost and difference in tax per house for the Base House 2 Scenario.

Base House 2 – 5,145 SQFT

Category	Metric	Base House 2	Reduction 1	Reduction 1.5	Reduction 2	Reduction 3
Development Inputs	PPSQFT	\$497	\$523	\$536	\$549	\$576
	Livable SF	5,145	4,939	4,631	4,270	3,550
Market & Fiscal Values	Estimated Sale Price	\$2,557,065	\$2,583,097	\$2,482,216	\$2,344,230	\$2,044,800
	Estimated Assessed Value (95%)	\$2,429,212	\$2,453,942	\$2,358,105	\$2,227,019	\$1,942,560
	Change in Assessed Value	—	\$24,730	-\$71,107	-\$202,193	-\$486,652
Fiscal Impact per House	FY25 Tax Rate	\$10.60	\$10.60	\$10.60	\$10.60	\$10.60
	Tax Value per House	\$25,750	\$26,012	\$24,996	\$23,606	\$21,675
	Opportunity Cost	\$17,996	\$18,258	\$17,242	\$15,852	\$12,837
	Difference in Tax per House	—	\$262	-\$754	-\$2,143	-\$4,075

**All figures reflect current market conditions and are subject to change as interest rates, construction costs, and other economic factors evolve, influencing buying and selling activity.*

Base House 3 – Fiscal Impacts on Lots Between 10,000-11,500 SF (2024-25)

The table below illustrates the potential opportunity cost and difference in tax per house for the Base House 3 Scenario.

Base House 3 – 5,699 SQFT

Category	Metric	Base House 3	Reduction 1	Reduction 1.5	Reduction 2	Reduction 3
Development Inputs	PPSQFT	\$467	\$505	\$524	\$543	\$580
	Livable SF	5,699	4,844	4,502	4,160	3,419
Market & Fiscal Values	Estimated Sale Price	\$2,661,433	\$2,446,220	\$2,359,048	\$2,258,880	\$1,983,020
	Estimated Assessed Value (95%)	\$2,528,361	\$2,323,909	\$2,241,096	\$2,145,936	\$1,883,869
	Change in Assessed Value	—	-\$204,452	-\$287,266	-\$382,425	-\$644,492
Fiscal Impact per House	FY25 Tax Rate	\$10.60	\$10.60	\$10.60	\$10.60	\$10.60
	Tax Value per House	\$26,801	\$24,633	\$23,756	\$22,747	\$19,969
	Opportunity Cost	\$17,556	\$15,389	\$14,511	\$13,503	\$10,725
	Difference in Tax per House	—	-\$2,167	-\$3,045	-\$4,054	-\$6,832

**All figures reflect current market conditions and are subject to change as interest rates, construction costs, and other economic factors evolve, influencing buying and selling activity.*

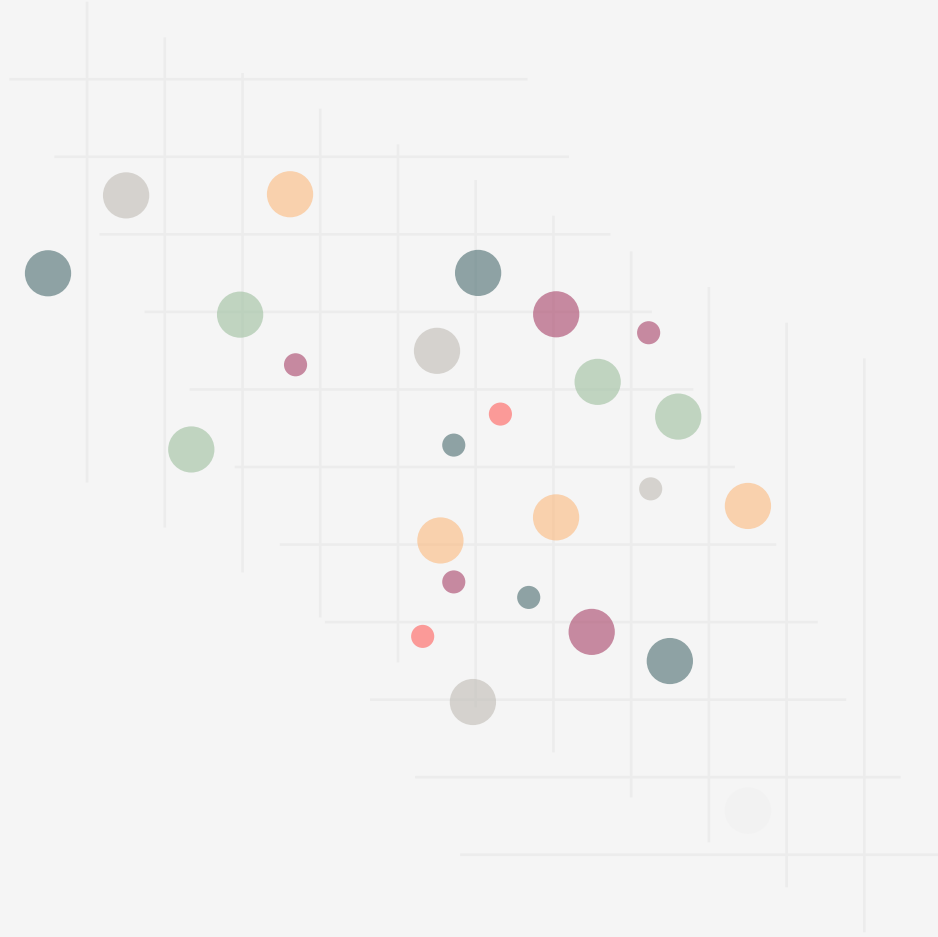
Base House 4 – Fiscal Impacts on Lots Over 12,000 SF (2024-25)

The table below illustrates the potential opportunity cost and difference in tax per house for the Base House 4 Scenario.

Base House 4 – 6,190 SQFT

Category	Metric	Base House 4	Reduction 1	Reduction 1.5	Reduction 2	Reduction 3
Development Inputs	PPSQFT	\$438	\$471	\$488	\$504	\$537
	Livable SF	6,190	5,200	4,766	4,395	3,652
Market & Fiscal Values	Estimated Sale Price	\$2,711,220	\$2,449,200	\$2,325,808	\$2,215,080	\$1,961,124
	Estimated Assessed Value (95%)	\$2,575,659	\$2,326,740	\$2,209,518	\$2,104,326	\$1,863,068
	Change in Assessed Value	—	-\$248,919	-\$366,141	-\$471,333	-\$712,591
Fiscal Impact per House	FY25 Tax Rate	\$10.60	\$10.60	\$10.60	\$10.60	\$10.60
	Tax Value per House	\$27,302	\$24,663	\$23,421	\$22,306	\$19,749
	Opportunity Cost	\$17,937	\$15,298	\$14,056	\$12,941	\$10,383
	Difference in Tax per House	—	-\$2,639	-\$3,881	-\$4,996	-\$7,553

**All figures reflect current market conditions and are subject to change as interest rates, construction costs, and other economic factors evolve, influencing buying and selling activity.*



Overall Findings

Potential impacts to initial sale values for homes in Needham.

Our research and analysis have found it is very difficult to definitively say whether sale values on existing homes will change as a result of reducing the FAR. Our research and conversations illustrate sale prices are highly dependent on the condition of the home, improvements that may have been made to the home, lot size and suitability, seller motivations, and location.

It is possible that some older homes with condition issues may sit longer or see a price reduction if competition for mid-market homes increases. Developers may also not be able to pay as much for a lower priced home with condition issues because they will not be able to build a larger home in its place thereby cutting into their profit margins.

Based on qualitative observations from interviews with officials from both Lexington and Concord, price reductions appeared to be short lived or nonexistent, and the number of tear down/rebuilds did not change.





Key Takeaways

The result of this analysis indicate that reducing allowable FAR would limit the size a new home could be rebuilt at and could potentially lead to lower resale values for some properties, particularly on larger lots. These reductions may slightly decrease developers' willingness to pay current prices for existing homes, resulting in a modest decline in market value for some sellers. However, given continued high demand for housing in Needham, these effects are expected to be short-term, with the market likely stabilizing as buyers and builders adjust to new standards. It is important to note that the pool of buyers for most homes in Needham extend beyond developers looking to teardown and rebuild homes. There are individuals and families looking to purchase homes in Needham who may be willing to improve upon a homes condition and live in town. Therefore, it is not guaranteed that all sellers will experience a reduction in their sale price if these new zoning regulations were approved.

From a fiscal perspective, smaller rebuilds with reduced sales prices would generate lower assessed values, resulting in small reductions in annual property tax revenue, typically between \$1,400 and \$6,400 per home. Overall, the analysis suggests that FAR reductions could modestly affect redevelopment economics and tax revenue but are unlikely to cause broad market or financial disruption.

Potential impacts to initial sale values for homes in Needham.

The table summarizes our observations from the analysis and conversations over the course of this study to illustrate potential impacts to sellers across different price tiers of homes in Needham.

Market Tier	Current Zoning	Proposed Zoning	Potential Impact on Sale Price	Primary Buyer Shift
Top of Market (>\$1.3M)	Homeowners tend to win out. Developers less likely to compete at this price point due to thin margins.	No meaningful change — homeowners remain primary buyers.	Neutral – continued high demand from homeowners.	No change
Middle Market (~\$1.0-\$1.3M)	Developers and homeowners compete, especially for larger lots or average condition homes.	Developer profit margins narrow; fewer teardowns viable. More owner-occupant purchases.	Slight downward pressure on teardown-candidate prices; stable for well-maintained homes.	Competition continues between developers and homeowners, but bids may favor homeowners.
Bottom of Market (<\$1.0M)	Developers most active; focus on older or below average homes for teardown/rebuild.	Reduced FAR lowers resale value of new homes, some projects no longer profitable. Developer demand could drop.	Potential for downward price pressure, especially for poor-condition homes. Some may sit longer or sell below asking.	Potential shift to homeowners on lower priced homes in average to good condition.

**The observations on this slide reflect qualitative insights informed by conversations with local real estate and construction professionals.*



Needham, MA Large House Study
Value Analysis & Fiscal Impacts
October 2025

Pollard Middle School

NEEDHAM, MA

Planning Board
November 12, 2025



HMFH ARCHITECTS



Preliminary Traffic Observations

Todd Brayton, PE - Bryant Associates, Inc.



Stormwater Approach - Pollard Site

Samiotes Consultants, Inc.

Combines distributed **infiltration systems** under parking areas + **LID features** (wetlands or bioretention) to enhance water quality, manage runoff, and support phased site development.

- Multiple underground infiltration systems located beneath different parking lots, allowing phased construction.
- Each parking lot's runoff will be routed to the nearest system, with overflow connections as follows:

Upper lots → Harris Street municipal drain line

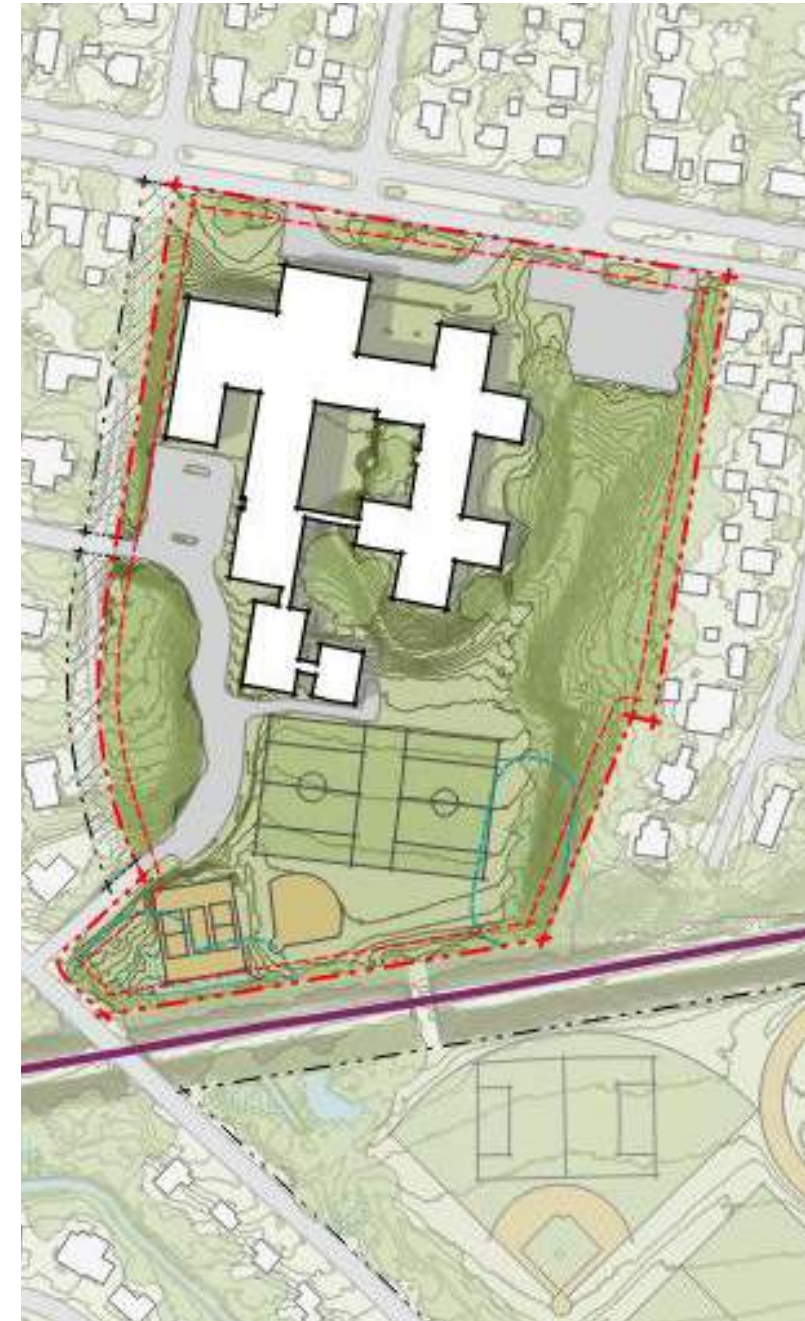
Lower lots → Existing on-site wetlands or existing drain lines



Stormwater Approach - Pollard Site

For the open-air **Low Impact Development (LID)** system near Dedham Ave/MBTA:

- Site constraints include high groundwater levels and proximity to wetlands.
- Systems typically require 2 feet of separation from groundwater; testing during SD.



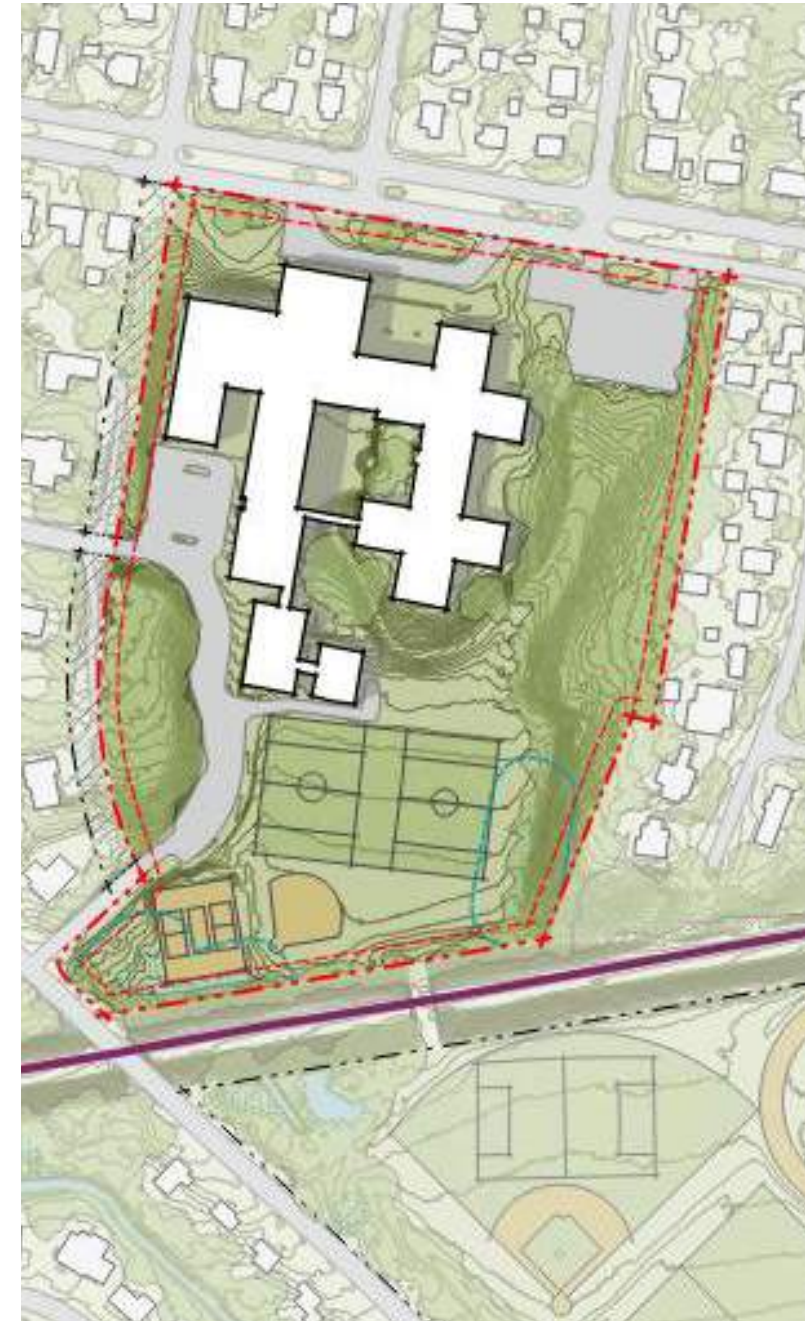
Stormwater Approach - Pollard Site

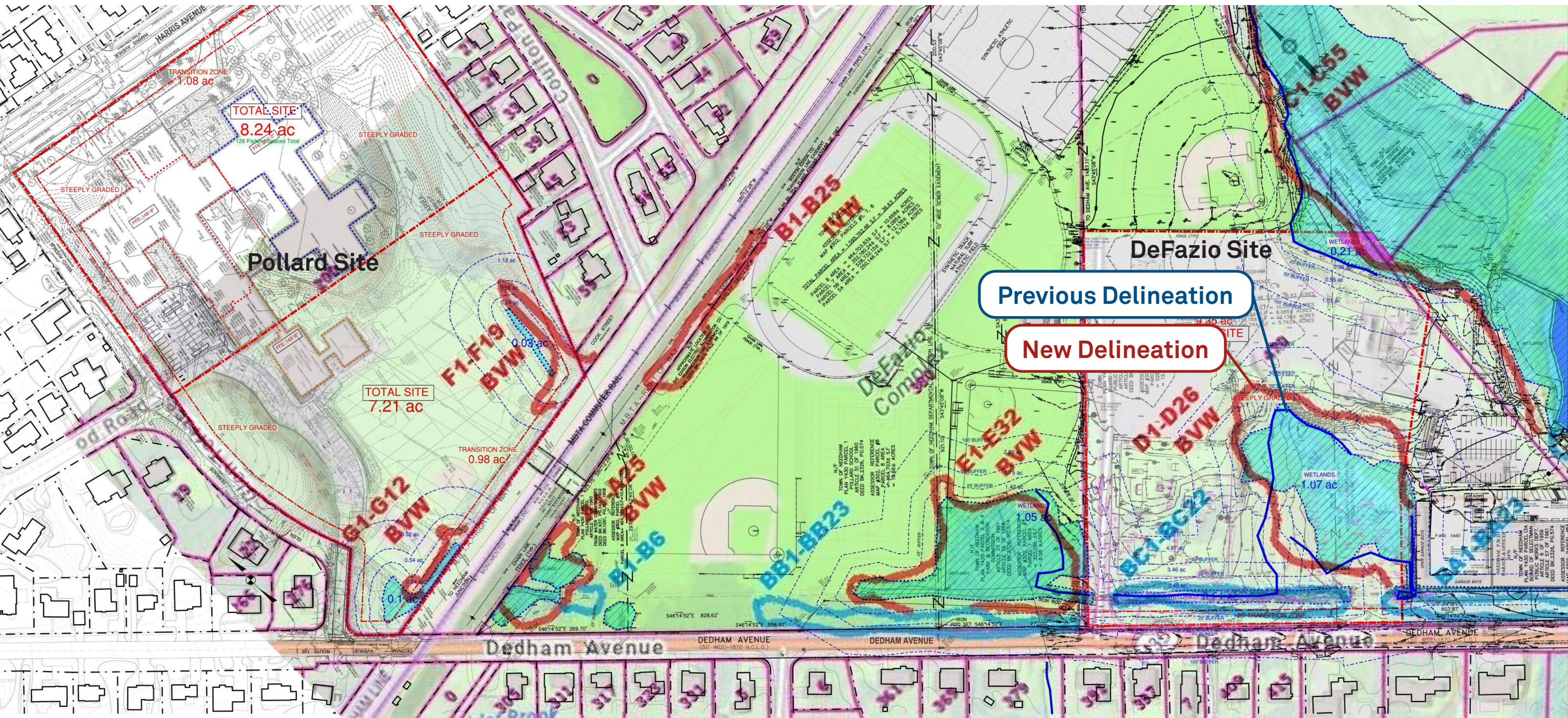
If groundwater levels are high, use a **constructed stormwater wetland/pocket wetland**.

- **Benefits:** Low maintenance, high pollutant removal, aesthetic and habitat value, potential educational use
- **Drawbacks:** May attract mosquitoes; fencing may be needed for safety

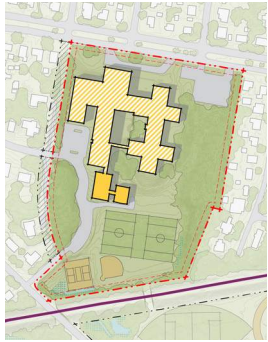
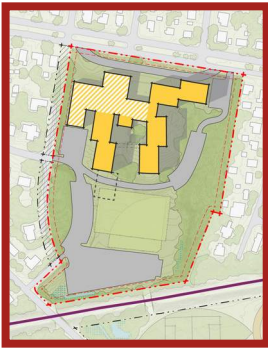
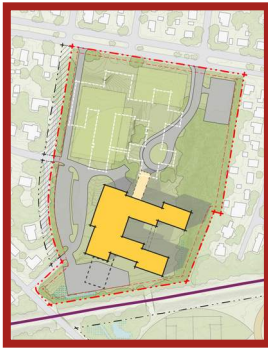
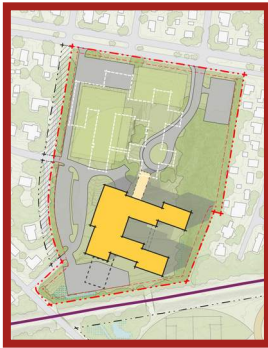
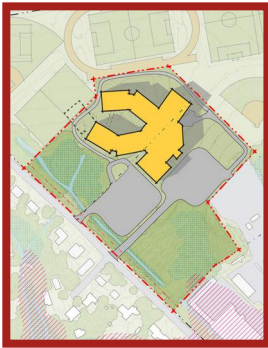
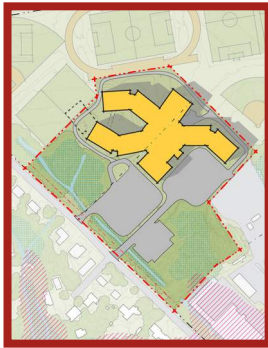
If adequate groundwater separation is available, alternatives include:

- **Rain Gardens/Bioretention Areas:** filter and infiltrate runoff
- **Sand Filter Basins:** remove sediments and pollutants





PSR Options

	REPAIR	ADD/RENO		NEW @ POLLARD		NEW @ DEFAZIO (includes new fields @ Pollard)	
	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7
Enrollment	880 (7-8)*	880 (7-8)	1335 (6-8)	880 (7-8)	1335 (6-8)	880 (7-8)	1335 (6-8)
							
Option		1 new variation to review today	1 new variation to review today	2 new variations to review today	2 new variations to review today	1 new variation to review today	1 new variation to review today

* Other option to be reviewed at future meetings

Option 2

Addition/Renovation (7-8)

- 3-phase construction
- 3-story classroom wing additions
- +/- 450 seat renovated Auditorium
- Renovated Gym, Caf, Media Center, Admin, Art, Music
- 250 parking spaces



Option 3

Addition/Renovation (6-8)

- 3-phase construction
- 3-story classroom wing additions
- +/- 450 seat renovated Auditorium
- Renovated Gym, Caf, Media Center, Admin, Art, Music
- 260 parking spaces



Option 4A (1-Phase)

Pollard New Construction (7-8)

- 1-phase construction
- 3-story classroom wings
- 2-story gym and arts wings
- 250 parking spaces



Option 4B (2-Phase)

Pollard New Construction (7-8)

- 2-phase construction
- 3-story classroom wings
- 2-story gym and arts wings
- 250 parking spaces
- smaller Pollard Field
- adds 15 mos. (+/-) over 1-phase



Option 5D (1-Phase)

Pollard New Construction (6-8)

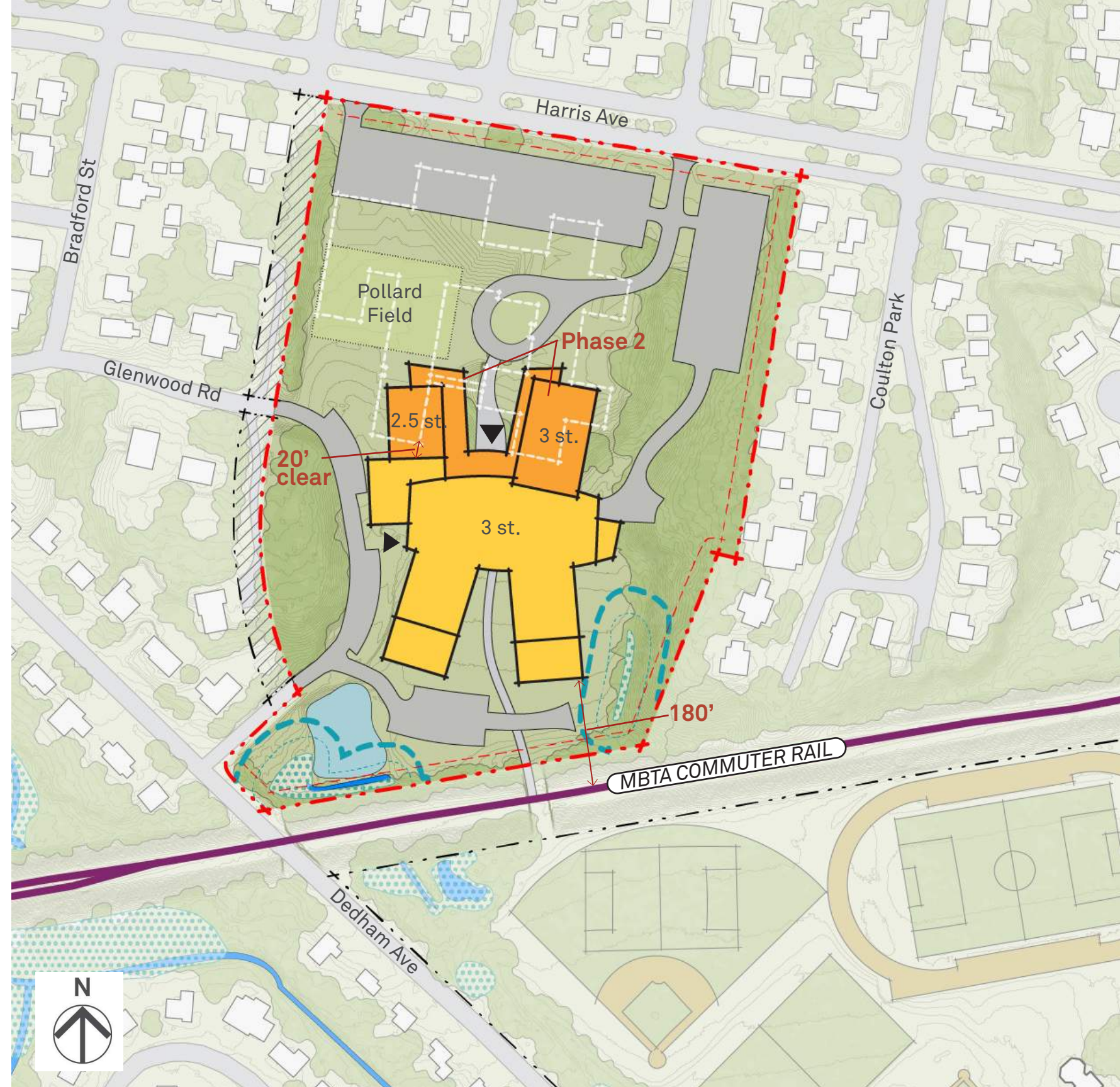
- 1-phase construction
- 4-story classroom wings
- 2-story gym and arts wings
- 260 parking spaces



Option 5E (2-Phase)

Pollard New Construction (6-8)

- 2-phase construction: Auditorium & 6th Grade Wing in second phase
- 3-story classroom wings
- 2-story gym and arts wings
- 260 parking spaces
- smaller Pollard Field
- adds 15 mos. (+/-) over 1-phase



Option 6A

DeFazio New Construction (7-8)

- Expanded jurisdictional boundaries
- Requires Juris. Transfer, Art. 97, MEPA Review
- Parking located to serve fields
- DPW yard remains
- 230+/- school parking spaces
- 3-story classroom wings



Option 7C

DeFazio New Construction (6-8)

- Expanded jurisdictional boundaries
- Requires Juris. Transfer, Art. 97, MEPA Review
- Parking located to serve fields
- DPW yard remains
- 230+/- school parking spaces
- 4-story classroom wings



Options 6 & 7

New Fields at Pollard

- Healy Field relocated
- 2 new Pollard Fields
- Tot Lot relocated
- 130 +/- fields parking spaces
- Walking/bike path connection to DeFazio



ARTICLE: AMEND ZONING BY-LAW (POLLARD MIDDLE SCHOOL)

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

1. By amending the first sentence of Section 4.2.8 (Height Limitation Exceptions), which states “The maximum height regulation in Section 4.2.4 shall not apply to schools and municipal buildings which may contain three (3) stories or may be as high as forty-five (45) feet” so that the sentence reads as follows:

“The maximum height regulation in Section 4.2.4 shall not apply to schools and municipal buildings which may contain three (3) stories and may be as high as forty-five (45) feet; and shall not apply to a municipal middle school which may contain four (4) stories and may be as high as sixty (60) feet.”

2. By amending the table contained in Section 4.2.4 (Table of Regulations for Public, Semi-Public and Institutional Uses in the Rural Residence Conservation, Single Residence A, Single Residence B and General Residence Districts and for the Institutional District) to add a new footnote (j) to the Maximum Floor Area Ratio in the Single Residence B District and to the Max % Lot Coverage for the Single Residence B District, so that the row in the table for the Single Residence B District reads as follows:

District	Min Lot Area (sf)	Min Frontage (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Max Floor Area Ratio (F.A.R.)	Max % Lot Coverage	Max Stories	Max height (ft)
Single Residence B	10,000	80	25 (b)	25 (c)	25 (d)	.30 (j)	15% (j)	2-1/2 (g)	35

and to insert new footnote (j) to the list of footnotes that follows this table, to read as follows:

(j) *For a municipal middle school in the Single Residence B District, the maximum Floor Area Ratio may be up to .40 and the Max % Lot Coverage may be up to 20%.*

3. By inserting a new subsection 13) in Section 5.1.2 (Required Parking) to read as follows:

Middle School	One (1) space for each Full-time Equivalent Staff (FTE) anticipated at time of construction, plus 20% of that FTE count to provide visitor parking.
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and to renumber the existing subsections 13) through 21) in numerical order to account for this new subsection.

For Planning Board Use ONLY

NEEDHAM ZONING BOARD OF APPEALS AGENDA

Thursday, November 20, 2025 - 7:30PM

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID:820-9352-8479 To join the meeting click this link: https://us02web.zoom.us/j/82093528479
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Minutes Review and approve Minutes from October 30, 2025 meeting.

7:30 PM **99 Hillcrest Road** - David A. Westenberg and Nancy L. Gooden Westenberg, Trustees of the MJW 2025 Realty Trust, Owners, applied for a Special Permit to allow the extension, alteration, and enlargement of the lawful, pre-existing non-conforming single-family pursuant to Sections 1.4.6, 4.2.1(e) and any other applicable sections of the By-Law. The relief is associated with reconstruction and enlargement of the enclosed sunroom. The property is located in the Single-Residence B (SRB) zoning district.

7:30 PM* **59 East Militia Heights Drive** – Charles River Heights LLC, Applicant, has applied to the Board of Appeals for a Comprehensive Permit under MGL Chapter 40B, Sections 20 through 23, 760 CMR 56.00 to redevelop 3.5 acres of land for 86 affordable residential units. Half of the units will be supportive housing serving individuals with autism and intellectual disabilities with associated Charles River Center (CRC) staff. The development consists of four buildings: three of the buildings will be one-story structures each containing 6 studio apartments, with a community room and outdoor amenities; the fourth structure will be a 3-story building containing 68 units comprised of studios, 1 bedroom and 2-bedroom apartments. There will be a total of 61 parking spaces. 6 spaces each for the 1-story structures. The remaining and majority of parking spaces to be located in a parking lot behind the 3-story building. The property is located at **59 East Militia Heights Drive, Needham, MA** in the Single Residence A (SRA) zoning district.

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

Next ZBA Meeting – December 18, 2025

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

October 27, 2025

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: David A. Westenberg and Nancy L. Gooden Westenberg,
Trustees of the MJW 2025 Realty Trust
99 Hillcrest Road, Needham, MA

Dear Mrs. Collins,

Please be advised this office represents David A. Westenberg and Nancy L. Gooden Westenberg, Trustees of the MJW 2025 Realty Trust of 50 Windsor Road, Wellesley, MA 02481 (hereinafter, jointly, the "Westenbergs" and the "Applicant") with respect to their property known and numbered 99 Hillcrest Road, Needham, MA 02492 (hereinafter the "Premises"). In connection therewith, submitted herewith please find:

1. Seven copies of a completed Application for Hearing;
2. Seven copies of Memorandum in Support of Application of David A. Westenberg and Nancy L. Gooden Westenberg, Trustees of the MJW 2025 Realty Trust, 99 Hillcrest Road, Needham, MA";
3. Seven copies of Existing Conditions Plan;
4. Seven copies of Site Plan;
5. Seven copies of Architectural Plans; and
6. Check in the amount of \$200 for the applicable filing fee.

The Premises is a corner lot in the Bird's Hill section of town, located at the intersection of Hillside Avenue and Wendling Road. The Premises is currently occupied by a single-family house, which is non-conforming relative to both the applicable front yard setback and side yard setback. In particular, the left side of the existing house is set back 11.2' from the left side line, as opposed to 14' currently required, and the right side of the house is setback 18.2' from

Wendling Road, as opposed to the 20' currently required. In addition, the rear wall of the house is also non-conforming with respect to the provisions of footnote (e) to Section 4.2.1, as it is longer than 32 feet.

The Westenbergs desire to renovate and slightly enlarge the existing house, including reconstructing and enlarging the enclosed sunroom on the right side. While modest in nature, the proposed work will result in a slightly reduced setback and a slight increase in the length of the rear wall and therefore requires a special permit pursuant to Section 1.4.6 of the Zoning By-Law.

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

Your courtesy and attention are appreciated.

Sincerely,

A handwritten signature in 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	David A. Westenberg and Nancy L. Gooden Westenberg, Trustees of the MJW 2025 Realty Trust			Date:	10/27/25
Applicant Address	50 Windsor Road, Wellesley, MA 02481				
Phone	(617) 721-4282	email	davidawestenberg@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	99 Hillcrest Road, Needham, MA 02492		
Map/Parcel Number	Map 21 / Parcel 17	Zone of Property	Single Residence B (SRB)
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☒ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☒ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions: Lawful, pre-existing, non-confirming single-family dwelling on non-confirming lot.

Statement of Relief Sought:

1. Special permit pursuant to Section 1.4.6 for the change, extension, alteration and enlargement of a lawful, pre-existing, non-confirming single-family dwelling; and
2. Any and all other relief as may be necessary for the alteration, expansion and enlargement of the existing single-family dwelling at the Premises as shown and described in the plans and materials submitted herewith.

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

1.4.6, 4.2., 4.2.1, 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	Single family residential	Single family residential
# Dwelling Units	1	1
Lot Area (square feet)	7,537 SF	7,537 SF
Front Setback (feet)	18.2'	16.1'
Rear Setback (feet)	N/A	N/A
Left Setback (feet)	11.5'	11.5'
Right Setback (feet)	41.2'	41.2'
Frontage (feet)	89.74'	89.74'
Lot Coverage (%)	12.4%	13%
FAR (Floor area divided by the lot area)	.22	.25
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



Date Structure Constructed including additions: Estimated 1937 or earlier	Date Lot was created: 1936
---	--------------------------------------

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~~ the Applicant has consulted with the Building Inspector prior to filing this application.

date of consult

David A. Westenberg and Nancy L. Gooden Westenberg,
Trustees of the MJW 2025 Realty Trust,
by this attorney.

Date: Oct 27, 2025 Applicant Signature

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

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

October 27, 2025

MEMORANDUM IN SUPPORT OF
APPLICATION OF
DAVID A. WESTENBERG AND NANCY L. GOODEN WESTENBERG, TRUSTEES
MJW 2025 REALTY TRUST
99 Hillcrest Road, Needham, MA

The applicants, David A. Westenberg and Nancy L. Gooden Westenberg, Trustees of the MJW 2025 Realty Trust (hereinafter, jointly and interchangeably, the “Applicants” and the “Westenbergs”), seek a Special Permit pursuant to Section 1.4.6 of the Needham Zoning By-Law and a finding pursuant to Section 6 of M.G.L. c.40A, to permit the extension, alteration, and enlargement of the lawful, pre-existing, non-conforming, single-family dwelling at 99 Hillcrest Road (hereinafter the “Premises”); and all other relief as may be necessary and appropriate to permit the proposed renovation and expansion thereof, as shown on the plans and materials submitted herewith.

PRESENT USE / EXISTING CONDITIONS

The Premises is shown as parcel 17 on sheet 21 of the Assessor’s Map for the Town of Needham and is located in the Single Residence B (SRB) Zoning District. It is a corner lot at the intersection of Hillcrest Road and Wendling Road. It contains approximately 7,537 square feet of land with 73.95 feet of frontage on Hillcrest Road and 97.77 feet of frontage on Wendling Road. It is occupied by an existing two story, single-family residential dwelling, associated driveway and walkways.

The lot was first created as a separate lot in 1936 pursuant to deed of Coria E. Stata to Anthony Glorioso, dated September 11, 1936, recorded with Norfolk County Registry of Deeds at Book 2121, Page 244. The existing house appears to have been initially built in or around 1936-1937.¹ It consists of approximately 1,464 square feet of living area, distributed among 6 total rooms, including 3 bedrooms as well as 2 full baths and 1 half-bath.²

¹ See Exhibit A1, Engineering Division, Water Service Card; Exhibit A2, Sandborn Fire Insurance Map, Jan 1937; Exhibit A3, Sandborn Fire Insurance Map, Jan 1937 – Oct 1948; and Exhibit A4, Building Department “Field Card”.

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

The existing house is nonconforming in three aspects relative to current zoning requirements. First, the left side is non-conforming with respect to the current 14' minimum side-yard setback requirement of Section 4.2.1 as it is setback only 11.5' from the sideline, at the closest point.³ Second, whereas the Premises is a corner lot with two side-yards and no rear yard, the rear wall of the existing house is non-conforming with respect to the requirements of footnote (e) to the Zoning Table at Section 4.2.1, as it is more than 32' in length. Finally, the right side of the existing house is non-conforming with respect to the current 20' minimum front-yard setback of Section 4.2.1, as it is only 18.2' from Wendling Road, at the closest point.

PROPOSED ALTERATION

The Westenbergs desire to remodel and slightly expand the existing house. As a part of their renovations, they would like reconstruct the enclosed sunroom on the right, Wendling Road side, increasing the footprint by approximately 25 square feet, and adding a second story above. They also propose to shift the reconstructed space by adding a one foot offset from the rear corner of the main house.

From a practical standpoint, the addition of such one foot offset will decrease the length of the rear wall that is currently nonconforming with respect to footnote (e). However, because the offset is only one foot, as opposed to the two feet required by the footnote, the decrease is legally immaterial and technically does not count. Furthermore, whereas the reconstructed space will be expanded approximately two feet further from the main structure of the house, pursuant to the provisions of footnote (e), this will technically increase the length of the wall that is nonconforming relative to that provision. In addition, this proposed enlargement will reduce the front yard setback on the Wendling Road side from the current non-conforming 18.2' to 16.1', at the closest point. In all other respects, the house will conform to the By-Law or remain pre-existing non-conforming.

LAW

Massachusetts General Laws, Chapter 40A, Section 6 provides that "pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the

³ While technically non-conforming, pursuant to footnote (f) to the zoning table at Section 4.2.1, the house may be altered or structurally changed as of right to a 10' setback.

special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be *substantially* more detrimental than the existing nonconforming use to the neighborhood” (emphasis added).

Massachusetts General Laws, Chapter 40A, Section 7 states, in pertinent part, that “if real property has been improved by the erection or alteration of 1 or more structures and the structures or alterations have been in existence for a period of at least 10 years and no notice of an action, suit or proceeding as to an alleged violation of this chapter or of an ordinance or by-law adopted under this chapter has been recorded in the registry of deeds for the county or district in which the real estate is located or, in the case of registered land, has been filed in the registry district in which the land is located within a period of 10 years from the date the structures were erected, then the structures shall be deemed, for zoning purposes, to be legally non-conforming structures subject to section 6 and any local ordinance or by-law relating to non-conforming structures.”

Massachusetts General Laws, Chapter 40A, Section 9 states that: “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.”

Section 1.4.6 of the Town of Needham Zoning By-Law (Alteration) authorizes the Board of Appeals to issue special permits for the change, extension, alteration, enlargement and reconstruction of lawful, pre-existing, non-conforming structures, provided the Board determines that the proposed new structure would not be substantially more detrimental to the neighborhood than the existing non-conforming structure. Furthermore, while a special permit pursuant to Section 1.4.6 may not authorize the violation of any new dimensional, parking or intensity regulation, it does not prohibit the issuance of a special permit that maintains or increases an existing non-conformity.

Footnote (e) to the zoning table at Section 4.2.1 provides, in pertinent part, that “In no case shall a side wall extension extend more than 32 linear feet without a 2 foot offset, regardless of an increased side setback”.

Section 7.5.2.1 of the By-Laws (Finding and Determination), as applicable to the application of the Westenbergs, requires that prior to granting the requested special permit, the Board must make a finding and determination that the proposed extension, alteration and enlargement:

- (a) complies with the criteria or standards of section 3.2. of the By-Law which refers to the granting of the requested special permit;
- (b) is consistent with 1) the general purposes of the By-Law as set forth in paragraph 1.1,⁴ and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth elsewhere in the By-Laws; 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.

DISCUSSION / ANALYSIS

The Premises is a corner lot with frontage on both Hillcrest Road and Wendling Road. As a result, it is currently subject to a minimum 20 foot front yard setback on both street sides as well as a minimum 14 foot side yard setback on the two remaining sides. The existing house, which was built in 1936 or 1937 and has remained unchanged since, is located more than 20 feet from Hillcrest Road, but only 18.2 feet from Wendling Road.⁵ It is also located only 11.5' from the left side lot line. As a result, the house is non-conforming with respect to both current front yard and side yard setback requirements.

At the time the house was built, there was no applicable side yard setback requirement. Therefore, the current non-conformity relative to the left side is protected as lawful, pre-existing, non-conforming. However, in 1936 there was an applicable front yard setback requirement, as follows:

⁴ Section 1.1 states that it is "The purpose of [the] By-Law [to] promote the health, safety, convenience, morals or welfare of the inhabitants of Needham; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land and buildings; to encourage the most appropriate use of land throughout the Town and to preserve and increase amenities under the provisions of General Laws, Chapter 40A. The use, construction, alteration, height, area and location of buildings and structures and the use of premises in the town of Needham are regulated as [provided by the By-Laws]"

⁵ See, for example, Exhibit C1, Assessor's Field Card from the early – middle 1940s; Exhibit C2 Excerpt from Acceptance Plan, dated Jan 21, 1946; Exhibit C3, Photo 1950-1955; Exhibit C4, Excerpt from Easement plan d. November, 1961; and Exhibit C5, Plot Plan dated May 16, 2016, attached hereto.

In residence districts a front yard of at least twenty feet in clear depth shall be provided within the exterior line of the way or ways of approach, and no new building or structure shall be constructed, and no building or structure shall be moved, altered, reconstructed or enlarged so that a front yard less in clear depth shall result.⁶

Note that this provision speaks in terms of “the way or ways of approach”, which is neither entirely clear nor defined in the By-Law. As a result, such phrase is subject to interpretation.⁷

Whereas no definition or clarification is included in the 1931 By-Law, resort must be had to extrinsic sources, including dictionary definitions. The Meriam Webster Dictionary defines the noun “approach” as:

1a: an act or instance of approaching
the approach of summer

b: approximation
In this book he makes his closest approach to greatness.

2a: the taking of preliminary steps toward a particular purpose
experimenting with new lines of approach

b: a particular manner of taking such steps
a highly individual approach to language

3: a means of access: avenue

4a. or approach shot: a golf shot from the fairway toward the green

b: the steps taken by a bowler before delivering the ball
also: the part of the alley behind the foul line from which the bowler delivers the ball

5: the descent of an aircraft toward a landing place
The plane was on final approach.

6: the surgical procedure or path by which access is gained to a bodily part
A lateral approach was used to direct a 25-gauge, 10-cm spinal needle onto the articular pillar adjacent to the target joint.—

Of the available definitions, the third, namely “a means of access: avenue” is the only one directly relevant. This definition implies that for purposes of the 1931 By-Law, that a “way of approach” is the road or avenue that provides access to the property. In this case, because the house faces Hillcrest Avenue, has always had a Hillcrest Avenue address and the front door is directly accessed from Hillcrest Avenue, the way of approach would be Hillcrest Road; not

⁶ Section 20, Setback, from Zoning By-Law, adopted March 26, 1925, Revised to Nov. 1, 1931.

⁷ Contrast the 1931 setback provision to the current By-Law definition of frontage as “a continuous portion 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 intersection of sidelines of ways or the midpoint of the curve connecting such sidelines.”

Wendling Road. As a result, the 20 foot front yard setback applicable in 1931 may only have applied to the Hillcrest Road side of the property and not to the Wendling Road side. In later years this was changed through the adoption of a specific definition of “frontage” that makes it clear that same includes both sides of a corner lot.⁸ But even if the house was subject to a 20 foot setback on the Wendling Road side when it was constructed in 1936 or 1937, because it has existed unchanged and without the recordation of any notice of alleged violation since, it now constitutes a legally non-conforming structure as a result of the relevant provisions of c.40A cited above.

The existing house also includes an existing side wall that is approximately 44.8’ long.⁹ This is more than 12’ longer than the maximum currently allowed pursuant to footnote (e) to Section 4.2.1. As a result, such wall, and the structure to which it is attached, are non-conforming. The applicable language of footnote (e) was adopted somewhat recently, pursuant to Article 20 of the 2023 Annual Town Meeting. Whereas this wall of the house was in existence as of such adoption, it was rendered lawfully pre-existing, non-conforming.

Both Section 1.4.6 of the By-Law and Section 6 of M.G.L. c.40A permit the contemplated extension, alteration, and enlargement of the existing dwelling, provided the Board finds that the proposed change is not *substantially* more detrimental than the existing nonconforming structure. Moreover, pursuant to Bellalta v. Zoning Board of Appeals of Brookline, 481 Mass. 372 (2019), the Supreme Judicial Court has made it clear that an increase of an existing non-conformity for a single-family house may be authorized in accordance with the “second except clause” of M.G.L. c. 40A, § 6 and does not require a variance. Pursuant to Bellalta, the Board is required to first identify the aspects of non-conformity, then determine whether they are being increased, and finally, if they are, determine whether the increase is substantially more detrimental than the existing use or structure.

The Westenbergs are proposing a modest increase to the footprint of the extension on the Wendling Road side of the house of approximately 35 square feet. This increase runs along the southerly side of the extension, resulting in a decrease of just over two feet to the front yard setback on the Wendling Road side of the property. Furthermore, pursuant to the provisions of footnote (e), discussed above, the increased size of the addition will also increase the length of

⁸ See footnote 7 above.

⁹ Although technically a side wall within the context of the By-Law, this is actually the rear wall of the house.

the rear wall of the house by just over two feet, thereby also increasing the existing non-conformity relative thereto.¹⁰ However, as mentioned above, these increases may be permitted pursuant to both Section 1.4.6 and the provisions of M.G.L. c.40A, provided the Board finds that they are not *substantially* more detrimental than the existing house.

The proposed increase in the size of the addition on the Wendling Road side of the house will not alter the use of the Premises for single-family purposes, nor will it materially alter or affect its relationship to the existing lot or abutting properties. An increase of only 35 square feet is a relatively modest increase and will not fundamentally alter the size of the house. Therefore, the Westenberg's assert that the proposed expansion will not be substantially more detrimental than the existing house. Furthermore, whereas the portion of the house in question is already non-conforming with respect to both front yard setback and footnote (e), allowing the proposed small increase in the size will not authorize or enable the violation of any new dimensional regulation with which the Premises was previously in compliance. As a result, the proposed alteration and enlargement meets the applicable criteria for the granting of a special permit pursuant to Section 1.4.6 and a finding pursuant to M.G.L. c.40A, Section 6 and the Westenberg's assert that the issuance of the requested special permit is both proper and appropriate and should be granted.

Respectfully submitted,
David A. Westenberg, Trustee
Nancy L. Gooden Westenberg, Trustee
MJW 2025 Realty Trust
by their attorney,



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

¹⁰ As discussed above, this is because the extension is offset less than two feet from the corner of the house, and therefore, even though offset by one foot, is treated as not offset at all pursuant to footnote (e).

EXHIBIT A1
Engineering Division Water Service Card

Exhibit A1
(1936)

Service No. 3196 Location 99 HILLCREST RD

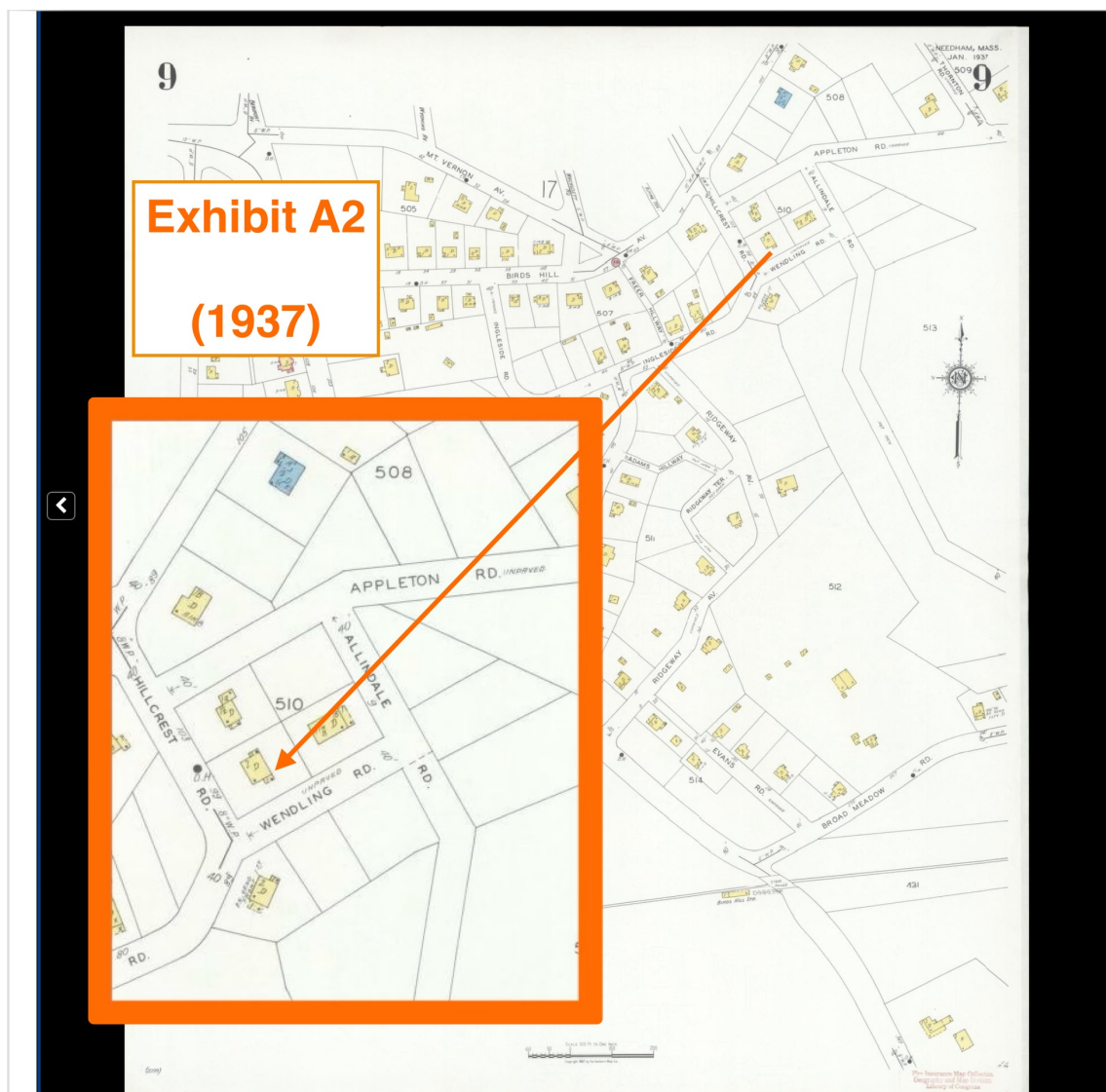
Date 9-15-36 Owner

Service 1" CEMENT LINED PIPE + 1" COPPER TUBING

Size of Main 8"

Remarks SERVICE RENEWED FROM MAIN TO
5.4' BEYOND CURB WITH 1" COPPER TUBING
APRIL 26, 2009

EXHIBIT A2
Sanborn Fire Insurance Map, Jan 1937



Download JPEG (806x956 px) Go

About this Item

Title

Sanborn Fire Insurance Map from Needham, Norfolk County, Massachusetts.

Created / Published

Sanborn Map Company, Jan 1937

Notes

- Jan 1937.
- 27 sheet(s).

Repository

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Digital Id

<http://hdl.loc.gov/loc.gmd/g3764nm.g038021937>

Part of

[Sanborn Maps \(35,146\)](#)
[Geography and Map Division \(57,045\)](#)
[American Memory \(437,933\)](#)

Dates

1937

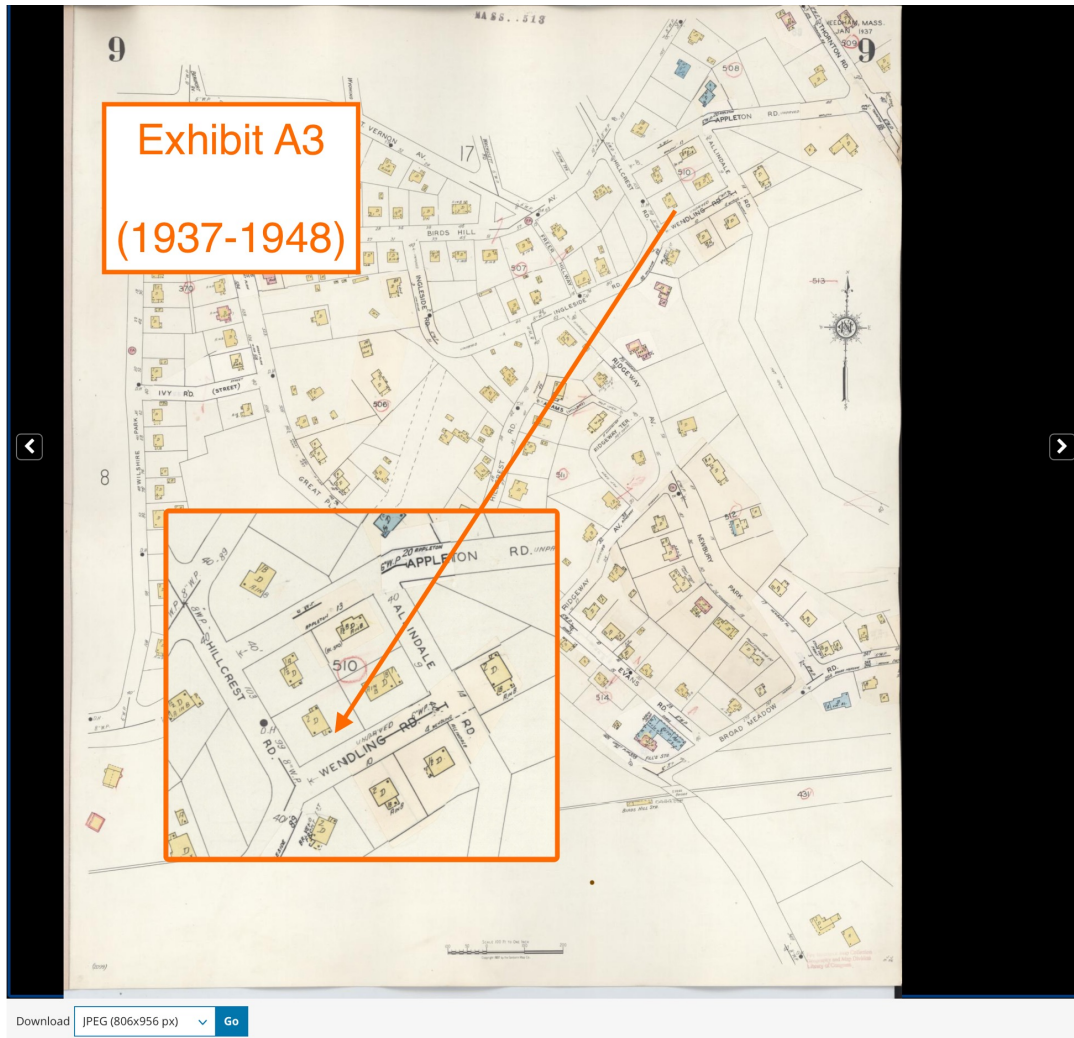
Country

[United States](#)

State/Province

[Massachusetts](#)

EXHIBIT A3
Sanborn Fire Insurance Map, Jan 1937 – Oct 1948



About this Item

Title

Sanborn Fire Insurance Map from Needham, Norfolk County, Massachusetts.

Created / Published

Sanborn Map Company, Jan 1937 - Oct 1948

Notes

- Jan 1937 - Oct 1948.
- 27 sheet(s).
- 513.

Repository

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA

Digital Id

<http://hdl.loc.gov/loc.gmd/g3764nm.g038021948>

Part of

[Sanborn Maps \(35,146\)](#)
[Geography and Map Division \(57,045\)](#)
[American Memory \(437,933\)](#)

Dates

1948

Country

[United States](#)

State/Province

[Massachusetts](#)

[Back to top](#)

EXHIBIT A4

Buiding Department "Field Card"

PT. NO.	4232	FEE	\$6.00	DATE	Sept. 16, 1936
LOCUS	99 Hillcrest Road				
BLDG.	S. F. Dwelling	NO. RMS	---		
OWNER	Anthony Glorioso	VALUE	\$6,000.		
BLDR.	Anthony Glorioso	FEE			
ELECT.		PT. NO.			
PLBR.		PT. NO.			
GAS FTR.		PT. NO.			
SEPTIC TANK		SEWER			
HEAT		GRADES			
COMPLETE					
OCC. PT					

TOWN OF NEEDHAM
INSPECTION DEPARTMENT

WHDX C68-0108

#217 10/3/67 Earle A. Rogerson, plbr. Fee \$3.00
Sewer connection (F) Owner: Edward Lanigan

#474 10/27/67 Lambert Electric Co., elect. Fee \$1.50
Dryer Owner: Edward Lanigan

#2452 3/9/70 Paul E DeLesdernier, elect. F Fee: \$1.50
Oil fire h.w.h. Owner Edw. J Lanigan

~~#2452 3/9/70 Paul E DeLesdernier, elect. Fee: \$1.50~~

#4471 1/3/73 Home Electric Co., Elect. F 1123 Fee: \$5.00
Ch.serv, 100 amps., and water heater Owner: John D Fasolino

#2870 10/4/73 Nicholas & Lex Ciriello, alt. bldrs. Fee: \$6.00
Vinyl siding 22 sqs. est. val. \$2,300. Owner: Paul Keefe

#7553 9/18/80 Paul R. Keefe, Owner and Installer F 1123 Fee \$10.00
Jotul No. 603 wood stove in fireplace Est. Cost \$400.00

11446 10/31/85 Paul Keefe, Owner & Installer Fee: \$10.00
Titulation stove in living room Est. Cost: \$700.00

#7739 5/28/86 George Trethewey, Plumber Fee: \$15.00 Owner: Paul Keefe

99 HILLCREST ROAD

CARD -2-

#9988 9-24-90 Piazza plumb owner-Keefe fee \$25.00

#6377 9-26-90 Sarno elec owner-Rekkse? fee \$25.00

EXHIBIT B
Assessor's Information

PARID: 1990210001700000
GHIZZONI, TAMMY

MUNICIPALITY: NEEDHAM
99 HILLCREST RD

LUC: 101
PARCEL YEAR: 2025

Residential Card Summary

Card/Building:	1
Stories:	2
Condition:	5 - AVERAGE
Grade:	B- - AVERAGE/GOOD
CDU:	AV - AVERAGE
Exterior Wall:	AV - ALUMNM-VINYL
Style:	CL - COLONIAL
Year Built:	1938
Effective Year:	1938
Square Feet of Living Area:	1464
Total Rooms:	6
Bedrooms:	3
Full Baths:	2
Half Baths:	1
Additional Fixtures:	1
Roofing Material:	AS - ASPHALT-SHNG
Heating:	H - STEAM
Fuel Type:	O - OIL
Dwelling Value:	\$189,800

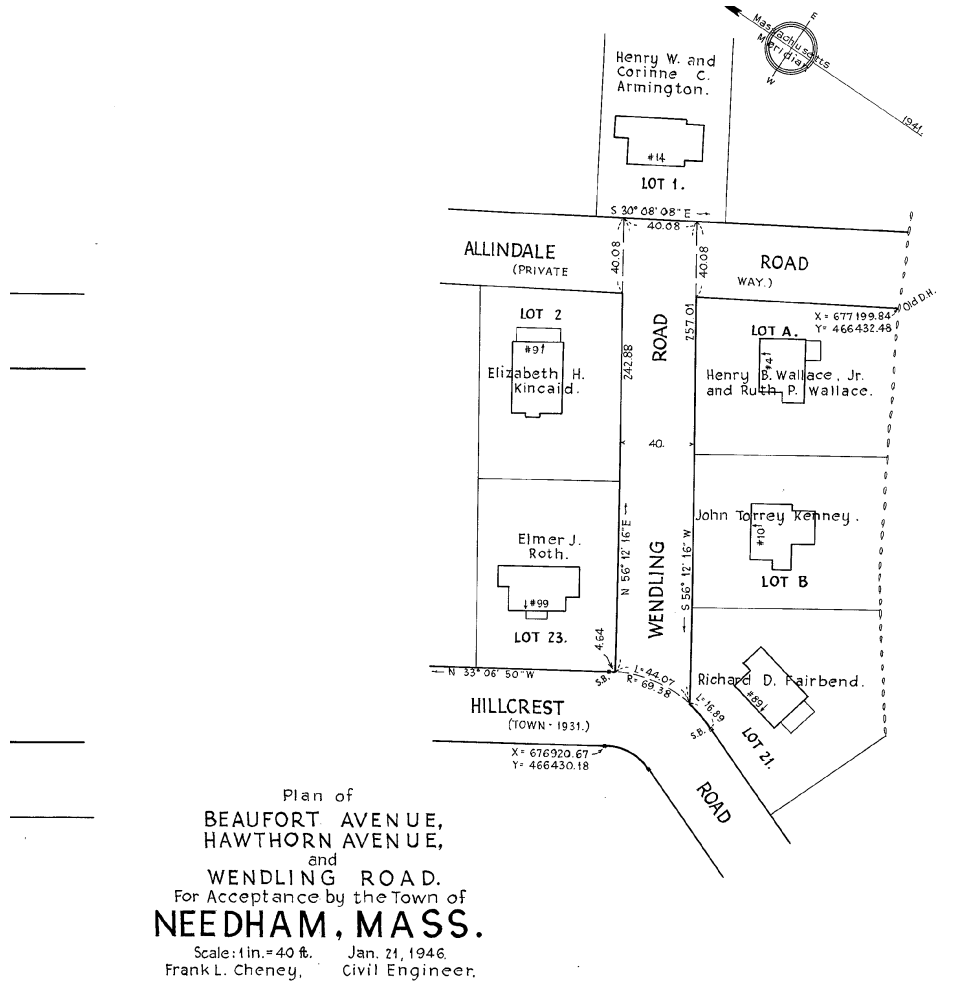
Sections

Card #	Addition #	Lower	First	Second	Third	Area	RCNLD
1	0					696	0
1	1	B	FM			72	6100
1	2	B	E			128	10700
1	3		P			28	1400
1	4		W			140	2800

[illegible][illegible]

EXHIBIT C2

Excerpt from Acceptance Plan d. Jan 21, 1946
Recorded Norfolk Deeds Plan No. 253 of 1946 in Plan Book 137



Original on file.

Filed as No. 253-1946 Pl. Bk. 137

Approved: Feb. 26, 1946.

SELECTMEN: { George A. Potter
David Murdock
Cyril N. Angell

SUPT. PUBLIC WORKS: Lester C. Hollis

RECEIVED AND FILED: February 28, 1946

Acting
TOWN CLERK: E. Bertha Behnke

Norfolk Registry of Deeds
DEDHAM, MASS.

Received April 10, 1946 with

Taking f.c. by

Town of Needham

Filed as No. 253-1946 Pl. Bk. 137

Attest: Walter W. Chambers
Register.

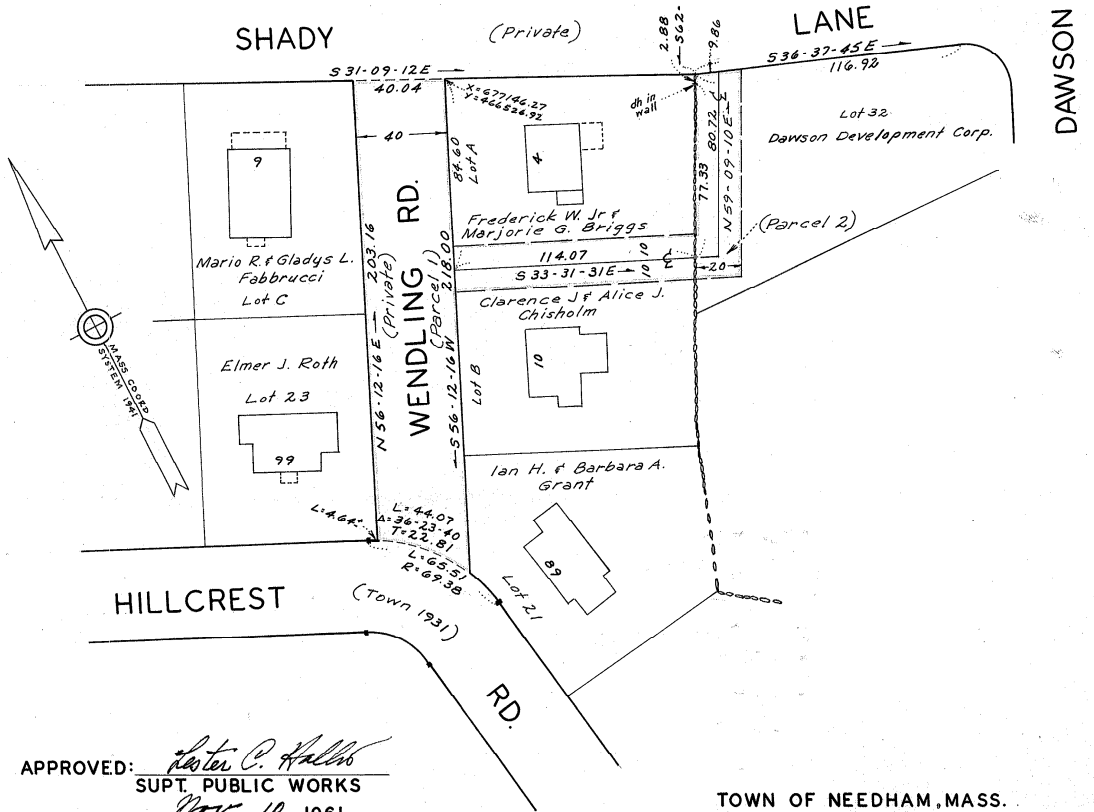
EXHIBIT C3
Photo 1950-1955



99 Hillcrest Rd

Needham Library/Town Collection/ Assessor's
Negatives for c. 1950-1955
photo of 99 Hillcrest Rd, Needham, MA
(existing porch/ roof on right side of house)

EXHIBIT C4
Excerpt from Easement Plan d. November, 1961
Recorded Norfolk Deeds, Book 3947, Page 735



APPROVED: Robert C. Hall
SUPT. PUBLIC WORKS
Nov. 10, 1961

SELECTMEN

Robert C. Hall
Blanche H. Hetherington
Philip S. Toor
Marian F. Keith
Robert V. Cane

APPROVED: Nov. 21 1961

Norfolk Registry of Deeds
Dedham, Mass.

Received Nov 22 1961 with Tkg

By Town of Needham

Filed as No. 1224 1961 18k3947Pg.735
Attest Janet Asst Register

TOWN OF NEEDHAM, MASS.
DEPT. OF PUBLIC WORKS

EASEMENT TO BE ACQUIRED IN
NEEDHAM, MASS.
WENDLING RD. & FROM WENDLING RD.
TO SHADY LANE

SCALE: 1 IN = 40 FT

NOVEMBER 1961

H. GORDON MARTIN, TOWN ENGINEER



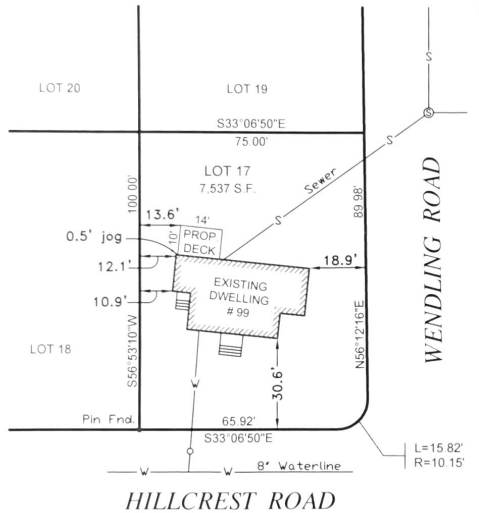
Exhibit C5
Plot Plan d. May 24, 2016

TOWN OF NEEDHAM, MASSACHUSETTS
Building Inspection Department

Building Permit No. B120160672 Assessor's Map & Parcel No. 199/021.0-0017-0000.0
At No. 99 Hillcrest Road
Lot Area 7,537 S.F. Zoning District SRB
Owner Paul & Grace Keefe (trustees) Builder Westwood Building & Construction Inc.
Ghizzoni

PLOT PLAN
40' Scale

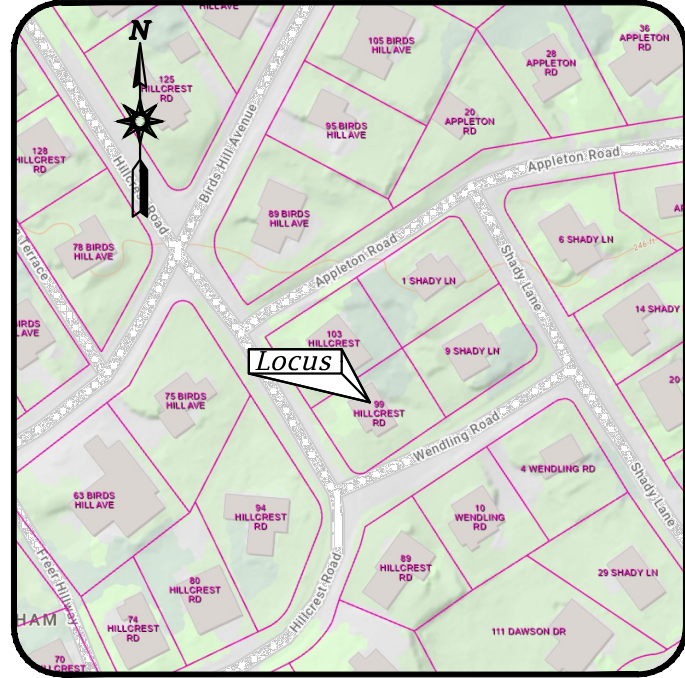
Property is not in a Special Flood
Hazard Zone (See map 25021C0039E)
There are no wetlands on the property.



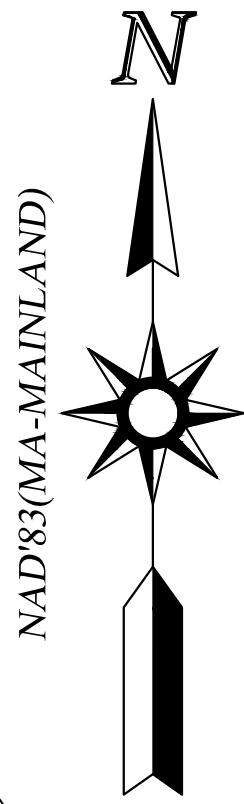
Note: Plot Plans shall be drawn in accordance with Section 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public utilities, including water mains, sewers, drains, gaslines, etc.; driveways; Flood Plain and Wetland Areas; lot dimensions; dimensions of proposed structures; sideline offsets and setback distances, (allowing for overhangs) and elevation of top of foundations and garage floor. For new construction, elevation of lot corners at street line and existing and approved street grades shall be shown for grading along lot line bordering streetline. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in unserved area.
(*Accessory structures may require a separate building permit - See Buildin Code)

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

The above is subscribed to and executed by me this 24th day of May, 2016
Name Patrick Roseingrave Registered Land Surveyor No. 35790
Address 40 Mears Ave City Quincy State MA Zip 02169 Tel. No. 781-706-1335
Approved [Signature] Director of Public Works Date 6/13/16
Approved [Signature] Building Inspector Date 6-2-16
JEJ



Locus Map
(NOT TO SCALE)



NAD'83(MA-MAINLAND)

#103 HILLCREST RD
N/F
PETER M. BENHAM ET AL
DB 30118, PG 568
PID 1990210001800000

BENCHMARK #2
SPIKE
ELEV.=235.40'(NAVD88)

#1 SHADY LN
N/F
COLLEEN KELLY EMMETT & ET AL
DB 41689, PG 354
PID 1990210002000000

#9 SHADY LN
N/F
DOUGLAS I. KALISH & ET AL
DB 25332, PG 250
PID 1990210001900000

BENCHMARK #1
MAGNETIC NAIL
ELEV.=235.08'(NAVD88)

LEGEND

- CATCH BASIN
- DS ○ DOWNSPOUT
- DRAIN MANHOLE
- GG ○ GAS GATE
- GMT ○ GAS METER
- HYDRANT
- IRON PIPE
- IRON ROD
- SEWER MANHOLE
- UTILITY POLE
- UTILITY POLE W/LIGHT
- UTILITY POLE W/TRANS.
- WG ○ WATER GATE
- WSO ○ WATER SHUTOFF
- 10.00' SPOT ELEVATION
- (C) CALCULATED
- (R) RECORD
- BIT. BITUMINOUS
- CONC. CONCRETE
- FFE FINISHED FLOOR ELEVATION
- x IRON PIPE
- IP IRON ROD
- DRAIN PIPE
- GAS PIPE
- OVERHEAD WIRE
- SEWER PIPE
- WATER PIPE
- WOOD FENCE
- SHRUB
- CONIFEROUS TREE
- DECIDUOUS TREE

UTILITY NOTE

EXISTING UTILITIES, SHOWN HEREON, ARE APPROXIMATE. DIG-SAFE SHALL BE NOTIFIED PER THE COMMONWEALTH OF MASSACHUSETTS STATUTE CHAPTER 82, SECTION 40. NO GUARANTEE IS IMPLIED OR INTENDED AS TO THE ACCURACY, LOCATION OR THAT ALL UTILITIES AND/OR SUBSURFACE STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL VERIFY UTILITIES AND STRUCTURES AS REQUIRED PRIOR TO THE START OF CONSTRUCTION.

GENERAL NOTES

- THIS PLAN IS BASED UPON AN ON-THE-GROUND SURVEY PERFORMED BY NORTHEAST GEOSPATIAL CONSULTANTS, LLC IN APRIL 2024.
- THE PURPOSE OF THIS PLAN IS TO DEPICT SITE TOPOGRAPHY, PLANIMETRIC FEATURES, FIXED STRUCTURES, AND COMPLETE RECORD BOUNDARY LINES FOR USE IN ENGINEERING DESIGN.
- HORIZONTAL DATUM IS BASED UPON NAD'83(MASSACHUSETTS MAINLAND ZONE-USFT) AS DERIVED VIA REDUNDANT GNSS OBSERVATIONS PERFORMED BY NORTHEAST GEOSPATIAL CONSULTANTS, LLC IN APRIL 2024.
- VERTICAL DATUM IS BASED UPON NAVD'88(GEOD18) AS DERIVED VIA REDUNDANT GNSS OBSERVATIONS PERFORMED BY NORTHEAST GEOSPATIAL CONSULTANTS, LLC IN APRIL 2024. TWO TEMPORARY BENCHMARKS WERE SET NEAR THE SITE AND ARE GRAPHICALLY DEPICTED ON THE PLAN.
- THE STATUS OF STREETS AND WAYS NOTED IS BASED UPON RECORDS REFERENCED AND WAS NOT DETERMINED AS PART OF THIS SURVEY.
- THIS SURVEY WAS PERFORMED WITHOUT A TITLE EXAMINATION. THE BOUNDARIES SHOWN HEREON ARE BASED SOLELY ON INFORMATION RECOVERED FROM PUBLIC RECORDS, RECORDED DEEDS, AND PLANS. THIS SURVEY MAY NOT INCLUDE OR REFLECT ALL EASEMENTS, RIGHTS-OF-WAY, ADVERSE POSSESSION CLAIMS, OR ANY OTHER APPURTENANCE OR ENCUMBRANCE THAT MAY EXIST BUT ARE NOT DOCUMENTED IN THE RECOVERED RECORDS. THE SURVEYOR MAKES NO REPRESENTATION OR WARRANTY REGARDING TITLE, OWNERSHIP, OR LEGAL INTERESTS, AND ANY DISCREPANCIES OR UNDISCOVERED MATTERS SHOULD BE ADDRESSED THROUGH A FULL TITLE EXAMINATION.
- LOCUS IS LOCATED WITHIN ZONE X - UNSHADED AS GRAPHICALLY DEPICTED ON FLOOD INSURANCE RATE MAP NUMBER 25021C0039E, EFFECTIVE DATE JULY 17, 2012.

REFERENCES

- PLAN BOOK 131, PAGE 253
- PLAN BOOK 218, PAGE 355
- PLAN BOOK 655, PAGE 41
- PLAN BOOK D2118, PAGE 106
- PLAN BOOK D2147, PAGE 91
- PLAN BOOK D2160, PAGE 613
- PLAN BOOK D2167, PAGE 537
- PLAN BOOK D3947, PAGE 735

PARCEL REFERENCE

RECORD OWNER: MJW 2025 REALTY TRUST
ADDRESS: #99 HILLCREST ROAD
DEED REFERENCE: DB 42317, PG 517
PARCEL ID: 1990210001700000
LOT AREA: 7,537SQ.FT.(0.173±AC.)(C)

I CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THAT THIS PLAN IS BASED UPON AN ON-THE-GROUND SURVEY PERFORMED BY NORTHEAST GEOSPATIAL CONSULTANTS, LLC.

Shane R. Bonin
PROFESSIONAL LAND SURVEYOR



10/24/2025
DATE

EXISTING CONDITIONS PLAN

99 HILLCREST ROAD
IN
NEEDHAM
MASSACHUSETTS
(NORFOLK COUNTY)

OCTOBER 24, 2025

Prepared For:

NANCY WESTENBERG
50 WINDSOR RD
WELLESLEY, MA 02481

NORTHEAST GEOSPATIAL
CONSULTANTS

LAND SURVEYING | REMOTE SENSING
68 Pearl Street, Woburn, MA 01801
617.453.8234
www.northeastgeospatial.com

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Graphic Scale:

0 5 10 20 30
Scale in Feet
1" = 10'

Project No.: 1-513100EC

File Name: 15013100EC

Prepared By: D. Benson, S. Bonin

Checked By: S. Bonin

Approved By: S. Bonin

Sheet 1 of 1

Westenberg Residence

Single Family Residence

Special Permit Documents



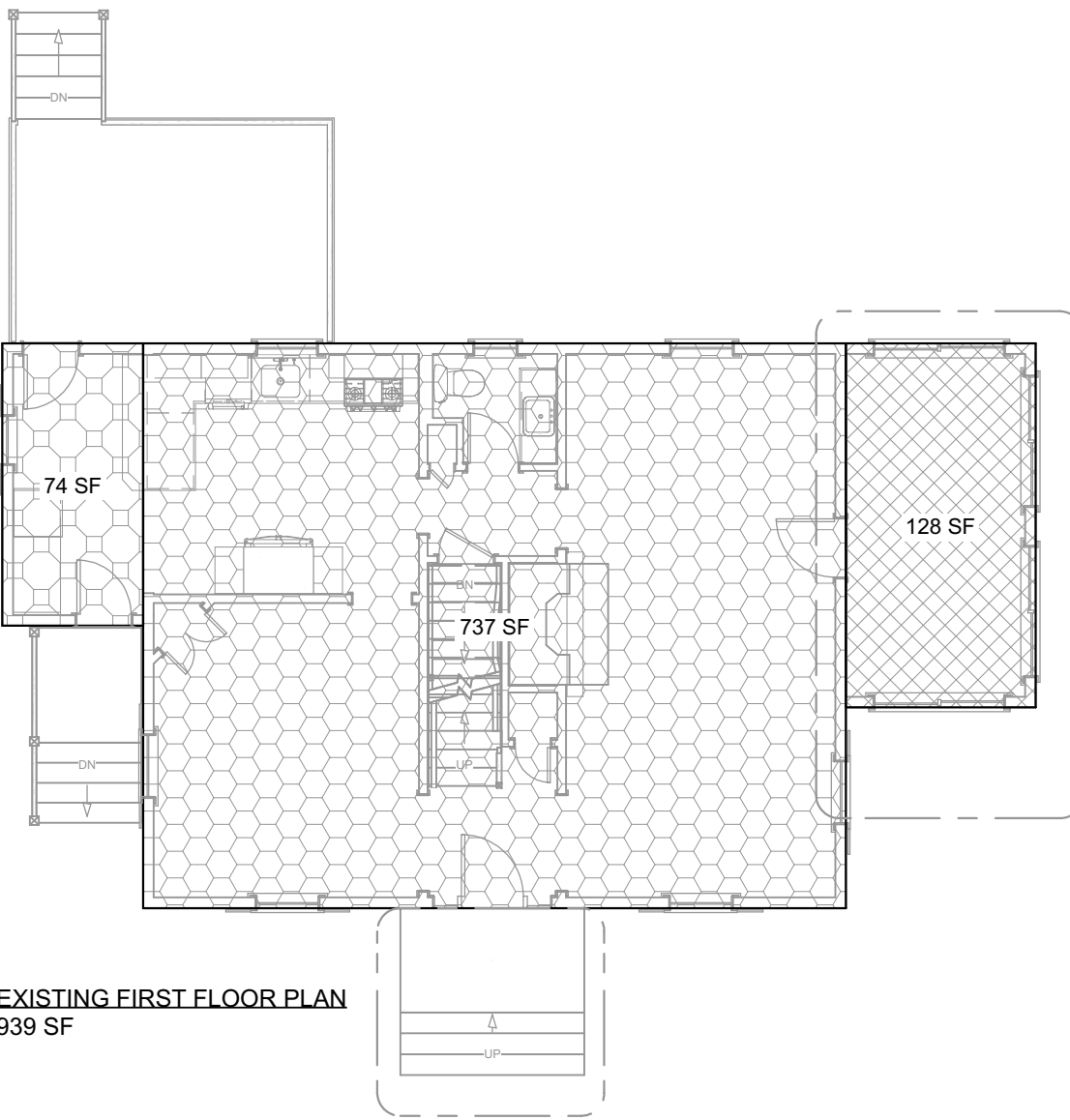
99 Hillcrest Road
Needham, MA 02494

DRAWING LIST	
A0.00	COVER PAGE
A0.01	FLOOR AREA RATIO
A1.00	EXISTING BASEMENT FLOOR PLAN
A1.01	EXISTING FIRST FLOOR PLAN
A1.02	EXISTING SECOND FLOOR PLAN
A1.03	EXISTING THIRD FLOOR PLAN
A1.10	PROPOSED BASEMENT FLOOR PLAN
A1.11	PROPOSED FIRST FLOOR PLAN
A1.12	PROPOSED SECOND FLOOR PLAN
A2.01	EXISTING FRONT AND SIDE ELEVATION
A2.02	EXISTING REAR AND SIDE ELEVATION
A2.11	PROPOSED FRONT AND SIDE ELEVATION
A2.12	PROPOSED REAR AND SIDE ELEVATION

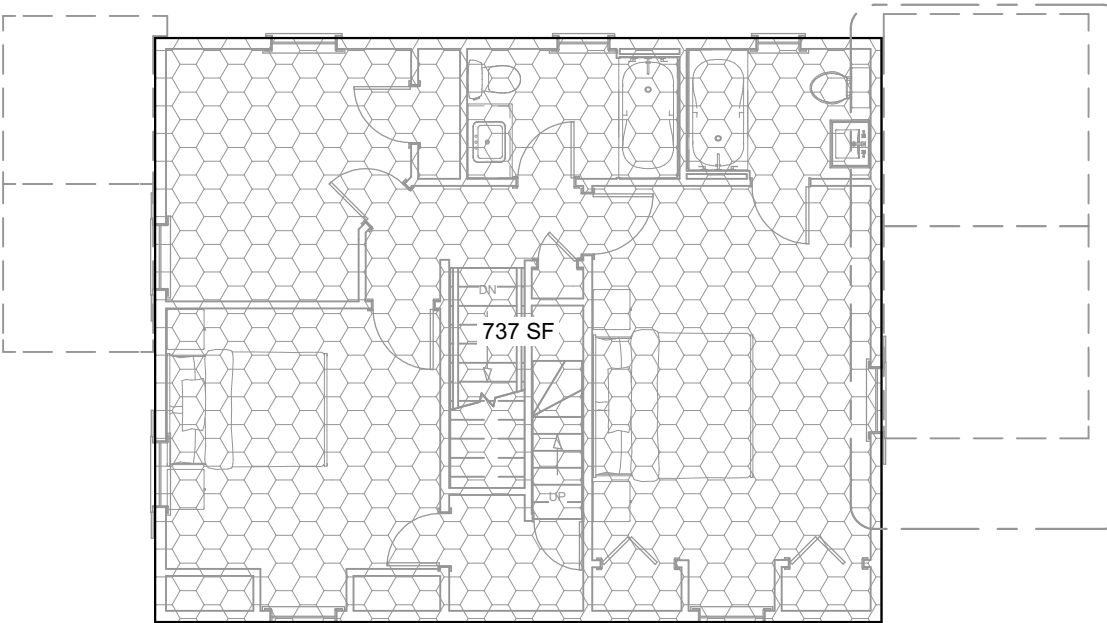
10/27/2025

ISSUED FOR SPECIAL
PERMIT

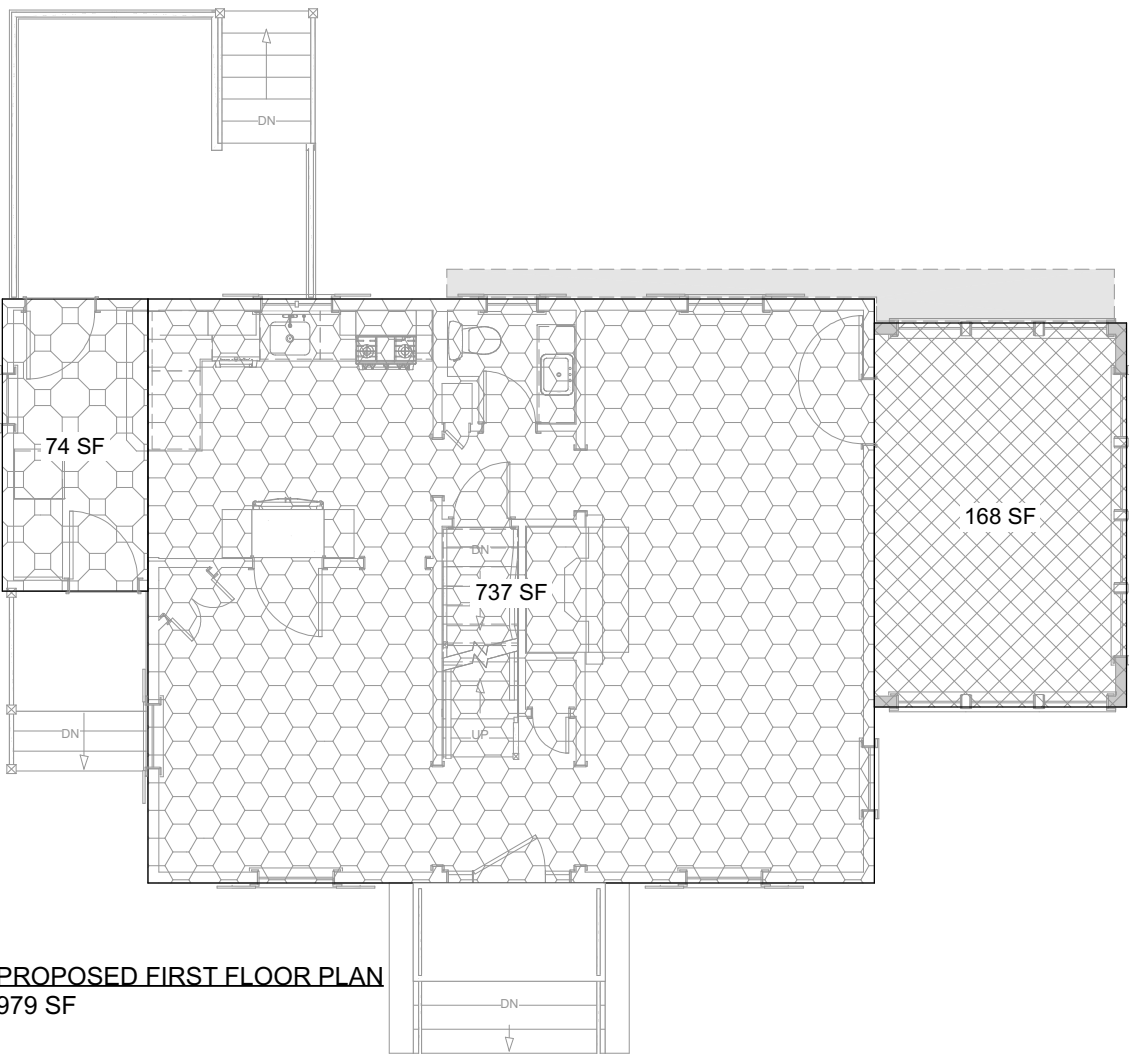




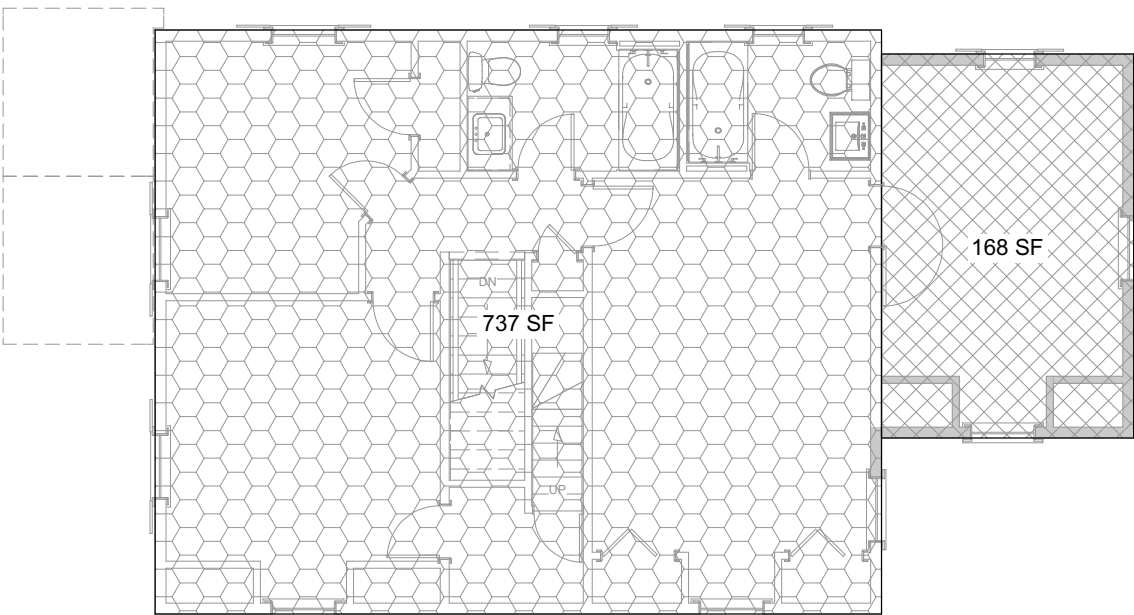
EXISTING FIRST FLOOR PLAN
939 SF



EXISTING SECOND FLOOR PLAN
737 SF



PROPOSED FIRST FLOOR PLAN
979 SF



PROPOSED SECOND FLOOR PLAN
905 SF

FIRST FLOOR	EXISTING 939 SF	PROPOSED 979 SF
SECOND FLOOR	737 SF	905 SF
TOTAL	1,676 SF	1,884 SF
LOT AREA:	7,537 SF	
FAR (TOTAL SF / LOT AREA)	0.22	0.25

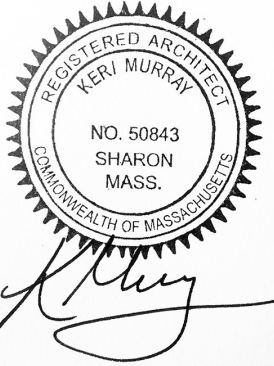


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keri@murrayarchitecture.com
Sharon, MA

REV.	DATE

SPECIAL PERMIT

Westenberg
Residence
99 Hillcrest Road
Needham, MA
02494



DATE: 10/27/2025

SCALE: NTS

FLOOR AREA
RATIO

A0.01

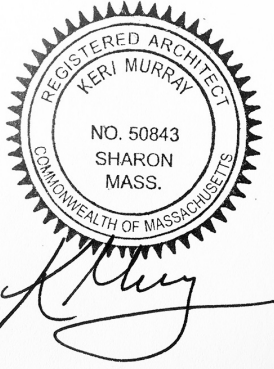


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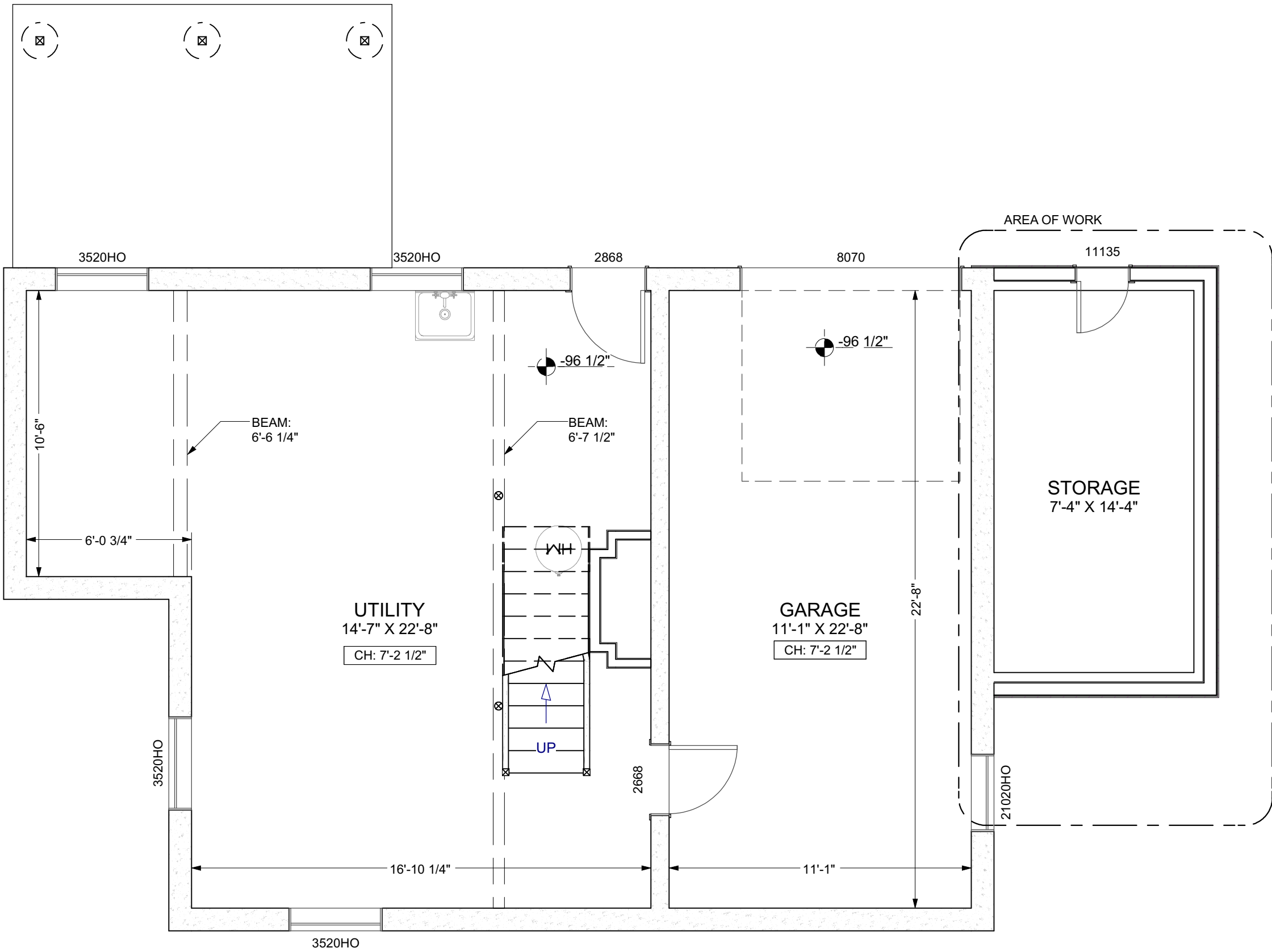


DATE: 10/27/2025

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

EXISTING
BASEMENT
FLOOR PLAN

A1.00



A1.00
1
EXISTING BASEMENT FLOOR PLAN
SCALE: 1/4" = 1'-0"

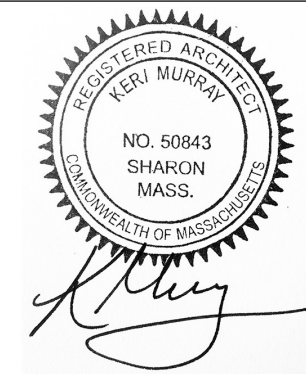


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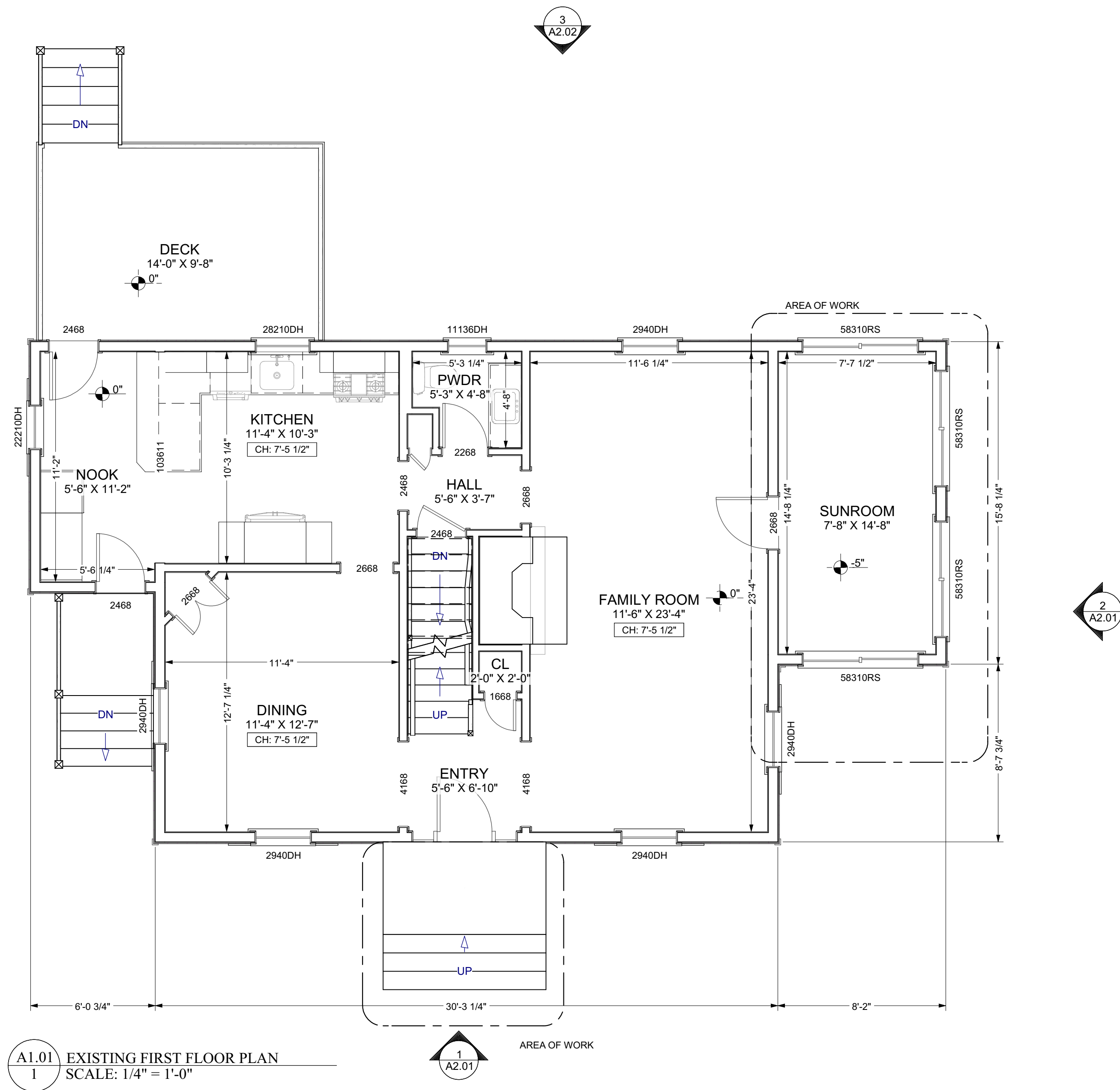


DATE: 10/27/2025

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

EXISTING
FIRST FLOOR
PLAN

A1.01



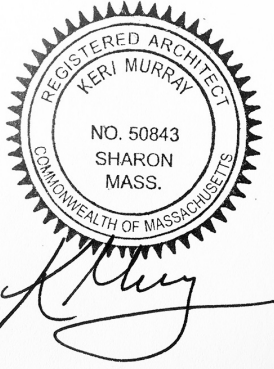


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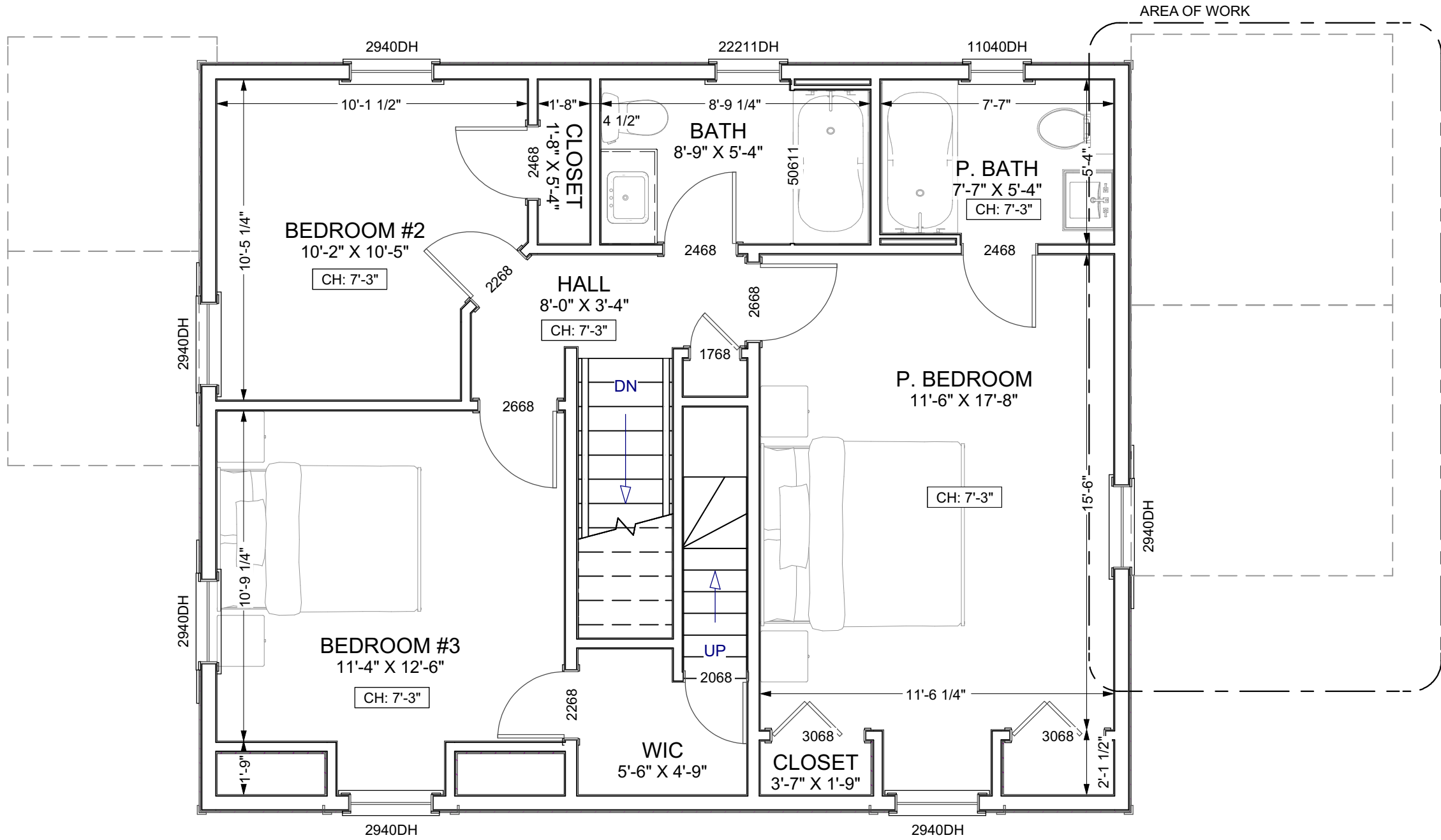


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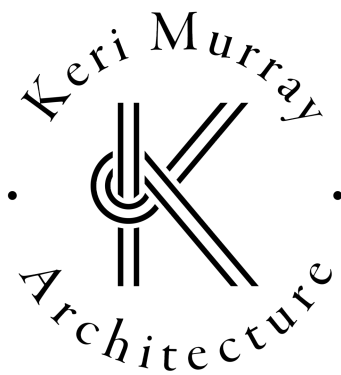
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EXISTING
SECOND
FLOOR PLAN

A1.02



A1.02
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EXISTING SECOND FLOOR PLAN
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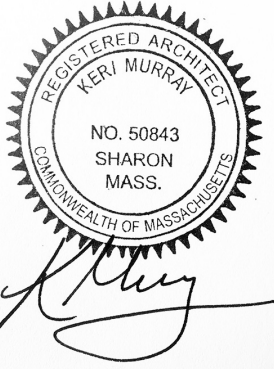


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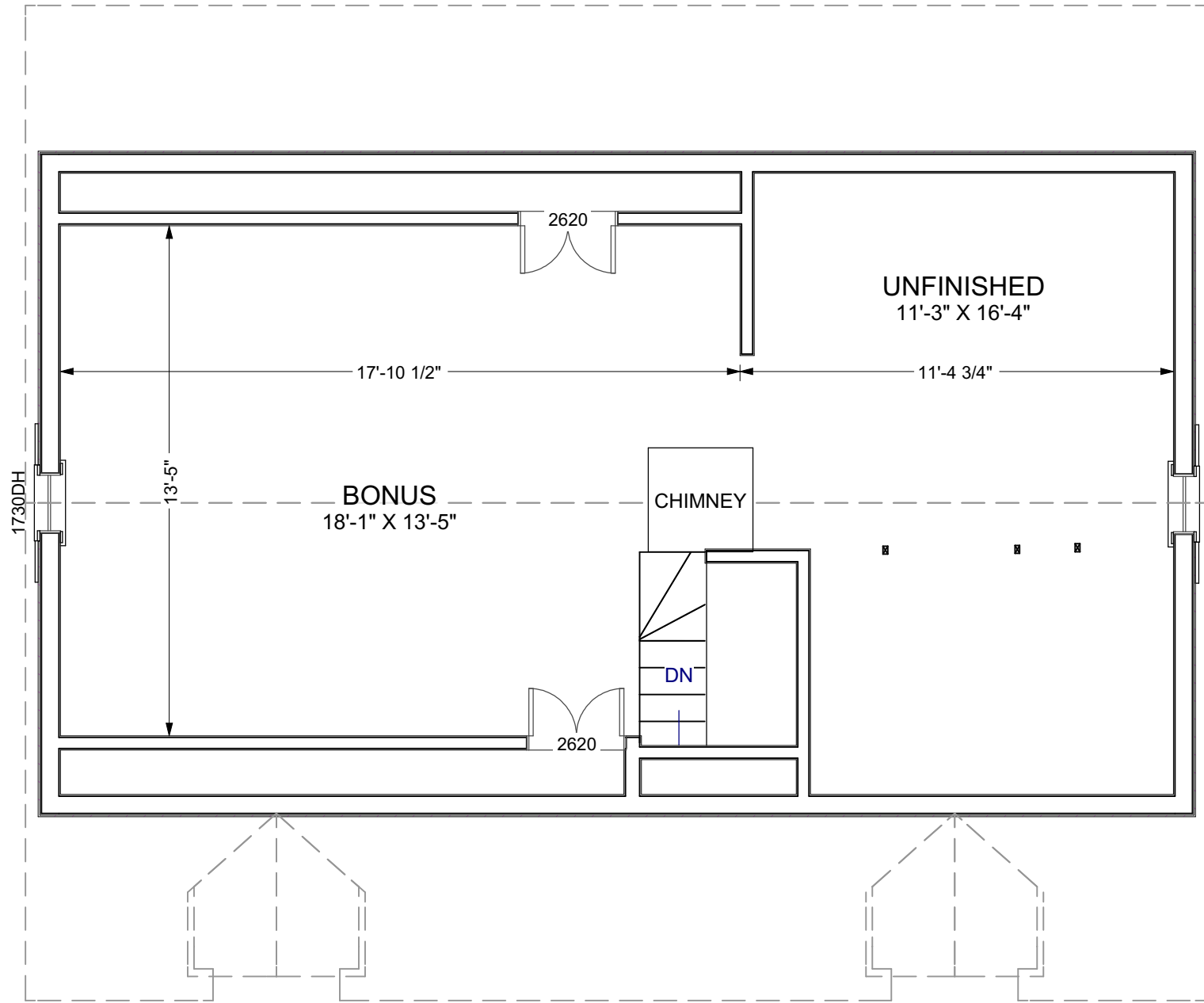


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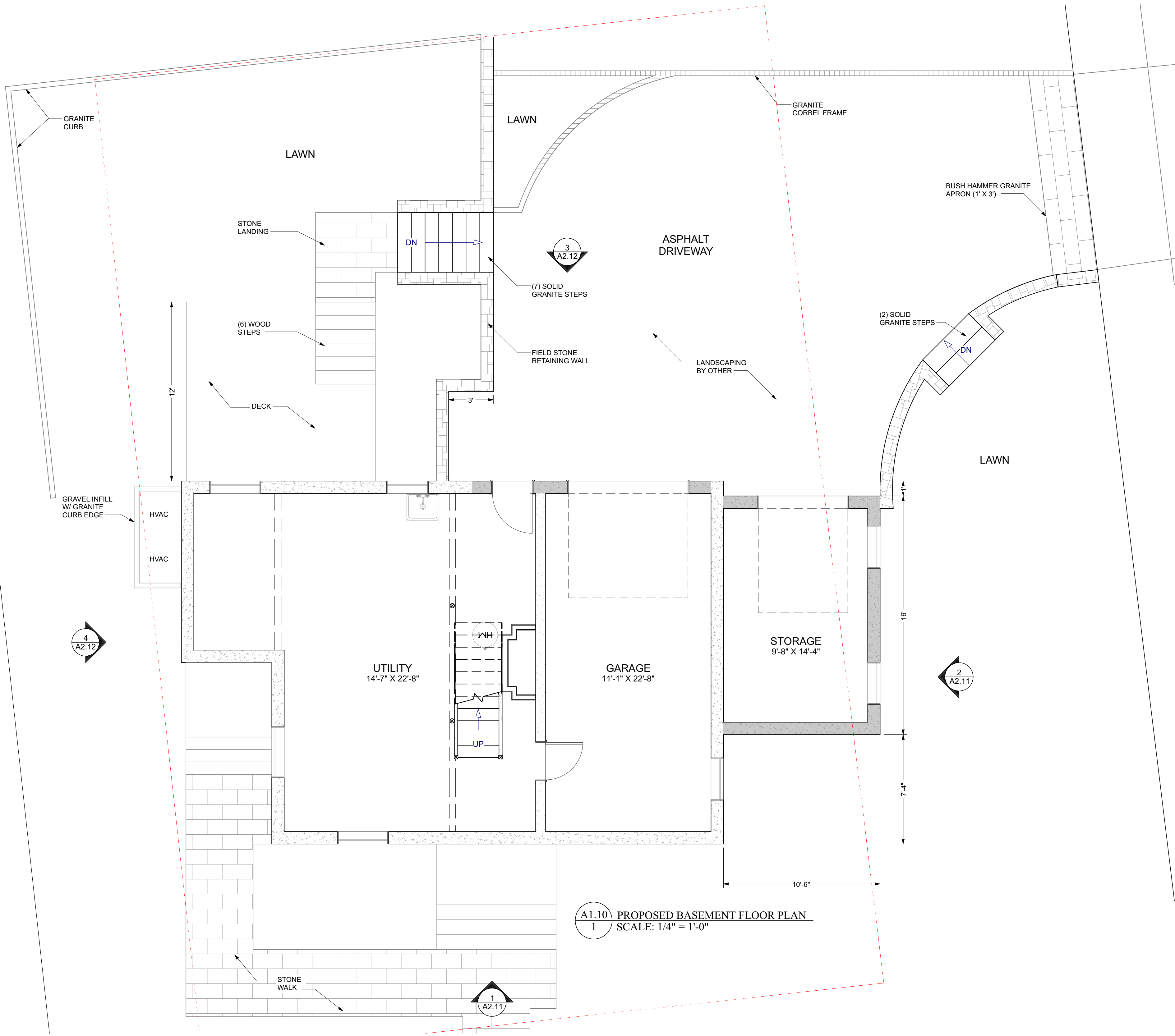
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EXISTING
THIRD FLOOR
PLAN

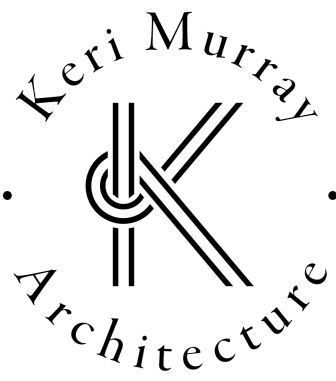
A1.03



A1.03
1
EXISTING THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"



A1.10
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PROPOSED BASEMENT FLOOR PLAN
SCALE: 1/4" = 1'-0"

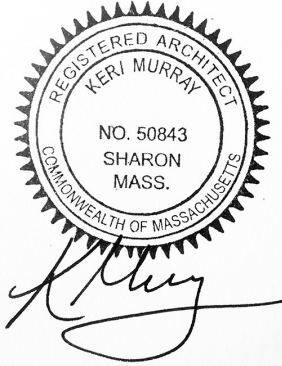


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Westenberg
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99 Hillcrest Road
Needham, MA
02494



DATE: 10/27/2025

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

PROPOSED
BASEMENT
FLOOR PLAN

A1.10

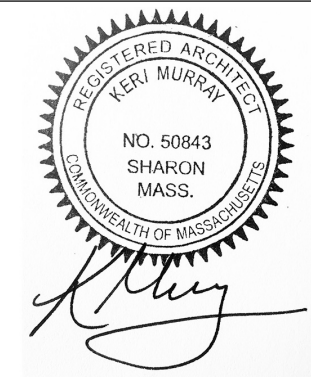


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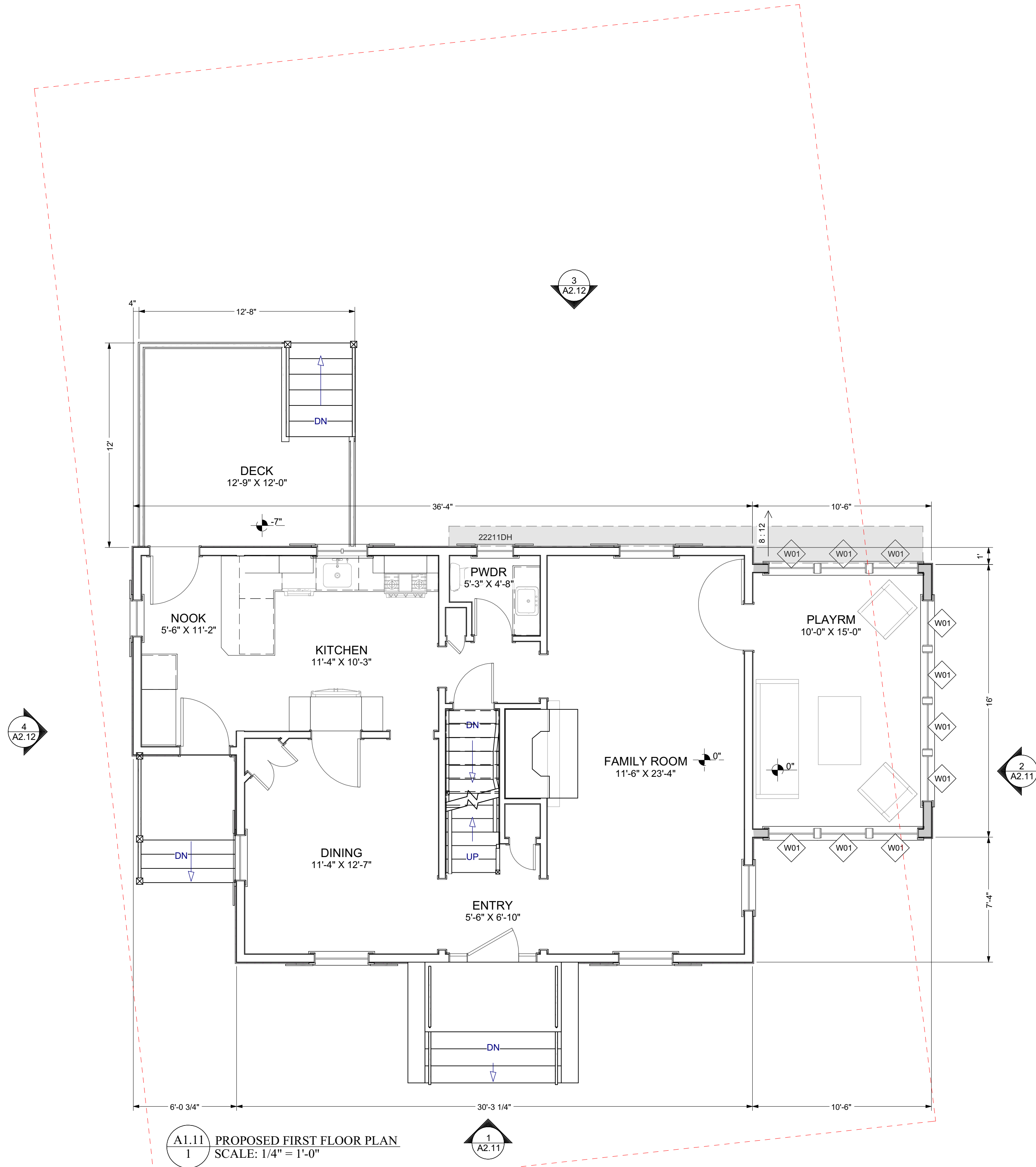


DATE: 10/27/2025

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

PROPOSED
FIRST FLOOR
PLAN

A1.11



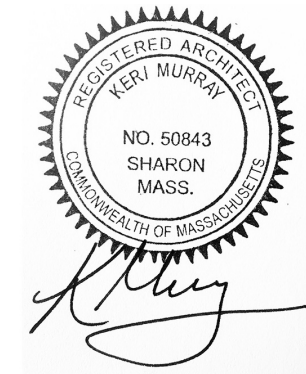


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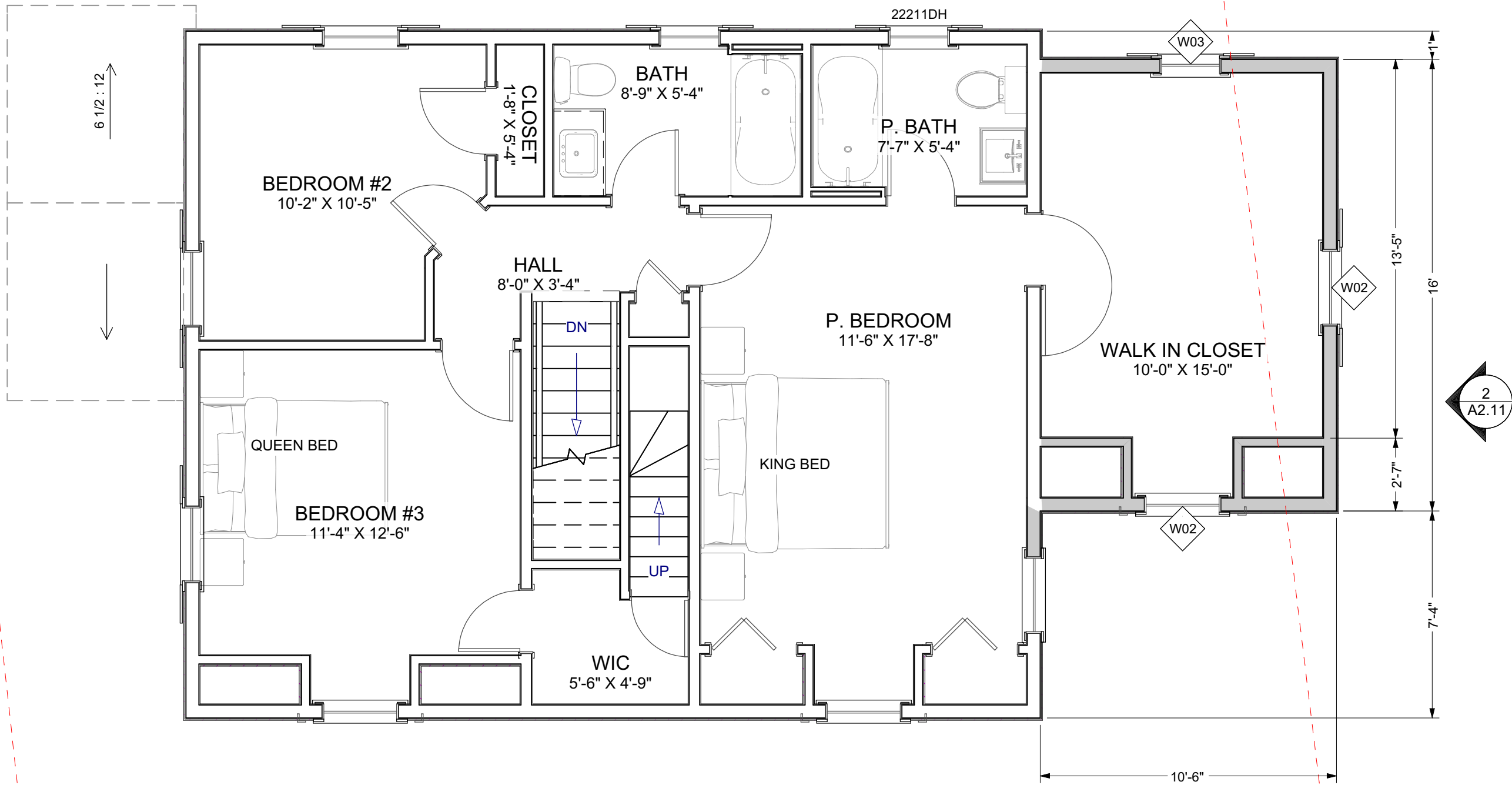


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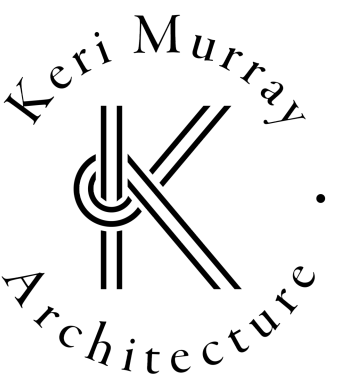
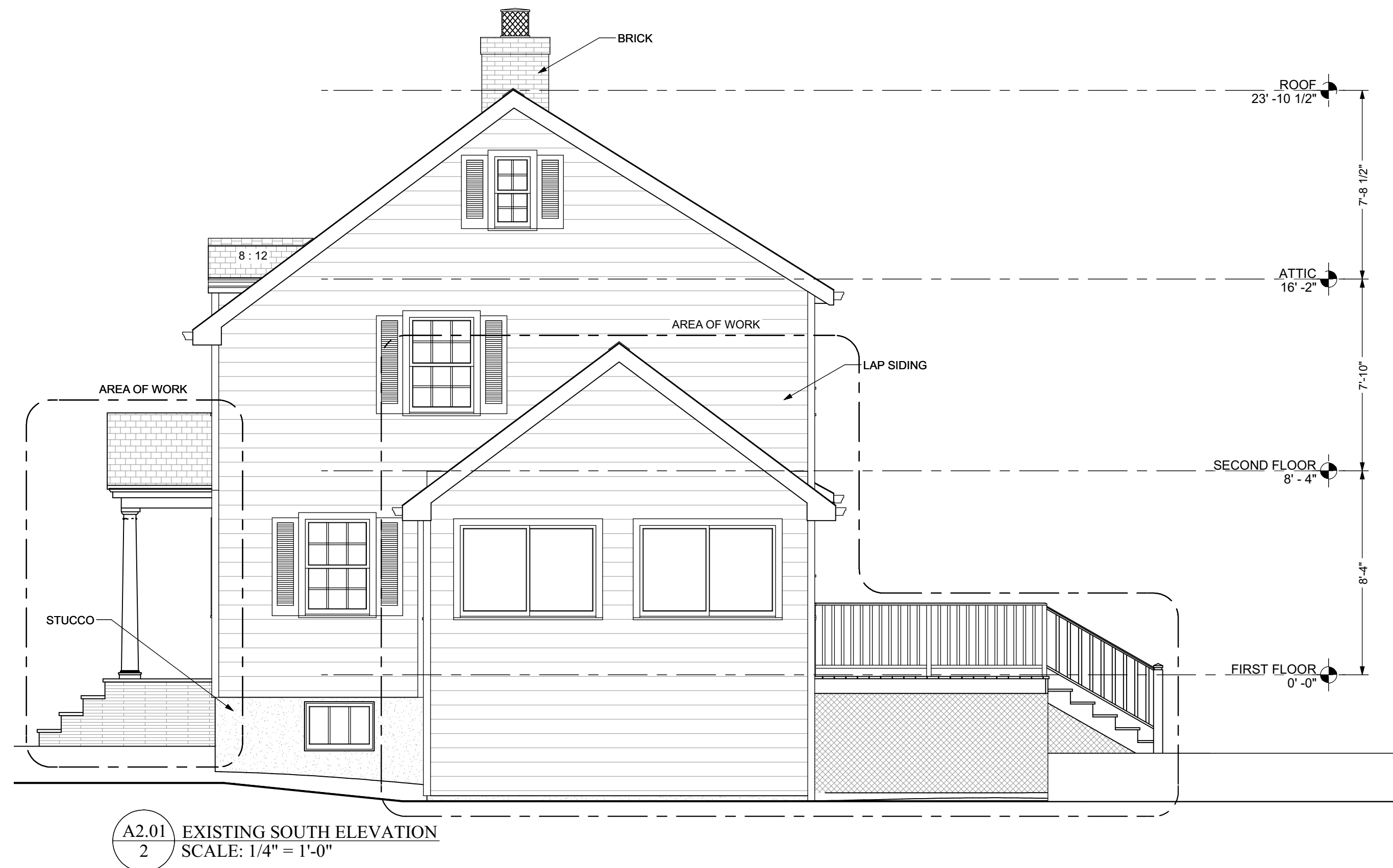
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PROPOSED
SECOND
FLOOR PLAN

A1.12



A1.12
1
PROPOSED SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

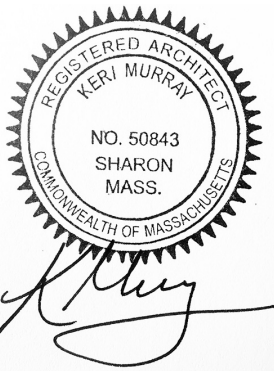


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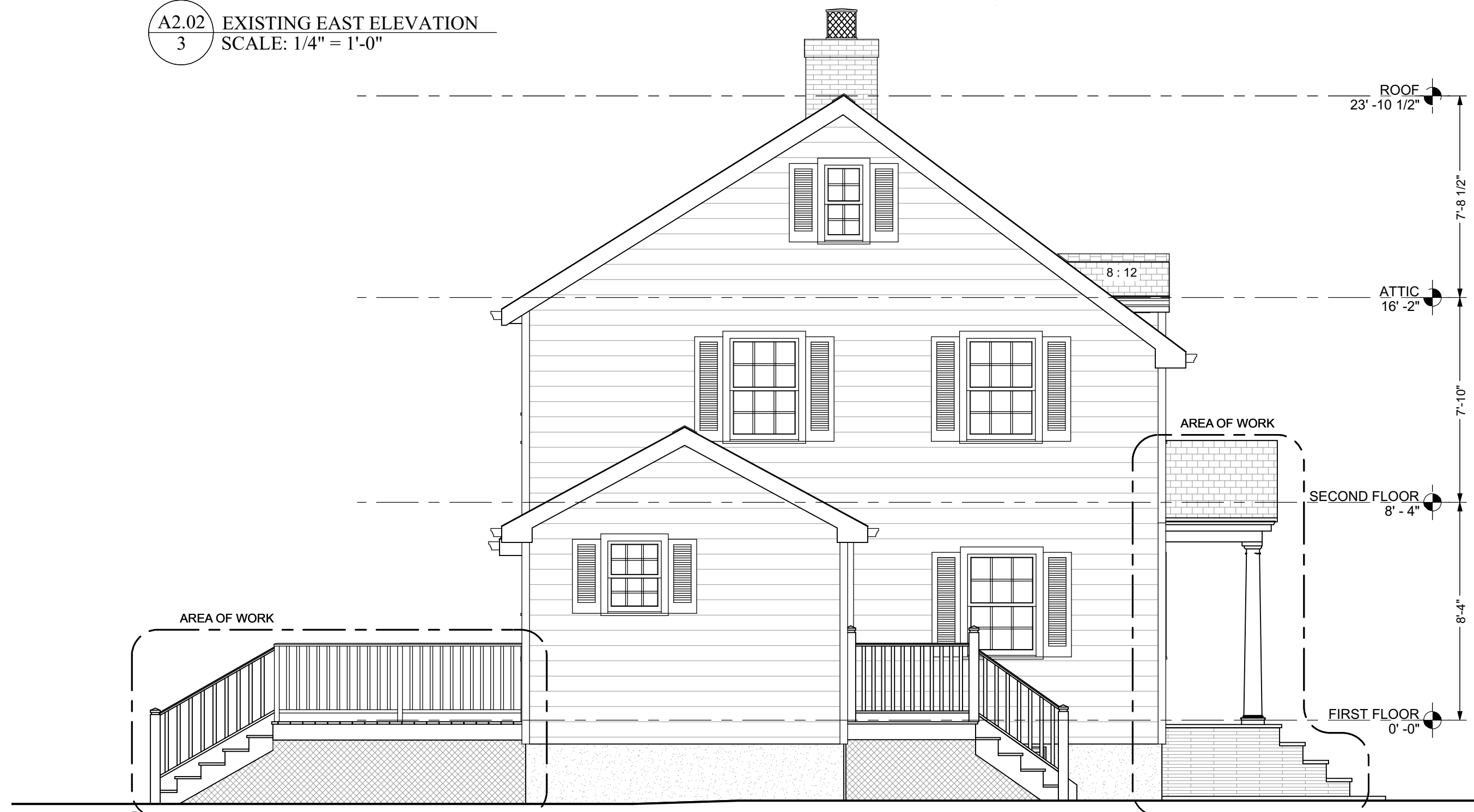


DATE: 10/27/2025

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EXISTING
FRONT AND
SIDE
ELEVATION

A2.01

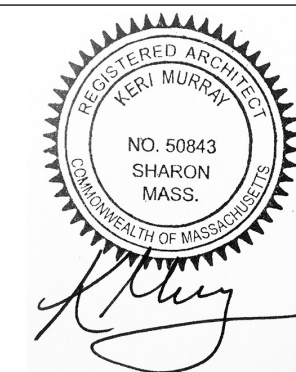


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02494



DATE: 10/27/2025

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

EXISTING
REAR AND
SIDE
ELEVATION

A2.02

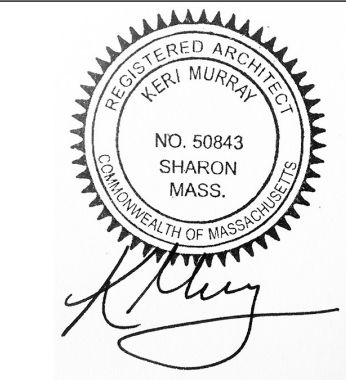


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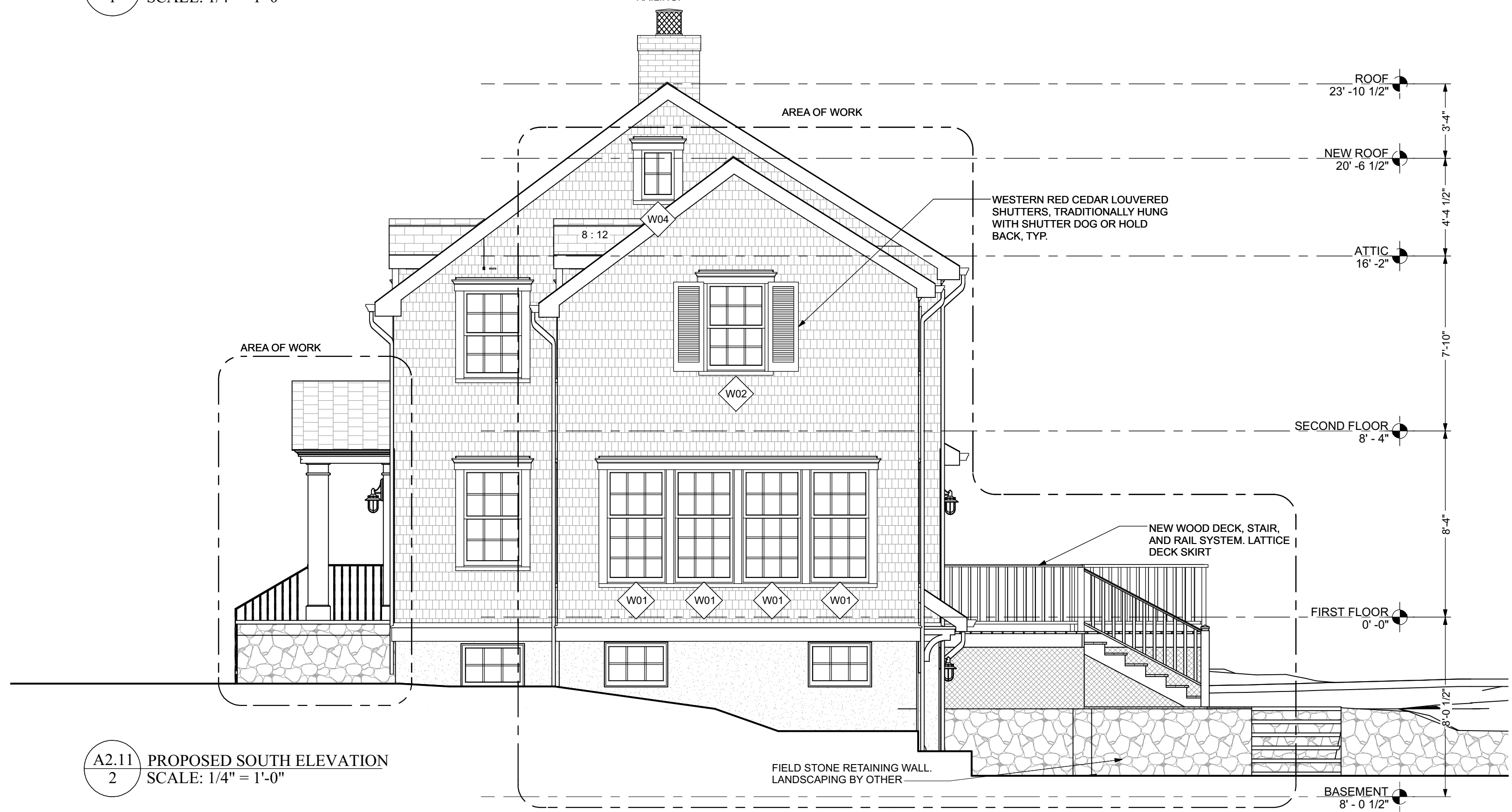
DATE: 10/27/2025
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PROPOSED
FRONT AND
SIDE
ELEVATION

A2.11



A2.11 PROPOSED WEST ELEVATION
1
SCALE: 1/4" = 1'-0"



A2.11 PROPOSED SOUTH ELEVATION
2
SCALE: 1/4" = 1'-0"



A2.12
3
PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"



A2.12
4
PROPOSED NORTH ELEVATION
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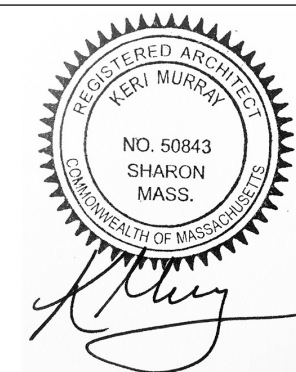


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02494



DATE: 10/27/2025

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

PROPOSED
REAR AND
SIDE
ELEVATION

A2.12













MARIA BELLALTA & another [\[Note 1\]](#) vs. ZONING BOARD OF APPEALS OF BROOKLINE & others. [\[Note 2\]](#)

481 Mass. 372

October 1, 2018 - February 8, 2019

Court Below: Land Court

Present: Gants, C.J., Lenk, Gaziano, Lowy, Budd, Cypher, & Kafker, JJ.

Records And Briefs:

- [\(1\)](#) SJC-12516 01 Appellant Bellalta Brief
- [\(2\)](#) SJC-12516 03 Appellee Jewhurst Brief
- [\(3\)](#) SJC-12516 05 Appellant Bellalta Reply Brief
- [\(4\)](#) SJC-12516 06 Appellee Brookline Zoning Board of Appeals Brief

SJC-12516

Zoning, Nonconforming use or structure, Special permit, Variance, Interior area of residence, Multiple dwelling, By-law. Statute, Construction.

Discussion of the statutory framework of G. L. c. 40A, § 6, regarding preexisting nonconforming lots and single or two-family structures, and of the requirement that where a proposed extension, structural change, reconstruction, or alteration would increase the nonconforming nature of such a structure, a homeowner must obtain a finding from the relevant permit granting authority that the proposed modification would not be "substantially more detrimental" to the neighborhood than is the existing nonconformity. [376-378]

Discussion of the legislative history of and case law construing the second "except" clause in G. L. c. 40A, § 6. [378-381]

The defendant homeowners were not required to obtain a variance in addition to obtaining a special permit from the town's zoning board of appeals (board) to add a dormer to a structure that was a preexisting nonconforming structure under the town's zoning bylaw, due to its floor area ratio, where, even assuming that the proposed project would have constituted an increase to the nonconforming nature of the structure, G. L. c. 40A, § 6, does not require a variance from a local bylaw (i.e., obtaining a finding of no substantial detriment to the neighborhood is all that is required), and a municipality's bylaw may not afford fewer protections to preexisting nonconforming structures or uses than does the governing statute. [381-387]

CIVIL ACTION commenced in the Land Court Department on November 18, 2016.

The case was heard by Keith C. Long, J., on motions for summary judgment.

The Supreme Judicial Court granted an application for direct appellate review.

Jeffrey P. Allen (Donald J. Gentile also present) for the plaintiffs.

Jennifer Dopazo Gilbert for Jason Jewhurst & another.

Page 373

Jonathan Simpson, Associate Town Counsel, for zoning board of appeals of Brookline.

LENK, J. We once again construe the "difficult and infelicitous" language of the first two sentences of G. L. c. 40A, § 6, insofar as they concern single- or two-family residential structures. See *Fitzsimonds v. Board of Appeals of Chatham*, [21 Mass. App. Ct. 53](#), 55-56 (1985). These statutory provisions set forth both the exemption afforded to all legally preexisting nonconforming structures and uses from the application of zoning ordinances and bylaws, as well as how those protections can be forfeited or retained when such nonconforming structures or uses are extended or altered. The statute also accords special protection to single- and two-family residential structures in the event that the nonconformity is altered or extended; it is the extent of that protection in the circumstances here that we clarify.

The defendant homeowners sought to modify the roof of their two-family house and to add a dormer; doing so would increase the preexisting nonconforming floor area ratio. The zoning board of appeals of Brookline (board) allowed the defendant's request for a special permit, after determining that increasing the preexisting nonconforming nature of the structure would not be substantially more detrimental to the neighborhood than the preexisting nonconforming use. The plaintiff abutters, however, challenged the board's action, contending that the statute does not exempt the defendants from compliance with municipal bylaws, and that to do so here would require the defendants to obtain a variance in addition to the special permit. The plaintiffs appealed; a Land Court judge upheld the board's action.

We conclude that the statute requires an owner of a single- or two-family residential building with a preexisting nonconformity, who proposes a modification that is found to increase the nature of the nonconforming structure, to obtain a finding under G. L. c. 40A, § 6, that "such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood." The statute does not require the homeowner also to obtain a variance in such circumstances. We accordingly affirm the judgment of the Land Court.

1. Background. The material facts are not in dispute. The defendants, Jason Jewhurst and Nurit Zuker, own the second-floor condominium unit of a two-family house on Searle Avenue in Brookline. The plaintiffs, Maria Bellalta and Damon Burnard, own a house on Cypress Street that abuts the defendants' house.

Page 374

The two abutting lots are located in a T-5 residential zoning district that encompasses single-family, two-family, and attached single-family houses. While many of the lots on Searle Avenue are undersized according to the Brookline zoning bylaw, the defendants' lot is the smallest; its 2,773 square feet are slightly more than one-half the minimum requirement of 5,000 square feet for a lot containing a two-family house in the T-5 zone.

As to the structure itself, the sole legal nonconformity of the defendants' house, which was in existence when they purchased the property, is the floor area ratio (FAR). [\[Note 3\]](#) The Town of Brookline (town) bylaw requires a maximum FAR of 1.0 for a two-family house in a T-5 zoning district, and the defendants' house has a FAR of 1.14. The proposed renovation project would convert the roof of the house from a hip roof to a gable roof and would add a dormer to the street-facing façade, thereby creating 677 square feet of additional living space on the third floor of the building. [\[Note 4\]](#) This project would increase the already nonconforming FAR from 1.14 to 1.38.

The defendants initially submitted their request for a building permit to the building commissioner; that application was denied. [\[Note 5\]](#) The defendants then submitted a request for a special permit to the board, and the board conducted a public hearing on the request. The abutting plaintiffs opposed the request for a special permit, both in writing prior to the hearing and orally at

Page 375

the hearing. Fifteen other neighbors submitted statements in support of the project; they viewed the proposed roofline as being consistent with the over-all design and character of the neighborhood.

Members of the town's building department and its planning board spoke at the hearing, and presented reports on their review of the project, as did the defendants' architect, who had conducted shadow studies of the effect of the proposed roof on the abutters' property. Statements and reports from town officials indicated that the majority of the houses on the street have partial or full third stories, and are taller than the defendants' existing building. Those officials also noted that the proposed project would make the defendant's

house appear more consistent, both in height and in design, with the others on the street. The board unanimously determined, inter alia, that, pursuant to the requirements of section 9.05 of the bylaw, "[t]he specific site is an appropriate location for such a use, structure, or condition," and "[t]he use as developed will not adversely affect the neighborhood." Accordingly, the board found that the defendants had satisfied the requirements for issuance of a special permit. [\[Note 6\]](#) The defendants did not request a variance. [\[Note 7\]](#)

The plaintiffs commenced an action in the Land Court, pursuant to G. L. c. 40A, § 17, to challenge the board's decision. The parties agreed that the material facts were not in dispute, and filed

Page 376

cross motions for summary judgment. A Land Court judge denied the plaintiffs' motion and allowed the joint motion of the defendants and the board. The plaintiffs appealed to the Appeals Court, and we allowed their petition for direct appellate review.

2. Discussion. We review de novo the allowance of a motion for summary judgment, viewing the facts "in the light most favorable to the party against whom judgment entered." 81 Spooner Rd., LLC v. Zoning Bd. of Appeals of Brookline, [461 Mass. 692](#), 699 (2012), citing Albahari v. Zoning Bd. of Appeals of Brewster, [76 Mass. App. Ct. 245](#), 248 n.4 (2010). A decision on a motion for summary judgment will be upheld if the judge "ruled on undisputed material facts and the ruling was correct as a matter of law" (citation omitted). M.P.M. Bldrs., LLC v. Dwyer, [442 Mass. 87](#), 89 (2004).

a. Statutory framework. In order to understand the parties' claims, some background on the statutory framework is necessary.

A preexisting nonconformity is a use or structure that lawfully existed prior to the enactment of a zoning restriction that otherwise would prohibit the use or structure. See generally G. L. c. 40A, § 6; Shrewsbury Edgemere Assocs. Ltd. Partnership v. Board of Appeals of Shrewsbury, [409 Mass. 317](#), 319 (1991). Preexisting nonconformities become protected when zoning laws change, as a result of the long-standing recognition that "rights already acquired by existing use or construction of buildings in general ought not to be interfered with." See Opinion of the Justices, [234 Mass. 597](#), 606 (1920).

Preexisting non-conforming lots and structures throughout the Commonwealth are protected under G. L. c. 40A, § 6. General Laws c. 40A, § 6, provides, in relevant part:

"[1] Except as hereinafter provided, a zoning ordinance or by-law shall not apply to

structures or uses lawfully in existence or lawfully begun, . . . but shall apply to any change or substantial extension of such use, . . . to any reconstruction, extension or structural change of such structure and . . . to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent [2] *except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the nonconforming nature of said structure.* Pre-existing

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nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure or [\[Note 8\]](#)] use to the neighborhood" (emphasis added).

The language of G. L. c. 40A, § 6, has been recognized as particularly abstruse. See *Willard v. Board of Appeals of Orleans*, [25 Mass. App. Ct. 15](#), 20 (1987) ("The first paragraph of G. L. c. 40A, § 6 . . . contains an obscurity of the type which has come to be recognized as one of the hallmarks of the chapter"). See, e.g., *Fitzsimonds*, 21 Mass. App. Ct. at 55-56. What has become known as the "first 'except' clause" of that statute affords explicit protection to the continuance of previously compliant structures and uses that are no longer compliant with subsequently enacted zoning bylaws. See G. L. c. 40A, § 6. See *Willard*, *supra*. Ordinarily, however, an extension or structural change to a preexisting nonconforming structure or use must comply with the applicable municipal bylaw. See *Rockwood v. Snow Inn Corp.*, [409 Mass. 361](#), 364 (1991). The addition in 1975 of what has become known as the "second 'except' clause, "without accompanying explanation," see *Willard*, *supra* at 18, citing 1974 House Doc. No.5864, further complicated the statute's already difficult language. See, e.g., *Fitzsimonds*, 21 Mass. App. Ct. at 56. That clause extends additional protections to single- and two-family nonconforming structures, and allows as of right the "alteration, reconstruction, extension or structural change" of such a structure, so long as the "extended or altered" structure "does not increase" its "nonconforming nature." G. L. c. 40A, § 6. Where a proposed extension, structural change, reconstruction, or alteration would increase the "nonconforming nature" of the structure, a homeowner must obtain a finding from the relevant permit granting authority that the proposed modification would not be "substantially more

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detrimental" to the neighborhood than is the existing nonconformity. *Id.*

The plaintiffs contend that, in addition to the requirement of G. L. c. 40A, § 6, that the board find the defendants' proposed project would not be "substantially more detrimental" to the neighborhood, the defendants also are required to obtain approval from the board for a variance from the town's bylaw. Because the defendants obtained only a special permit, the plaintiffs argue that the proposed project does not meet the requirements of G. L. c. 40A, § 6. In the plaintiffs' view, the language of the statute, its legislative history, and our existing jurisprudence do not exempt single- and two-family nonconforming structures from the requirement of obtaining a variance under the town's bylaws in order to make any change that would intensify the preexisting nonconformity; the plaintiffs contend also that the requirement of a variance is in addition to obtaining a finding of no substantial detriment under G. L. c. 40A, § 6.

b. Statutory construction. "As with all matters of statutory interpretation," *Commonwealth v. Mogelinski*, [466 Mass. 627](#), 633 (2013), a court construing a zoning act must "ascertain and effectuate legislative intent," as expressed in the statutory language. See S. Singer, 3C Statutes and Statutory Construction § 77:7, at 659 (8th ed. 2018) (Singer). See also *Commonwealth v. Escobar*, [479 Mass. 225](#), 230 (2018). Where, as here, "the meaning of [the] statute is not clear from its plain language, well-established principles of statutory construction guide our interpretation" (citation omitted). *Id.* at 228. Specific provisions of a statute are to be "understood in the context of the statutory framework as a whole, which includes the preexisting common law, earlier versions of the same act, related enactments and case law, and the Constitution." Singer, *supra* at § 77:7, at 692-694. A reviewing court's interpretation "must be reasonable and supported by the . . . history of the statute." See *Mogelinski*, *supra* at 633, quoting *Wright v. Collector & Treas. of Arlington*, [422 Mass. 455](#), 457-458 (1996). Ultimately, we must "avoid any construction of statutory language which leads to an absurd result," or that otherwise would frustrate the Legislature's intent. See Singer, *supra* at § 77:7, at 689. See also *Worcester v. College Hill Props., LLC*, [465 Mass. 134](#), 138 (2013).

The crux of the issue in this appeal turns on the language of the "second 'except' clause," and the extent of the protections it affords to owners of single- and two-family preexisting nonconforming

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structures who seek to intensify those nonconformities. As noted, the second "except" clause had "no identifiable ancestor" in earlier versions of the zoning act, before its appearance "without accompanying explanation . . . in 1974 House Doc. No 5864" (citation

omitted). Willard, 25 Mass. App. Ct. at 18. The "chief document" in the legislative history of the zoning act is a comprehensive report that was prepared by the Department of Community Affairs, which included its proposed recommendations and amendments to the act. See *Bransford v. Zoning Bd. of Appeals of Edgartown*, [444 Mass. 852](#), 867 & n.3 (2005) (Cordy, J., dissenting), citing Report of the Department of Community Affairs Relative to Proposed Changes and Additions to the Zoning Enabling Act, 1972 House Doc. No. 5009 at 35 (DCA report). As concerned the treatment of legally preexisting nonconformities, the DCA report recognized, on the one hand, a goal of effectuating the "eventual elimination of nonconformities in most cases." See DCA Report, *supra* at 39. The report also recognized, however, that, "[o]n the other hand, there is increasing awareness that the assumption it is desirable to eliminate non-conforming uses may not always be valid." See *id.* at 43, 45, 49, 62, 63, 65, 84 (noting constitutional and public policy reasons against eliminating property rights already acquired).

In an effort to reconcile these goals, the DCA report proposed, *inter alia*, a course of action that would have provided extremely limited protections for any modification of a nonconforming structure, such as recognizing only a right to "perform normal maintenance and repair" on such structures. See *id.* at 44. The Legislature rejected this proposal, without stated reasoning, when it instead inserted the language of the second except clause, thereby creating explicit protections for one- and two-family residential structures, and allowing increases in the nonconforming nature of such structures, upon a finding of no substantial detriment to the neighborhood. See G. L. c. 40A, § 6. [\[Note 9\]](#)

To ensure that the protections the Legislature intended to afford

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single- and two-family residential structures are appropriately enforced by permitting authorities, reviewing courts have employed a long-standing interpretive framework construing the second except clause. This framework was first discussed in 1985 in *Fitzsimonds*, 21 Mass. App. Ct. at 56, by Judge Benjamin Kaplan, writing for the court; elaborated upon in *Willard*, 25 Mass. App. Ct. at 18-22; and subsequently adopted by this court in *Bjorklund v. Zoning Bd. of Appeals of Norwell*, [450 Mass. 357](#), 358, 362-363 (2008) (adopting reasoning of concurrence in *Bransford v. Zoning Bd. of Appeals of Edgartown*, [444 Mass. 852](#), 857-858 [2005] [Greaney, J., concurring]). See *Deadrick v. Zoning Bd. of Appeals of Chatham*, [85 Mass. App. Ct. 539](#), 552 (2014) ("a long line of cases, notably including *Bransford* and *Bjorklund*, have held that an alteration that intensifies an existing nonconformity in a residential structure may be authorized under the second sentence of G. L. c. 40A, § 6, upon a finding of no substantial detriment"

[alteration omitted]).

Under this framework, the second except clause first requires the permit granting authority [\[Note 10\]](#) to make "an initial determination whether a proposed alteration of or addition to a nonconforming structure would 'increase the nonconforming nature of said structure'" (citation omitted). Willard, 25 Mass. App. Ct. at 21. This initial determination requires the permitting authority to "identify the particular respect or respects in which the existing structure does not conform to the requirements of the present by-law and then determine whether the proposed alteration or addition would intensify the existing nonconformities or result in additional ones." Id. at 21-22. "If the answer to that question is in the negative, the applicant will be entitled" to a permit to proceed with the proposed alteration. [\[Note 11\]](#) See id. at 22. "Only if the answer to that question is in the affirmative will there be any occasion for

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consideration of the additional question," id. at 22, that is, whether the proposed modification would be "substantially more detrimental to the neighborhood," see id. at 21. The "Willard test should be read as prescribing an entitlement to a building permit, not a special permit or finding, where no intensification of the nonconformity would result" (citation omitted). Bransford, 444 Mass. at 865 n.2 (Cordy, J., dissenting). See, e.g., Deadrick, 85 Mass. App. Ct. at 550 ("It is important to observe at this juncture that the second 'except' clause is directed to differentiating between those changes to nonconforming residential structures that may be made as of right, and those that require a finding of no substantial detriment under the second sentence of [G. L. c. 40A,] § 6"). Only if a modification, extension, or reconstruction of a single- or two-family house would "increase the nonconforming nature of said structure" must it "be submitted . . . for a determination by the board of the question whether it is 'substantially more detrimental than the existing nonconforming use'" pursuant to the sentence that follows the second except clause G. L. c. 40A, § 6" (citations omitted). Bransford, supra at 857-858 (Greaney, J., concurring).

c. Relief requested by the defendants. With respect to the defendants' plans to add 677 square feet of living space by adding a dormer to the third floor of their house and modifying the design of the roof, the framework first required a determination whether, and in what respect, the defendants' proposed extension would increase the nonconforming nature of the two-family structure. See Willard, 25 Mass. App. Ct. at 21-22. The board determined that the proposed project would increase the extent of the already nonconforming FAR, [\[Note 12\]](#) a determination that the parties did not dispute,

and then proceeded to consider whether the defendants' house after modification would be substantially more detrimental to the neighborhood. Concluding that it would not, the board issued the requested zoning relief.

The board, however, did not consider whether the increase in

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the nonconforming FAR from 1.14 to 1.38 would increase the "nonconforming nature," G. L. c. 40A, § 6, of the defendants' property, and such a determination is hardly self-evident. At the hearing, a member of the town's building department described the requested relief as "minimal," and several members of the planning board described it as "modest." We previously observed that certain small-scale extensions, such as the addition of a dormer, a porch, a sunroom, or a two-car garage, among others, would not, as a matter of law, constitute an intensification of the nonconforming nature of a structure. *Bjorklund*, 450 Mass. at 362-363. "Concerns over the making of small-scale alterations, extensions, or structural changes to a preexisting house are illusory. . . . Because of their small-scale nature, the improvements mentioned could not reasonably be found to increase the nonconforming nature of a structure." *Id.*

As the parties have stipulated to the material facts, however, we assume, without deciding, that the proposed project, taken as a whole, would have constituted an increase to the nonconforming nature of the structure. Accordingly, we turn to the plaintiffs' contention that, because no provision of the town's zoning bylaw would have allowed the requested increase in the FAR, G. L. c. 40A, § 6, also requires that the defendants obtain a variance from the town's zoning bylaw.

d. Town's bylaw. In *Gale v. Zoning Bd. of Appeals of Gloucester*, [80 Mass. App. Ct. 331](#), 337 (2011), the Appeals Court confronted a similar issue. There, the zoning board of appeals had granted relief allowing the proposed reconstruction of a residence that would have increased the nonconforming nature of the structure. *Id.* at 333. The board in that case determined that the reconstructed house, which would extend beyond the footprint of the original house, and would increase the preexisting nonconformities in the setback requirements of the city of Gloucester's zoning bylaw, would not result in a substantial detriment to the neighborhood, and allowed the homeowner's request for a special permit. *Id.* at 332-333. After concluding that "literal enforcement" of the zoning bylaw would create a personal and financial hardship for the property owners due to the size, shape, steep grade, and outcroppings on the property, the Gloucester board also granted the homeowners a variance. *Id.* at 333. The abutting homeowners challenged the board's decision in the Land Court; they argued that the issuance of the variance was in error

because the request did not meet the requirements for issuance of a

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variance. *Id.* A Land Court judge held that the determination that the reconstruction would not have resulted in a substantial detriment to the neighborhood was all that was required under G. L. c. 40A, § 6. See *Gale*, *supra* at 333-334; *id.* at 337 (variance is not required "as an additional step when proceeding to the no substantial detriment finding under the second sentence" exception for one- and two-family houses). See also *Deadrick*, 85 Mass. App. Ct. at 553 (affirming that variance is not required for owners of one- and two-family properties to increase legally preexisting nonconformity). [[Note 13](#)]

We note also that, since its enactment in 1975, see St. 1975, c. 808, § 3, the Legislature has amended G. L. c. 40A, § 6, numerous times. See St. 1977, c. 829, § 3D; St. 1979, c. 106; St. 1982, c. 185; St. 1985, c. 494; St. 1986, c. 557, § 54; St. 1994, c. 60, § 67; St. 1996, c. 345, § 1; St. 2000, c. 29; St. 2000, c. 232; and St. 2016, c. 219, § 29.

Presumably, the Legislature therefore has adopted the framework first described in *Fitzsimonds*, 21 Mass. App. Ct. at 56, and most recently discussed in detail in *Gale*, 80 Mass. App. Ct. 336 -337. Where a statute or provision that has been given a particular construction by the courts is reenacted "without substantial change, it is generally fair to assume the legislature is familiar with that interpretation and adopted it." See *Singer*, *supra* at § 77:7, at 711. Indeed, when the Legislature "enacts or amends a statute, courts presume it has knowledge of . . . relevant judicial and administrative decisions, and it passed or preserved cognate laws to serve a useful and consistent purpose." *Id.* Where, as here, the Legislature has had considerable occasion to amend G. L. c. 40A, § 6, and repeatedly has amended the statute without changing the language at issue, we presume that it has adopted the construction of the statute upon which Massachusetts courts -- and this class of homeowners -- have relied. We leave that framework undisturbed.

Accordingly, in keeping with the Legislature's intent as it pertains to the special protections afforded one- and two-family residential structures, a variance from the local bylaw is not required by G. L. c. 40A, § 6; obtaining a finding of "no substantial detriment to the neighborhood" is all that is required. See *Rockwood*, 409 Mass. at 364 (single- and two-family residences are

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given "special protection" with regard to their existing nonconformities); *Gale*, 80 Mass. App. Ct. at 337 (outlining "special treatment" explicitly afforded to single- and two-family residential buildings); *Dial Away Co. v. Zoning Bd. of Appeals of Auburn*, [41 Mass. App. Ct.](#)

[165](#), 170-171 (1996) (if not for "special status" of nonconforming single and two-family residences, "the by-law would probably apply").

Indeed, given the difficulties and expense associated with obtaining a variance, as well as in obtaining a finding of no substantial detriment, construing the statute to mandate both well could render illusory the protections the Legislature intended to provide these homeowners. [\[Note 14\]](#) See Bransford, 444 Mass. at 870 n.7 (Cordy, J., dissenting) ("without question [the process of obtaining a special permit or variance] renders many home improvements more costly and subject to the discretionary determinations of local zoning boards"). Requiring single- and two-family homeowners to obtain both under these circumstances would render it nearly impossible for the homeowners to renovate, modernize, or make any substantial improvements to an older home, particularly if those improvements would increase the nonconforming nature of the structure. This could, as a practical matter, make it economically infeasible to modify a nonconforming home in any but the most minimal ways, could curtail the ability to sell such a house, and, accordingly, could result in a reduction in the amount of available affordable housing, as well as potentially reducing the town's population and the municipal tax base. Indeed, as noted in Bransford, 444 Mass. at 869-870 (Cordy, J., dissenting), "application of the [plaintiffs'] reasoning is not without practical consequence to the multitude of citizens who own homes in cities or towns that, at some recent point, have attempted to limit growth by increasing minimum lot sizes, often

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dramatically. The need to secure findings or special permits through lengthy, costly, and discretionary local zoning processes for any improvement that might increase the living space or footprint of a house might put such improvements out of reach for many homeowners. Requiring homeowners to run such an administrative gauntlet impedes and burdens the upgrade of a large part of our housing stock."

Given this, we do not think that the Legislature intended to require single- and two-family homeowners to undertake the laborious process of seeking both a special permit and a variance. To construe G. L. c. 40A, § 6, in this way would place an additional burden on this limited class of homeowners, contrary to the clear statutory intent to provide them with special protections under the second except clause. See *Flemings v. Contributory Retirement Appeal Bd.*, [431 Mass. 374](#), 375376, (2000), citing *Manning v. Boston Redevelopment Auth.*, [400 Mass. 444](#), 453 (1987) ("If a sensible construction is available, we shall not construe a statute to make a nullity of pertinent provisions or to produce absurd results").

Finally, the plaintiffs contend that the decisions in both *Gale* and *Deadrick* were erroneous, and do not comport with this court's language in *Rockwood*, 409 Mass. at 364. In *Rockwood*, *supra*, the court stated in dictum that "even as to single or two-family residences, structures to which the statute appears to give special protection, the zoning ordinance or bylaw applies to a reconstruction, extension, or change that would intensify the existing nonconformities or result in additional ones" (quotations omitted). *Id.*, quoting *Willard*, 25 Mass. App. Ct. at 22. *Rockwood*, however, involved the application of G. L. c. 40A, § 6, to a commercial inn, and accordingly did not involve the special protections from compliance with a local ordinance afforded to one- and two-family houses. Further, consistent with our holding in *Bransford*, 444 Mass. at 858-859, to the extent that the obiter dictum expressed in *Rockwood* might suggest otherwise for one- and two-family houses, it is incorrect.

The plaintiffs emphasize that no provision of the town's bylaw would permit the increase in the FAR sought here, and the defendants do not contest this assertion. [\[Note 15\]](#) Our prior jurisprudence, before *Gale*, 80 Mass. App. Ct. at 331, involved situations

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in which the local bylaws at issue were coextensive with the language of G. L. c. 40A, § 6, thus serving as a mere procedural implementation of the statute's requirements. See, e.g., *Bjorklund*, 450 Mass. at 357-358; *Bransford*, 444 Mass. at 855; *Rockwood*, 409 Mass. at 364; *Willard*, 25 Mass. App. Ct. at 19-20. By contrast, the town's bylaw does not contain a parallel provision implementing the language and requirements of G. L. c. 40A, § 6. Rather, section 8.02(2) of the bylaw provides that any nonconforming structure or use "may be altered, repaired, or enlarged, except that any nonconforming condition may not be increased unless specifically provided for in a section of this By-law." To the extent that no provision of the bylaw would permit the increase in FAR that the defendants seek, a zoning variance would be required, in addition to the requisite finding of no substantial detriment under G. L. c. 40A, § 6, in order to permit a modification that would increase the "nonconforming nature" of the two-family structure.

General Laws c. 40A, § 6, however, creates a statutory requirement that "sets the floor" throughout the Commonwealth for the appropriate protections from local zoning bylaws to be afforded properties and structures protected under that statute. See *Rourke v. Rothman*, [448 Mass. 190](#), 191 n.5 (2007). As such, the statute prescribes "the minimum of tolerance that must be accorded to nonconforming uses." (citation omitted). See *id.* A municipality's bylaws may not afford fewer protections to preexisting nonconforming structures or uses than does the governing statute. See, e.g., *Schiffenhaus v. Kline*, [79 Mass. App. Ct. 600](#),

605 (2011), quoting Planning Bd. of Reading v. Board of Appeals of Reading, [333 Mass. 657](#), 660 (1956) ("It is axiomatic that '[a] by-law cannot conflict with the statute'"). The board determined as much, construing its own bylaw as prescribing only a finding of no substantial detriment in order to issue the requested zoning relief. See Plainville Asphalt Corp. v. Plainville,

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[83 Mass. App. Ct. 710](#), 713 (2013) (applying "corollary principle that statutes or bylaws dealing with the same subject should be interpreted harmoniously to effectuate a consistent body of law"). Because the governing statute and its interpretive framework do not require a variance here, a municipality's bylaw may not do so.

Judgment affirmed.

FOOTNOTES

[\[Note 1\]](#) Damon Burnard.

[\[Note 2\]](#) Jason Jewhurst and Nurit Zuker.

[\[Note 3\]](#) A building's floor area ratio (FAR) compares the gross floor area of the building to the area of the lot upon which it is built. See generally Institute for Local Government, Land Use and Planning: Glossary of Land Use and Planning Terms, at 24 (2010). A provision of the town of Brookline's (town's) bylaw entitled "Floor Area Ratio" provides that, "[f]or any building . . . the ratio of gross floor area to lot area shall not exceed the maximum specified in the Table of Dimensional Requirements." See Town of Brookline Planning and Community Development Dep't, Zoning By-Law, Art. V Dimensional Requirements, at § 5.20 (May 24, 2018). The table of dimensional requirements specifies that the maximum FAR for a two-family house in a T-5 residential zoning district is 1.0. *Id.*

[\[Note 4\]](#) A hip roof is a structural design in which each side of the roof slopes downward from a central ridge toward the walls of the building. With a gable roof, only two sides slope downward from a central ridge. See C. M. Harris, *American Architecture: An Illustrated Encyclopedia*, at 142, 174 (1998). A dormer is a structure, often containing a window, that projects vertically beyond the plane of the roof. See *id.* at 174.

[\[Note 5\]](#) The record before us does not reflect the grounds for the denial. We note, however, that section 9.05.1 of the zoning bylaw requires specific findings by the board of appeals in order to increase a nonconformity in a nonconforming structure.

[\[Note 6\]](#) Although the board's decision does not contain an explicit finding that the project would not be substantially more detrimental to the neighborhood than the existing structure, the Land Court judge appropriately noted that the finding is implied by the board's decision to grant the requested relief for a special permit, as well as its reference to the requirements of G. L. c. 40A, § 6. While the board made a finding under the language of the zoning bylaw that

"the use as developed will not adversely affect the neighborhood," the board allowed issuance of the special permit after having heard numerous professional and lay opinions using the language that the project would not result in a "substantial detriment." Further, a finding of "no adverse effect" arguably is a much more stringent standard than a finding of "no substantial detriment." The parties properly do not dispute that the board found that the project would not result in a substantial detriment to the neighborhood.

[\[Note 7\]](#) A variance is a grant of relief from certain provisions in a municipality's zoning ordinance; such a deviation from the bylaw may be allowed only upon a finding that "owing to circumstances relating to the soil conditions, shape, or topography of such land or structures . . . , a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner" and that "desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law." G. L. c. 40A, § 10.

[\[Note 8\]](#) In *Willard v. Board of Appeals of Orleans*, [25 Mass. App. Ct. 15](#), 21 (1987), the Appeals Court construed the statutory exception for extensions or alterations to nonconforming uses in G. L. c. 40A, § 6, as including nonconforming structures, in addition to nonconforming uses. Subsequent jurisprudence has continued to construe the statutory language as applicable both to nonconforming uses and structures. See, e.g., *Bransford v. Zoning Bd. of Appeals of Edgartown*, [444 Mass. 852](#), 857 (2005) (Greaney, J., concurring).

[\[Note 9\]](#) In support of their proposed reading of the statute, the plaintiffs argue the inequity of requiring, in identical circumstances, a conforming structure such as theirs to obtain a variance when a nonconforming structure need not do so. The inequity is not so apparent when one considers that conforming houses on conforming lots would not require even a special permit to undertake many modifications where, absent the statutory protections afforded one- and two-family nonconforming houses, comparable modifications would require a special permit or variance. More fundamentally, however, and as discussed supra, the Legislature chose to protect certain limited existing housing stock, as it was free to do. Not all housing stock is treated the same by the Legislature, and owners of nonconforming three-family houses, for example, might also find cause to complain in such legislative line-drawing. Perceived inequities resulting from legislative choices do not affect our construction of the statute.

[\[Note 10\]](#) The permit granting authority is statutorily defined as "the board of appeals or zoning administrator." See G. L. c. 40A, § 1A. The concurrence in *Bransford* pointed out that the initial determination "more appropriately should be conducted by the building inspector or zoning administrator" in the first instance. *Bransford v. Zoning Bd. of Appeals of Edgartown*, 444 Mass. at 858, nn.8, 9 (Greaney, J., concurring), citing *M. Bobrowski*, *Massachusetts Land Use and Planning Law*, § 6.06 (2d ed. 2002).

[\[Note 11\]](#) Earlier cases loosely used the term "special permit" to describe the process by which nonconforming one- and two-family homeowners can proceed with modifications or alterations to their nonconforming homes. See, e.g., *Bransford*, 444 Mass. at 864 n.2 (Cordy, J., dissenting). Our reference to the "permitting procedure" and the "permit granting authority" encompasses any designated process by which municipalities allow their residents to proceed with home building renovations in the ordinary course.

[[Note 12](#)] As mentioned, although the defendants in this case first sought approval for the project from the town's building commissioner pursuant to the procedures outlined in Bransford, *supra* at 857-858, the request was denied. As a result, the defendants submitted their application to the town's zoning board of appeals.

[[Note 13](#)] As the parties agree that in this case the question involves an increase in a preexisting nonconformity, we need not address the issue presented in *Deadrick v. Zoning Bd. of Appeals of Chatham*, [85 Mass. App. Ct. 539](#), 553 (2014), concerning the creation of a new nonconformity.

[[Note 14](#)] The burdens that an applicant must meet, both to obtain a variance and to retain it on appeal, see *Kirkwood v. Board of Appeals of Rockport*, [17 Mass. App. Ct. 423](#), 427 (1984), are significant. See, e.g., *Wolfson v. Sun Oil Co.*, [357 Mass. 87](#), 89-91 (1970) (where board's findings inadequate, judge on appeal can annul issuance of variance without considering its merits); *Gamache v. Acushnet*, [14 Mass. App. Ct. 215](#), 220 (1982) (requirements for findings to support variance are "rigorous"). Although the requirements and expenses of obtaining a special permit or a finding of no substantial detriment certainly are not small hurdles, they are not of the same magnitude. See *Mendes v. Board of Appeals of Barnstable*, [28 Mass. App. Ct. 527](#), 531 (1990) (grant of variance is "grudging and restricted," while grant of special permit is "anticipated and flexible").

[[Note 15](#)] Section 8.02 of the bylaw permits an "alteration or extension" of a nonconforming use, but provides that "any increase in volume, area, or extent of the nonconforming use shall not exceed an aggregate of 25 percent during the life of the nonconformity." Section 5.22 of the bylaw, "Exceptions to Maximum Floor Area Ratio (FAR) Regulations for Residential Units," permits exceptions for additional floor area for buildings where the certificate of occupancy was issued at least ten years previously, and provides that "[e]xterior modifications to accommodate an exterior addition or interior conversion shall include, without limitation the addition of a dormer, penthouse, cupola, windows, doors or the like." The defendants' proposed addition would result in an increase in the extent of the existing nonconforming FAR of 1.14 to an ultimate FAR that would be thirty-eight per cent higher than the permitted FAR of 1.0, and thirteen per cent higher than the maximum exception of twenty-five per cent.

NEEDHAM PLANNING BOARD MINUTES

September 16, 2025

The Needham Planning Board meeting, held in the Charles River Room of the Public Services Administration Building, and virtually using Zoom, was called to order by Artie Crocker, Chairman, on Tuesday, September 16, 2025, at 7:00 p.m. with Messrs. Block, McCullen and Greenberg, Director of Planning & Community Development, Ms. Newman and Assistant Planner, Ms. Clee.

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

ANR Plan – Ross M. Jones, Property Owner (Property located at Parcel 1 and 2 at 0 Parkvale Road, Needham, MA).

Ms. Newman noted the property is being developed into 2 separate lots. One lot will go to 44 Parkvale Road. The other lot will remain as a separate non-buildable lot. This has been reviewed by Engineering and appropriate notes are on the plan. She feels it is appropriate to endorse. Mr. Block asked if all 3 lots are one lot now. Ms. Newman noted Lot 1 was adjacent and was one lot now being divided into Parcel 1 and Parcel 2. Parcel 1 is going to Lot 1 and Parcel 2 is non-buildable.

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

VOTED: to accept the ANR Plan as in the packet.

Public Hearing:

7:00 p.m. – 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.

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

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

Mr. Crocker noted the following correspondence for the record: an email from Police Chief John Schlittler, dated 9/10/25, with comments regarding parking; an email from Tara Gurge, of the Public Health Department, dated 9/8/25, with comments regarding dust, rodents, dog walking and lighting; an email from Fire Chief Tom Conroy, dated 8/27/25, with no comments; an email from Building Commissioner Joseph Prondak, dated 9/16/25, with comments regarding construction management plans; a letter from Town Engineer Thomas Ryder, dated 9/11/25, with comments regarding wastewater, traffic and stormwater; an email from Susan and Michel Herman, dated 9/10/25, regarding rodent control; and an email from Glenn Mulno, dated 9/11/25, with comments regarding a crosswalk near Morton Street.

Timothy Sullivan, Attorney with Goulston & Storrs, reviewed the properties existing conditions and background. He noted the building has been vacant for a number of years. Zoning has been approved for this site. This is an extensive project that is as of right. Everything that was talked about in HONE is in this plan. The applicant is here for the Site Plan Approval process. They went to the Design Review Board (DRB) last week and talked about site lighting, screening and landscaping the MBTA tracks, trees and parapets. The applicant is here for the formal hearing. Brian O'Connor, Partner Architect with Cube 3, stated this is an amazing site. It is sandwiched between the train tracks and Highland Avenue with northern frontage

right on the green and a southern frontage that tucks into residential. This will really be developed as a transition. They want to use the zoning that was well set up for this and gave a lot of thought about how to use that zoning. The scale of the building is broken down by using green space. There will be visible public usable green spaces on the neighborhood side.

Mr. O'Connor noted the existing curb cuts will be maintained. There will be 189 units in 3 stories with direct access front door units on the main street and the project will be passive house. There will be low flow fixtures, LED lighting and all electric mechanicals. There is a tight building envelope. The roof area will have 40% open for potential solar. All mechanicals are very low centered in the middle and the potential for solar will be explored. They are currently exploring the potential for adding a roof deck. He showed the scale of the building. There will be warmer tones to the building materials with texture and rhythm to the building broken into parapet lines for vertical breaks in the building. There will be real textural differences from the roof line and a transition in the architecture. Materials have been shifted to recognize the residential edge and commercial side.

Zachary Richards, Senior Project Manager at Bohler, stated he has been in close contact with the DPW and Fire Departments. The DPW made some comments but nothing major. The project will comply with all regulations. The project was well received by the Fire Department. Construction will be key. There were minimal comments on how the site lays out. The site is well served by the Highland Avenue and West Street utility infrastructure. There are good sized sewer and water drain mains and electrical infrastructure. There are current subsurface infiltration systems with a good chamber system. The project will provide water treatment attenuation with overflow discharge to existing drainage points today. There is a 12-inch main in the right of way and it will serve off West Street. A series of hydrants are being proposed. Sewer service will be off Highland Avenue. Electric will be underground with pad mounted equipment in the rear off the parking lot.

Mr. Richards gave an overview of the landscaping. The 2 curb cuts will loop around the building where it dead ends. Today it goes 360 degrees around the building. There will be a lot of street trees at the back of the sidewalks. It complements the walk ups to the building direct and blends with the community and adjacent park across the street. The project is meeting the zoning requirement minimum for number of trees and a fence is being provided along the MBTA tracks as well as some trees. There is a larger open space park to the left. There will be no spillover of light, with pole lights and a transition to pedestrian level pole lights and accent lighting in the parking area. There will be industry standard light levels, and the lighting will be dark sky compliant.

Tim Beinart, Director at Greystar Development East, LLC, noted there are setbacks and open space requirements. The landscaping is more than what is required and there is a maximum setback along Highland Avenue. The curb cuts will be maintained in both places. The east courtyards will face out to Highland Avenue. At the main entry there will be seat walls and a potential fire pit. The larger green open space is more of a passive space. There will be some tables and benches, patios and lawn. A sense of community will be created. The west courtyards will be more active spaces. There will be fire pits, TVs, grill areas and a lawn area for games. The open space is the opportunity to transition from the development to the abutting neighborhood. There will be a great community space open to the public. Most bike racks will be located here and there will be a fenced in playground and walking paths. A community garden and dog area are being considered. Potentially there will be some benches and tables.

Robert Michaud, Principle at MDM Transportation Consultants, stated they studied gateways to and from the site. This included the West and Hillside Avenue signal, existing driveways and West, Morton and Highland Avenue. Baseline traffic was documented in Spring when school was in session. This will be a modest traffic generator. They used a conservative way of estimating how much traffic it would generate. There is ample capacity in this area to accommodate this. The drive aisles have been configured to allow emergency vehicles and traffic flow. Public transportation is 13% of traffic historically and 73% are in single occupant vehicles. The trends have changed a bit and currently 28% work from home. Public Transport is still an important mode. Not all trips are single occupancy vehicles. He applied the industry standard to estimate the volume. The weekday a.m. peak is 7 of 10 trips oriented to the signal at West and Highland. That is less than one new vehicle per minute. Going south on Highland in the a.m. there are less than 20 new trips per hour. The weekday p.m. has a higher percentage returning to the site but the volume increase is in line with the a.m. peak.

Mr. Michaud noted the average amount of delay estimated today and in 7 years and there are no failings. He noted D or better is acceptable. All these intersections work at C or better. There is ample capacity. He reviewed what the proponent could do to manage traffic on site. There will be an on-site coordinator who will get information out to tenants on alternative travel modes, schedules, and facilities nearby and there will be incentives for public transit use. Parking spaces will be unbundled from leases. The applicant feels this will encourage less cars. There will be plenty of bike racks and on-site amenities. Mr. Beinert reviewed the waivers being requested. The requirement is one parking space per unit. There will be 189 units, and the proposal is 186 parking spaces. That is .98 space per unit. The purpose of the waiver is for green space. There could be 3 more spaces, if necessary, by getting rid of islands but they feel what is being proposed is the best. For clarification, the requirement is 10% open space in parking, which they have. Then 25% must be interior to the site. They view the green space islands to be interior to the site. If the Board does not agree a waiver will be requested for that. He noted all materials for the site plan review criteria has been submitted and all submittal requirements have been met. The project meets all development standards and the 12½% affordable housing requirement. With the 3-space waiver they will meet the parking requirements and comply with all requirements and request the Board approve the project.

Mr. Crocker noted the applicant stated solar would be researched. He wants them to keep in mind solar across the entire building is now allowed. He stated green roofs and roof decks are a pretty nice way to impact buildings. He asked what is at the northeast corner of the building. Mr. Beinert stated an amenity space, and the edges of the corner are also units. They are trying to get as much transparency and glazing possible. He asked, on the overhead color shot, what are what look like crosswalks going out to Highland Avenue. Mr. Beinert noted that is the limit of the work and where some utilities are going to come out. Mr. Crocker asked the caliper of the trees and was informed 1½ to 2 inches is typically the minimum. Mr. Beinert noted along the MBTA tracks they are sensitive to screening and are trying to keep the existing larger trees in the open space. Mr. Crocker asked about the playground. Mr. O'Connor noted there is a walking path connected to the sidewalk that will go to a playground, community garden and dog park. Mr. Crocker asked about bike racks. Mr. O'Connor noted there is a one-to-one requirement and 25% needs to be inside the building. He described where the racks will be located.

Mr. Crocker asked if the unbundled parking spaces could be bought by any unit. It was noted there is a fee for parking that is separate from the rent. Mr. Crocker asked if someone leaves, and has not rented a space, will there be a space available for the new tenant. Mr. Block noted it was a free market. Mr. Crocker asked how many employees there were and where would they park. Mr. Michaud stated there are typically 6 employees, 3 maintenance workers and 3 leasing professionals, and some will live on site. Typically employees park on site. Mr. Crocker clarified there is no additional parking for employees. Mr. McCullen appreciated all the work including the traffic study. He asked why only 4 intersections were studied. Other intersections have knock off implications like Hunnewell and West at Central. He assumes there will be no left turn onto West Street. Mr. Michaud noted they usually studied in greater detail additional locations where traffic will split off with 100 vehicles or more or a 5% increase.

Mr. McCullen noted the study did not include the DOT project that is updating all the way down the Highland Avenue corridor. He stated there used to be 3 trains overnight in Needham pre-Covid. Currently the trains are oriented in South Station temporarily, but they may come back. The site has had complaints about vibration and noise. He asked if there was any mitigation for that. Mr. Michaud stated emissions and idling have been taken into account. They had a sight and sound study done during train events. Vibrations will be minimal and train horns will be about 50 or 60 decibels. The building will be passive house so the interior will have 3-foot rigid insulation and be air-sealed. There will be fully mechanical insulation. Mr. McCullen noted there are 32 train trips outside of Needham and 40% of those blow their horn each day at this location. He asked how high the fences are going to be and was informed there would be 8-foot wooden fences.

Mr. McCullen asked about emissions. By law the trains need to be turned on one hour before. There will be Hepa filters, but a study was not done on that. Mr. McCullen noted one resident put in a request for a crosswalk. Mr. O'Connor stated that was a fair comment but it is a little more than a simple crosswalk. He has talked to the applicant about that. Mr. Greenberg stated this was well thought out and prepared. He asked the usage rate of parking by residents. He was informed .8 to .9 is the typical usage rate. Mr. Greenberg noted some may not want to pay for parking. What measures have been taken at other projects that could be done given that parking is not permitted overnight? Mr. Beinart stated he would be glad to include in the lease the tenants sign that they cannot park on the street. Mr. Greenberg asked if there would be

dedicated curb side delivery for food. It will be in front at the primary entrance if approved. Mr. Greenberg wants to make sure parking spaces stay available. He is concerned drivers may park right in front of the units to deliver.

Mr. Block stated it is a great project. He appreciates the design, attention and blending to a more residential feel throughout. He clarified this is a site plan review and not a special permit. The Health Department laid out specific conditions, and he assumes the project will be compliant. The police were concerned with parking. There are 189 units, 186 parking spaces and 6 will be for employees, which leaves 180 spaces. Are there any projections of how many units will lease spaces? It was noted the usage is typically .8 or .9. Will Harned, of Greystar, stated the utilization rate is closer to .6 to .7 in Chelsea. They see a .75 to .85 utilization rate closer to transit. Mr. Block stated his calculations are .95, which is above their thresholds. He has not looked at site circulation but there is a heavy pedestrian expectation. He asked if the applicants have studied what residential traffic mitigations they could do for the town down to Hillside near the Senior Center to help with the crossings. The applicant will look at that. Mr. Block noted the on-site traffic coordinator and asked if that is a 7th full time employee on site. There is an on-site employee in the leasing office to prepare leases who will give out information on parking, transit schedules, location of bike racks and such.

Mr. Crocker asked where the guest parking will be located. Mr. Harned noted a few spots will have to be designated. There are parallel spaces all along Highland Avenue. Mr. Crocker asked if spaces are not bought could the visitors use any vacant spot? Mr. Harned stated if the spot is reserved it would not be able to be used. Mr. Crocker asked if the space would say reserved or how the visitors would know. If someone is in their spot the tenant could go to the leasing professional. Mr. Crocker would like more information on the sound of trains. Passive house has higher insulation but sound coming into units is problematic. Will there be a thermal break? Mr. Beinert stated it is required to be thermally broken façade systems. Mr. Crocker asked the dimensions of the walls and was informed 6 inches with 3 inches exterior. A discussion ensued regarding sound attenuation. The applicant has no concerns meeting expectations.

Mr. Crocker opened the hearing for public comment. Jeanne McKnight, of Rosemary Ridge Condominiums and former member of the Planning Board, thought deliveries were to the rear. Traffic studies say deliveries will be in front off Highland Avenue. Why are all deliveries not in the rear? She noted there would have to be hardscape for deliveries. Mr. Beinert stated he could explore having deliveries in the back. It is just typical for deliveries to be to the front door. Ms. McKnight stated the traffic study did not focus on West and Hillside and the need for crosswalks there. Mr. Michaud stated West Street is not expected to be a primary route to this site. He is willing to work with the town for pedestrian safety. They will prohibit left turns and going over the tracks.

Frank Flynn, Town Meeting member Precinct J, asked the demolition schedule and what mitigations there will be for dust and vermin. He also asked if there were any mitigations about lighting from the apartments themselves going out to the street, traffic and parking as he feels cars will go to Morton, Mellon or Carey Roads and there will be guest parking over spill. He feels people will want to park in free parking that is not metered. Mr. Harned reviewed the demolition schedule, which will be 3 to 4 months. They have already engaged the Fire Department and MBTA. There will be dust monitoring and VOC monitoring over the 3-4 months. Demolition will be West Street down to the south. Construction will start at West and go south. The first building will have a fire wall so they can start leasing while the rest of the building is completed. Mr. Crocker commented, with regard to lights from apartments, they are not going to discuss that. He agrees that guest parking is a question mark. Mr. Beinert stated visitors would not pay for a parking spot. If there is an unused spot it can be used overnight. Some guest spots could be designated. He noted there will be people there to help 24 hours a day. Mr. Michaud stated there is no data that Mellon, Morton or Carey are cut through streets. He does not feel this project will add a substantial amount of cut through traffic and does not feel there is a need for signs.

Jane Volden, of 133 Brookside Road, is concerned with parking. The requirement was 1½ cars per unit and that was reduced to one car per unit with the MBTA Communities Act. There will be staff parking on site and there needs to be visitor parking available. The applicant needs to increase the parking. There is no local transportation within the Town of Needham. People would need a car to drive kids and some people could request 2 spaces with all the 2- and 3-bed units. The project will have people parking on side streets. Mr. Sullivan stated zoning is one space per unit. They are not obligated to count employees or residents. There is a desire to provide open space. They do have islands for green space that could be converted to spaces if needed but they are asking for a waiver of 3 spaces. Mr. Block commented it is really a waiver of

9 spaces with the 6 staff parking spaces that are not applicable to the residents. Mr. Sullivan reiterated the zoning is one space per unit and they comply with that.

Susan Koslow, of 55 Gary Road, noted this is a big project for the Heights and there is a resident preference for trees. The visual impact is bigger than the old building. She feels the large trees should be kept. That would keep it more walkable. She feels larger trees should be planted. She noted there are a lot of vermin issues and pest control will be needed during construction. Outside grills will bring vermin and should be eliminated. Dust is a health issue and should be contained. She stated Needham drivers are aggressive and 1062 Highland Avenue and the Muzi site were not taken into account. She walks extensively and the West Steet intersection fails. The developer needs to be included in the solution. 0Avery Common is a town property and an important consideration. She is concerned with losing on street parking. The Police Chief stated 186 spaces in not enough for 189 units. The Planning Board should have an independent study done. Somethings need to be addressed including Carey Road in the study. Molly Line, of Hillside Avenue, stated vermin is really a concern lately. She hopes that would be addressed and there would be notification to the public when demolition is going to begin.

Dan Goldberg, of 188 Tudor Road, commented there was no mention of the Senior Center. The developer should market to the Senior Center. He agrees with Ms. McKnight that the Board should pay attention to deliveries, which should be in the back. People will come down Highland, take a right onto West and a left into the lot. They will not go further down. Avery used to have a sign when you came out by Morton that you have to take a right and there was no entrance on Morton. Ken Buckley, of 221 Warren Street, stated his largest concern is the neighborhood impact. He would ask that some contingencies be documented on what happens if things do not work out. The developer could make arrangements with local shops/properties to use their parking during certain times. Mr. Flynn commented this is a great project with a little respect for modifications requested. Mr. Sullivan asked if the intent of the next meeting is to give responses. Mr. Crocker stated parking is a big one and where employees will park. Also, the caliper of trees would give a bigger visual impact at the beginning.

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

VOTED: to continue the hearing to 10/7/25.

Discussion with brokers, landlords and tenants on Center Business reform.

Mr. Crocker noted business owners, landlords and tenants were invited in to give input on what changes they are looking for in the center of town. David Downing, of 146 Warren Street, is a commercial Real Estate Broker. His focus is primarily ground floor retail. He talked about parking and the use table. Banks are as of right where restaurants are by special permit is his understanding. He has worked throughout Greater Boston for 20 years and his passion lies with working with small businesses. He has worked in towns where banks need to apply for special permits so all businesses have a chance and restaurants were as of right. In Needham, banks pay a premium so they can be on a corner. If there was some formula basis statute applicants would need to come to the Board if they meet the criteria for businesses. It could be thought about to control chains and support small businesses. Maybe loosen some restrictions like special permits for restaurants as they just add to the cost.

Robert Hentschel, of 11 Parkman Way, works for Petrini who has some property in the town center. He stated some uses are very wordy and he is not sure what they are driving at. For example, airports are not allowed in the Center Business District. These documents are very intimidating. The uses should state clearly what the town wants to do and what it does not want. In the use table not allowed is a hotel or motel in the Business District. He feels it should be allowed. It would create vibrancy downtown. A brew pub is allowed for Chestnut Street only and allowed on one side of the street. The use table should be more generic and broader which would attract more. There should be some information in table form and some in narrative form. Mr. Block stated the purpose is to discuss the Center Business and Overlay Districts. He asked if residential above commercial would help business in town and would it be desirable.

Jay Spencer, owner of French Press, stated it would help. The scope of the MBTA Communities Act does not allow a lot of the small parcels to have mixed use. If he could own his own real estate he would want a smaller parcel. To be able to afford that, and the development along with it, he could not survive on retail alone. He would need some residential above it. The zoning process really looks at large projects and not micro projects. The town should try to focus on micro projects. That would generate more success for independent businesses and sustain the character of Needham. Mr. Hentschel feels mixed use would be great in Needham and would create the foot traffic the town wants. Mr. Crocker noted Mr. Spencer mentioned lot sizes. He asked Mr. Hentschel what he thinks. Mr. Hentschel stated there are a lot of chopped up lots now and a lot of small lots. If large lots are required, it would take a lot of time to assemble them. Mr. Crocker asked if Mr. Spencer was saying it would be easier for him if small lots were allowed. Mr. Spencer said absolutely. Across from him there is an undeveloped parking lot. If that came available for mixed use space, he could get a loan for maybe 10 apartments and a couple of commercial spaces below. That would achieve what the Board is trying to do. Mr. Downing noted small businesses rely on regular customers. The more people living there the better for the businesses. The town wants to sustain businesses like Mr. Spencer's and bring in more. He feels everything in the Center Business should be mixed use with retail and residential above. The MBTA zoning was to encourage that. He feels it is essential for the town center.

Gary Simon owns a number of downtown properties and has been doing business in Needham for over 40 years. He wants more residences in downtown. It is very difficult to bring residential into town. If already built, you need to convince a developer to come in and buy a building, tear it down and rebuild. It is a density issue. He is talking about at least 5 stories to support the effort. He owns the CVS block in the Center. He would have to kick out a paying tenant, or cut a deal, then build the building. He would have to devote 2 stairwells and an elevator to make it work and that is giving up retail space. Then there is the parking issue. Underground would not work and they cannot have no parking. Unless the building is destroyed by fire an applicant would have to overcome the existing income producing building. Density would need to be dramatically increased. Mr. Block asked if the density was 18 units per acre. Ms. Newman noted there is no limit in the Overlay District. Basically, the geometry of the building and how many units you can fit in it.

Mr. Simon stated the constraint is height. Mr. Block noted 50 units on a one-acre lot and stated 50 Dedham Avenue has 48 units density. He asked if 3 stories was not enough density. Mr. Simon stated that is correct. It is not feasible. Half of the Dedham Bank property is not buildable as residential. There is also an FAR restriction. An applicant needs to go to 100% FAR as well as height to support this and he does not see it. He feels the town is thinking too small. Also, subsidized housing eats into what a developer could get with the 12½% affordable minimum. Mr. Hentschel commented there are certain efficiencies that cannot be gone around. Underground parking needs ramps and is only feasible on large lots and not on small lots. Elevators are needed for 2 stories with 2 units or 4 stories. Certain efficiencies make it not feasible. That is the challenge with going small. Mr. Spencer acknowledged there is a reason the MBTA Communities Act was created. In time rules were created to prohibit growth. The Town needs to decide what level of development they want and what they are willing to waive to get there.

Mr. Greenberg asked, of Mr. Downing's tenants that he has worked with who looked at Needham but did not come here, what were some of the reasons. Mr. Downing noted the Center and the Heights are desirable but the issue is the space. Only small spaces are available. It goes back to scale and costs at the end of the day. Mr. Block clarified the barriers for growth are a function of dimensional regulations, FAR and height, which are too limiting. The units per acre may be limiting and lot size is a limiting factor for some. He wants to promote diversity in the types of buildings and a mix in type of development. He asked if there were any other barriers. Ms. Newman asked if the request to require parking is getting in the way of mixed-use development. She asked if supplying parking through another vehicle would be helpful. Mr. Hentschel state it would be, but the applicant would need to make sure what is built is marketable. Mr. Simon stated parking in general. Nobody downtown has adequate parking. It would be a special permit process to get a parking waiver. The market for retail in Needham is very strong but there is always an issue with parking. There should be a way of admitting nobody has the parking and the requirements are unrealistic. That just forces everyone who wants to come to town to go to the Planning Board to get a special permit and a waiver of parking. They have to hire an attorney, do a traffic study for parking and delay 3 months getting in. That should be seriously looked at. He is fine with the uses. He put a dentist in Highland Avenue. It took 3 months to finally get his permit which was just a waste of time. That was 3 months he did not get rent and the dentist did not get in his space. Some may go elsewhere when they realize how difficult it is.

Mr. Spencer agreed with Mr. Simon. He feels it should be waived and the special permit process. He has amended his special permit 8 to 10 times for one business. It takes a lot of time and money. Mr. Greenberg noted Mr. Simon's comment regarding structured parking. He asked Mr. Spencer and Mr. Downing about the availability of parking for tenants. Is there enough parking to support tenants and the foot traffic the town needs? Mr. Downing stated the reality is tenants are looking for parking so they can get around the suburbs. They want close proximity parking. He noted a lot of people park behind Mr. Simon's building. Mr. Greenberg suggested maybe the special permit requirements are trying to solve the problem in the wrong way, which is something the Board needs to think about. The parking proximity concept is important to think about. Ms. McKnight stated a study showed ample parking but not in convenient areas. Mr. Hentschel commented parking needs to be convenient and not just anywhere. People have to do a dance for something they already know is true. It is nonsense having to go through the process. Mr. Simon stated parking is gold and there cannot be enough. Linden Street in Wellesley has a large amount of parking. Demand exceeds it because people go there. Ms. Newman stated study shows a lot of surface parking is privately held. There needs to be an opportunity to utilize and open it up.

Board of Appeals – September 16, 2025.

43 Fremont Street – KGK Group, Inc.

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

VOTED: "No comment."

Minutes

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

VOTED: to approve the minutes of 7/22/25

Report from Planning Director and Board members

Ms. Newman noted the Rice Barn is rethinking its proposal. They are going to go to 102 seats and 30% capacity outdoors. They would need a parking study if that is the case. She shared an announcement regarding a member orientation session. If members did not go last year they should go this year. Mr. Crocker noted the Large House Group Committee had a very good meeting last night. There were helpful comments. Ms. Newman will have the final fiscal piece done for the next community meeting.

Correspondence

Mr. Crocker noted the proposed Planning Board meeting schedule and a notice from the Town of Wellesley.

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

VOTED: to adjourn the meeting at 9:55 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Justin McCullen, Vice-Chairman and Clerk

The Newton Zoning Board of Appeals will hold a hybrid public hearing Wednesday, November 19, 2025 at 7:00 p.m. in the City Council Chamber (Room 207) and via Zoom on the following petitions: 1. #04-25 WP East Acquisitions, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a 234-unit residential development on a 2.7 square acre lot located at 19 Court Street #1, 19 Court Street #2, 21 Court Street, 34 Crafts Street, 36 Crafts Street, 38 Crafts Street, 48 Crafts Street, and 50 Crafts Street within the Multi-Residence 1 (MR-1) and Manufacturing (M) zoning districts. The proposal includes 59 affordable units and 290 parking spaces.

To view and participate in this meeting using Zoom, click this link: <https://newtonma.gov.zoom.us/j/81955975654> or call 1-309-205-3325 and use the Meeting ID: 81955975654#

Boston Herald – November 5 & 12, 2025
Brenda Belsanti, Board Clerk

TOWN OF WELLESLEY ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING

Notice is hereby given of the next Public Hearing to be held remotely by the Zoning Board of Appeals on November 20, 2025, at 7:30 pm.

Enclosed are the details of the petition to be brought before the Board of Appeals at the Public Hearing.

ZBA 2025-65

Petition of TOWN OF WELLESLEY requesting Site Plan Approval pursuant to the provisions of Section 5.6 and Section 6.3 of the Zoning Bylaw for a major construction project that includes partial demolition of the existing Administration & Scale Office Building, and construction of a new one-story Administration Building with a footprint area of 3,660 square feet on a currently paved and landscaped area, at 169 GREAT PLAIN AVENUE, in a 20,000 square foot Single Residence District.

Access to Hearing Link: [www.wellesleyma.gov/ Agendas & Minutes/ Zoning Board of Appeals/ 2025/ November 20, 2025/ Download](http://www.wellesleyma.gov/Agendas%20%26%20Minutes/Zoning%20Board%20of%20Appeals/2025/November%202025/Download)

Access to View the File: [www.wellesleyma.gov/ Government/ Zoning Board of Appeals/ Meetings/ Upcoming Meetings/ November 20, 2025](http://www.wellesleyma.gov/Government/Zoning%20Board%20of%20Appeals/Meetings/Upcoming%20Meetings/November%202025)

Lenore R. Mahoney, Executive Secretary of the Zoning Board of Appeals, 781-489-7450
888 Worcester Street, Suite 160

From: [Marissa Loria Lehmayer](#)
To: schoolcommittee@needham.k12.ma.us; [Town Meeting](#); [Town Hall](#); [Planning](#); [ParkandRecreation](#); [Selectboard](#)
Subject: Support of New 6-8 Construction
Date: Friday, October 17, 2025 10:58:39 AM

Hello -

I am writing to express my support to build a new Pollard Middle School (grades 6–8) on the existing site. While this is the most expensive option upfront, there are key long-term benefits and savings. This decision affects more than just construction costs—it impacts the future quality and sustainability of education in Needham. As a parent of young children in Needham, I strongly support this option.

Thanks,
Marissa Lehmayer

From: [Susan Herman](#)
To: [Planning](#); [Lee Newman](#); [Alexandra Clee](#)
Subject: Note re: Oct 21st PB Meeting
Date: Tuesday, October 21, 2025 8:52:10 PM

Hello Planning,

It was difficult to follow the PB discussion at tonight's Oct 21st meeting regarding which residential side streets will be named in the 100 West Street conditioned decision. I heard Morton and Mellen mentioned for signage. I heard Carey mentioned (1x) but I could not hear or understand the context of that. Please clarify at your earliest convenience.

The decision needs to name all three streets, Morton, Mellen and Carey for signage and proper tenant notification.

I am familiar with the traffic coming off Highland Avenue that currently uses Carey as a cut through. Both Northbound and Southbound Highland Avenue traffic use Carey Road, and I expect this to get worse once 100 West Street and the RRFB are operational.

But it will deteriorate even beyond that if only Morton and Mellen are named on the signs on the 100 West Street property. There is no other option but Carey Road. I do not believe vehicles coming out of 100 West at the Highland Avenue egress will be able to take a left. The sight line is poor and/or the traffic going Northbound is backed up. There will be no choice other than taking a right, go Southbound, and cut through Carey.

For purposes of the entire 100 West decision this may seem small and unimportant, but it is not. Treating cut through traffic concerns of all impacted residents is vital for each development and needs to be fair. We live here, we walk here, and we drive here nearly every single day. It strikes me as unfair if you leave Carey Road out of your conditioned decision.

I look forward to reading the full decision. If you have any questions about my observations, please feel free to contact me.

Thank You,
Susan Herman

From: [Michael Ruddy](#)
To: [Catherine Dowd](#); [Joshua Levy](#)
Cc: [Heidi Frail](#); [Marianne Cooley](#); [Kevin Keane](#); [Carys Lustig](#); [Planning](#)
Subject: Envision Needham Center Working Group
Date: Friday, October 24, 2025 12:13:00 PM

Dear Ms. Dowd and Mr. Levy,

Are you two happy with the dumpster fire that you've created at the Envision Needham Center Working Group (assuming either of you even watch the meetings)?

Do you think it's fair to group volunteers or the residents of the town to allow a committee to be hijacked by a few unreasonable business owners who consistently refuse to collaborate or work toward any common good? Who demonstrate zero regard for, or understanding of, the long-term goals of the initiative, the most basic concepts of streetscape design, or the sustained well-being of the town? Whose only concerns are "their" parking spaces and the promotion of dangerous, unsustainable regional through-traffic that absolutely no resident would ever want, just so they can bring in a couple of extra customers each month?

I have been observing and following committee meetings in this town since I was a kid, and I'm now almost 50. I can say with confidence that the business owners' transparent self-interest and unreasonableness (reinforced by the obstructionist PB delegate who needs to have basic parameters explained & re-explained to him meeting after meeting) are unprecedented.

Shaking my head,
Michael Ruddy
69 Melrose Ave.

Alexandra Clee

From: Lee Newman
Sent: Monday, October 27, 2025 5:33 PM
To: tcombs2@verizon.net
Cc: Alexandra Clee
Subject: Request for Direct Outreach to SRB Property Owners Regarding Potential Zoning Changes

Follow Up Flag: Follow up
Flag Status: Flagged

Teresa,

Thank you for your interest in the work of the Large House Review Study Committee. The Planning staff has shared your emails of July 31, 2025, August 7, 2025 and October 15, 2025, with both the Large House Review Study Committee (LHRC) and the Planning Board. Copies of the emails were included in the meeting packets each Board receives and are also posted online.

There is currently a pause on sending out community mailings while the Town finalizes a policy for community engagement and determines the most effective ways to reach residents. With that pause postcards are being sent out only on a very limited basis and only in exceptional circumstances approved by the Town Manager.

So, in the interim we have put together a robust initiative for the LHRC public meeting of November 18 that will include the following components:

- Multiple articles in the Town's weekly e-newsletter, "News You Need(ham)"
- Posts on the Town's social media pages as well as info. posted to the Needham Community Facebook page
- Flyers distributed to Town buildings (PSAB, library, Town Hall, RRC and CATH)
- Info. posted on the Town's website
- Newsflashes and "NotifyMe" messages sent to all subscribers through the Town's website
- Inclusion in the Council of Aging's daily email to members
- Email notification to all Town Meeting members.
- Email notification to all Town Boards and Committees

Finally, the LHRC upcoming public meeting on 11/18 will also be included on the electronic message boards at the Public Services Building on Dedham Avenue, Fire Station 2 on Highland Avenue and the RTS facility on Central Avenue.

We all share your goal of wanting to reach and effectively engage the Town in this important planning initiative. Please feel free to contact me directly with any further questions.

Thanks for your interest,

Lee



Lee Newman
Director
Planning and Community Development
Town of Needham
Public Services Administration Building,
500 Dedham Ave
Needham, MA 02492
(781) 455-7550 ext **72270**
New Extension
www.needhamma.gov/planning
www.needhamma.gov/NeedhamYouTube

From: Teresa Combs <tcombs2@verizon.net>
Sent: Wednesday, October 15, 2025, 9:55 AM
To: Planning <planning@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>
Subject: Re: Request for Direct Outreach to SRB Property Owners Regarding Potential Zoning Changes

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.

From: [Lindsey Wilson](#)
To: schoolcommittee@needham.k12.ma.us; [Town Hall](#); [Town Meeting](#); [ParkandRecreation](#); [Planning](#); [Selectboard](#); [Dan Gutekanst](#)
Subject: New Pollard 6-8 SUPPORT
Date: Monday, November 3, 2025 12:35:27 PM

Hello Needham Decision Makers,

My name is Lindsey Wilson. I reside at 22 Howe Road in Needham. I have three children within the Needham Public Schools: grades 7, 5 and 1.

I would like to express my *full support of the 'New Pollard 6-8' project*. I am in support of the project because:

Personal Experience: I am a parent to a child who is currently attending Pollard in 7th grade. I have had the opportunity to see first hand how run-down the current building is. My child frequently reports ongoing issues with the classroom's heating/cooling/ventilation systems, critters seen inside the building, ceilings significantly sagging, walls crumbling, etc. This is not a safe or healthy environment for such a large population of children and staff to spend such a significant period of their lives.

Operational Efficiency: One building instead of two means lower maintenance and operational costs. Staffing, transportation, and special education services can be streamlined.

Cost Savings Over Time: Fewer redundancies and more efficient use of resources result in real, ongoing savings to the town.

Educational Benefits: A single 6–8 school allows for better staff collaboration, fewer student transitions, expanded electives, appropriate classroom space for core academics, and dedicated spaces for the arts and STEM.

Alignment with our School System Experts: I firmly believe in listening to and supporting the people who know our school system the best. Needham Public Schools, Needham School Committee, and Citizens for Needham Schools are all in agreement that a new Pollard 6-8 would be most beneficial to our students, school system, and town. I support our educators and highly value their expertise and align with their view that a new Pollard 6-8 is best for our town.

Thank you for your time,

Lindsey Wilson

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Lindsey Wilson
she/her/hers
e. lindseywilson3@gmail.com
p. 402.770.1859