

NEEDHAM PLANNING BOARD

Monday, June 14, 2021

7:15 p.m.

Virtual Meeting using Zoom

Meeting ID: **826-5899-3198**

(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: **826-5899-3198**

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: **826-5899-3198**

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: **826-5899-3198**

Direct Link to meeting: <https://us02web.zoom.us/j/82658993198>

1. Public Hearing:

7:20 p.m. Major Project Site Plan: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, Petitioner. (Property located at 1688 Central Avenue, Needham, MA). Regarding proposal to construct a new child care facility of 9,966 square feet and 30 parking spaces, that would house an existing Needham child-care business, Needham Children's Center (NCC).

2. Board of Appeals – June 17, 2021.

3. Committee Appointments.

4. Minutes.

5. Correspondence.

6. Report from Planning Director and Board members.

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



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

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, Section 7.4, the Needham Planning Board will hold a public hearing on Monday, June 14, 2021 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, for a Major Project Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 1688 Central Avenue, Needham, MA, located in the Single Residence A Zoning District. The property is shown on Assessors Plan No. 199 as Parcel 213 containing a total of 3.352 acres. The requested Major Project Site Plan Review relates to, and allows the Planning Board to impose restrictions upon, the Petitioner building a new child care facility that will house an existing Needham child-care business, Needham Children's Center (NCC). This will allow NCC to expand and have the necessary room for children post COVID-19. The gross floor area of the building is proposed to be 9,966 square feet on one floor, and 30 parking spaces are proposed.

In accordance with the Zoning By-Law, Section 7.4, a Major Project Site Plan is required.

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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: 826-5899-3198

Direct Link to meeting: <https://us02web.zoom.us/j/82658993198>

The application may be viewed at this link:

<https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=> . 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

Needham Times, May 27, 2021 and June 3, 2021.

FRIEZE CRAMER ROSEN & HUBER LLP

C O U N S E L L O R S A T L A W

60 WALNUT STREET, WELLESLEY, MASSACHUSETTS 02481
781-943-4000 • FAX 781-943-4040

EVANS HUBER

781-943-4043
EH@I28LAW.COM

June 14, 2021

Via Electronic Mail
Members of the
Needham Planning Board

And

Lee Newman
Director of Planning and Community Development
Public Services Administration Building
500 Dedham Ave
Needham, MA 02492

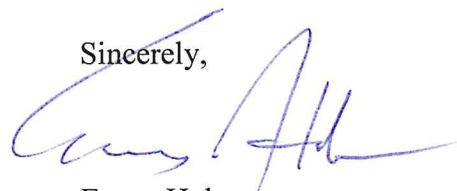
Re: 1688 Central Avenue, Needham

Dear Planning Board Members and Ms. Newman:

I am writing on behalf of Needham Enterprises LLC, to request that the hearing on this matter be continued to July 20. This request is being made to allow the Board time to review (and receive comments from appropriate town departments regarding) the applicant's recent filings, to review the various recent comments submitted by neighborhood groups and/or their counsel, and to accommodate the Board's request that the applicant's traffic analysis be peer-reviewed (which the applicant has agreed to pay for).

I appreciate your attention to this request.

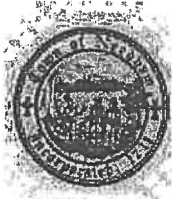
Sincerely,



Evans Huber

2021 MAY 20 PH 2:18

TOWN OF NEEDHAM
MASSACHUSETTS



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one)

Major Project

Minor 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 1688 Central Avenue, Needham, MA 02492
Name of Applicant Needham Enterprises, LLC
Applicant's Address 105 Chestnut Street, Suite 28, Needham, MA 02492
Phone Number 781-444-8060

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

Property Owner's Name Needham Enterprises, LLC
Property Owner's Address 105 Chestnut Street, Suite 28, Needham, MA 02492
Telephone Number 781-444-8060

Characteristics of Property: Lot Area 3.352 Present Use Vacant Building
Map # 199 Parcel # 213 Zoning District SRA

Description of Project

The proposed project is to demolish the existing house and garage at the property, but to leave the existing barn. A new building of 9,966 square feet of gross floor area will be constructed, to house a child care facility. A new parking area that includes 30 parking spaces will also be constructed.

All of the foregoing is more particularly shown on the plans previously filed with the Town.

Signature of Applicant (or representative)

Address if not applicant Frieze Cramer, et al. 60 Walnut St., Wellesley, MA 02481

Telephone # 781-943-4030

Owner's permission if other than applicant N/A

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board [Signature] Date 5/20/21

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 issued within 35 days of filing date.

FRIEZE CRAMER ROSEN & HUBER LLP
C O U N S E L L O R S A T L A W

60 WALNUT STREET, WELLESLEY, MASSACHUSETTS 02481
781-943-4000 • FAX 781-943-4040

EVANS HUBER
781-943-4043
EH@I28LAW.COM

May 14, 2021

Via Electronic Mail
Members of the
Needham Planning Board

And

Lee Newman
Director of Planning and Community Development
Public Services Administration Building
500 Dedham Ave
Needham, MA 02492

Re: 1688 Central Avenue, Needham

Dear Planning Board Members and Ms. Newman:

I am writing on behalf of Needham Enterprises LLC. Following discussions with Ms. Newman and Town counsel, Christopher Heep, Needham Enterprises hereby withdraws, without prejudice, the pending Application for Minor Project Site Plan Review for the Project at 1688 Central Avenue, currently scheduled for hearing on May 18, 2021.

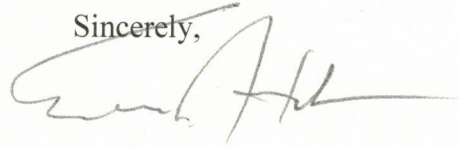
Needham Enterprises is doing so based on the following express understandings with the Town:

1. Needham Enterprises will be submitting electronically, by May 20, an application for major project site plan review. However, it is expressly understood and agreed that no special permit pursuant to Section 7.4 of the Bylaw will be required for this project, nor will the review criteria normally applicable to major project site plan review be applicable in this case. Instead, the Board's jurisdiction and authority will be limited to the criteria enumerated in M.G. L. c. 40A, Section 3.
2. The matter will be scheduled for hearing on June 15, 2021.
3. There will be no need to re-file with the Town the materials relating to the project previously filed on behalf of the applicant.

Needham Planning Board
May 14, 2021
Page 2

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Evans Huber', with a long horizontal flourish extending to the right.

Evans Huber

FRIEZE CRAMER ROSEN & HUBER LLP
C O U N S E L L O R S A T L A W

60 WALNUT STREET, WELLESLEY, MASSACHUSETTS 02481
781-943-4000 • FAX 781-943-4040

EVANS HUBER
781-943-4043
EH@I28LAW.COM

April 16, 2021

Members of the
Needham Planning Board

And

Lee Newman
Director of Planning and Community Development
Public Services Administration Building
500 Dedham Ave
Needham, MA 02492

Re: 1688 Central Ave, Needham

Dear Planning Board Members and Ms. Newman:

I am writing on behalf of Needham Enterprises, LLC for two purposes. The first is to address the question of whether this proposed building and associated parking is, or should be, subject to major project Site Plan Review as described in section 7.4 of the Bylaw. The second is to submit some revised plans that have been prepared on behalf of Needham Enterprises in what we believe is a substantial and good-faith effort to address some of the concerns that have been raised by Town residents, most recently in an attachment to a letter submitted by Holly Clarke.

I. Whether the proposed building and parking area is subject to major project Site Plan Review:

We disagree that the building and parking areas, as proposed in the application for minor project Site Plan Review, are subject to major project site plan review, as argued by Ms. Clarke and others. The starting point for analyzing this question is Massachusetts General Laws c. 40A, s. 3, third par., which provides:

"No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to

Lee Newman and
Needham Planning Board Members
April 16, 2021
Page 2

reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. As used in this paragraph, the term 'child care facility' shall mean a day care center or a school age child care program, as those terms are defined in section nine of chapter twenty-eight A." (emphasis added).

This statute is perfectly clear that the project that Needham Enterprises is proposing -- a building "for the primary purpose of operating a child care facility" -- cannot be required to be approved through the Town's special permit process as outlined in section 7.4 of the Bylaw for major project site plan review. In view of the highlighted language quoted above, it is not correct, as some have argued, that the Town must allow the use, but, as to the building and parking areas, can nevertheless require the applicant to obtain a special permit through major project site plan review. Indeed, an analogous argument was expressly rejected in *Petrucci v. Board of Appeals of Westwood*, 45 Mass. App Ct. 818 (1998), citing *Watrov v. Greater Lynn Mental Health & Retardation Assn., Inc.*, 421 Mass. 106 (1995):

The "constrictive result" flowing from the abutters' reading of the statute was "neither required by the language of the statute nor consistent with its purpose," which was "to prevent local interference with the use of real property" - whether of land or of structures thereon for the exempt purposes identified in the statute. Here, also, the plain language of the statute (which, as in *Watrov*, speaks not once but twice of "land or structures") and its manifest intent - to broaden, rather than narrow, the opportunities for establishing child care facilities in the Commonwealth - overwhelm the board's constrictive effort to parse any substantial child care facility on a residential property out of the statute.

Petrucci, 45 Mass. App. Ct. at 822 (internal citations omitted). See also *Trustees of Tufts Coll. v. City of Medford*, 415 Mass. 753, 765, (1993) ("A local zoning law that improperly restricts an educational use by invalid means, such as by special permit process, may be challenged as invalid in all circumstances. In this case, for example, the Land Court judge properly declared invalid the site plan and special permit requirements of the ordinance as to present *and* future, unspecified projects on the Tufts campus. [citation omitted] The Appeals Court correctly did not disturb this aspect of the judgment.").

We also disagree that the proposed square footage of the new construction makes this a "major project;" the analysis and interpretation of the Bylaw set forth in the attachment to the Clarke letter would mean that the only time new construction between 5,000 and 9,999 s.f. would qualify as a "minor project" is if it is being done on entirely vacant land. Under the interpretation argued in the Clarke letter, any lot with any structure on it would mean, for example that a 6,000 s.f. new and unrelated structure would be a "major project," since that would represent more than 5,000 s.f. of increased square footage "on the lot." Although this argument does point out an ambiguity in the Bylaw, the only legitimate way to resolve that ambiguity is with reference to the Town's interpretation and application of that Bylaw in the past. As the Planning Department is no doubt aware, the Town has consistently interpreted the

Lee Newman and
Needham Planning Board Members
April 16, 2021
Page 3

Bylaw provision in question to mean that new construction of more than 5,000 but less than 10,000 s.f. is a “major project” only if it consists of the expansion of an existing building.

In addition, we disagree that the design of the parking area and the proposed number of spaces will be inadequate for the proposed use, but to eliminate any dispute over this issue, as describe in greater detail, below, and as shown on the drawing submitted herewith, Needham Enterprises has redesigned the parking area to include 30 spaces. This new layout and increased number of parking spaces should eliminate any argument that the number of parking spaces is insufficient, or that the queue of cars dropping off or picking up children will back up onto Central Ave.

If this building and parking area were being proposed for some use not governed by Massachusetts General Laws c. 40A, s. 3, the creation of 30 new parking spaces would subject the project to major project Site Plan Review, including the requirement of a special permit. But, for the reasons stated above, in this case, and for this use, the major project special permit/site plan review requirement of section 7.4.3 of the Bylaw cannot be imposed by the Town. For this reason, the question of whether this is a “major project” or a “minor project” as defined in section 7.4 of the Bylaw is moot.

M. G. L. c. 40A, section 3 does state that the project can be subject “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.” (emphasis added). Although some of these topics overlap with the site plan review criteria set forth in section 7.4.6 of the Bylaw, it is clear that the allowable subjects of “reasonable regulation” set forth in c. 40A, section 3 are not the same as the Section 7.4.6 Site Plan Review criteria. And it is the criteria enumerated in c. 40A, not section 7.4.6 of the Bylaw, that control the Planning Board’s authority in this instance. The hearing on May 18 for this project is thus neither minor nor major project plan review under section 7.4 of the Bylaw. It is simply site plan review pursuant to c. 40A, section 3, during which process the Board may consider “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.”¹

Exactly what constitutes “reasonable regulation” of these aspects of this project remains to be determined, but among the factors that could demonstrate *unreasonableness* are (1) that a particular restriction “would substantially diminish or detract from the usefulness of a proposed structure, or impair the character of the . . . [applicant's property], without appreciably advancing the municipality's legitimate concerns,” and (2) excessive cost of compliance without significant

¹ It is worth noting that while Needham does not have a Bylaw provision specifically addressing site plan review for projects falling under M.G.L. c. 40A, section 3, the relevant section of Framingham’s Bylaw, for example, provides that for “any new structure or alteration of an existing structure or change of use in any structure for an entity claiming exception under G.L. c. 40A, § 3, site plan review shall be limited . . . to the imposition of reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.”

Lee Newman and
 Needham Planning Board Members
 April 16, 2021
 Page 4

gain in terms of municipal concerns . . .” *Trustees of Tufts College, supra*, 415 Mass. at 759-760. See also, *Radcliffe College v. Cambridge*, 350 Mass. 613, 619 (1966)(local zoning provision that requires an educational institution to adapt plans for the use of its land may be enforced, so long as the provision is shown to be related to a legitimate municipal concern, and its application bears a rational relationship to the perceived concern, but a zoning requirement that results in something less than nullification of a proposed educational use may be unreasonable within the meaning of the Dover Amendment.); *Jewish Cemetery Ass’n of Mass. v. Bd. of Appeals of Wayland*, 18 LCR 428 (Massachusetts Land Court) (August 13, 2010) citing *The Bible Speaks v. Bd. of Appeals of Lenox*, 8 Mass. App. Ct. 19, 31, 391 N.E.2d 279 (1979) (“towns may not, through the guise of regulating bulk and dimensional requirements under the [Dover Amendment], proceed to ‘nullify’ the use exemption permitted. . .”).

We would also note that the project as shown in the revised drawings submitted herewith is already set further back from Central Ave than Section 4.2.4 of the Bylaw requires; is well under the maximum allowable height, side and rear setbacks, number of stories, lot coverage and FAR set forth in Section 4.2.4; has more parking spaces than the formula used by the Town requires; and has a parking and circulation design that, in conjunction with the tenant’s staggered drop-off and pick up schedule, will insure that cars do not back up from the property out onto Central Ave. The parking area has also been designed to have a drop-off/pick-up area and (as required) handicapped parking close to the main entrance. Thus, to the extent that the Planning Board considers what *reasonable* restrictions, if any, would be appropriate that are more stringent than what the Bylaw requires,² in many respects this project has already been designed with those legal principles in mind.

II. Revised Plans:

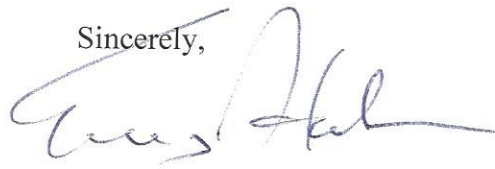
As noted above, in response to the concerns expressed by some of the neighbors, submitted herewith are revised plans in which the building has been moved 10 feet further back from Central Ave, so that the setback is now 50 feet (as compared to the 35-foot setback required by section 4.2.4 of the Bylaw). In addition, as noted above, the parking area has been redesigned to increase the number of parking spaces to 30, and to provide additional room for picking up and dropping off children (although this revised layout will need to be reviewed by the Fire Department). The landscaping plan has been enhanced in response to the recommendations of the Design Review Board, and the façade of the building facing Central Ave has been changed as suggested by the DRB.

² Ms. Carke’s letter cites *Muldoon v. Planning Bd. of Marblehead*, 72 Mass. App. Ct. 372 (2008), for the proposition that a town may impose restrictions greater than those set forth in the town’s Bylaws. *Muldoon* does not involve a use or structure covered by M.G.L. c. 40A, and thus provides no guidance as to the extent, if any, to which a town may impose restrictions greater than those already imposed by its Bylaws in the context of G.L. c. 40A section 3, nor does it provide guidance as to whether any such “more stringent” restriction(s) would be deemed “reasonable” under *Trustees of Tufts College v. Medford, supra*.

Lee Newman and
Needham Planning Board Members
April 16, 2021
Page 5

Thank you for your consideration of the matters raised in this letter. We look forward to meeting with you on May 18.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evans Huber", with a stylized, flowing script.

Evans Huber

ZONING LEDGEND:				
SINGLE RESIDENCE A	REQUIRED/ALLOWED	EXISTING	PROPOSED	COMPLIANCE
MIN. AREA	43,560 S.F.	146,003 S.F.	146,003 S.F.	YES
MIN. FRONTAGE	150'	250.05'	250.05'	YES
MIN. SETBACK FRONT	30'	*105.0' **211.2' ***276.3'	64.0'	YES
MIN. SETBACK SIDE	25'	*67.5' **65.0' ***54.2'	52.3'	YES
MIN. SETBACK REAR	15'	*864.9' **763.4' ***677.0'	811.0'	YES
MAXIMUM STORIES	2-1/2	*2 **1 ***2	1	YES
MAXIMUM HEIGHT	35'	*30.7' **15.3' ***31.2'	24.7'	YES
BUILDING COVERAGE	NR	NR	NR	YES
FLOOR AREA RATIO	NR	NR	NR	YES
DRIVEWAY OPENINGS	18' - 25'	19'	24'	YES

*EXISTING HOUSE (TO BE DEMOLISHED)
**OUT BUILDING -1 (TO BE DEMOLISHED)
***OUT BUILDING -2 (TO REMAIN)

ZONING BYLAW 6.1.3 PARKING PLAN AND DESIGN REQUIREMENTS				
	REQUIRED/ALLOWED	EXISTING	PROPOSED	COMPLIANCE
A) PARKING ILLUMINATION	AVG. 1 FOOT CANDLE	N/A	AVG. 1 FOOT CANDLE	YES
B) LOADING REQUIREMENTS	N/A	N/A	N/A	YES
C) HANDICAPPED REQUIREMENTS	2	N/A	2	YES
D) DRIVEWAY OPENINGS	1	1	1	YES
E) COMPACT CARS	50% (8'X16')	N/A	N/A	YES
F) PARKING SPACE SIZE	9'X18.5'	N/A	9'X18.5'	YES
G) BUMPER OVERHANG	1' OVERHANG	N/A	NONE REQUIRED	YES
H) PARKING SPACE LAYOUT	N/A	N/A	N/A	YES
I) WIDTH OF MANEUVERING AISLE	24' (90' STALL)	N/A	24' (90' STALL)	YES
J) PARKING SETBACK				
-FRONT	10'	N/A	*207.5'	YES
-SIDE	4'	N/A	26.9'	YES
-REAR	4'	N/A	609.6'	YES
-BUILDING	5'	N/A	5'	YES
K) LANDSCAPE AREA	10%	N/A	10%	YES
L) TREES	1 PER 10 SPACES (3)	N/A	3	YES
M) LOCATION	WITHIN LOT	N/A	WITHIN LOT	YES
N) BICYCLE RACKS	NONE REQUIRED	N/A	NONE REQUIRED	YES

* TO LOADING AREA

REQUIRED PARKING TO BE DETERMINED BY BUILDING INSPECTOR
PARKING PROVIDED SPACES INCLUDING 2 HANDICAP SPACES

LANDSCAPE AREA REQUIREMENT IS 10% OF REQUIRED SET BACK AREA. SET BACK AREA IS 3,939 S.F.
10% OF 3,939 IS 394 S.F. OF MAINTAINED LANDSCAPE AREA REQUIRED 25% OF THAT OR 98 S.F. TO
BE LOCATED WITHIN THE INTERIOR OF THE PARKING AREA. 860 S.F. PROVIDED WITHIN PARKING AREA

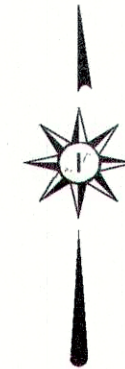
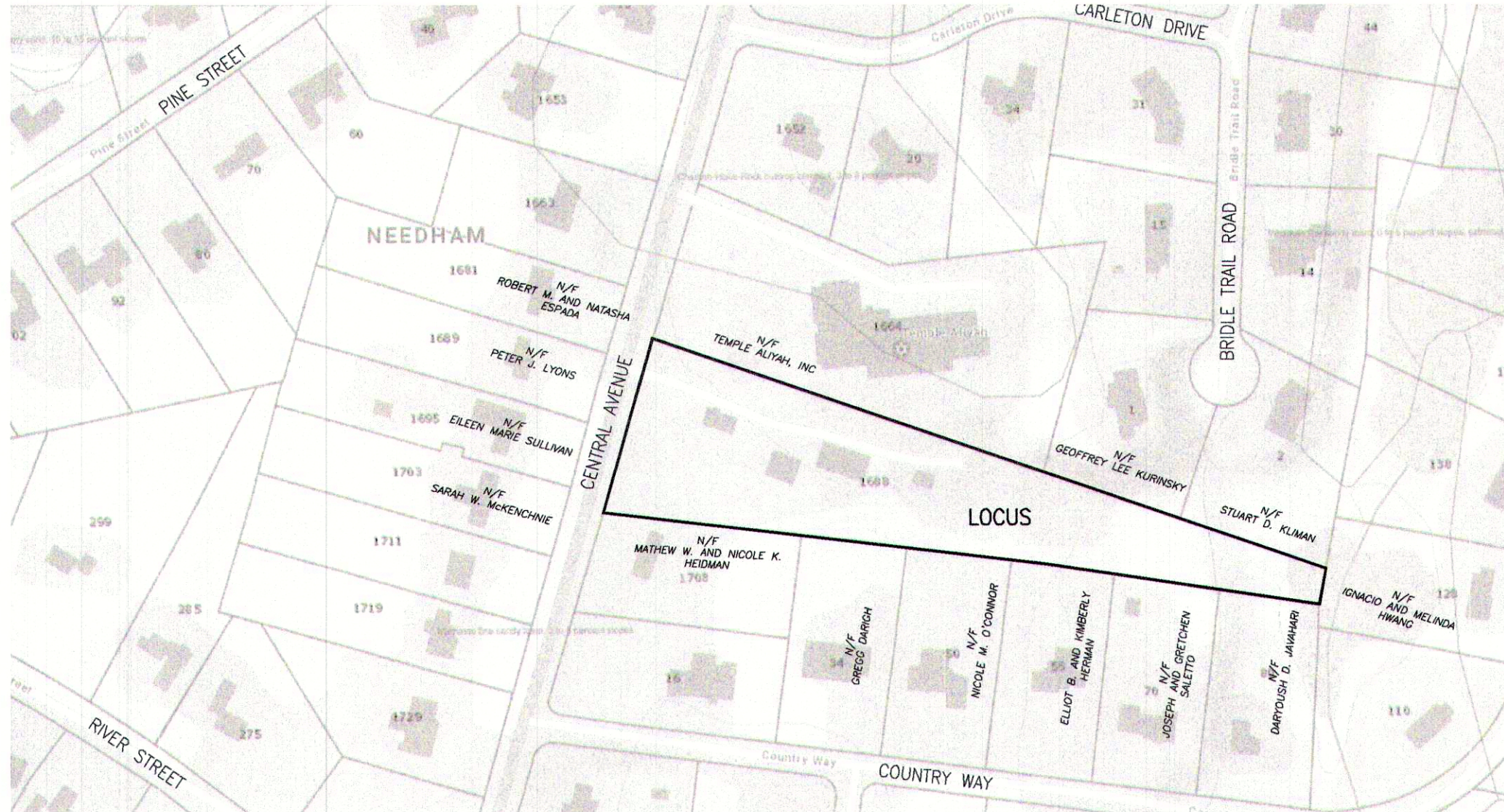
SITE DEVELOPMENT PLANS

DAYCARE

1688 CENTRAL AVENUE

NEEDHAM, MA

JUNE 22, 2020



LOCUS
N.T.S

PLAN INDEX

SHEET	1:	COVER SHEET
SHEET	2:	EXISTING CONDITIONS PLAN
SHEET	3:	SITE PLAN
SHEET	4:	GRADING AND UTILITIES PLAN
SHEET	5:	LANDSCAPE PLAN
SHEET	6 & 7:	DETAILS
SHEET	8:	SEWER PLAN AND PROFILE
SHEET	9:	CONSTRUCTION PERIOD PLAN
APPENDIX		PHOTOMETRIC AND SITE LIGHTING PLAN

NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION

OWNER:

NEEDHAM ENTERPRISES LLC
105 CHESTNUT STREET SUITE 28
NEEDHAM, MA 02492

APPLICANT:

NEEDHAM ENTERPRISES LLC
105 CHESTNUT STREET SUITE 28
NEEDHAM, MA 02492

ASSESSORS PARCELS:

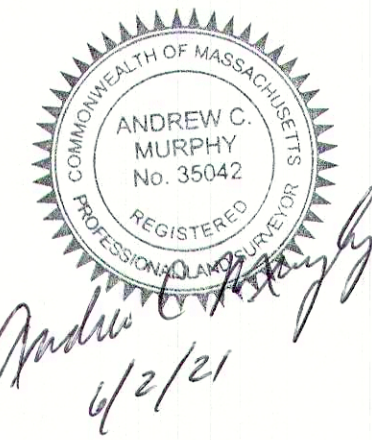
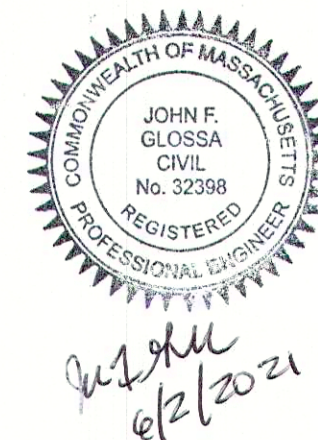
MAP 199, LOT 213

DEED REFERENCE:

BOOK 37770 PAGE 308

PLAN REFERENCE:

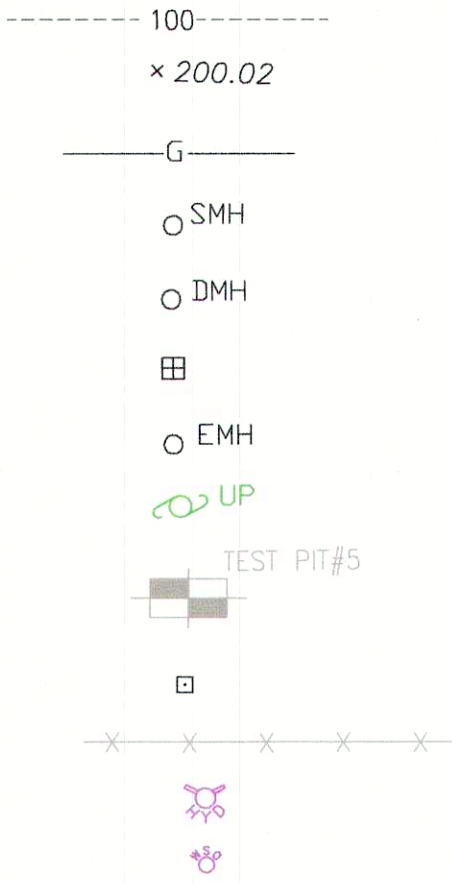
PLAN OF LAND DATED SEPTEMBER 28, 1933
BY P.D.G. HAMILTON, CIVIL ENGINEER



PREPARED BY
GLOSSA ENGINEERING, INC.
46 EAST ST
EAST WALPOLE, MA 02032
(508) 668-4401

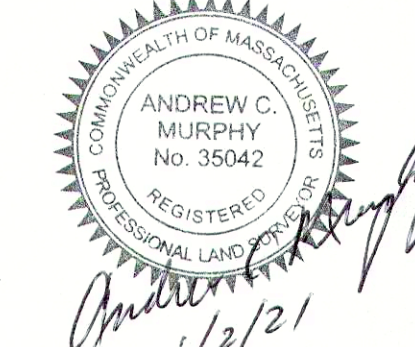
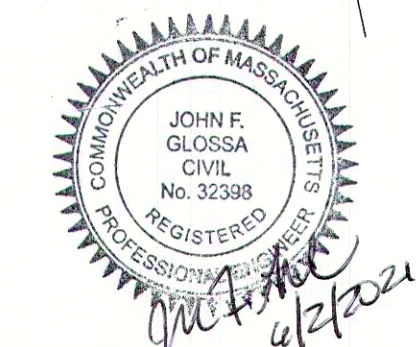
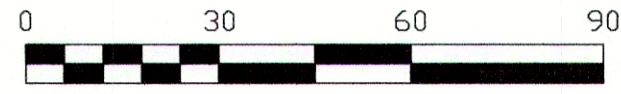
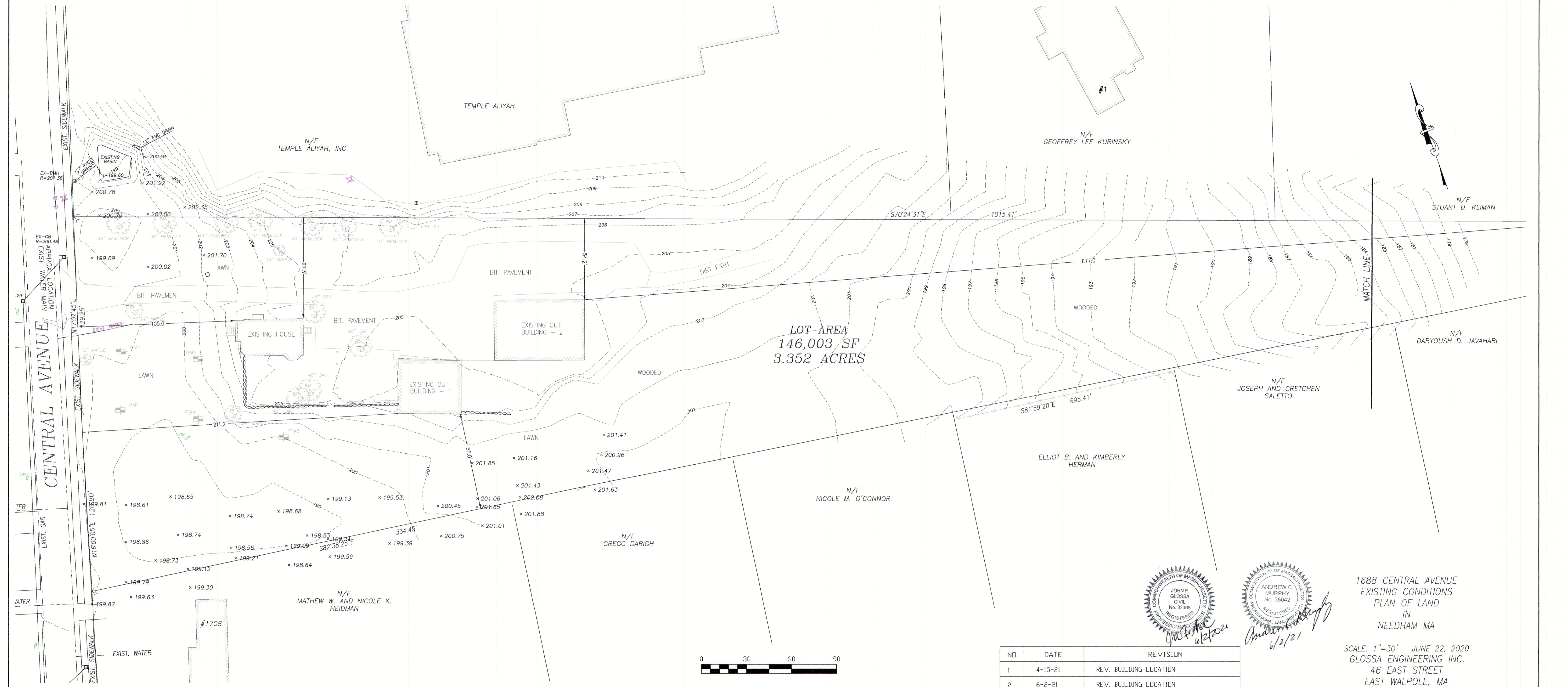
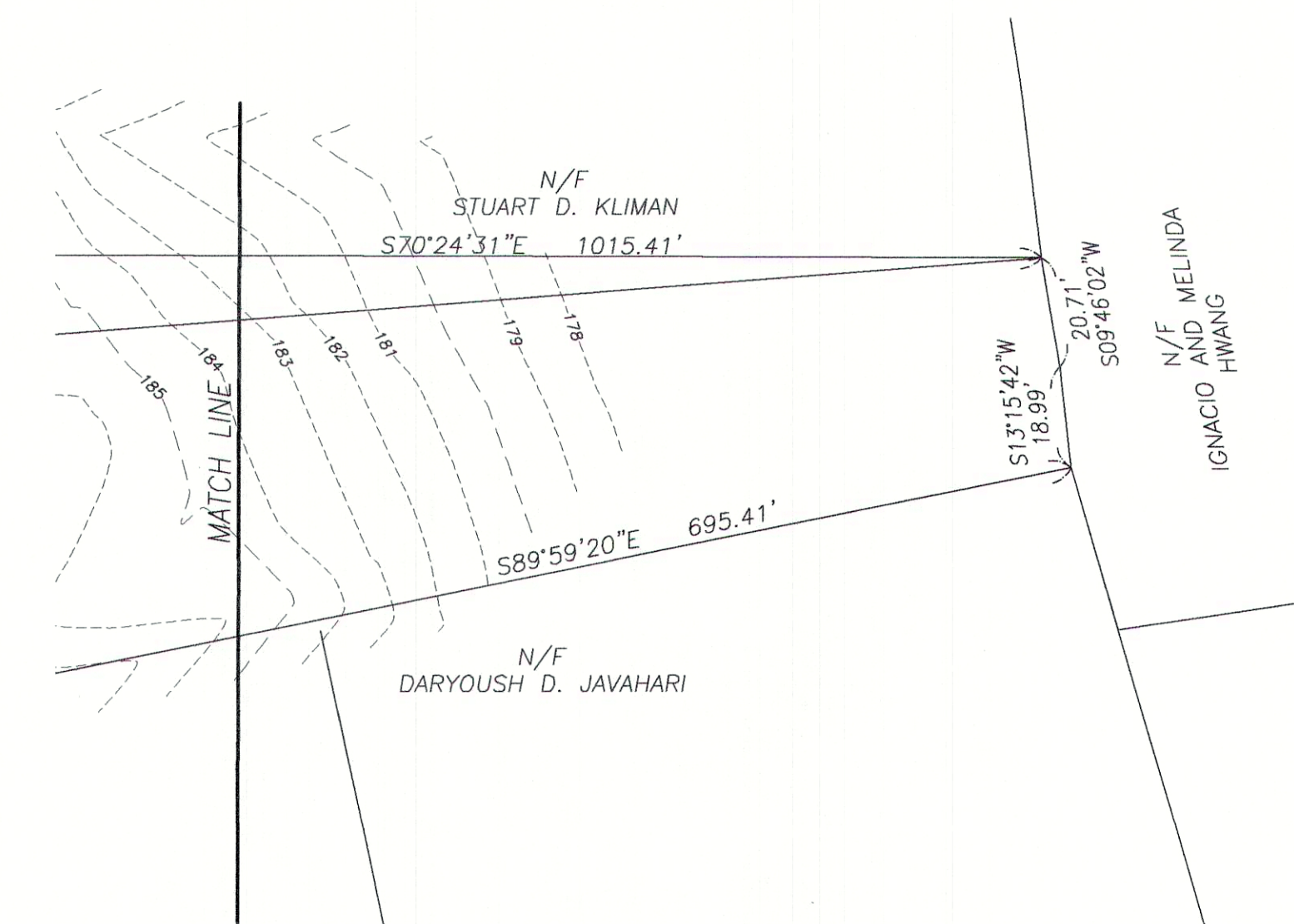
LEDGEND:

- EXISTING GRADE
EXISTING SPOT GRADE
EXISTING GAS MAIN
EXISTING SEWER MANHOLE
EXISTING DRAIN MANHOLE
EXISTING CATCH BASIN
EXISTING ELECTRIC MANHOLE
EXISTING UTILITY POLE
EXISTING TEST PIT
EXISTING BOUND
EXISTING FENCE
EXISTING FIRE HYDRANT
EXISTING GATE VALE



TEST PIT # 1	TEST PIT # 2	TEST PIT # 3	TEST PIT # 4	TEST PIT # 5
0" A SANDY LOAM 10YR 3/2 200.00 14" B SANDY LOAM 10YR 5/8 198.33 40" C SAND 2.5Y 5/4 199.67 112" NO REFUSAL NO MOTTILING NO WEeping	0" A SANDY LOAM 10YR 3/2 201.00 13" B1 SANDY LOAM 10YR 5/8 199.92 28" B2 SANDY LOAM 2.5Y 6/3 198.67 48" C SAND 2.5Y 5/4 197.00 108" NO REFUSAL NO MOTTILING NO WEeping	0" A SANDY LOAM 10YR 3/2 199.50 12" B SANDY LOAM 10YR 5/8 198.50 26" C SAND 2.5Y 5/4 197.33 120" NO REFUSAL NO MOTTILING NO WEeping	0" A SANDY LOAM 10YR 3/2 199.75 12" B SANDY LOAM 10YR 5/8 198.75 24" C SAND 2.5Y 5/4 197.75 114" NO REFUSAL NO MOTTILING NO WEeping	0" A SANDY LOAM 10YR 3/2 200.00 13" B SANDY LOAM 10YR 5/8 198.92 48" C SAND 2.5Y 5/4 196.00 136" NO REFUSAL NO MOTTILING NO WEeping

SOIL TEST PERFORMED BY JOHN F. GLOSSA P.E. SOIL EVALUATOR #890 ON 3-24-20



NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION

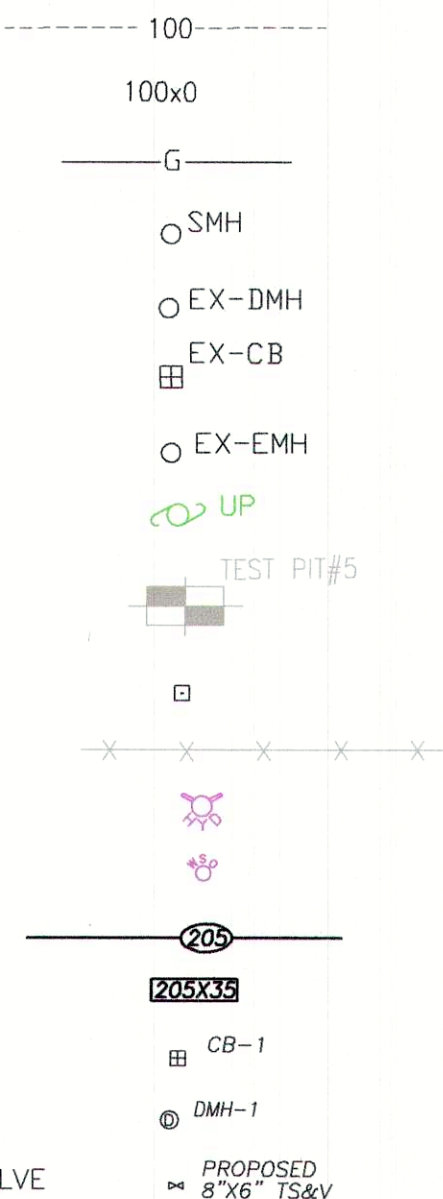
1688 CENTRAL AVENUE
EXISTING CONDITIONS
PLAN OF LAND
IN
NEEDHAM MA
SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

CONSTRUCTION NOTES

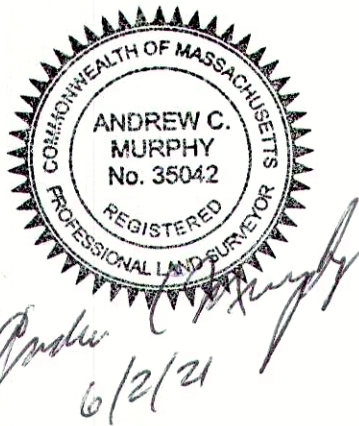
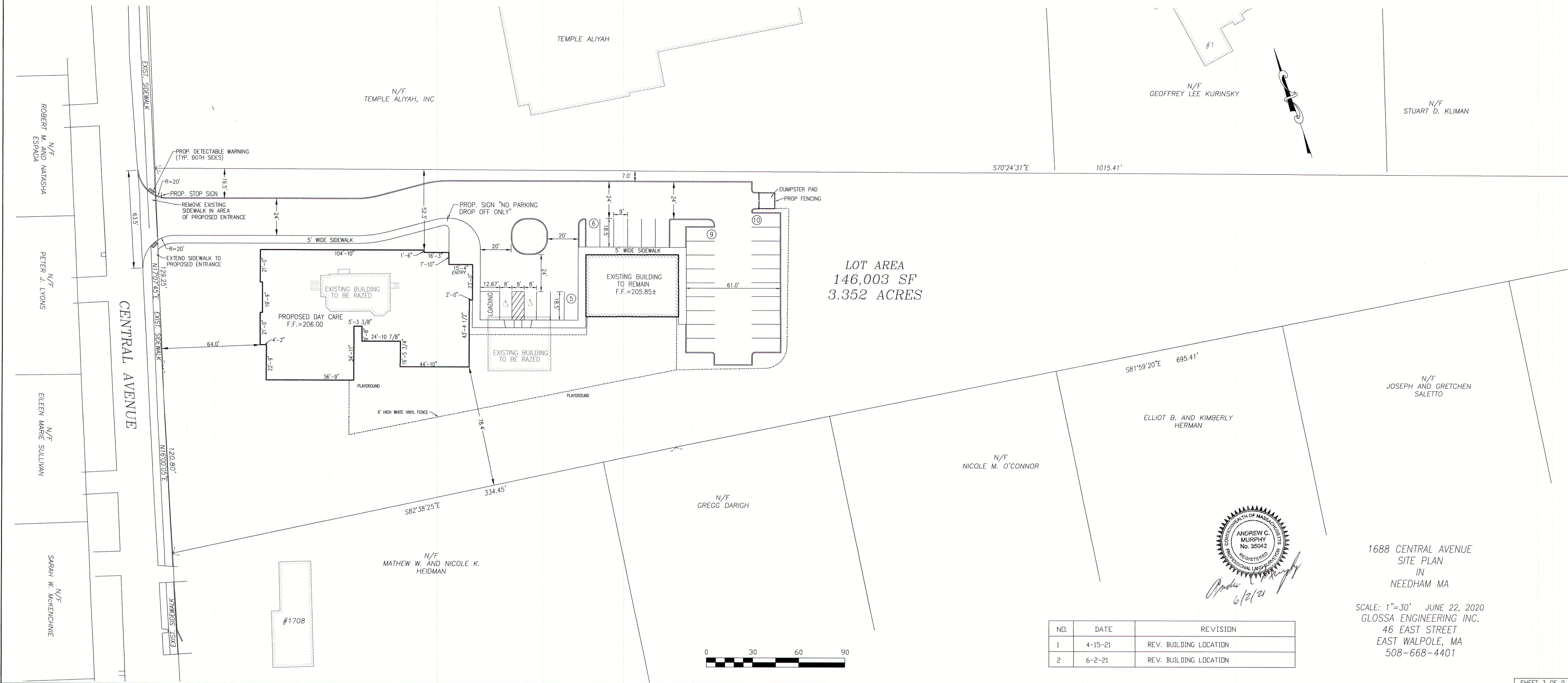
- 1) ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN ON THIS PLAN AND THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN MAY VARY FROM THEIR FIELD LOCATION. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY DIG SAFE AT LEAST 72 HOURS PRIOR TO THE START OF THE CONSTRUCTION.
- 2) ALL CONSTRUCTION SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF NEEDHAM PUBLIC WORKS DEPARTMENT.

LEDGEND:

- EXISTING GRADE
EXISTING SPOT GRADE
EXISTING GAS MAIN
EXISTING SEWER MANHOLE
EXISTING DRAIN MANHOLE
EXISTING CATCH BASIN
EXISTING ELECTRIC MANHOLE
EXISTING UTILITY POLE
EXISTING TEST PIT
EXISTING BOUND
EXISTING FENCE
EXISTING FIRE HYDRANT
EXISTING GATE VALE
PROPOSED GRADE
PROPOSED SPOT GRADE
PROPOSED CATCH BASIN
PROPOSED DRAIN MANHOLE
PROPOSED TAPPING SLEEVE AND VALVE



NOTE:
THE PROJECT DOES NOT REQUIRE AN ELECTRICAL TRANSFORMER AND WILL NOT HAVE A GENERATOR.



1688 CENTRAL AVENUE
SITE PLAN
IN
NEEDHAM MA

SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION

CONSTRUCTION NOTES

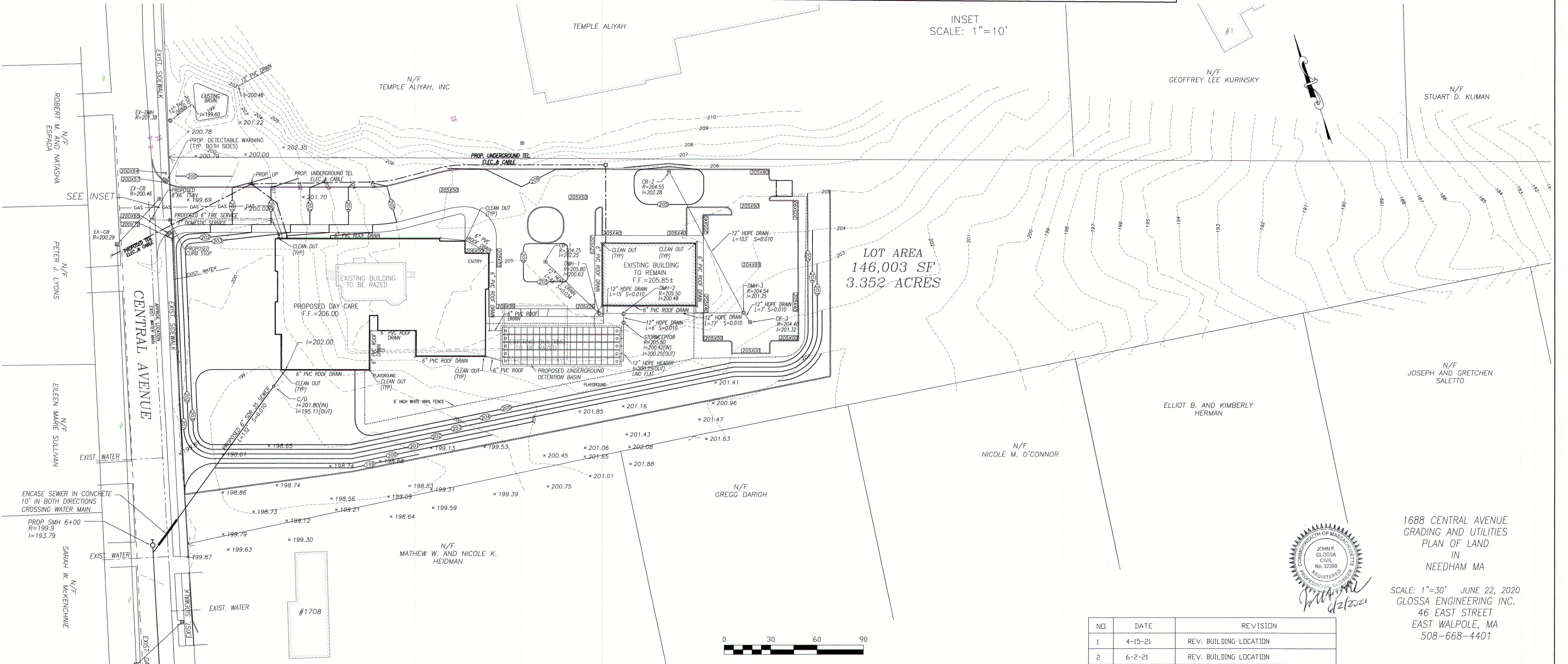
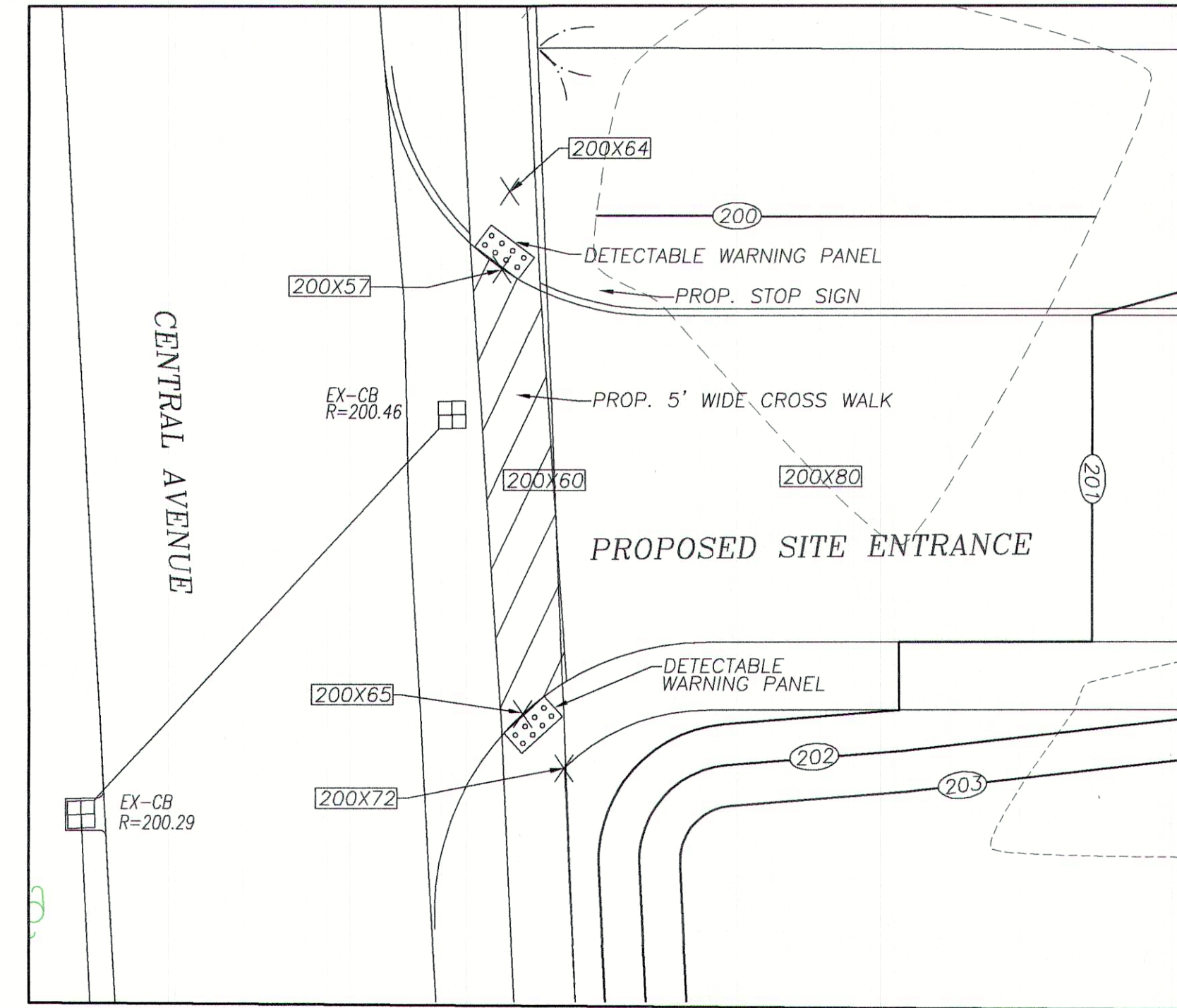
1) ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN ON THIS PLAN AND THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN MAY VARY FROM THEIR FIELD LOCATION. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY DIG SAFE AT LEAST 72 HOURS PRIOR TO THE START OF THE CONSTRUCTION.

2) ALL CONSTRUCTION SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF NEEDHAM PUBLIC WORKS DEPARTMENT.

LEDGEND:

EXISTING GRADE	100
EXISTING SPOT GRADE	x 200.02
EXISTING GAS MAIN	G
EXISTING SEWER MANHOLE	SMH
EXISTING DRAIN MANHOLE	EX-DMH
EXISTING CATCH BASIN	EX-CB
EXISTING ELECTRIC MANHOLE	EX-EMH
EXISTING UTILITY POLE	UP
EXISTING TEST PIT	TEST PIT#5
EXISTING BOUND	
EXISTING FENCE	
EXISTING FIRE HYDRANT	
EXISTING GATE VALE	
PROPOSED GRADE	205
PROPOSED SPOT GRADE	205X35
PROPOSED CATCH BASIN	CB-1
PROPOSED DRAIN MANHOLE	DMH-1
PROPOSED TAPPING SLEEVE AND VALVE	PROPOSED 8"x6" TS&V

NOTE:
THE PROJECT DOES NOT REQUIRE AN ELECTRICAL TRANSFORMER AND WILL NOT HAVE A GENERATOR.



1688 CENTRAL AVENUE
GRADING AND UTILITIES
PLAN OF LAND
IN
NEEDHAM MA
SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

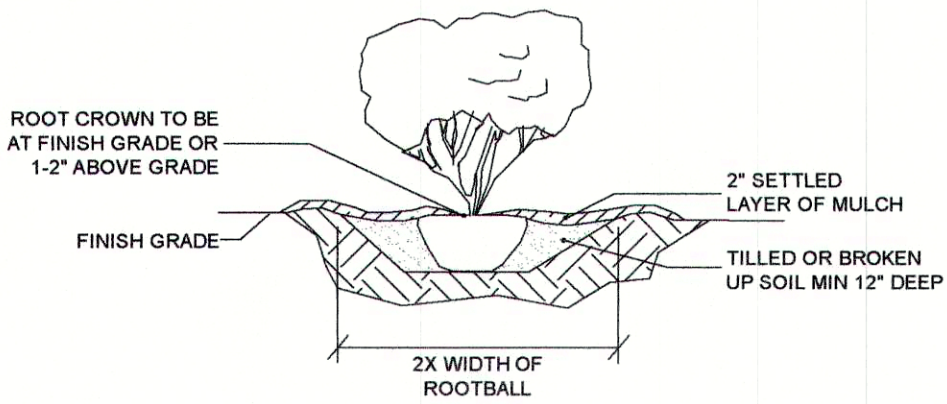
NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION

CONSTRUCTION NOTES

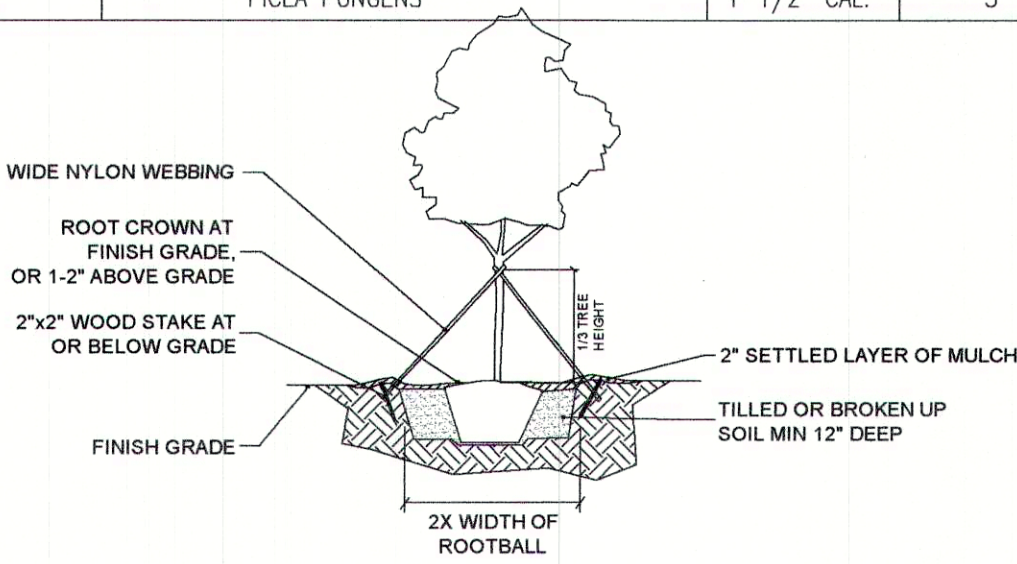
1) ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN ON THIS PLAN AND THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN MAY VARY FROM THEIR FIELD LOCATION. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY DIG SAFE AT LEAST 72 HOURS PRIOR TO THE START OF THE CONSTRUCTION.

2) ALL CONSTRUCTION SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF NEEDHAM PUBLIC WORKS DEPARTMENT.

	COMMON NAME	BOTANICAL NAME	SIZE	QUANTITY
PA	PINK AZELEA	RHODODENDRON PERICLYMENOIDES	2'-3'	10
MA	WHITE AZELEA	RHODODENDRON VICOSUM	2'-3'	7
RA	RHODODENDRON	RHODODENDRON FERRUGINEUM	2'-3'	2
JA	JUNIPER	JUNIPERUS	2'-3'	2
LA	MAPLE "LEGACY"	ACER SACCHARUM	1-1/2" CAL.	4
PA	WHITE PINE	PINUS STOBUS	1-1/2" CAL.	16
CA	CRABAPPLE "DONALD WYMAN"	MALUS "DONALD WYMAN"	1-1/2" CAL.	4
EA	ARBORVITAE "EMERALD GREEN"	THJA OCCIDENTALIS SMARAGD	2'-3'	54
MA	ARBORVITAE "HETZ MIDGET"	THJA OCCIDENTALIS "HETZ MIDGET"	2'-3'	18
CA	RED CEDAR	JUNIPERUS VIRGINIANA	1-1/2" CAL.	14
CA	CHERRY	PRUNUS AVIUM	1-1/2" CAL.	2
NS	NORWAY SPRUCE	PICEA ABIES	1-1/2" CAL.	3
BS	BLUE SPRUCE	PICEA PUNGENS	1-1/2" CAL.	5



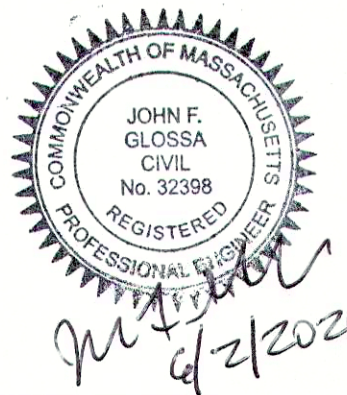
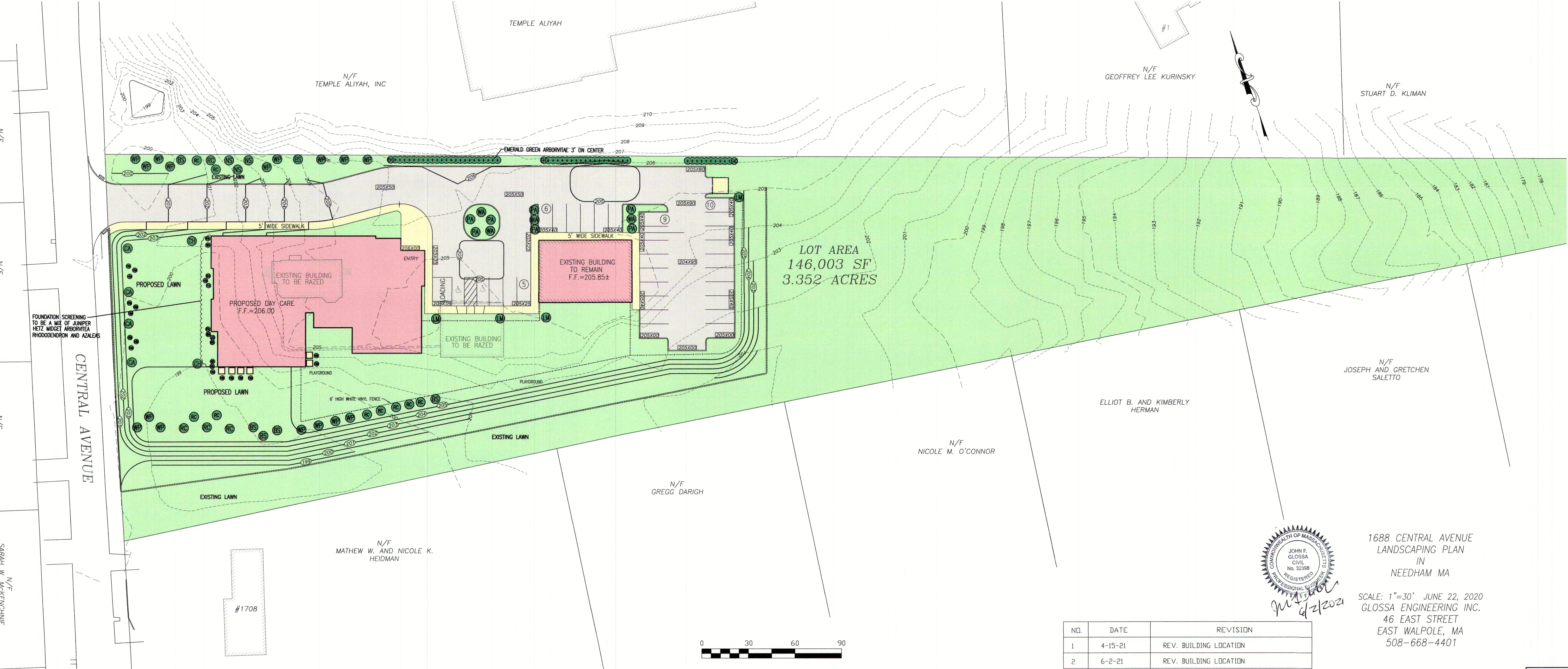
TYP. SHRUB PLANTING:
INDIVIDUAL PLANTING HOLE
NOT TO SCALE



TREE PLANTING
NOT TO SCALE

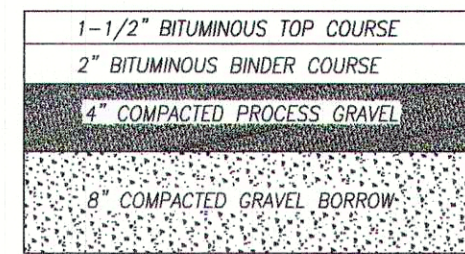
LEDGEND:

EXISTING GRADE	----- 100-----
EXISTING SPOT GRADE	x 200.02
EXISTING GAS MAIN	—G—
EXISTING SEWER MANHOLE	○ SMH
EXISTING DRAIN MANHOLE	○ EX-DMH
EXISTING CATCH BASIN	■ EX-CB
EXISTING ELECTRIC MANHOLE	○ EX-EMH
EXISTING UTILITY POLE	○ UP
EXISTING TEST PIT	■ TEST PIT#5
EXISTING BOUND	□
EXISTING FENCE	—X—X—X—X—X—
EXISTING FIRE HYDRANT	■
EXISTING GATE VALE	■
PROPOSED GRADE	----- 205-----
PROPOSED SPOT GRADE	x 205.42
PROPOSED CATCH BASIN	■ CB-1
PROPOSED DRAIN MANHOLE	○ DMH-1
PROPOSED TAPPING SLEEVE AND VALVE	■ PROPOSED 8"x6" TS&V

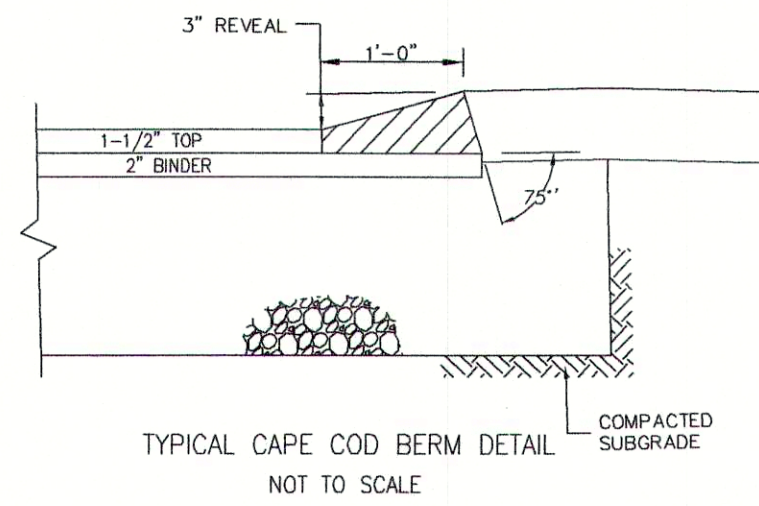


1688 CENTRAL AVENUE
LANDSCAPING PLAN
IN
NEEDHAM MA
SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

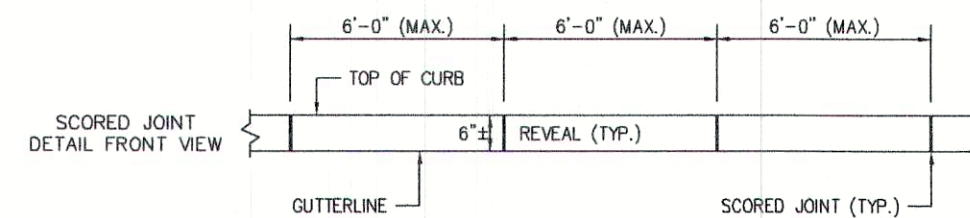
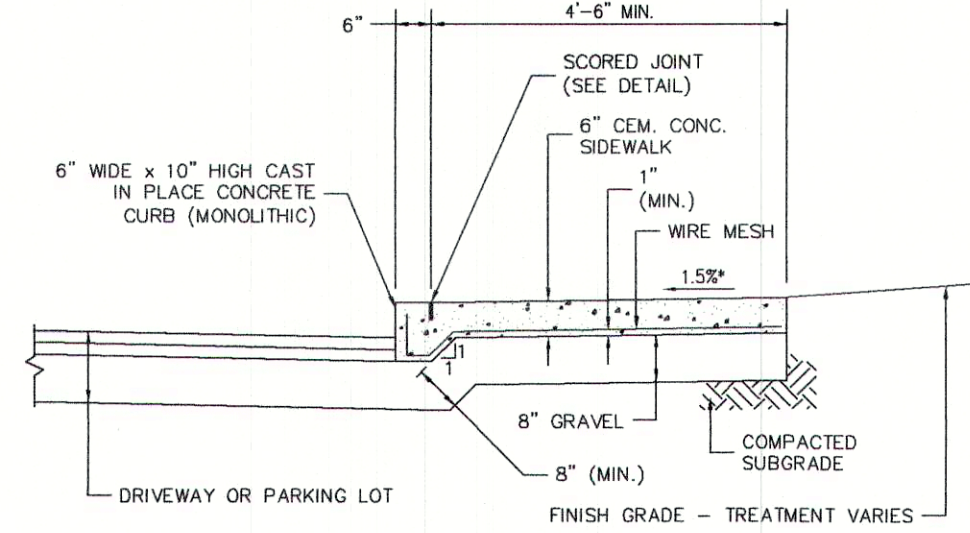
NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION



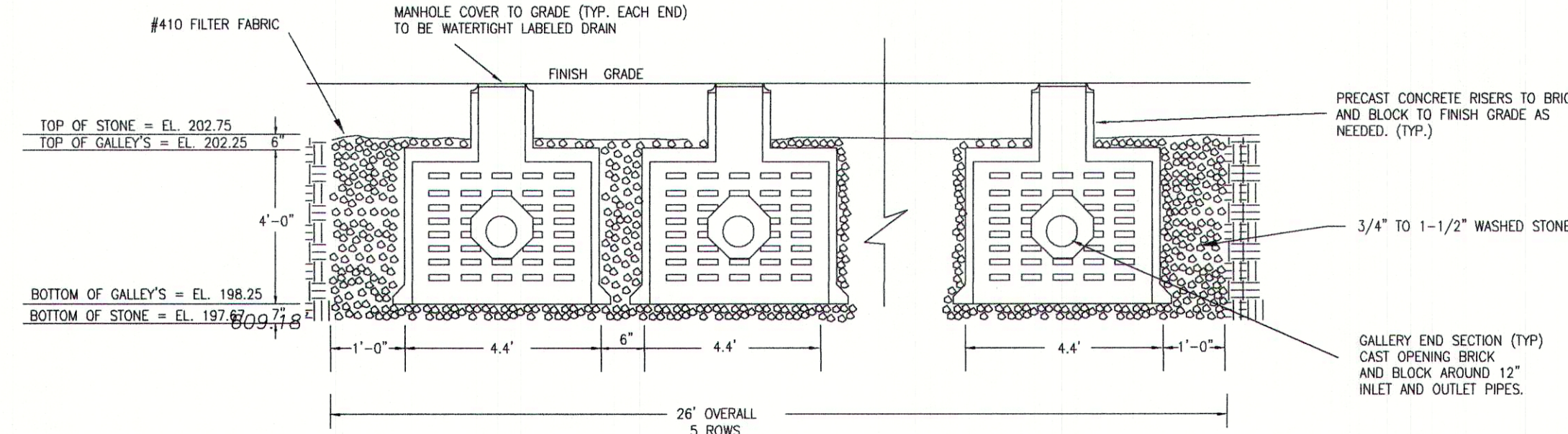
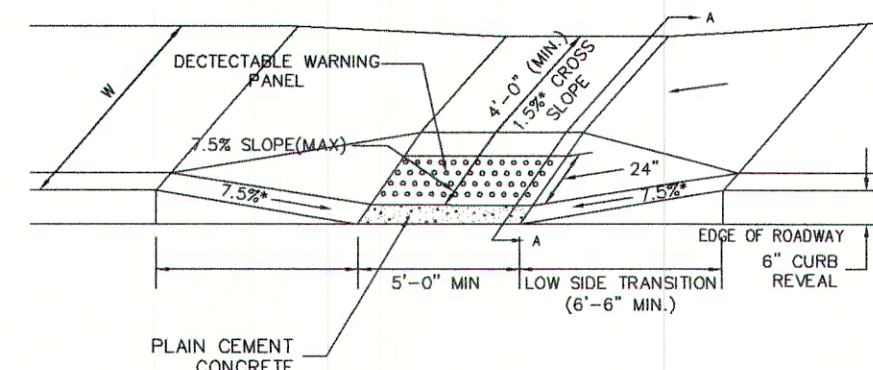
PAVEMENT DETAIL
NOT TO SCALE



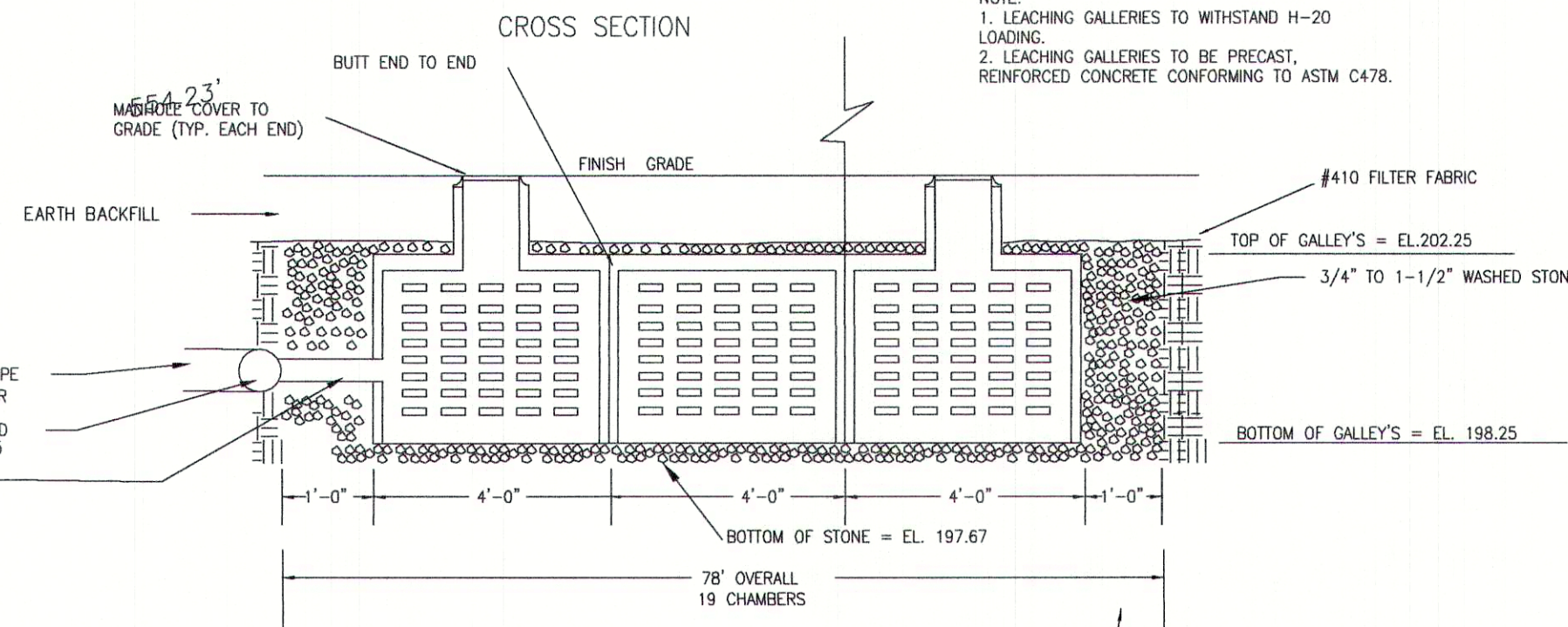
TYPICAL CAPE COD BERM DETAIL
NOT TO SCALE



NOTE: MONOLITHIC CONCRETE CURB SHALL NOT BE USED ON ANY PUBLIC STREET OR WAY. MONOLITHIC CONCRETE CURB MAY BE USED ON PRIVATE WAYS, DRIVEWAYS AND IN PARKING LOTS.
* - TOLERANCE FOR CONSTRUCTION $\pm 0.5\%$

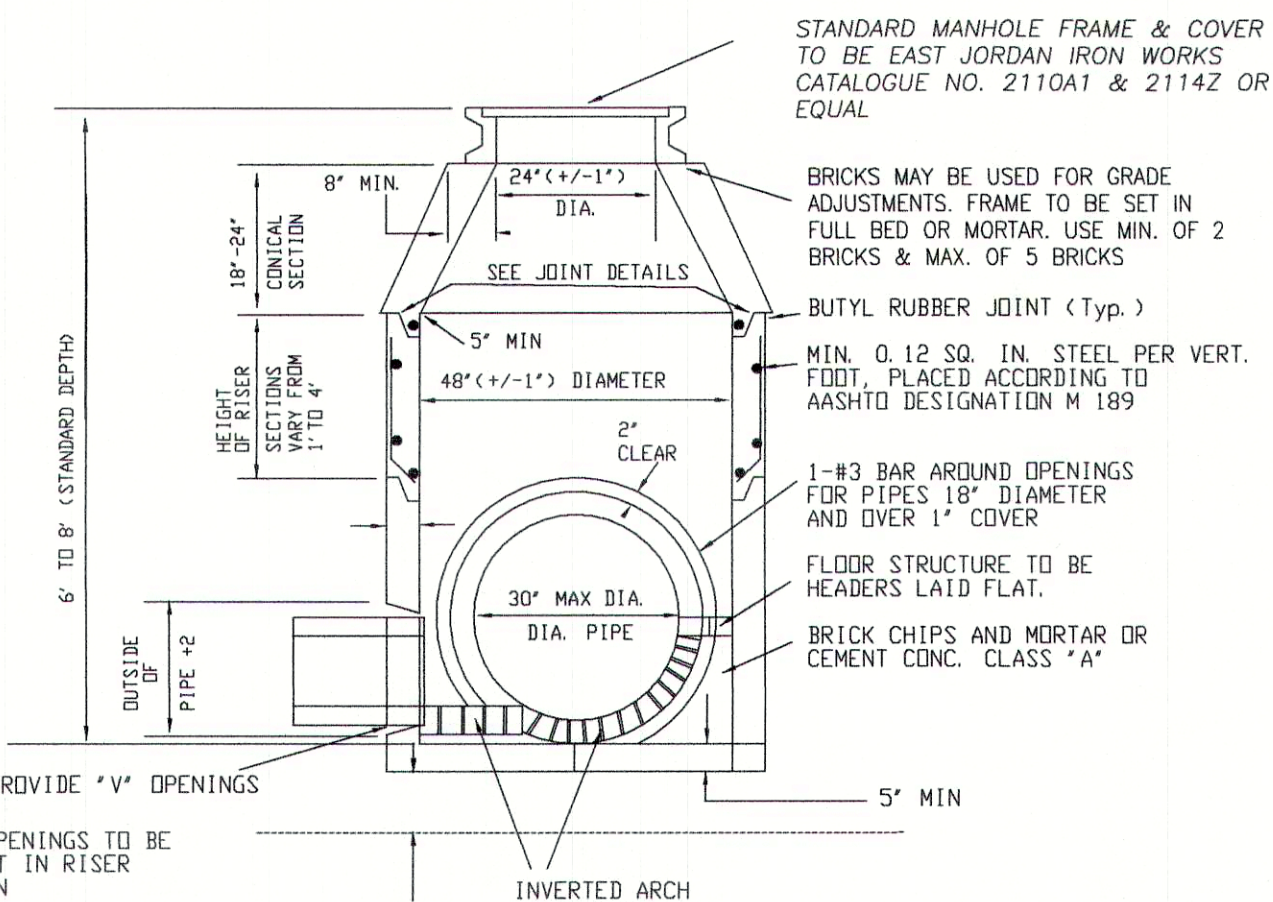


NOTE:
1. LEACHING GALLERIES TO WITHSTAND H-20 LOADING.
2. LEACHING GALLERIES TO BE PRECAST, REINFORCED CONCRETE CONFORMING TO ASTM C478.

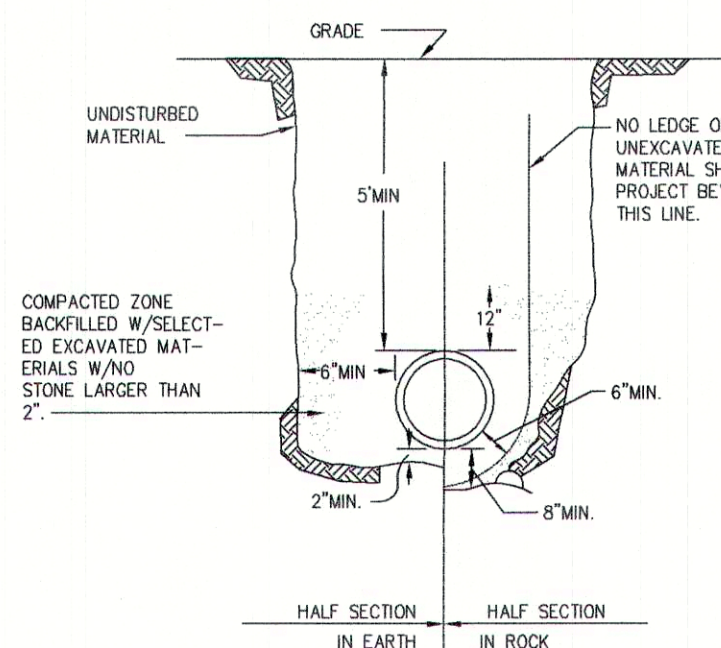


NOTE: REMOVE ALL UNSUITABLE MATERIAL FROM BENEATH THE INFILTRATION BASIN TO THE TOP OF THE SAND AND GRAVEL LAYER AS DETERMINED BY A DEP APPROVED SOIL EVALUATOR. REPLACE WITH SEPTIC SAND

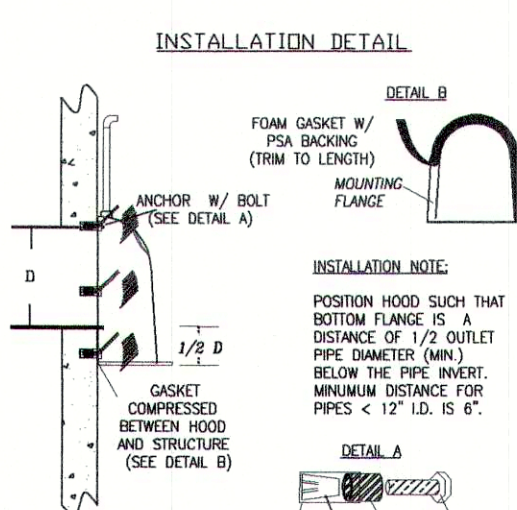
TYPICAL UNDERGROUND INFILTRATION BASIN
NOT TO SCALE



PRECAST CONCRETE DRAIN MANHOLE DETAILS
NOT TO SCALE

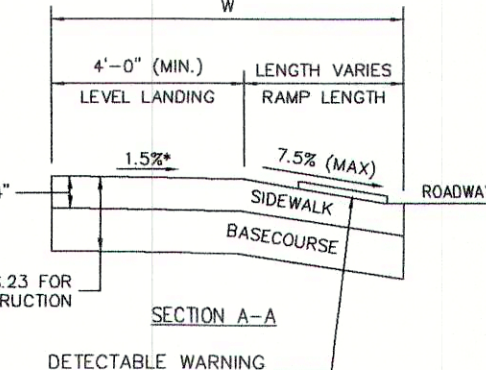


WATER MAIN TRENCH DETAIL
NOT TO SCALE

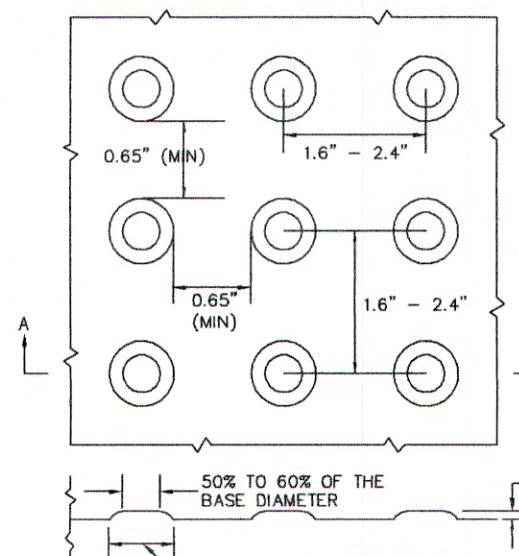


OIL AND GREASE TRAP
SNOUT 18R OR
APPROVED EQUAL
NOT TO SCALE

LEGEND:
W = SIDEWALK WIDTH
WC = CURB WIDTH
* = TOLERANCE FOR CONSTRUCTION $\pm 0.5\%$
- USABLE SIDEWALK WIDTH PER AASHTO IS W-WC
- USABLE SIDEWALK WIDTH PER AASHTO IS NOT TO BE LESS THAN 4'-0"

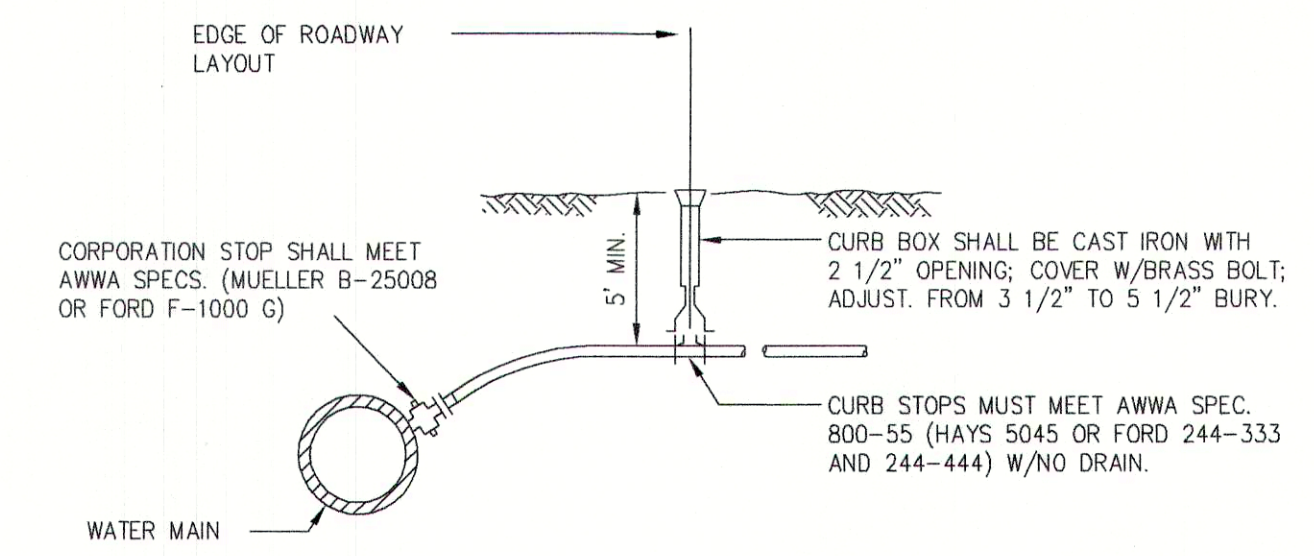


SIDEWALKS SHALL BE CONSTRUCTED IN CONFORMANCE WITH THE CURRENT REGULATIONS OF THE ARCHITECTURAL ACCESS BOARD, THE AMERICANS WITH DISABILITIES ACT AND THE CURRENT MASSHIGHWAY CONSTRUCTION STANDARDS.



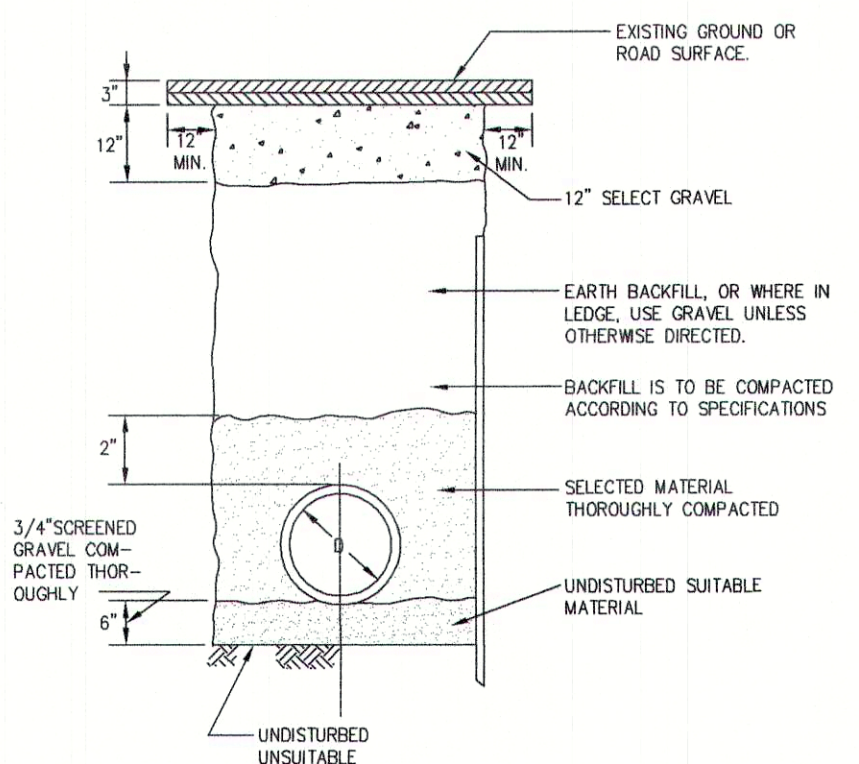
PANELS MAY BE CONCRETE PRECAST OR CAST IN PLACE OR OTHER SUITABLE MATERIAL PERMANENTLY APPLIED TO THE RAMP. DETECTABLE WARNING SURFACES SHALL CONTRAST VISUALLY WITH ADJACENT WALKING SURFACES EITHER LIGHT-ON-DARK OR DARK-ON-LIGHT.

TAPPING SLEEVE AND
VALVE DETAILS
NOT TO SCALE

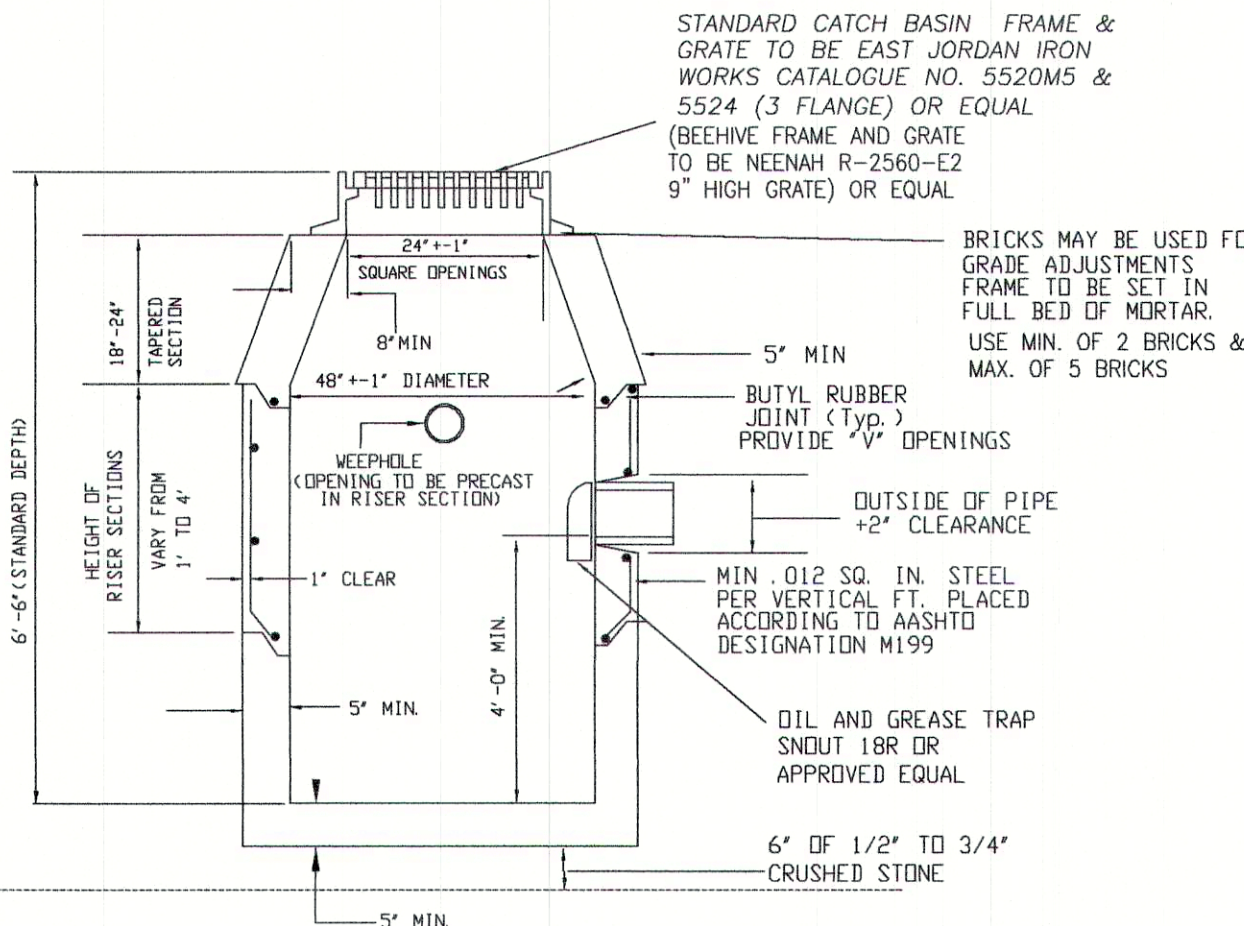


NOTE:
COPPER TUBING SHALL MEET AWWA SPEC. 76-OR TYPE K OR FEDERAL SPEC. WWI-799 TYPE K.
1 1/2" AND LARGER SERVICES ARE REQUIRED TO HAVE A SADDLE.

TYPICAL SERVICE CONNECTION
NOT TO SCALE



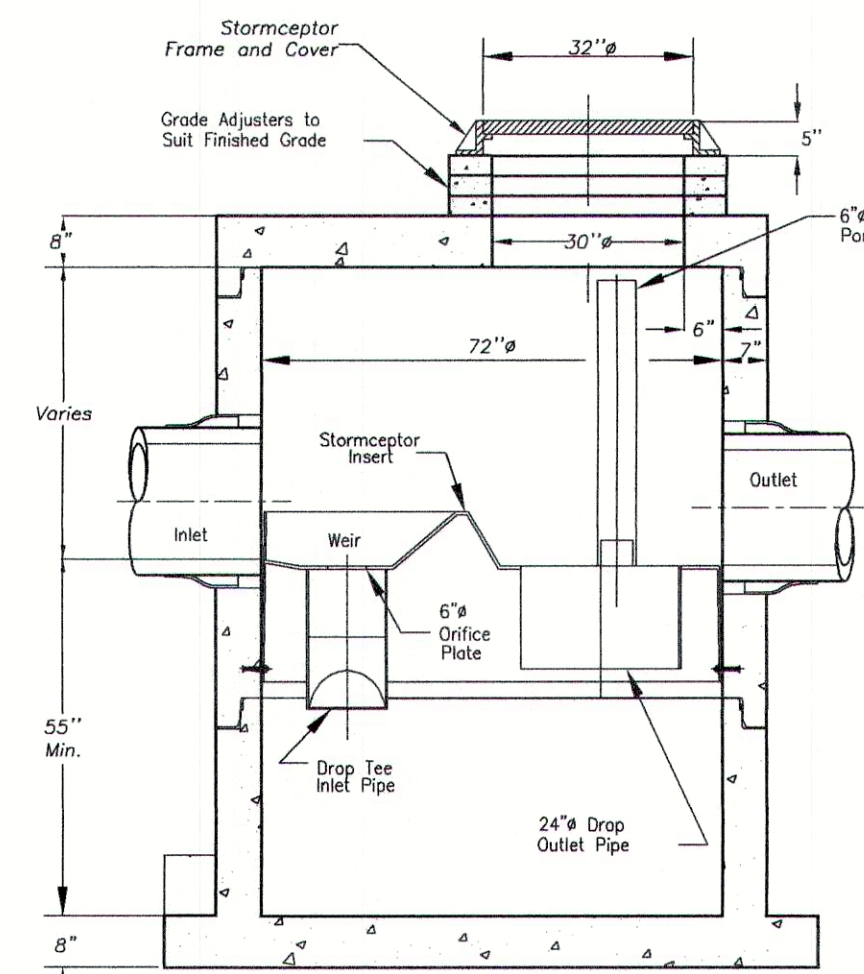
TYPICAL DRAIN TRENCH DETAILS
NOT TO SCALE



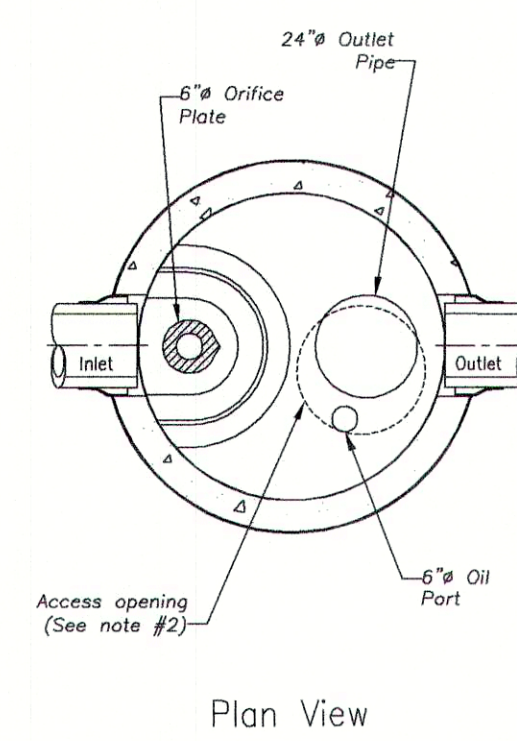
PRECAST CONCRETE CATCH BASIN DETAILS
NOT TO SCALE

STANDARD CATCH BASIN FRAME & GRATE TO BE EAST JORDAN IRON WORKS CATALOGUE NO. 3520M5 & 5524 (3\"/>

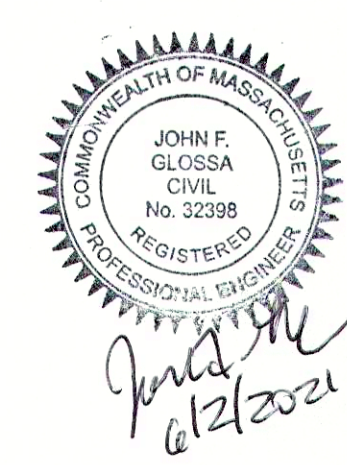
BRICKS MAY BE USED FOR GRADE ADJUSTMENTS. FRAME TO BE SET IN FULL BED OF MORTAR. USE MIN. OF 2 BRICKS & MAX. OF 5 BRICKS



Section Thru Chamber
STC 900 Precast Concrete Stormceptor
(900 U.S. Gallon Capacity)



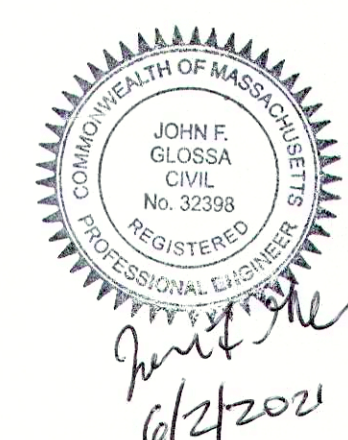
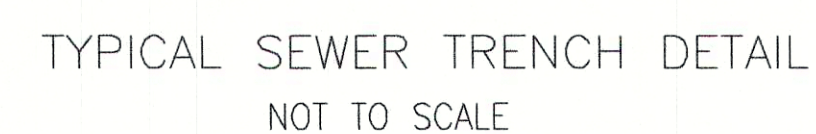
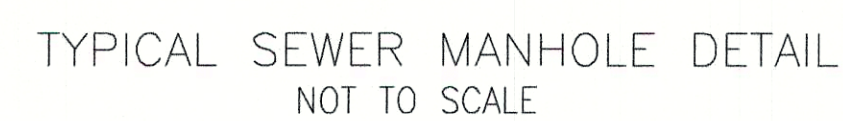
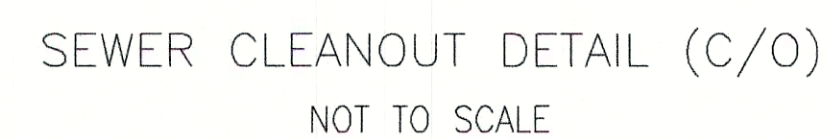
Notes:
1. The Use Of Flexible Connection is Recommended at The Inlet and Outlet Where Applicable.
2. The Cover Should be Positioned Over The Outlet Drop Pipe and The Oil Port.
3. The Stormceptor System is protected by one or more of the following U.S. Patents: #4985148, #5498331, #5725760, #5753115, #5849181, #6068765, #6371690.
4. Contact a Concrete Pipe Division representative for further details not listed on this drawing.



1688 CENTRAL AVENUE
CONSTRUCTION DETAILS
IN
NEEDHAM MA

SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

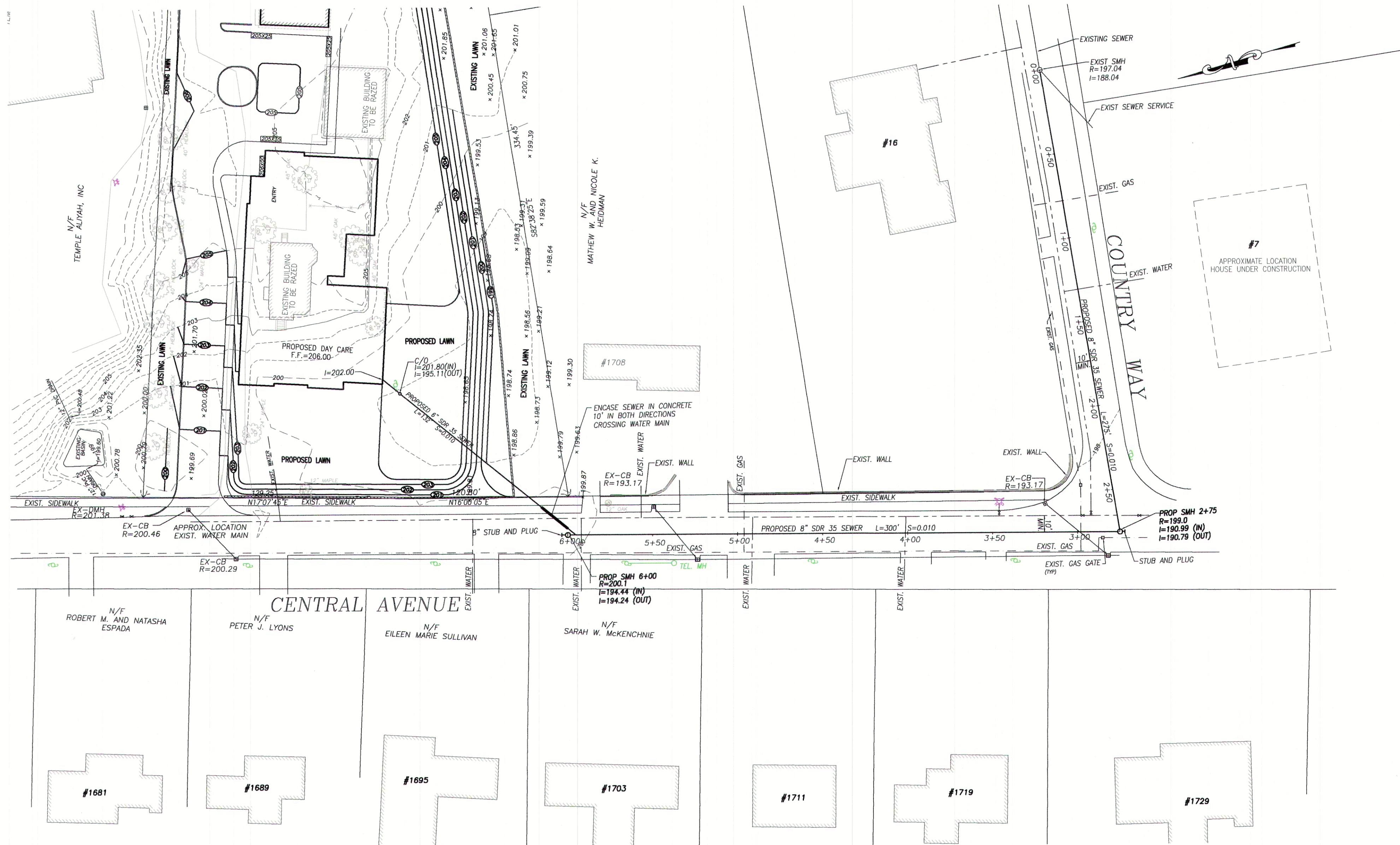
NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION



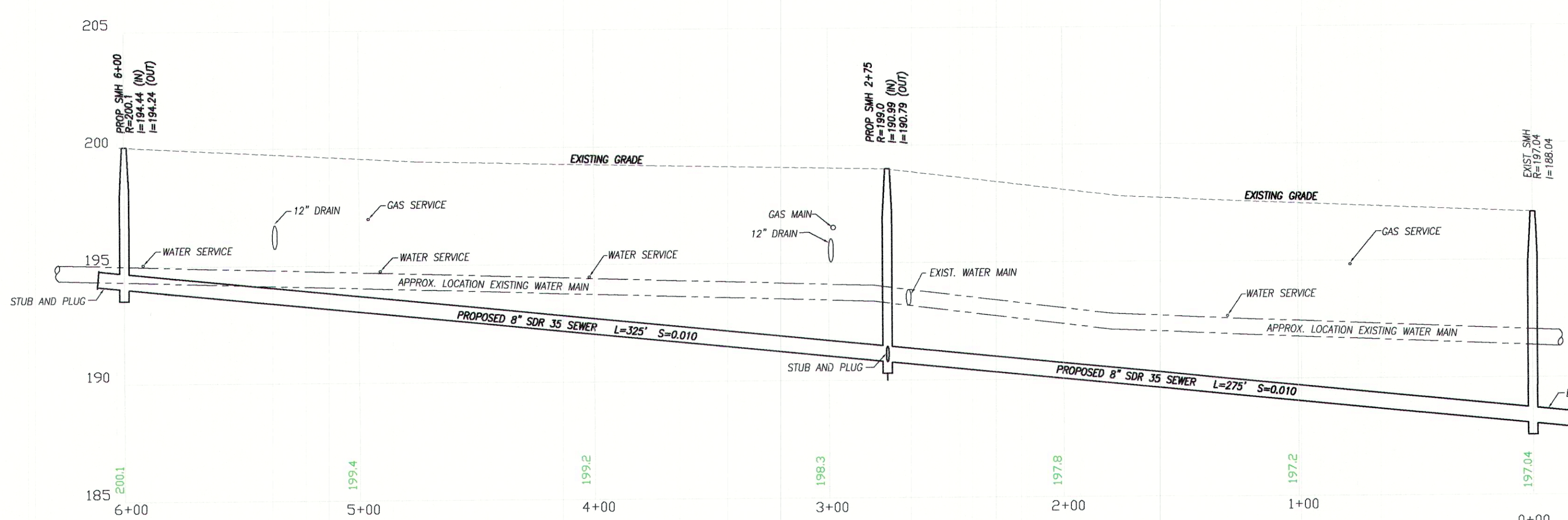
1688 CENTRAL AVENUE
CONSTRUCTION DETAILS
IN
NEEDHAM MA

SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

NO.	DATE	REVISION
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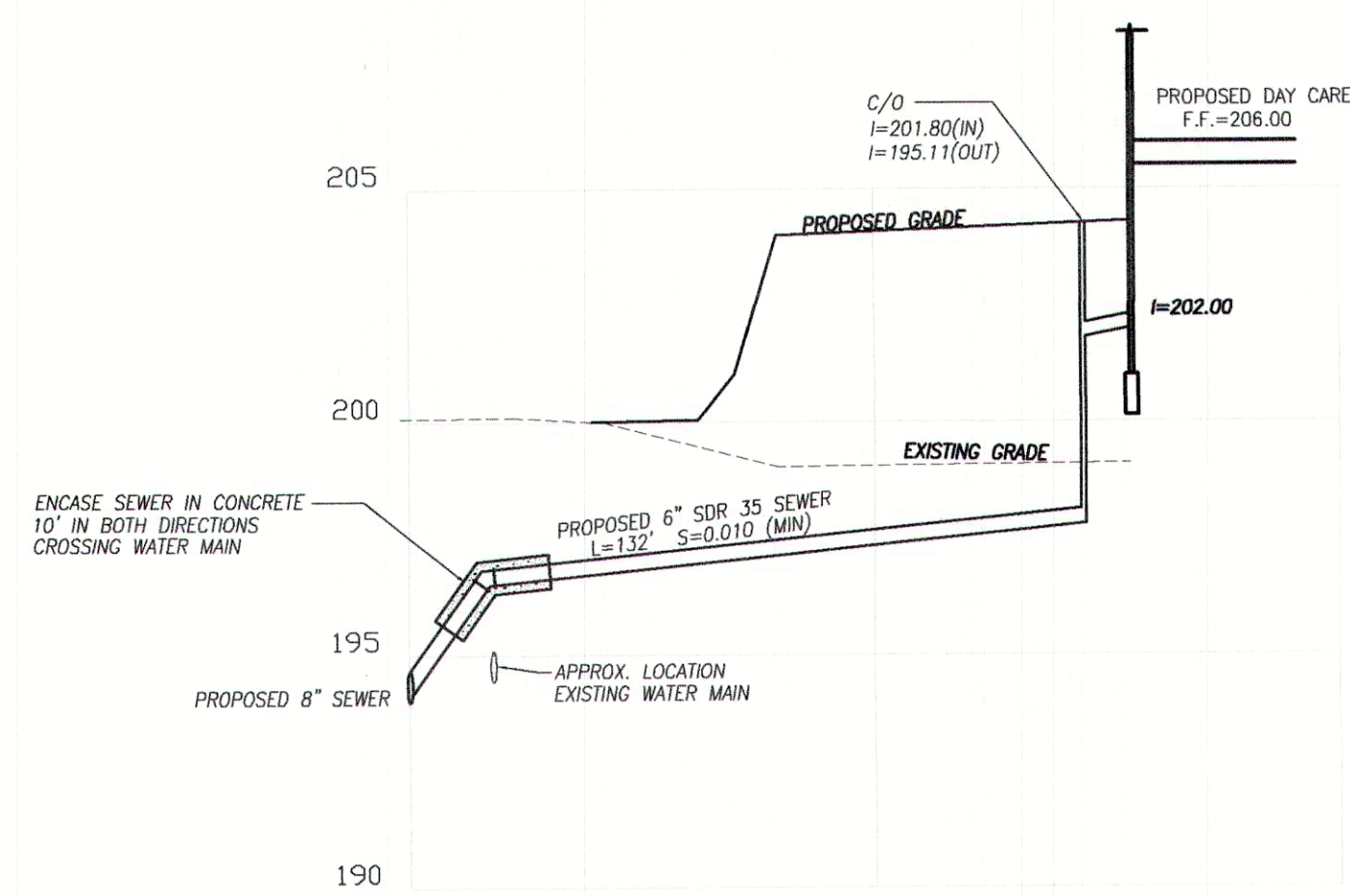


PLAN
SCALE: 1" = 40'

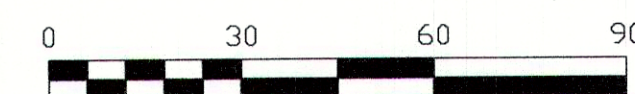


PROFILE
SCALE: HOR. 1" = 40'
VERT. 1" = 4'

NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION



BUILDING CONNECTION PROFILE
SCALE: HOR. 1" = 40'
VERT. 1" = 4'

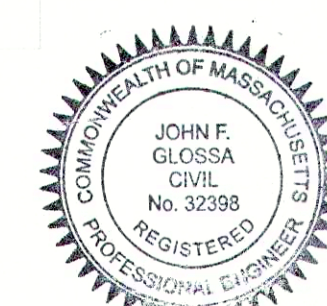


LEDGEND:

EXISTING GRADE	----- 100-----
EXISTING SPOT GRADE	x 200.02
EXISTING GAS MAIN	- - - - -
EXISTING GAS GATE	==
EXISTING SEWER MANHOLE	○ EXIST. SMH
EXISTING DRAIN MANHOLE	○ EX-DMH
EXISTING CATCH BASIN	⊞ EX-CB
EXISTING ELECTRIC MANHOLE	○ EX-EMH
EXISTING UTILITY POLE	○
EXISTING FENCE	x x x x x
EXISTING FIRE HYDRANT	⊞
EXISTING GATE VALE	⊞
PROPOSED GRADE	----- 200-----
PROPOSED SPOT GRADE	x 200.02
PROPOSED SEWER MANHOLE	○ PROP. SMH
PROPOSED CATCH BASIN	⊞ CB-1
PROPOSED DRAIN MANHOLE	○ DMH-1
PROPOSED TAPPING SLEEVE AND VALVE	⊞ PROPOSED 8"x6" TS&V

CONSTRUCTION NOTES

- 1) ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN ON THIS PLAN AND THE LOCATION OF THE UNDERGROUND UTILITIES SHOWN MAY VARY FROM THEIR FIELD LOCATION. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY DIG SAFE AT LEAST 72 HOURS PRIOR TO THE START OF THE CONSTRUCTION.
- 2) ALL CONSTRUCTION SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE TOWN OF NEEDHAM PUBLIC WORKS DEPARTMENT

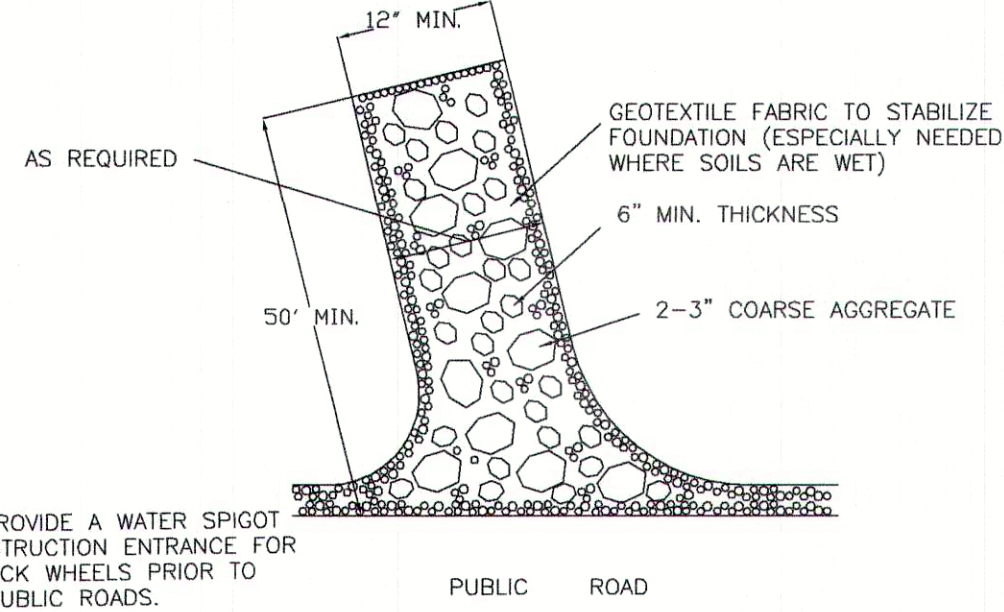


1688 CENTRAL AVENUE
SEWER EXTENSION
PLAN AND PROFILE
IN
NEEDHAM MA

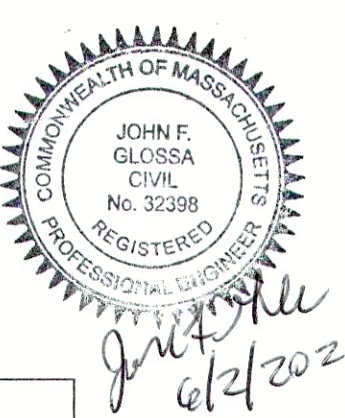
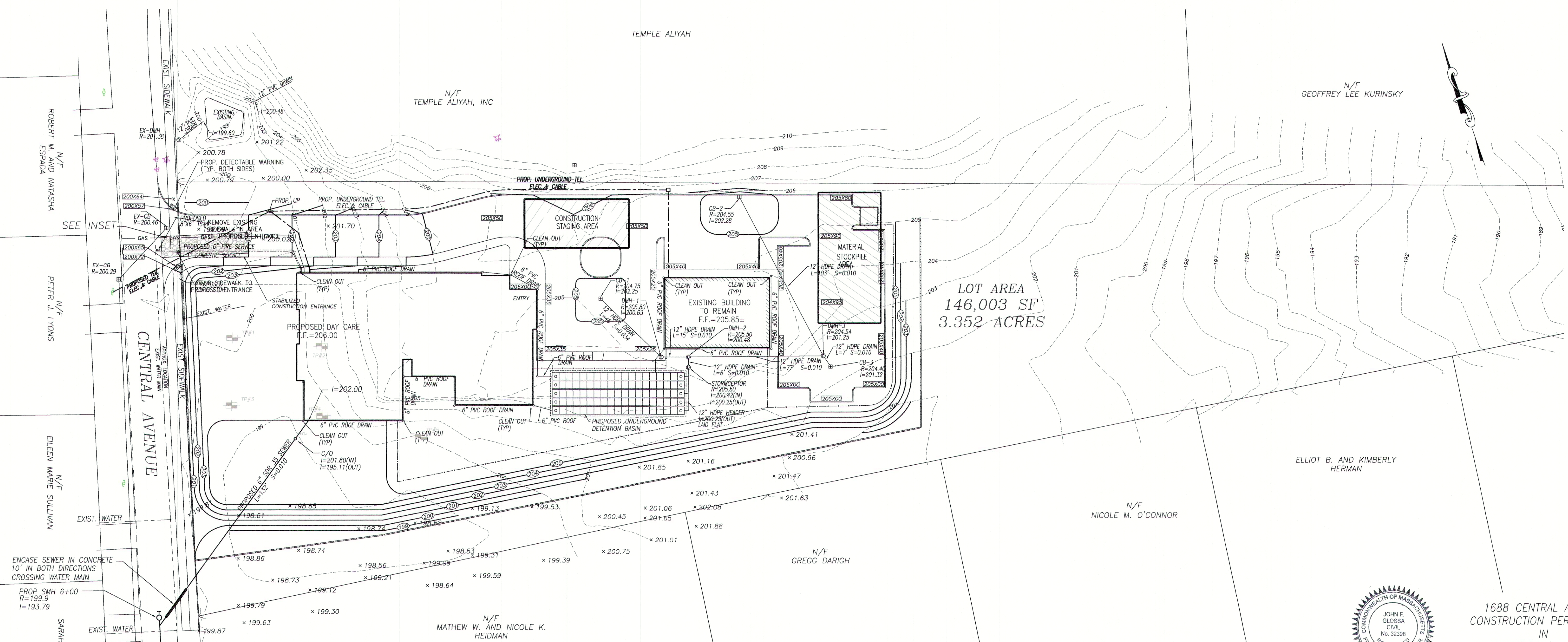
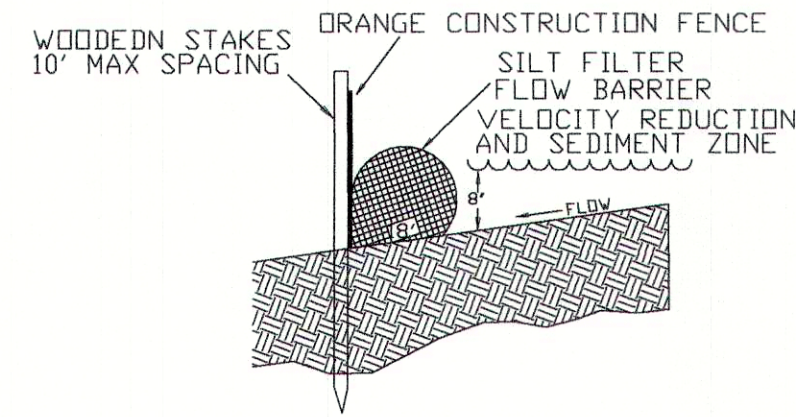
SCALE: AS NOTED NOVEMBER 19, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

- CONSTRUCTION SEQUENCING:
1. INSTALLATION OF SILT BARRIERS AS SHOWN ON THE PLANS
 2. INSTALLATION OF STABILIZED CONSTRUCTION ENTRANCE
 3. ESTABLISHMENT OF A CONSTRUCTION STAGING AREA
 4. ESTABLISHMENT OF A MATERIALS STOCKPILE AREA
 5. REMOVAL OF EXISTING BUILDINGS
 6. CLEARING AND GRUBBING
 7. REMOVAL AND STOCKPILING OF TOP AND SUBSOILS
 8. REMOVAL OF SAND AND GRAVEL TO BRING SITE TO SUB GRADE
 9. ESTABLISHING AND STABILIZING WITH LOAM AND SEED ALL CUT AND FILL SLOPES
 10. INSTALL BINDER COURSE OF DRIVEWAY IN LOCATION OF FINAL ASPHALT DRIVEWAY
 11. CONSTRUCTION OF THE BUILDING
 12. INSTALLATION OF UNDERGROUND DETENTION BASIN
 13. INSTALLATION OF UNDERGROUND UTILITIES, I.E. DRAINAGE, WATER LINE, ELECTRIC, CATV AND TELEPHONE
 14. INSTALLATION OF LANDSCAPING AND GRASS AREAS
 15. FINAL COURSE OF ASPHALT FOR DRIVEWAYS
 16. CLEAN UP AND DEMOBILIZE

- CONSTRUCTION NOTES:
1. ALL AREAS TO BE ALTERED SHALL BE BROUGHT TO SUB GRADE OR FINAL GRADE AT THE START OF CONSTRUCTION
 2. AREAS ONCE BROUGHT TO GRADE THAT WILL NOT BE ALTERED AGAIN SHALL BE LOAMED AND SEEDED AND PROTECTED WITH STRAW GUARD AS NEEDED
 3. DRAINAGE BASIN AS SHOWN SHALL NOT BECOME OPERATIONAL UNTIL THE SITE IS FINISHED AND SWEEPED OF ALL DEBRIS
 4. TEMPORARY SEDIMENT BASINS SHALL BE USED AND MAINTAINED UNTIL ALL PROPOSED PAVED AREAS ARE COMPLETE AND SWEEPED OF ALL DEBRIS
 5. CATCH BASINS SHALL BE PROTECTED FROM SEDIMENTS AT ALL TIMES UNTIL CONSTRUCTION IS COMPLETE
 6. INSTALL SILT SACKS IN ALL EXISTING AND PROPOSED CATCH BASINS



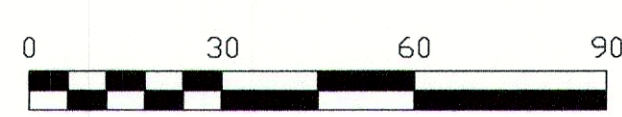
STABILIZED CONSTRUCTION ENTRANCE
NOT TO SCALE



1688 CENTRAL AVENUE
CONSTRUCTION PERIOD PLAN
IN
NEEDHAM MA

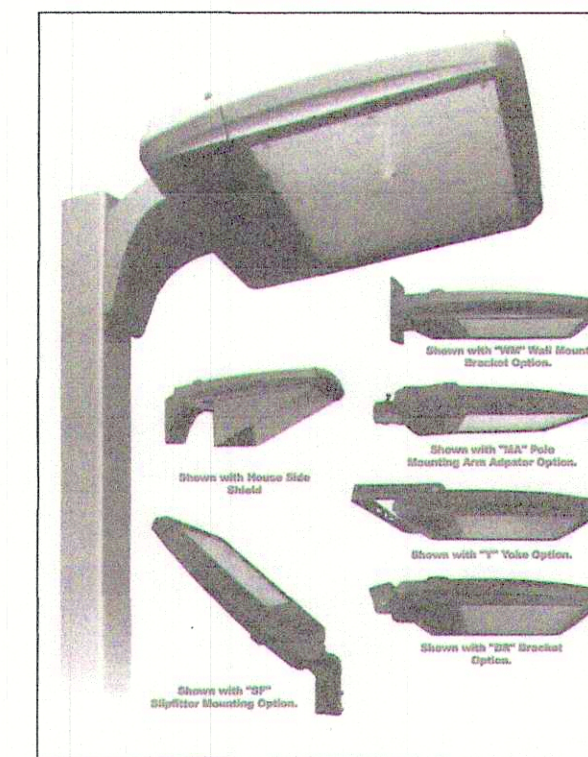
SCALE: 1"=30' JUNE 22, 2020
GLOSSA ENGINEERING INC.
46 EAST STREET
EAST WALPOLE, MA
508-668-4401

NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION
2	6-2-21	REV. BUILDING LOCATION



Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
CalcPhs_1	Illuminance	Fc	1.06	9.0	0.0	N.A.
Parking - Roadway Calcs	Illuminance	Fc	3.37	9.0	0.3	11.23

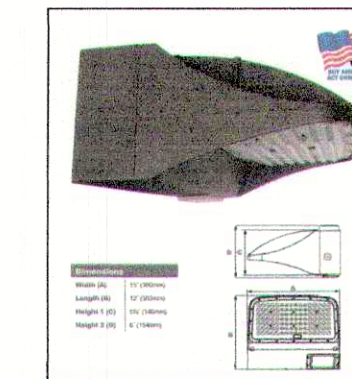
Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Description	LLF	Lum. Lumens
	4	A	SINGLE	EG45QD1X136U4KC	1.000	21455
	1	B	SINGLE	CREST45D1X174U4KC	1.000	20327



LIGHT FIXTURE MODEL NUMBER
EG45QD1X136U4KC
AS MANUFACTURED BY PEMCO LIGHTING PRODUCTS

20' POLE HEIGHT
BY WJM, SERIES SS NON TAPERED STEEL POLE

WALL PACK



LIGHT FIXTURE MODEL NUMBER
CREST45D1X174U4KC
AS MANUFACTURED BY PEMCO LIGHTING PRODUCTS

N/F
GEOFFREY LEE KURINSKY

S70°24'31"E 1015.41'

LOT AREA
146,003 SF
3.352 A

S81°59'20"E 695.41'

ELLIOT B. AND KIMBERLY
HERMAN

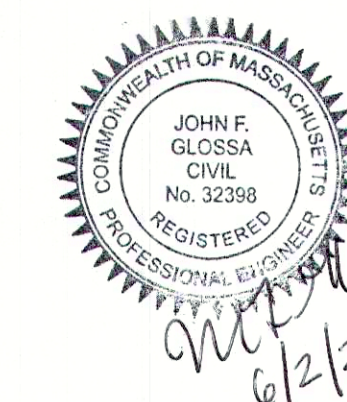
N/F
NICOLE M. O'CONNOR

N/F
GREGG DARIGH

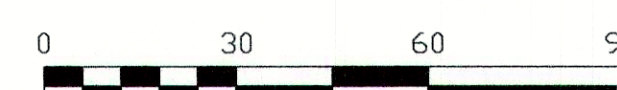
N/F
MATHEW W. AND NICOLE K.
HEIDMAN

#1708

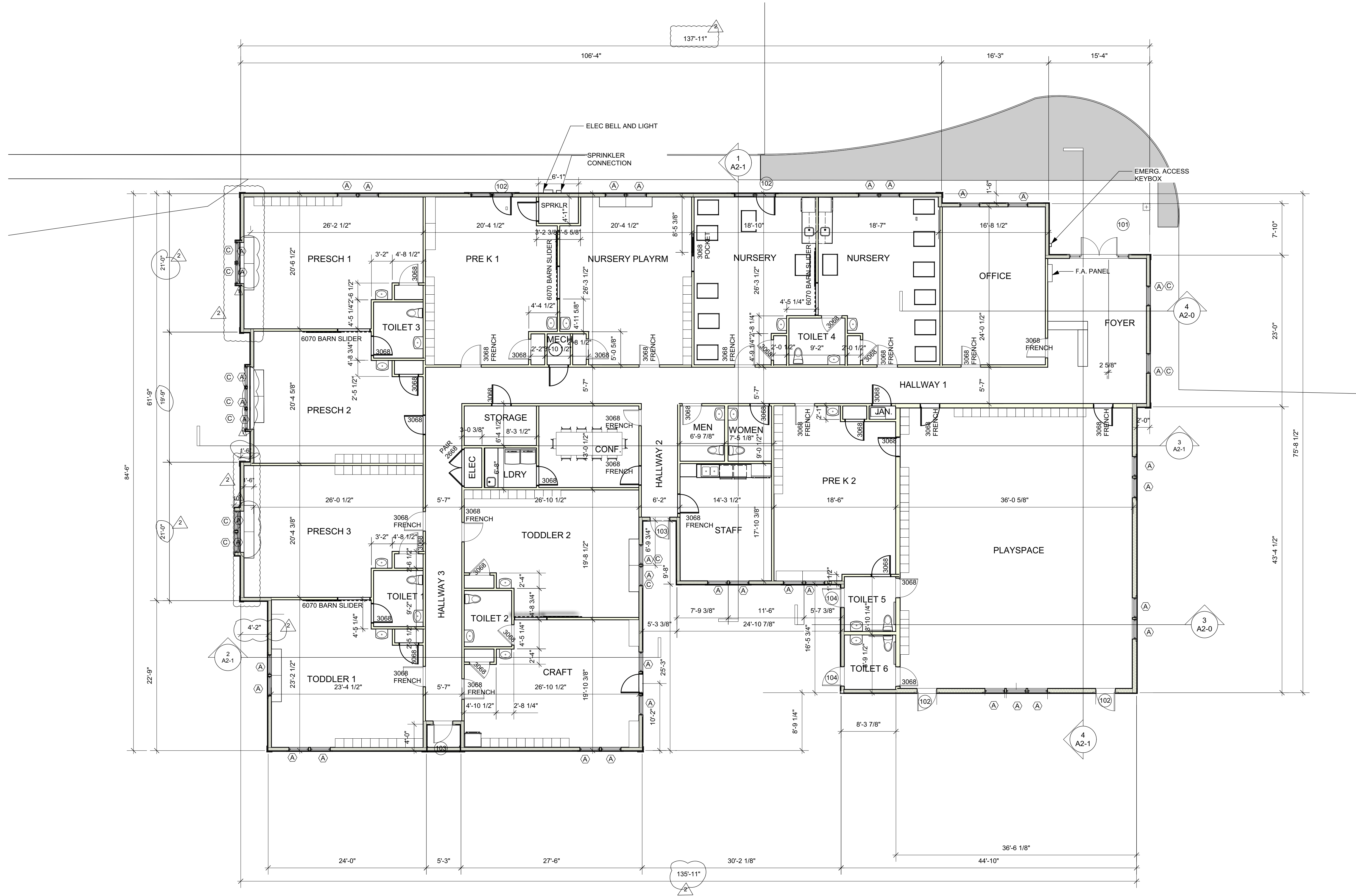
NOTE:
SITE LIGHTING BASED ON THE 4-15-21 PLAN REVISION



APPENDIX
PHOTOMETRIC AND SITE LIGHTING
PLAN
1688 CENTRAL AVENUE
IN
NEEDHAM MA
SCALE 1"=30' JUNE 22, 2020



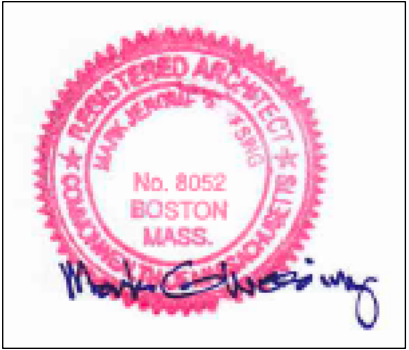
NO.	DATE	REVISION
1	4-15-21	REV. BUILDING LOCATION



1 1st Floor Plan
Scale: 1/8" = 1'-0"

BUILDING DATA

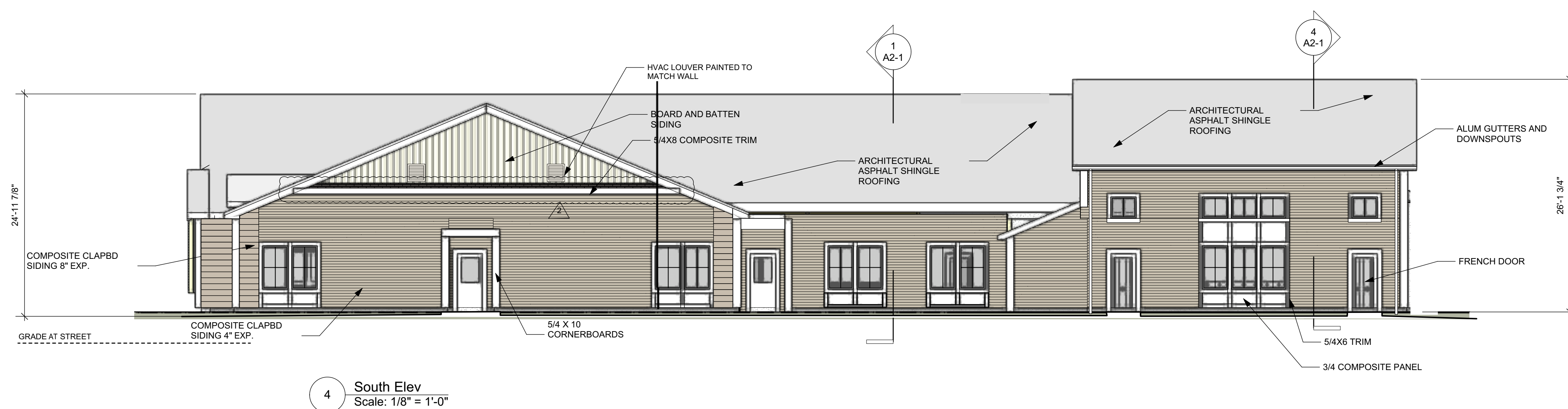
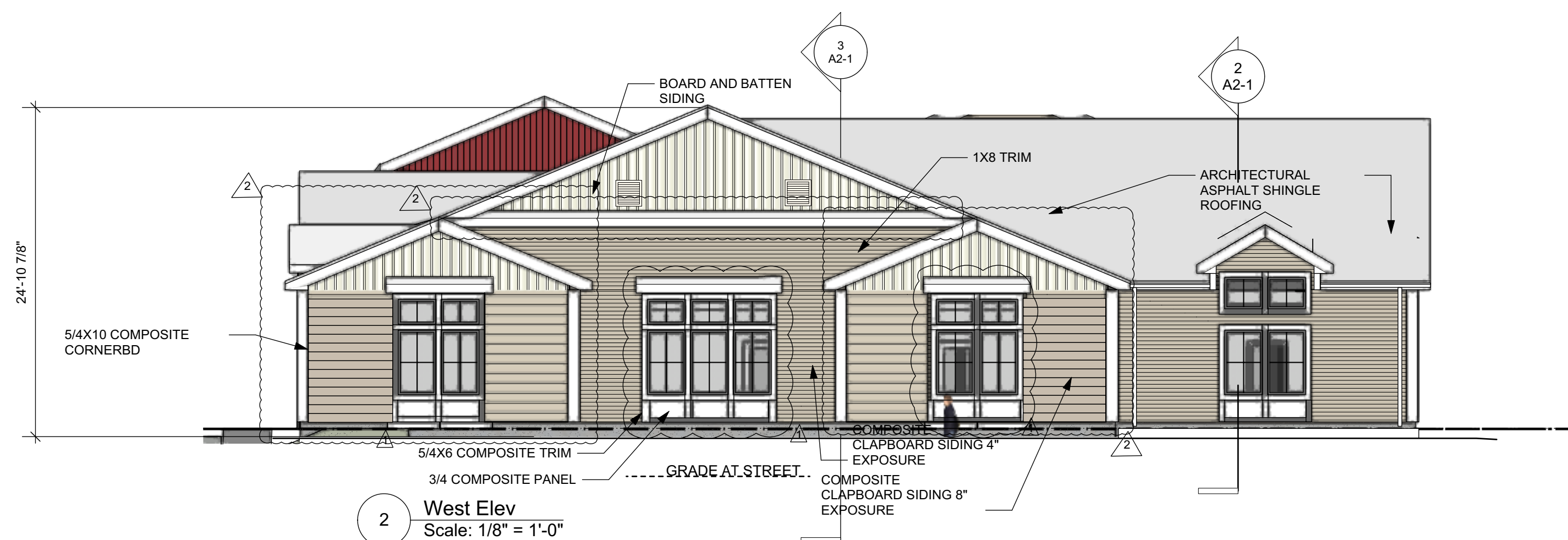
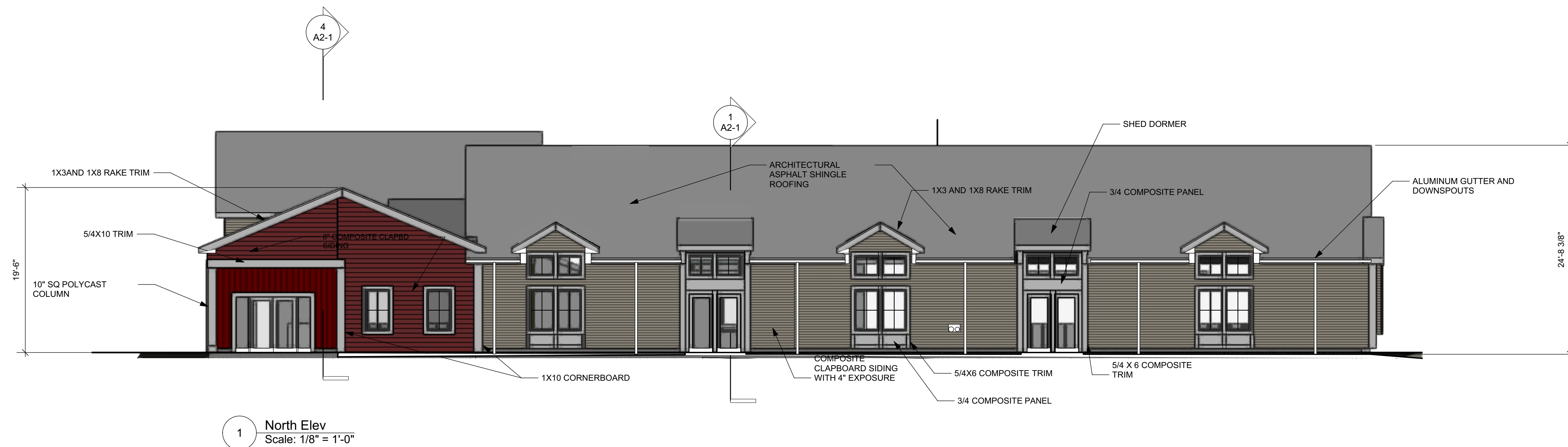
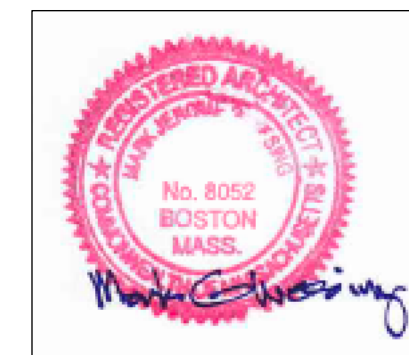
LOT SIZE	146,003 SF
NEW BUILDING SIZE	9,966 SF
PARKING SPACES:	
OPERATIONAL OCCUPANCY	
100 CHILDREN: 8 SPACES+1/40 (3)=	11
13 STAFF	13
TOTAL	24



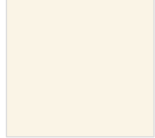
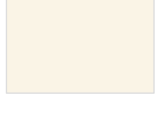
Mark Glueing Architect
Needham, Massachusetts
781.444.3304
02902

NEEDHAM ENTERPRISES
DAYCARE CENTER
1688 Central Avenue
Needham, Massachusetts

SITE PLAN REV.
3.8.21
3.30.21 DRB REV
5.30.21



COLOR CHART

SIDING		BENJ MOORE AC-28
TRIM		BENJ MOORE OC-85
BOARD/BATTEN AT GABLES		BENJ MOORE OC-85
SIDING AT ENTRANCE		BENJ MOORE HC-181

Traffic Impact Assessment

For:

Child Care Facility

At:

1688 Central Avenue

In:

Needham, Massachusetts

Prepared For:

Glossa Engineering, Inc.
Walpole, Mass.

Prepared By:



Revised June 2021

Child Care Facility

*1688 Central Avenue
Needham, Massachusetts*

Gillon Associates Co.
111 River Street, Weymouth, MA 02191-2104
Telephone (781) 762-8856
E-mail: jt.gillon@comcast.net

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EXECUTIVE SUMMARY

- **Central Avenue carried approximately 16,000 vehicles per day in the vicinity of the site in 2016. About eight percent of this daily volume occurs during the morning peak hour.**

- **Based on the tenant's projected arrivals and departures, the morning peak hour will have more site generated trips than the evening peak hour. This project is expected to generate approximately 83 new morning peak hour trips with 44 inbound and 39 outbound. This project is also expected to generate approximately 82 new evening peak hour trips with 38 inbound and 44 outbound.**

The tenant will have staff assist children both arriving and leaving the day care to ensure the drop-off/pick-up circulation line of vehicles keep moving and do not stack back down the 200-foot long driveway.

- **All through traffic on Central Avenue in each direction will continue to experience a calculated "A" level of service with little delay during the weekday morning commuting peak hour. The Central Avenue southbound left-turn through lane utilized into the Site Driveway, will also operate at an "A" level resulting in no turbulence on Central Avenue during the morning peak hour. The Site Driveway itself will have an acceptable "C" level with longer delay during the morning peak hour.**
- **The required stopping sight distance at the Central Avenue / Site Driveway intersection is provided.**

INTRODUCTION

Gillon Associates has evaluated the anticipated traffic impacts resulting from the proposed development of a Child Care Facility. The site is located on Central Avenue, just north of Charles River Street in Needham, Massachusetts (Figure 1).

The purpose of this report is to evaluate potential traffic impacts, which may be created by the expected addition of vehicular traffic either originating from or destined to the site. Specifically, this report assesses traffic operational characteristics of the Central Avenue intersection at the site access roadway due to any additional traffic. Based on the proponent's projected arrivals and departures, the morning peak hour will have more site generated trips than the evening peak hour and, thus, was chosen for analysis purposes.

This report provides an identification of the expected traffic generated by the project along with an assessment of projected traffic operating characteristics. Existing traffic volumes were obtained by manually observing and recording Central Avenue traffic volumes in fifteen-minute increments during the morning peak hour. In addition, historical counts were requested and supplied by the Town of Needham.

This revised report was prepared to evaluate a revised population of 113 children.

PROJECT DESCRIPTION

The project site area is 146,003 square feet or just over three acres and includes constructing a 9,966 square-foot child care facility building. An out-building currently used as a barn will be retained for storage and ancillary purposes. The project will have a total of 30 off-street surface parking spaces. The access to this school at #1688 Central Avenue uses a 200 foot-long, 24-foot wide access drive to Central Avenue (Figure 2).

EXISTING TRAFFIC CONDITIONS

Regional Roadway Network

Central Avenue will continue to serve the site and provide access to both local and regional roadway facilities. To the south, Central Avenue provides linkage between the site and Charles River Street and Dover as well as other points to the south. Central Avenue also provides access to the north with linkage to Route 135 and easterly to Needham Center.

Traffic Setting

The project is situated on the easterly side of Central Avenue. This roadway is a two-lane roadway with one lane in each direction. Central Avenue has a roadway pavement width of approximately 25 feet with a bituminous concrete sidewalk on the easterly side of the roadway.

Existing Traffic Volumes

Existing traffic volumes were obtained by manually observing and recording Central Avenue traffic volumes in fifteen-minute increments during the morning peak hour. Morning peak hour traffic volumes on Central Avenue at the site driveway as collected on February 4th are provided on Figure 3.

With considerable feedback from the neighborhood, historical and pre-covid traffic volumes were subsequently obtained from the Town of Needham Engineering Division. Of the various forms of counts provided, an Automatic Traffic Recorder (ATR) count obtained in 2016 just south of the Needham Recycling and Transfer Station proved to be the most useful. However, other counts indicated that Central Avenue experienced a normal, or annual, growth rate of 1.6% per year. Therefore, Central Avenue morning peak hour volumes obtained in 2016 from the Town were increased by 1.6% per year over five years to bring the 2016 traffic volumes to 2021, had the Covid-19 pandemic not influenced daily operation. These extrapolated morning peak hour traffic volumes are provided on Figure 4.

Subsequent to the preceding, in response to the view expressed that traffic counts on Central Avenue were increasing at a rapid pace back to the Pre- Covid 19 level, we were instructed to update our counts and analysis. The following is a summation of last week's counts.

MORNING PEAK HOUR

Thursday, June 3, 2021					
		North Bd	South Bd	Total	One Hour
6/3/2021	07:00 AM	145	20	165	
6/3/2021	07:15 AM	153	25	178	
6/3/2021	07:30 AM	216	43	259	
6/3/2021	07:45 AM	198	53	251	853
6/3/2021	08:00 AM	188	60	248	936
6/3/2021	08:15 AM	190	50	240	998

Year AM Peak Hour	2016	June 2021	
Central Ave North Bd	1080	792	
Central Ave South Bd	273	206	
TOTAL	1353	998	26% decrease from 2016

The morning peak hour volumes shown above and the evening peak hour traffic volumes shown on the following page show the existing June 2021 volumes are still about 25% lower than those recorded back in 2016 as grown due to an assumed normal growth factor.

During my observations of volume recordings, there was only one occurrence of traffic backing up on Central Avenue in the southbound direction from the traffic control signals at Charles River Street to the site driveway. This stacking or queuing back was recorded on Thursday, June 3rd from 4:51 pm until 5:01 pm. The stacking itself wasn't sustained during the entire ten minutes but flowed much like an accordion where it would move upon the green light and open as the queued vehicles began to move. From my position at the driveway it was not possible to determine if the pedestrian phase had been activated at the light or if a slow-moving dump truck contributed to the backup although both were observed in the area.

EVENING PEAK HOUR

Thursday, June 3, 2021					
	Begin	North Bd	South Bd	Total	One Hour
6/3/2021	04:00 PM	87	200	287	
6/3/2021	04:15 PM	72	195	267	
6/3/2021	04:30 PM	100	194	294	
6/3/2021	04:45 PM	89	171	260	1108
6/3/2021	05:00 PM	83	173	256	1077
6/3/2021	05:15 PM	93	182	275	1085
6/3/2021	05:30 PM	116	143	259	1050
6/3/2021	05:45 PM	89	162	251	1041

Year PM Peak Hour	2016	June 2021			
Central Ave North Bd	402	365			
Central Ave South Bd	1028	720			
TOTAL	1430	1085	24% decrease from 2016		

In any event, since the volumes designed for herein were greater than those recently recorded, the volumes and analysis herein are conservative and may be higher than any returning volumes.

FUTURE TRAFFIC CONDITIONS

Trip Generation and Distribution

It is expected that the proposed child care facility will exhibit the same general trip generating characteristics as in other urban and suburban residential communities. In addition to local rates observed and compiled by this firm, the Institute of Transportation Engineers (ITE) provides data on a variety of land uses and there is a considerable amount of empirical data available. In addition, the proponent has found by assigning pick-up and drop-off windows for parents, there is less congestion within the site and they will employ that technique at this site as well. Figure 5 provides a trip generation summary listing the ITE equations along with the resulting trip generation values for the school.

Based on the proponent's projected arrivals and departures as shown on Figure 4, the morning peak hour will have more site generated trips than the evening peak hour. This project is expected to generate approximately 83 new morning peak hour trips with 44 inbound and 39 outbound. This project is also expected to generate approximately 82 new evening peak hour trips with 38 inbound and 44 outbound.

Moreover, the Proponent has researched various Child Care locations to gain a higher level of confidence in our projected drop-off/pick-up vehicle trips.

In September Of 2019, at a day care with 87 children there was a total of 51 vehicles during the morning peak hour. At the same location this winter there were 60 children in 30 cars on Monday and Friday and 76 children in 45 to 48 cars between Tuesdays and Thursdays.

This data also suggests this child care facility could quite easily accommodate 113 children without creating on-site grid lock providing staff is available to assist children into the building where other staff members get that child settled and the initial staff member return to bring in the next vehicle's child.

If a parent or caregiver intends to enter the facility they will be directed to park in an un-occupied parking stall. This will keep the drop-off / pick-up line circulating without disruption.

Directional distribution reflects the existing Central Avenue directional split as adjusted to account for residential local attributes during the morning and peak hour as shown on Figure 6. Site generated and projected traffic volumes at the Central Avenue / Site Driveway intersection during the morning peak commuting hour is provided on Figure 7.

TRAFFIC OPERATIONAL ANALYSIS

This section of the report provides a quantitative analysis of anticipated traffic operational characteristics for the build scenario. These series of capacity analyses were conducted for the weekday morning peak hour to determine the potential impact of the proposed day care facility project.

Analysis Methodology and Findings

The analysis is based on the "Highway Capacity Manual" for non-signalized intersections. This manual has been published by the Transportation Board of the National Research Council and approved by the National Academy of Sciences, National Academy of Engineering, and the Institute of Medicine. The most recent Synchro Software version 10.1 was utilized in the assessment.

At un-signalized intersections and driveways the manual assumes that the through and right-turn movements along any main street will operate unrestricted but conflicting movements will be subjected to various periods of delay depending primarily on the frequency of adequate safe gaps to complete these movements. These periods of delay are generally categorized in "Levels of Service" (LOS) ranging from "A" for very short or no delays through "F" for extensive delays. The Massachusetts Highway Design Manual indicates that a "D" Level of Service is acceptable on roadways such as those in the study area. A table comparing levels of service and seconds of delay is provided in the Appendix of this report.

As can be seen on Figure 7, all through traffic on Central Avenue in each direction will continue to experience a calculated "A" level of service with little delay during the weekday commuting peak hour. As can be seen in the capacity calculations included in the Appendix of this report, the Central Avenue southbound left-turn through-lane utilized into the Site Driveway will operate at a "A" level with about 9 seconds of delay due to opposing traffic resulting in no turbulence on Central Avenue during this peak hour. The Site Driveway itself will have an acceptable "C" level with average delay during the morning peak hour.

SIGHT DISTANCE EVALUATION

4

The approaching vehicle on Central Avenue must be able to stop in time to avoid making contact with a vehicle emerging from the reconfigured site driveway. The required stopping sight distance from either a minor street or driveway is obtained from "A Policy on Geometric Design of Highways and Streets" as published by the American Association of State Highway and Transportation Officials (AASHTO) 6th Edition published in 2011.

Unlike the minimum safe stopping distance (MSSD) along a section of roadway, stopping sight distance at a driveway is not measured along either the center line or gutter line of a roadway. On page 9-29 of the American Association of State Highway and Transportation Officials (AASHTO) manual, it is stated "If the available sight distance for an entering or crossing vehicle (at an intersection corner) is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions."

The motorist leaving the minor roadway or driveway has an eye height of 3.5 feet and he must be able to see another object (approaching vehicle) with a height of 3.5 feet from a point 14.5 feet back from the travel way. This dimension is based on most motorists stopping 6.5 feet or less from the intersecting roadway plus the eighty-fifth percentile distance of 8.0 feet from a front bumper of a vehicle to the motorist eye, thus, totaling 14.5 feet. The required stopping distance for each minor roadway is based on the formula on the following page:

$$d = 1.47 V t + 1.075 \frac{V^2}{a}$$

Where: V = Speed (mph)

t = perception & Reaction time (2.5 seconds)

a = deceleration of vehicle (11.2 ft/sec.²)

A speed survey revealed the 85th percentile speed on Central Avenue was 39 mph southbound and 37 mph northbound at the site driveway (Figure 9). Therefore, the required stopping sight distance for Central Avenue at the driveway is computed as shown below:

$$d = 1.47 * 39 * 2.5 + 1.075 * \frac{(39)^2}{11.2}$$

$$d = 143 + 146 = 289 \text{ feet}$$

A field review showed that this section of Central Avenue is both straight and flat. As can be seen on Figure 9, there is well over 350 feet of stopping sight distance in both directions on Central Avenue and the stopping sight distance and is safe.

Response to Previous Comments

In response to previous comments, I have evaluated the traffic characteristics associated with queuing questions for the child care facility at Central Avenue. The first scenario involves a driveway left-turning vehicle onto Central Avenue and whether there would be enough room considering southbound traffic backing up from the traffic control signal at Charles River Road. Based on traffic volumes supplied by the Town of Needham, the optimal traffic signal length is sixty (60) seconds with Central Avenue receiving 37 of the 60 seconds. With 60 minutes per hour and 60 seconds per minute there will be 60 traffic signal cycles per hour for the project. 95 vehicles on Central Ave per morning peak hour. Therefore, each southbound traffic cycle will accommodate about five (5) vehicles, with three of the five arriving on a green light. Since there are about 880 feet between the driveway and Charles River Street, which can accommodate approximately 44 vehicles, there will not be any stacking or backing up of traffic during the morning peak hour and there will be plenty of room for the left-turning vehicles exiting the driveway onto Central Avenue southbound.

The second question involves morning peak hour right-turns in and out of the site. We were asked if the child care facility could not process the right-turns entering, might there be a back-up onto Central

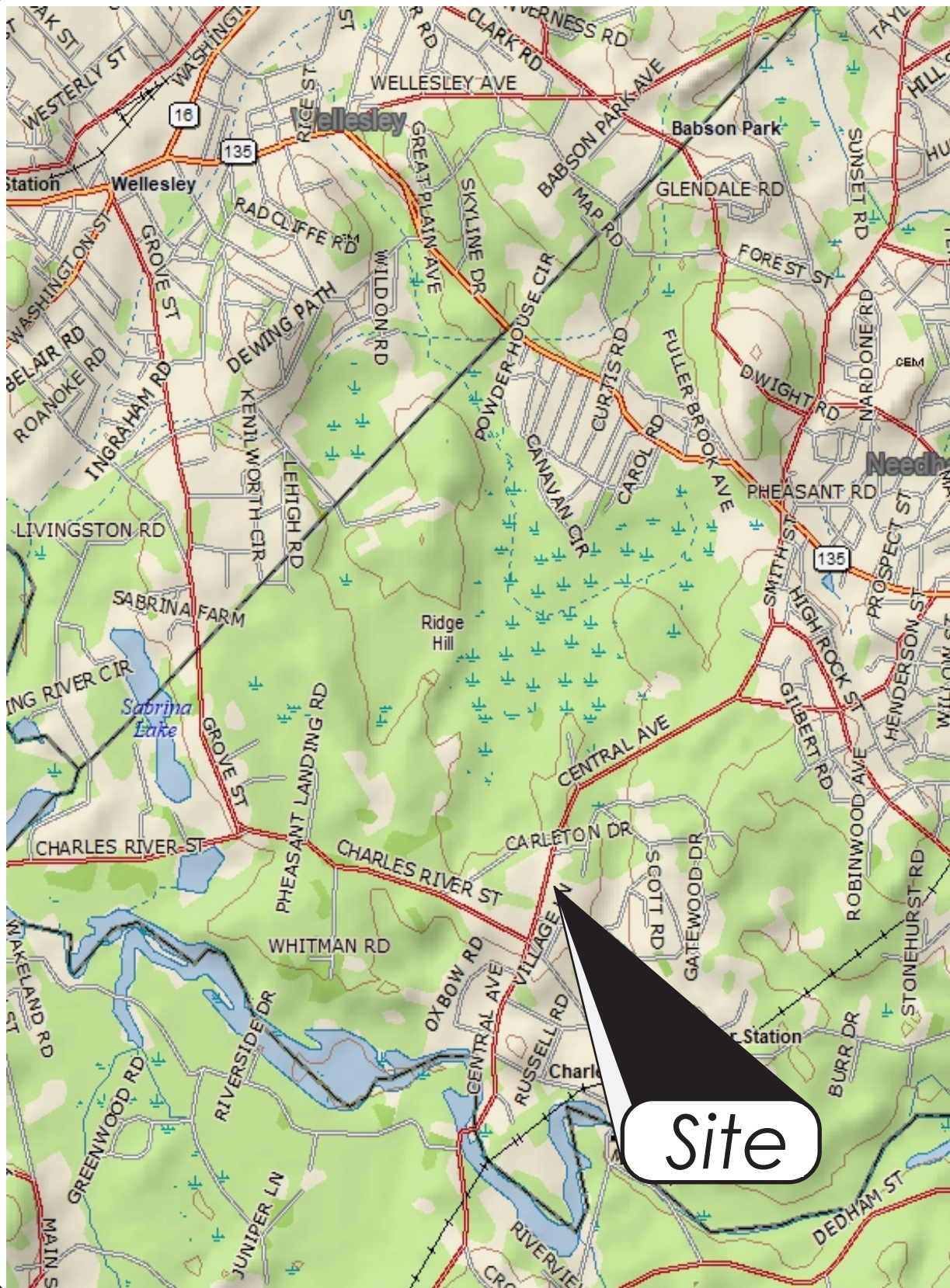
Avenue. As previously mentioned, there will be approximately 40 vehicle drop-offs per morning peak hour. The child care facility plans on providing staff is to assist children into the building where other staff members get that child settled and the initial staff member return to bring in the next vehicle's child. If a parent or caregiver intends to enter the facility they will be directed to park in an un-occupied parking stall . This will keep the drop-off / pick-up line circulating without disruption.

With 40 vehicle arrivals per hour, this is equivalent to one vehicle every minute and a half. This rate can be accommodated by the awaiting staff member at the child care entrance. The exit driveway, increased by room around the parking island is about 300 feet long which can accommodate over 15 vehicles and only ten vehicles per fifteen minute period are exiting. Thus, the extraordinary length of this driveway will prevent backing onto Central Avenue. Right-turns onto Central Avenue will be accommodated by both natural and artificial northbound gaps created by the upstream traffic control signal.

I have also reviewed the March 31st letter response from Thomas Ryder, Assistant Town Engineer to the Planning Board regarding our traffic evaluation. There were two bullet points he asked us to address. The initial analysis examined the morning peak hour since the child care use has a higher traffic generation concentration in the morning peak hour where the pick-up is more spread out due to working and family activities. However, since Central Avenue functions heavily as a commuter route, the Public Works Department asked that we provide evening peak hour data as well.

Similar to our early March report, the Automatic Traffic Recorder (ATR) count obtained in 2016 just south of the Needham Recycling and Transfer Station was utilized for the evening peak hour as well. Just as evaluated for the morning peak hour, the Central Avenue evening peak hour volumes obtained in 2016 from the Town were also increased by 1.6% per year over five years to bring the 2016 traffic volumes to 2021, had the Covid-19 pandemic not influenced daily operation. These extrapolated evening peak hour traffic volumes are provided on Figure 1.

We had responded to these comments in our Technical Memorandum of April 5th. Through traffic on Central Avenue in each direction will continue to experience a calculated "A" level of service with little delay during the weekday commuting evening peak hour. The Central Avenue southbound left-turn through-lane utilized into the Site Driveway will operate at an "A" level with about 8 seconds of delay due to opposing traffic resulting in no additional turbulence on Central Avenue. The Site Driveway itself will have a "C" level with average delay during the evening peak hour.



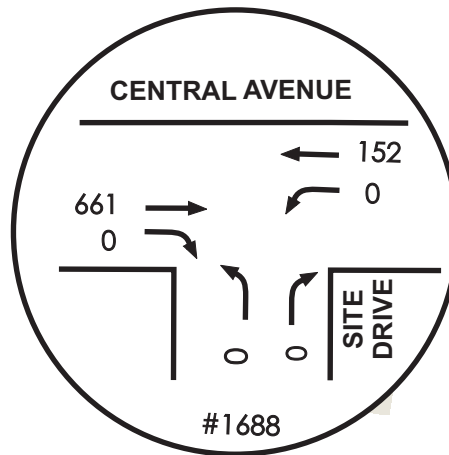
General Location Map

Figure 1



Locus Map

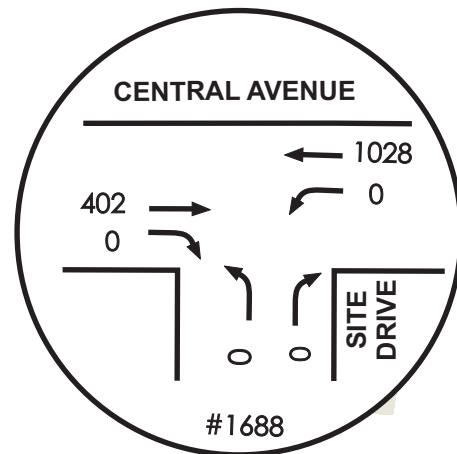
Figure 2



MORNING PEAK HOUR

Town ADT 2016 South of RTS Entrance

		North Bd	South Bd	Total	One Hour
5/9/2016	04:00 PM	87	226	313	
5/9/2016	04:15 PM	67	222	289	
5/9/2016	04:30 PM	68	250	318	
5/9/2016	04:45 PM	88	247	335	1255
5/9/2016	05:00 PM	90	270	360	1302
5/9/2016	05:15 PM	114	243	357	1370
5/9/2016	05:30 PM	110	268	378	1430
5/9/2016	05:45 PM	81	243	324	1419
5/9/2016	06:00 PM	108	237	345	1404



EVENING PEAK HOUR

Source of Data
 ITE Report (10th Edition)
 Land Use Code: 565
 Volume 2, Pages 224 - 245
 Day Care Center

Trips Based On Students	AM			PM		
	<u>IN</u>	<u>OUT</u>	<u>TOTAL</u>	<u>IN</u>	<u>OUT</u>	<u>TOTAL</u>
Peak Hour Trips						
Trips per Unit	$T = 0.66(x) + 8.42$			$\ln(T) = 0.87 \ln(x) + 0.29$		
Directional Split	53% 47%			47% 53%		
Trips Based on 113 Students	44	39	83	38	44	82

Trips per Weekday
 Trips per Child ITE
 $T = 4.09(x)$ Trips Based on 113 Students = 462 Trips per Weekday
 (= 231 Inbound & 231 Outbound)

Based on Proponent's Child Drop-off & Pick-up Program on Tuesdays thru Thursdays 68 cars

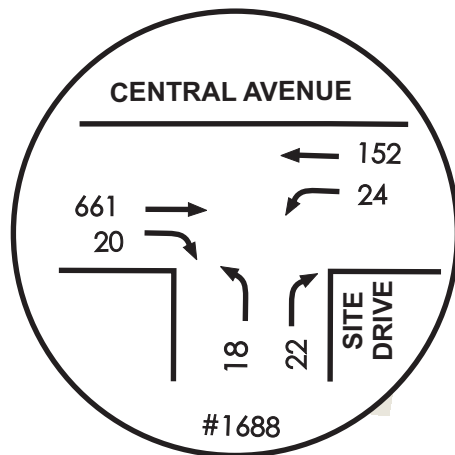
AM	7:00-8:00 10 cars	Mid-Day	11:30-3:15 20 cars
	8:00-8:30 15 cars	PM	4:00-4:30 10 cars
	8:30-8:50 15 cars		4:30-5:00 20 cars
	8:50-9:00 10 cars		5:00-5:30 20 cars
	9:00-9:15 20 cars		5:30-5:50 15 cars
	AM Peak Hr. = call 40 cars		PM Peak Hr. = call 40 cars

Trips Based On Child Groups Or Families	AM			PM		
	<u>IN</u>	<u>OUT</u>	<u>TOTAL</u>	<u>IN</u>	<u>OUT</u>	<u>TOTAL</u>
Peak Hour Trips						
Trips Based on 113 Children	40	40	80	40	40	80



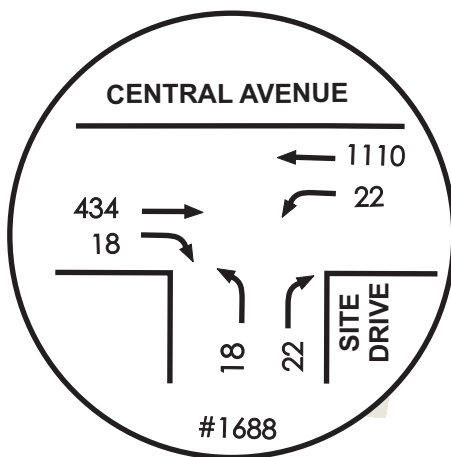
Directional Distribution

Figure 5



IN	OUT	TOTAL
44	39	83

MORNING PEAK HOUR



IN	OUT	TOTAL
34	38	72
	USE	
40	40	80

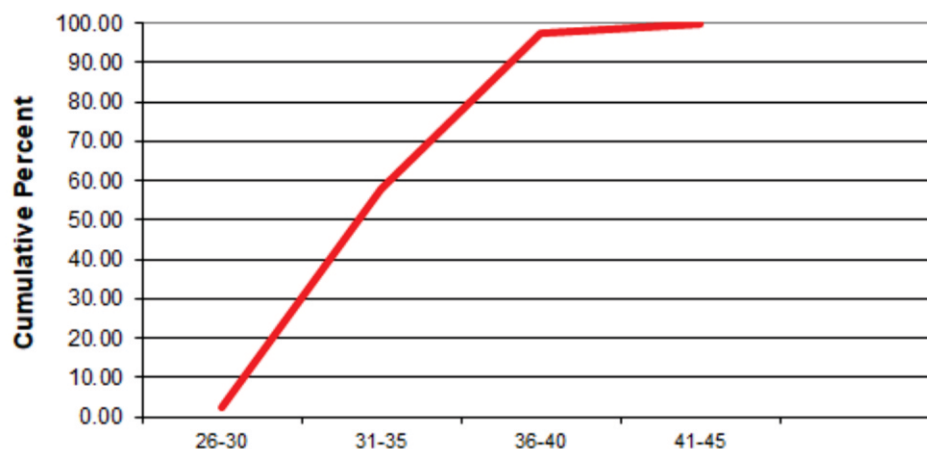
EVENING PEAK HOUR

<u>Central Avenue at Site Driveway</u>	Projected LOS	
	<u>AM</u>	<u>PM</u>
Stop Sign Controlled		
Central Ave. Northbound (All Moves)	A	A
Central Ave. Southbound Through Movement	A	A
Left-Turn Movement	A	A
Site Drive West Bound (All Moves)	C	D

Speed Data

	26-30	31-35	36-40	41-45	Total
Northbound	1	16	8	0	25
Southbound	0	8	9	1	18
	1	24	17	1	43

Speed	Cum. %
26-30	2.33
31-35	58.14
36-40	97.67
41-45	100.00



Northbound				Speed	Southbound			
SPEED	Percent	Cum %			SPEED	Percent	Cum %	
28	3.26%	3.26%			31	4.73%	4.73%	
31	3.61%	6.87%			33	5.03%	9.76%	
32	3.73%	10.59%			34	5.18%	14.94%	
32	3.73%	14.32%			35	5.34%	20.27%	
33	3.84%	18.16%			35	5.34%	25.61%	
33	3.84%	22.00%			35	5.34%	30.95%	
33	3.84%	25.84%			35	5.34%	36.28%	
33	3.84%	29.69%			35	5.34%	41.62%	
34	3.96%	33.64%			36	5.49%	47.10%	
34	3.96%	37.60%			36	5.49%	52.59%	
34	3.96%	41.56%			37	5.64%	58.23%	
34	3.96%	45.52%			37	5.64%	63.87%	
34	3.96%	49.48%			38	5.79%	69.66%	
35	4.07%	53.55%			39	5.95%	75.61%	
35	4.07%	57.63%			39	5.95%	81.55%	
35	4.07%	61.70%			39	5.95%	87.50%	
35	4.07%	65.77%			40	6.10%	93.60%	
36	4.19%	69.97%			42	6.40%	100.00%	
36	4.19%	74.16%						
36	4.19%	78.35%						
37	4.31%	82.65%		Avg. =	36		85th % = 39 mph	
37	4.31%	86.96%						
37	4.31%	91.27%						
37	4.31%	95.58%						
38	4.42%	100.00%						
Avg. =	34		85th % = 37 mph					



From Site Driveway Looking South (Left)



From Site Driveway Looking North (Right)

Crash Date	Crash Time	Crash Severity	Number of Vehicles	Total Nonfatal Injuries	Total Fatal Injuries	Manner of Collision	Vehicle Action Prior to Crash	Vehicle Travel Directions	Most Harmful Events	Vehicle Configuration	Road Surface Condition	Ambient Light	Weather Condition	At Roadway Intersection	Distance from Nearest Roadway Intersection
12-Jan-2016	7:40 PM	Property damage only (none injured)	2	0	0	Rear-end	V1: Travelling straight ahead / V2: Slowing or stopped in traffic	V1: Southbound / V2: Southbound	V1: Collision with other movable object / V2: Collision with other movable object	V1: Passenger car / V2: Passenger car	Snow	Dark - lighted roadway	Snow		1719 CENTRAL AVE
29-Jan-2016	11:14 AM	Property damage only (none injured)	1	0	0	Single vehicle crash	V1: Slowing or stopped in traffic	V1: Westbound	V1: Collision with tree	V1: Single-unit truck (2-axle, 6-tire)	Dry	Daylight	Clear		1421 CENTRAL AVE
23-Feb-2016	5:23 PM	Property damage only (none injured)	2	0	0	Rear-end	V1: Slowing or stopped in traffic / V2: Travelling straight ahead	V1: Northbound / V2: Northbound	V1: Collision with motor vehicle in traffic / V2: Collision with motor vehicle in traffic	V1: Passenger car / V2: Passenger car	Dry	Dusk	Clear/Unknown		1155 CENTRAL AVE
04-Mar-2016	2:40 PM	Property damage only (none injured)	1	0	0	Single vehicle crash	V1: Parked	V1: Northbound	V1: Collision with motor vehicle in traffic	V1: Passenger car	Dry	Daylight	Clear		829 CENTRAL AVE
04-Apr-2016	12:09 PM	Property damage only (none injured)	1	0	0	Single vehicle crash	V1: Travelling straight ahead	V1: Southbound	V1: Collision with other fixed object (wall, building, tunnel, etc.)	V1: Passenger car	Ice	Daylight	Snow/Sleet, hail (freezing rain or drizzle)		259 CENTRAL AVENUE
04-Apr-2016	1:12 PM	Property damage only (none injured)	1	0	0	Single vehicle crash	V1: Travelling straight ahead	V1: Westbound	V1: Collision with tree	V1: Passenger car	Snow	Daylight	Snow/Sleet, hail (freezing rain or drizzle)		89 CENTRAL AVE
03-Mar-2015	5:49 AM	Property damage only (none injured)	2	0	0	Angle	V1: Travelling straight ahead / V2: Travelling straight ahead	V1: Northbound / V2: Eastbound	V1: Collision with motor vehicle in traffic / V2: Collision with motor vehicle in traffic	V1: Light truck (van, mini-van, panel pickup, sport utility) with only four tires / V2: Passenger car	Dry	Dawn	Cloudy/Clear	CENTRAL AVE / CHARLES RIVER ST	

Central Avenue Crash Data

Figure 10

APPENDIX

Signalized Intersections

LOS	Control Delay per Vehicle (s/veh)
A	≤ 10
B	> 10–20
C	> 20–35
D	> 35–55
E	> 55–80
F	> 80

Un-Signalized Intersections

Level of Service	Average Control Delay (s/veh)
A	0–10
B	> 10–15
C	> 15–25
D	> 25–35
E	> 35–50
F	> 50

Intersection Levels of Service

Needham
Site Drive at Central Ave.

Projected
Morning Peak Hour

Intersection						
Int Delay, s/veh	1					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	18	22	661	20	24	152
Future Vol, veh/h	18	22	661	20	24	152
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	0	2	0	0	2
Mvmt Flow	19	23	696	21	25	160
Major/Minor	Minor1	Major1		Major2		
Conflicting Flow All	917	707	0	0	717	0
Stage 1	707	-	-	-	-	-
Stage 2	210	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	304	439	-	-	893	-
Stage 1	493	-	-	-	-	-
Stage 2	830	-	-	-	-	-
Platoon blocked, %			-	-	-	-
Mov Cap-1 Maneuver	295	439	-	-	893	-
Mov Cap-2 Maneuver	295	-	-	-	-	-
Stage 1	493	-	-	-	-	-
Stage 2	804	-	-	-	-	-
Approach	WB	NB		SB		
HCM Control Delay, s	16.3	0		1.2		
HCM LOS	C					
Minor Lane/Major Mvmt		NBT	NBRWBLn1	SBL	SBT	
Capacity (veh/h)		-	-	360	893	-
HCM Lane V/C Ratio		-	-	0.117	0.028	-
HCM Control Delay (s)		-	-	16.3	9.1	0
HCM Lane LOS		-	-	C	A	A
HCM 95th %tile Q(veh)		-	-	0.4	0.1	-

Needham
Site Drive at Central Ave.

Projected
Evening Peak Hour

Intersection						
Int Delay, s/veh	0.9					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	18	22	434	18	22	1110
Future Vol, veh/h	18	22	434	18	22	1110
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	0	2	0	0	2
Mvmt Flow	19	23	457	19	23	1168
Major/Minor	Minor1	Major1		Major2		
Conflicting Flow All	1681	467	0	0	476	0
Stage 1	467	-	-	-	-	-
Stage 2	1214	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	105	600	-	-	1097	-
Stage 1	635	-	-	-	-	-
Stage 2	284	-	-	-	-	-
Platoon blocked, %			-	-	-	-
Mov Cap-1 Maneuver	99	600	-	-	1097	-
Mov Cap-2 Maneuver	99	-	-	-	-	-
Stage 1	635	-	-	-	-	-
Stage 2	267	-	-	-	-	-
Approach	WB	NB		SB		
HCM Control Delay, s	30.5	0		0.2		
HCM LOS	D					
Minor Lane/Major Mvmt		NBT	NBRWBLn1	SBL	SBT	
Capacity (veh/h)		-	-	183	1097	-
HCM Lane V/C Ratio		-	-	0.23	0.021	-
HCM Control Delay (s)		-	-	30.5	8.4	0
HCM Lane LOS		-	-	D	A	A
HCM 95th %tile Q(veh)		-	-	0.9	0.1	-

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#)
Subject: Public Health Division's reply to Planning Boards Request for comment - 1688 Central Avenue
Date: Wednesday, March 24, 2021 2:12:41 PM
Attachments: [ALL APPLICATION materials minus Stormwater_reduced.pdf](#)
[Neighborhood Petition Regarding Development of 1688 Central Avenue in Needham.docx](#)
[image002.png](#)
[image003.png](#)
Importance: High

Alex –

Here are the Public Health Division comments for the **Project Site Plan Special Permit proposal at 1688 Central Avenue**. See below:

- Prior to demolition, we will need to ensure that the applicant fills out the online Demolition permit form, through the Building Dept., via ViewPoint Cloud online permitting system, and submits the Demolition review fee along with uploading the required supplemental demolition report documents online, including septic system abandonment form and final pump report, for our review and approval (as noted on the form.)
- Ensure that a licensed pest control service company is contracted and will conduct routine site visits to the site, first initially to bait the interior/exterior of each structure to be raised prior to demolition, and also continue to make routine site visits (to re-bait/set traps) throughout the duration of the construction project. Pest reports must be submitted to the Health Division on an on-going basis for our review.
- If this proposal triggers the addition of any food to be served or prepped on site at this new facility, the owner must fill out and submit an online application for a Food Permit Plan Review packet. As part of this plan review, a food establishment permit will need to be applied for through the Public Health Division via the Town's ViewPoint Cloud online permitting system, which will require a review of the proposed kitchen layout plans, with equipment and hand sinks noted, along with any proposed seating layout plans where applicable.
- Please ensure that sufficient exterior space is provided to accommodate an easily accessible Trash Dumpster and a separate Recycling Dumpster, per Needham Board of Health Waste Hauler regulation requirements. These covered waste containers must be kept clean and maintained, and be placed on a sufficient service schedule in order to contain all waste produced on site. These containers may not cause any potential public health and safety concerns with attraction of pest activity due to improper cleaning and maintenance.
- As noted in the proposal, the applicant will be required to connect to the municipal sewer line, once it's brought up to the property, prior to building occupancy. A copy of the completed signed/dated Sewer Connection application, which shows that sewer connection fee was paid, must be forwarded to the Public Health Division for our record.
- No public health nuisance issues (i.e. odors, noise, light migration, standing water/improper on site drainage, etc.), to neighboring properties, shall develop on site during or after construction. We are in support of an extensive landscaping plan be developed on site to screen and enhance the site, and to ensure that noise and visual impacts are minimized for the benefit of the neighboring residential properties in this location. Additional buffering, by the addition of new vegetation, along with new plantings, is strongly encouraged.

- Proposed lighting on site shall not cause a public health nuisance, with lighting being allowed to migrate on to other abutting properties. If complaints are received, lighting may need to be adjusted so it will not cause a public health nuisance.
- The applicant must meet current interior/exterior COVID-19 Federal, state and local requirements for spacing of seating, HVAC/ventilation, face covering requirements, sanitation requirements and occupancy limit requirements, etc. Please ensure that proper occupancy limits are met in order to accommodate the most updated state COVID-19 requirements for this proposed facility to ensure the health and safety for the number of proposed students and staff on site.
- The Public Health Division is also in support of the comments and concerns noted in the letter entitled, 'Neighborhood Petition Regarding Development of 1688 Central Avenue in Needham,' that was received and distributed by the Planning Board, including the excerpt on the neighboring abutters' concerns regarding the previous uses of the property with reference to potential soil contamination that may be present. We conducted a file check for this property address and we support the neighbors request for a soil test based on a concern that was investigated by the Fire Dept. that was filed back on June 24, 2003. The applicant must ensure that the property is safe, which includes conducting proper soil testing of the site prior to construction, and also follow through with any necessary mitigation measures as found to be necessary, as part of this project approval.

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

Thanks,



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



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[Follow Needham Public Health on Twitter!](#)

From: Alexandra Clee <aclee@needhamma.gov>

Sent: Monday, March 22, 2021 2:50 PM

To: David Roche <droche@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>

Subject: Request for comment - 1688 Central Avenue

Dear all,

The Planning Board will be hearing about a proposal for a new daycare at 1688 Central Avenue on April 6, 2021. More information is included in the submitted documents, detailed below, which can be attached to this email (with the exception of the Stormwater Report) and can also be found at this location K:\Planning Board Applications\Planning_1688 Central Avenue_2021. Some of the application documents are attached, as noted, but not all, as the files were too large to include all. (some of you will receive a hard copy in the inter-office mail as well).

The documents attached for your review are:

1. Application submitted by Needham Enterprises, LLC with Exhibit A. *attached*
2. Letter from Evans Huber Attorney, dated March 11, 2021. *Attached*
3. Letter from Evans Huber Attorney, dated March 12, 2021. *attached*
4. Letter from Evans Huber Attorney, dated March 16, 2021. *attached*
5. Plan set entitled "Needham Enterprises Daycare Center," prepared by Mark Gluesing Architects, consisting of 4 sheets: Sheet 1, Sheet A 1-0, entitled "1st Floor Plan," dated March 8, 2021; Sheet 2, Sheet A 1-1, entitled "Roof Plan," dated March 8, 2021; Sheet 3, Sheet A 2-1, showing Building Sections, dated March 8, 2021; Sheet 4, Sheet A 3-0, showing elevations, dated March 8, 2021. *Attached*.
6. Plan set entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham MA," prepared by Glossa Engineering Inc., 46 East Street, East Walpole, MA, consisting of 10 sheets: Sheet 1, Cover Sheet, dated June 22, 2020; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020; Sheet 3, entitled "Site Plan," dated June 22, 2020; Sheet 4, entitled "Grading and Utilities," dated June 22, 2020; Sheet 5, entitled "Landscaping Plan," dated June 22, 2020; Sheet 6, entitled "Construction Details," dated June 22, 2020; Sheet 7, entitled "Construction Details," dated June 22, 2020; Sheet 8, entitled "Sewer Extension Plan and Profile," dated "as noted November 19, 2020"; Sheet 9, entitled

“Construction Period Plan,” dated June 22, 2020; Sheet 10, entitled “Appendix, Photometric and Site Lighting Plan,” dated June 22, 2020.

7. Traffic Impact Study, dated March, 2021. *Attached*

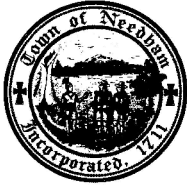
8. Stormwater Report, dated June 22, 2020.

I also have attached a letter from Abutters that we received today that I am sharing in case you wish to note the neighborhood concerns while you conduct your review.

The meeting where this topic will be presented to the Planning Board is April 6, 2021. If you wish to comment, please submit your comment by Wednesday March 31, 2021, so that the Petitioner has time to address any concerns or questions in advance of the hearing.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 Ext 271
Needhamma.gov



TOWN OF NEEDHAM

TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669

Design Review Board

Memo: Project Site Plan Review, 1688 Central Ave., Needham Enterprises LLC

Meeting Date: March 22, 2021

The Board reviewed the design drawings for the new building proposed for this site. Representing and presenting for the Applicant was Evans Huber, the attorney for the project. Present for the Design Review board were Deborah Robinson (vice-chair), Nelson Hammer, Steve Tanner, Bob Dermody and Len Karan. Mark Gluesing (chair) recused himself due to his involvement as architect for the project.

The proposed building is a day care facility of 9,966 SF to be located on a 146,003 SF lot in a residential neighborhood. The proposed one-story building would be set back 35 FT from the street. The site would include 24 parking spaces. While the existing residential building on the site and smaller out-building (garage) would be demolished, the barn structure is shown to remain. The project application indicates that the new building will be “designed to look like a large single-family home...”.

The Design Review Board’s comments to the Planning Board are as follows:

Site Plan

The Board has concerns regarding the siting of the building so close to the street. This is not in keeping with the character of Central Ave. We understand the parking and building access requirements, but those could be retained while adjusting the building away from central avenue, either by reconfiguring the building footprint or by demolishing the barn and moving the proposed building and parking further to the east. There is unused area to the east.

Building Design

The Board has concerns regarding the building exterior. The building is not residential in appearance. The west façade is the most important façade, and is too institutional in design. It is very flat. A residential-looking building would have more modulation of the massing, possibly including more three-dimensional window areas, a porch or overhang, etc. While the Applicant responded to this by indicating that the truss system for the roof structure is a limiting factor for the massing, we do not agree that that is a driving force for the architecture.

The Applicant’s screenshare presentation included a 3-D drawing of the building that was not in the package submitted to the Design Review Board.

Barn

The applicant’s representative stated that the barn would be retained without any renovation, there is no intended use for the time being, and that it is being retained because it is “historic”.

As noted above, the Board questioned whether keeping the barn is the best solution given the site plan issues. The Applicant did not know if the barn has any local or other historic designation that might affect a decision to retain or not retain the barn.

Lighting

The 24' high lights at the north side of the proposed driveway have a long distance between them, which would result in bright and dim spots. Better would be four rather than three pole lights at the north side, with 20' high poles. Lower fixtures would create less light trespass onto Temple property.

The site plan presented did not show lighting at the entry, as required by code. The applicant did clarify that there would be lighting at the entry canopy.

Fence

The fence at the south of the building is intended to be white vinyl. The Board comment was that this is very bright relative to the rest of the built elements, and another color would be preferable so as to not be as visible. Vinyl is also available in tan and gray, or another material could be used.

Trees

The north edge of the site, at the Temple Aliyah side, will indeed benefit from trees to screen the site, but the 15' spacing of white pines will not be satisfactory to form a true screen for several (5-10) years. The Board's recommendation is that additional species be added in this area, located in groupings of different species and staggered. The front (west) of the site would benefit from foundation plantings/trees at the building as well.

The sidewalk at the south of the building shows some trees very close to the walk. These would be too low and conflict with people. Either provide bigger/taller trees or move them away from the sidewalk.

Arborvitae are an acceptable selection as shown to the north of the parking.

The white pines shown to the south of the proposed building would also benefit from the same treatment as commented on for the north.

Parking

The dumpster enclosure at the east end of the parking limits the ability of the user of the end parking space to easily back out. Moving the dumpster enclosure to the east could easily provide more turning space for that vehicle.

There was some confusion due to the presented documents not matching what the DRB had received. This parking item is another example of a discrepancy.

The Board presents these comments for Planning Board consideration. These comments summarize and are limited to the comments made at the meeting, and are intended to relay the Board's thoughts in seeing this project for the first time. This is not intended to be minutes of the meeting. These comments do not document comments and explanations made by the Applicant in response to the Board's comments and questions. Any lack of comment on the Board's part in response to the Applicant's justifications or in response to comments made by the public does not constitute agreement.

End of Notes

From: [Dennis Condon](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - 1688 Central Avenue
Date: Monday, March 29, 2021 10:39:09 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,

We would want the drop off area be lettered to read "no parking drop off area only" so that we would have access with our ambulance and apparatus if needed. Otherwise our interior fire protection will be required to meet the fire and building codes.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Alexandra Clee <aclee@needhamma.gov>
Sent: Monday, March 22, 2021 2:50 PM
To: David Roche <droche@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: Request for comment - 1688 Central Avenue

Dear all,

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this location K:\Planning Board Applications\Planning_1688 Central Avenue_2021. Some of the application documents are attached, as noted, but not all, as the files were too large to include all. (some of you will receive a hard copy in the inter-office mail as well).

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6. Plan set entitled "Site Development Plans, Daycare, 1688 Central Avenue, Needham MA," prepared by Glossa Engineering Inc., 46 East Street, East Walpole, MA, consisting of 10 sheets: Sheet 1, Cover Sheet, dated June 22, 2020; Sheet 2, entitled "Existing Conditions Plan of Land in Needham, MA," dated June 22, 2020; Sheet 3, entitled "Site Plan," dated June 22, 2020; Sheet 4, entitled "Grading and Utilities," dated June 22, 2020; Sheet 5, entitled "Landscaping Plan," dated June 22, 2020; Sheet 6, entitled "Construction Details," dated June 22, 2020; Sheet 7, entitled "Construction Details," dated June 22, 2020; Sheet 8, entitled "Sewer Extension Plan and Profile," dated "as noted November 19, 2020"; Sheet 9, entitled "Construction Period Plan," dated June 22, 2020; Sheet 10, entitled "Appendix, Photometric and Site Lighting Plan," dated June 22, 2020.
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8. Stormwater Report, dated June 22, 2020.

I also have attached a letter from Abutters that we received today that I am sharing in case you wish to note the neighborhood concerns while you conduct your review.

The meeting where this topic will be presented to the Planning Board is April 6, 2021. If you wish to comment, please submit your comment by Wednesday March 31, 2021, so that the Petitioner has time to address any concerns or questions in advance of the hearing.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 Ext 271
Needhamma.gov



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

March 31, 2021

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Minor Project Site Plan Review
Needham Enterprises Childcare Facility-1688 Central Avenue

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced site Planning Board plan minor permit review. The applicant proposes to demolish an existing house and garage on the property and construct a new 9,966 square foot building as a childcare facility. The existing barn on the property will remain. The childcare facility will have a maximum of 100-children. The support staff will be 13-employees and there will be 24-parking spaces to service the facility.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

- 1- Completed Application for Minor Project Plan Review, with Exhibit A.
- 2- A letter from Attorney Evans Huber to members of the Needham Planning Board dated March 11, 2021.
- 3- A letter from Attorney Evans Huber to members of the Needham Planning Board dated March 12, 2021.
- 4- A Supplemental letter from Attorney Evans Huber to members of the Needham Planning Board dated March 16, 2021.
- 5- Plans entitled, "Needham Enterprises Daycare Center", 1688 Central Avenue, Needham, Massachusetts 02492 prepared by Mark Gluesing Architect revised March 8, 2021, and consisting of 4 sheets.
- 6- Plans entitled, "Site Development Plans Daycare", 1688 Central Avenue, Needham, MA prepared by Glossa Engineering, Inc. dated June 22, 2020, signed 1/26/21, and consisting of 10 sheets.
- 7- Traffic Impact Assessment Report prepared by Gillion Associates dated March 2021
- 8- Stormwater Report Dated January 26, 2021, provided by Glossa Engineering consisting of 131-pages
- 9- Document entitled, "Neighborhood Petition Regarding Development of 1688 Central Avenue in Needham" submitted by Neighbors and Neighborhoods of 1688 Central Avenue.
- 10- Updated Traffic Report submitted by Gillion Associates dated Revised March 2021

Our comments and recommendations are as follows:

- The updated traffic report submitted only provides information of the peak weekday morning traffic conditions. Although the report indicates that the morning peak hours will have more site generated trips, the report should provide the evening data and those finding as well.
- The accident data on Central Avenue in the area is absent for the traffic study. The applicant should provide this information for review.
- The applicant should provide details of the driveway opening, and sidewalk improvements in front of the property. Specifically, to ensure that the existing catch basin that will be now located in the driveway apron will collect stormwater off the road and that the sidewalk will meet accessibility standards.
- The plans show that the facility's proposed lighting will not trespass onto the neighboring properties. However, the shields proposed should minimize visual glare to the closest neighboring properties.
- The project does not indicate if a generator, or if an electrical transformer is required. If found to be required, the applicant will need to provide a sound study and demonstrate sound attenuation measures for the generator, and visual screening measures for the generator or transformer.
- The plans call for collecting stormwater and mitigating the post construction storm events through onsite infiltration systems. As part of the NPDES requirements, the applicant will also need to comply with the Public Outreach & Education and Public Participation & Involvement control measures. The applicant shall submit a letter to the DPW identifying the measures selected for Public Outreach, and for Public Participation and Involvement and provide dates by which the measures will be completed.

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

Truly yours,

Thomas Ryder
Assistant Town Engineer

From: [Dennis Condon](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - 1688 Central Avenue - revised plans
Date: Tuesday, April 27, 2021 9:45:04 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,
The Fire dept. has no further comments at this time.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Alexandra Clee <aclee@needhamma.gov>
Sent: Tuesday, April 27, 2021 9:31 AM
To: David Roche <droche@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>
Subject: Request for comment - 1688 Central Avenue - revised plans

Dear all,

We received an updated letter and updated plan set for the noted project; both are attached for your review. This matter is currently scheduled for May 18 in front of the Planning Board. As there is a lot of interest in this proposal, we would welcome any new/additional comments you may have as soon as you are able (but at the latest, by Wednesday May 12).

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
www.needhamma.gov

From: Alexandra Clee

Sent: Monday, March 22, 2021 2:50 PM

To: David Roche <droche@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>

Subject: Request for comment - 1688 Central Avenue

Dear all,

The Planning Board will be hearing about a proposal for a new daycare at 1688 Central Avenue on April 6, 2021. More information is included in the submitted documents, detailed below, which can be attached to this email (with the exception of the Stormwater Report) and can also be found at this location K:\Planning Board Applications\Planning_1688 Central Avenue_2021. Some of the application documents are attached, as noted, but not all, as the files were too large to include all. (some of you will receive a hard copy in the inter-office mail as well).

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3. Letter from Evans Huber Attorney, dated March 12, 2021. *attached*
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in Needham, MA,” dated June 22, 2020; Sheet 3, entitled “Site Plan,” dated June 22, 2020; Sheet 4, entitled “Grading and Utilities,” dated June 22, 2020; Sheet 5, entitled “Landscaping Plan,” dated June 22, 2020; Sheet 6, entitled “Construction Details,” dated June 22, 2020; Sheet 7, entitled “Construction Details,” dated June 22, 2020; Sheet 8, entitled “Sewer Extension Plan and Profile,” dated “as noted November 19, 2020”; Sheet 9, entitled “Construction Period Plan,” dated June 22, 2020; Sheet 10, entitled “Appendix, Photometric and Site Lighting Plan,” dated June 22, 2020.

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I also have attached a letter from Abutters that we received today that I am sharing in case you wish to note the neighborhood concerns while you conduct your review.

The meeting where this topic will be presented to the Planning Board is April 6, 2021. If you wish to comment, please submit your comment by Wednesday March 31, 2021, so that the Petitioner has time to address any concerns or questions in advance of the hearing.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham
500 Dedham Avenue
Needham, MA 02492
781-455-7550 Ext 271
Needhamma.gov

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#)
Subject: FW: Public Health additional comment RE:1688 Central Avenue project
Date: Tuesday, April 27, 2021 11:28:01 AM
Attachments: [1688Modified.pdf](#)
[letter1688.pdf](#)
[image002.png](#)
[image003.png](#)

Alex –

The Public Health Division had an additional comment noted below, which was discussed at our recent Board of Health meeting conducted back on April 16th. See additional comment below –

- Will soil testing be completed at this site, which also includes Lead soil testing, since the future property use would be for a Daycare? This is in light of the report that was located in the Fire Dept. files RE: the previous property owner reportedly conducting car repairs at this site. Please have the applicant confirm that Lead testing will also be part of the this overall soil testing to be conducted at this property prior to construction. Can a copy of these soil testing results also be shared with the Public Health Division?

Please let us know if you have any additional questions or need further clarification on that request.

Thanks,



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



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[Follow Needham Public Health on Twitter!](#)

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Sent: Tuesday, April 27, 2021 9:31 AM

To: David Roche <droche@needhamma.gov>; Anthony DelGaizo <ADelgaizo@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

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Thanks, alex.

Alexandra Clee
Assistant Town Planner
Town of Needham

500 Dedham Avenue
Needham, MA 02492
781-455-7550 Ext 271
Needhamma.gov

May 6, 2021

The Needham Police have reviewed the materials related to the proposed daycare facility located at 1688 Central Ave. As part of this review, I have spoken with Holly Clarke who is involved with a neighborhood group that is concerned with the project. I also spoke with Pat Day who is the owner of the daycare facility.

I have also reviewed the two traffic impact assessment reports.

As we look at most projects the police department is primarily concerned with traffic, safety, and parking. All three of these issues are relevant in this review. Traffic congestion and flow are a concern, but I feel that several measures have been taken to mitigate some of the concerns raised. The first from an overall perspective is that the center will be staggering drop-off and pick-up times as they currently do and will continue post covid. The ability to stagger drop-offs will limit vehicles that are stacked within the back parking area which will prevent vehicles from stacking on Central Ave. This will also prevent an influx of vehicles at one drop off limiting the impact to traffic on Central Ave and within the parking area. The change to 30 parking spaces will alleviate any concern of adequate parking or vehicles stacking within the lot during drop-off and pick-up.

Several adjustments or improvements related to traffic flow have been improved to address some traffic concerns. The addition of traffic lights at Central and Charles River St allows for an interrupted traffic flow which allows for breaks in the traffic which may assist with entering and exiting the site. The Needham Police have adjusted traffic mitigation within the Newman School parking lot that will have a positive impact on traffic along Central Ave near the school. We continue to monitor the Newman site and will adjust as needed.

A check of accidents at the Central Ave and Charles River St shows 1 accident between 2016-3/2/21.

A check of accidents on Central Ave between Pine St and Charles River St shows 11 accidents between 1/1/16-4/13/2021.

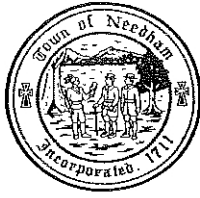
I do not envision the neighboring streets being used as a cut-through for commuter traffic as the layout of these roads does not provide a route that would circumvent Central Ave traffic that would save time.

I do anticipate that neighboring residents could potentially have a tougher time getting into and out of their driveways. The staggered drop-off times and intermittent traffic due to the traffic lights may provide some relief for these concerns. The owner of the facility has mentioned the willingness to have a police officer present during the opening week or so to mitigate and recommend changes to traffic, parking, and overall site safety.

Based on the information provided I do not believe that this project would impact the police or fire department's ability to respond promptly to emergencies.

If the facility continues to stagger drop-offs and manages the internal parking circulation, I feel the traffic will be manageable and not a safety concern.

Chief John J. Schlittler



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

May 12, 2021

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Minor Project Site Plan Follow up Review of revised submittals
Needham Enterprises Childcare Facility-1688 Central Avenue

Dear Members of the Board,

The Department of Public Works has completed a follow up review of the above referenced site Planning Board plan minor permit review. The applicant proposes to construct a new 9,966 square foot building as a childcare facility. The childcare facility will have a maximum of 100-children. The support staff will be 13-employees. The plans have been mainly updated to reshape the proposed drop off and parking areas to provide 30-parking spaces to service the facility.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

- 1- A memo from Attorney Evans Huber to members of the Needham Planning Board dated May 5, 2021 regarding plan updates and changes per discussions with the Board and neighbors.
- 2- Plans entitled, "Site Development Plans Daycare", 1688 Central Avenue, Needham, MA prepared by Glossa Engineering, Inc. dated June 22, 2020, revised 4/15/21, and consisting of 9 sheets.
- 3- A letter from Attorney Evans Huber to members of the Needham Planning Board dated April 16, 2021.
- 4- Request from the Planning Board Office to determine if the parking demands for this daycare facility meet the most current ITE manual.

Our comments and recommendations are as follows:

- The updated traffic report submitted only provides information of the peak weekday morning traffic conditions. Although the report indicates that the morning peak hours will have more site generated trips, the report should provide the evening data and those finding as well.
- The accident data on Central Avenue in the area is absent for the traffic study. The applicant should provide this information for review.
- Please easier to read the over lapping text on the plan regarding driveway opening, and sidewalk improvements in front of the property.

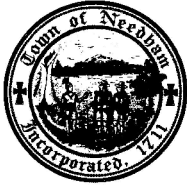
- Original plans show that the facility's proposed lighting will not trespass onto the neighboring properties. However, the shields proposed should minimize visual glare to the closest neighboring properties. Provide updated plans on the lighting for the additional parking area (previously plans show as an asphalt playground).
- The project does not indicate if a generator, or if an electrical transformer is required. If found to be required, the applicant will need to provide a sound study and demonstrate sound attenuation measures for the generator, and visual screening measures for the generator or transformer.
- The plans call for collecting stormwater and mitigating the post construction storm events through onsite infiltration systems. As part of the NPDES requirements, the applicant will also need to comply with the Public Outreach & Education and Public Participation & Involvement control measures. The applicant shall submit a letter to the DPW identifying the measures selected for Public Outreach, and for Public Participation and Involvement and provide dates by which the measures will be completed.
- According to the ITE Journal entitled, "Parking and Trip Generation Characteristics for Day-Care Facilities" dated July 1994, (typical reference document used in the past for parking demand for day care facilities) the number of parking spaces for this enrollment and staff should be 24. This is based on 100 students and 13 staff employees that may be onsite at one time.

The latest ITE Parking Generation Manual (5th Ed., January 2019) for this land use average demand is 2.45 Parking spaces per 1,000 square feet of Gross Floor Area. The parking Demand will be 24-spaces ($9.941 \times 2.45 = 24$). The applicant meets the most recent ITE parking generation manual as the most recent plan submittal provides 30-Parking spots.

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

Truly yours,

Thomas Ryder
Assistant Town Engineer



TOWN OF NEEDHAM

TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669

Design Review Board

Memo: Project Site Plan Review, 1688 Central Ave., Needham Enterprises LLC

Meeting Date: May 10, 2021

Memo Date: May 14, 2021

By: Deborah Robinson

The Board reviewed the design drawings for the new building proposed for this site, and the project was discussed at the March 22 meeting. The Applicant asked to return to the DRB on May 10 in order to present revisions they had made to the landscaping plans. As the next meeting is a Planning Board meeting on May 18, we understand the intent was to obtain updated feedback from the DRB. Representing and presenting for the Applicant was Evans Huber, the attorney for the project. Present for the Design Review board were Deborah Robinson (vice-chair), Nelson Hammer, Steve Tanner, Bob Dermody, Len Karan and Chad Reilly. Mark Gluesing (chair) recused himself due to his involvement as architect for the project.

The proposed building is a day care facility of 9,966 SF to be located on a 146,003 SF lot in a residential neighborhood. The proposed one-story building would be set back 50 FT (increased from 40 FT) from the street. The site would include 30 parking spaces (increased from 24). While the existing residential building on the site and smaller out-building (garage) would be demolished, the barn structure is shown to remain. The project application indicated that the new building will be “designed to look like a large single-family home...”.

The package received for our review included a site plan but no architectural drawings. An updated package was sent to DRB members on 5/10/21, including building elevations and some other drawings. The Applicant prepared a summary memo (dated 5/5/21) of the changes made, and included this with the revised submission on 5/10/21.

The following are the previous comments from our memo of March 26, 2021, with updated comments in **bold**:

Site Plan

The Board has concerns regarding the siting of the building so close to the street. This is not in keeping with the character of Central Ave. We understand the parking and building access requirements, but those could be retained while adjusting the building away from central avenue, either by reconfiguring the building footprint or by demolishing the barn and moving the proposed building and parking further to the east. There is unused area to the east.

The Board appreciates that the site plan was adjusted to move the building back some, and this involved reconfiguring parking as well as adding spaces. It is an improvement, and the parking layout looks acceptable from a circulation standpoint.

There is still some concern that a relatively large building is sited closer to the street than other buildings in the neighborhood. An option to be considered still could be the removal of the barn and moving the building and site design elements further to the east of the property.

The Applicant did not include a site plan or street-view renderings to show the relationship of the proposed building to the street, to adjacent houses and to the synagogue next door. Those drawings would be helpful moving forward as the site plan and building issues are reviewed.

Building Design

The Board has concerns regarding the building exterior. The building is not residential in appearance. The west façade is the most important façade, and is too institutional in design. It is very flat. A residential-looking building would have more modulation of the massing, possibly including more three-dimensional window areas, a porch or overhang, etc. While the Applicant responded to this by indicating that the truss system for the roof structure is a limiting factor for the massing, we do not agree that that is a driving force for the architecture.

The Applicant's screenshare presentation included a 3-D drawing of the building that was not in the package submitted to the Design Review Board.

The rendered elevations received just prior to the meeting showed a minor change to the windows on the west façade. As described by the Applicant, this involved having the windows now project 8" from the façade, with an overhang of 5" beyond that. The Applicant did not include the drawings from the previous meeting to show the change more clearly. The Board had little comment on this change. While one member (someone who had not been present at the March meeting) indicated the design of the building in general "looks good", that was not a specific acknowledgement that the comments at the previous meeting had been successfully addressed. To some, a lack of comment was a response to a lack of changes to the overall massing, and the initial comments from 3/22/21 stand. Members of the Board do not necessarily have the same reaction to the building design and its suitability for this location. As this was not a vote, there was no "yes" or "no" required from each member.

Barn

The applicant's representative stated that the barn would be retained without any renovation, there is no intended use for the time being, and that it is being retained because it is "historic". As noted above, the Board questioned whether keeping the barn is the best solution given the site plan issues. The Applicant did not know if the barn has any local or other historic designation that might affect a decision to retain or not retain the barn.

As there was no further clarification regarding the intentions for the barn, the option of removing it for the benefit of other site plan issues could still be considered. The Applicant did not comment when this was brought up again.

Lighting

The 24' high lights at the north side of the proposed driveway have a long distance between them, which would result in bright and dim spots. Better would be four rather than three pole lights at the north side, with 20' high poles. Lower fixtures would create less light trespass onto Temple property.

The site plan presented did not show lighting at the entry, as required by code. The applicant did clarify that there would be lighting at the entry canopy.

The lighting at the north does not look to have been addressed, so that comment stands.

Fence

The fence at the south of the building is intended to be white vinyl. The Board comment was that this is very bright relative to the rest of the built elements, and another color would be preferable so as to not be as visible. Vinyl is also available in tan and gray, or another material could be used.

Another suggestion is a dark green vinyl, which would look more “natural”.

Trees

The north edge of the site, at the Temple Aliyah side, will indeed benefit from trees to screen the site, but the 15' spacing of white pines will not be satisfactory to form a true screen for several (5-10) years. The Board's recommendation is that additional species be added in this area, located in groupings of different species and staggered. The front (west) of the site would benefit from foundation plantings/trees at the building as well.

The sidewalk at the south of the building shows some trees very close to the walk. These would be too low and conflict with people. Either provide bigger/taller trees or move them away from the sidewalk.

Arborvitae are an acceptable selection as shown to the north of the parking.

The white pines shown to the south of the proposed building would also benefit from the same treatment as commented on for the north.

The addition of more trees is definitely helpful to the design, and the Applicant has addressed the items brought up at the first meeting. The added trees at the southeast will help screen the building massing for vehicles and others approaching from the south. The suggestion is that evergreen trees at the west would help with screening the building in a way that could offset the perceived negative aspects of the building size and proximity to the street.

The Applicant should look more closely at the expected size of trees that are adjacent to the walks and the building as the design is developed. It was noted, for example, that the Legacy Maple at the far left of the row is too close to the building and would grow into the building in five years.

Another comment was that plants adjacent to parking stalls should be durable enough to withstand people stepping, etc. Prostrate Juniper instead of the Azeleas that are shown was one suggestion.

Parking

The dumpster enclosure at the east end of the parking limits the ability of the user of the end parking space to easily back out. Moving the dumpster enclosure to the east could easily provide more turning space for that vehicle.

There was some confusion due to the presented documents not matching what the DRB had received. This parking item is another example of a discrepancy.

The increased number of parking spaces and added length to the drive (fitting 10 cars) will help with potential congestion on the site. As noted above, the revised circulation around to the east looks acceptable.

It was noted that 3 1/2 FT width is required for accessibility at sidewalks, and the 5 ft sidewalk as shown adjacent to parking spaces might not be adequate once cars park. The sidewalk could be made wider, or a grass strip added. Simply adding tire stops would be less desirable as that limits maneuverability.

The Board cannot comment on whether or not the number of parking spaces is adequate, more than adequate, etc. for this proposed use and occupancy.

The Board presents these comments for Planning Board consideration. These comments summarize and are limited to the comments made at the meeting, and are intended to relay the Board's thoughts in seeing this project for the first time. This is not intended to be minutes of the meeting. These comments do not document comments and explanations made by the Applicant in response to the Board's comments and questions. Any lack of comment on the Board's part in response to the Applicant's justifications or in response to comments made by the public does not constitute agreement.

These comments on the revised information show improvement relative to what was presented in March. We understand this project will continue to be reviewed, next at a Planning Board meeting on May 18. The Board is available to review this project again, if additional design development is done, at future meetings.

End of Notes

Neighborhood Petition Regarding Development of 1688 Central Avenue in Needham

This letter sets forth some of the concerns of the surrounding neighbors and neighborhoods to the proposed project at 1688 Central Avenue, Needham MA.

We learned in mid-January 2021 that Needham Town Selectman and Developer Mr. Matt Borrelli plans to build a 9,960 sq ft. building to use as a day care facility at 1688 Central Avenue. We have several concerns regarding the impact this will have on Central Avenue and the surrounding neighborhoods.

As the Town undertakes the required reviews, we ask that these serious safety and other issues be considered and addressed.

***This is a "Major Project." ***

First, we believe this project should be treated as a "Major Project" and undergo the full review required of Major Projects under Section 7.4.3 of the Needham Zoning ByLaws (NZBL).

That section requires that Major Projects receive a special permit and undergo the notice and hearing requirements of Chapter 40A.

The NZBL defines as a Major Project "[a]ny construction project which involves: the construction of 10,000 or more square feet gross floor area; or an increase in gross floor area by 5,000 or more square feet; or any project which results in the creation of 25 or more new off-street parking spaces."

The proponent obviously tried to design the project to fall outside the Major Project category by claiming to fall just short of these thresholds (9960 sq ft and 24 parking spaces). However, in reality, more than the threshold 25 parking spaces are likely to be needed.

The proponent's March 12, 2021 letter to the Planning Board notes that the Town's formula requires "8 spaces plus 1 space for each 40 children, plus one space for each staff member." The facility plans for the possibility of increasing to 120 children (according to its traffic study). With a staff of 13, the proponent claims its parking needs fall just under the 25-space threshold. We believe the Planning Board should conclude that the parking needs are, in fact, likely to be at least 25 spaces for several reasons.

First, with the traffic congestion in exiting the facility during morning rush hour, it is likely more parking spaces will be needed to accommodate drop offs, particularly if the facility is open to larger numbers of children.

Second, we do not believe that the childcare facility can effectively operate with only 13 staff members (to include administrative staff) with 120 children and the adult to children ratios required. The proponent must, at the very least, explain how 13 staff were arrived at.

Third, other childcare facilities in the area of similar sizes operate with more than 25 parking spaces (e.g., the Goddard School in Medfield, mentioned in the proponents traffic study, had 36 spaces per satellite imaging.

The Medfield Children's Center has 40 (smaller building but bigger student population)).

Finally, the significant change in use and impact of the proposal over existing use strongly suggests that the Planning Board treat the proposal with the full level of review.

Traffic Concerns

We are deeply concerned about the impact the project will have on safety and traffic on Central Avenue and the surrounding streets.

In normal, non-COVID, times, morning weekday traffic along Central Avenue in this area is extremely heavy and backed up. The morning rush hour extends from approximately 6:30 to 8:30 AM and regularly causes solid backups from the RTS to Temple Aliyah, and often from Newman School back to Temple Aliyah.

To be blunt, during the weekday morning commute, Central Avenue is often an intermittent parking lot all the way to Cedar Street. Evening traffic congestion begins with the release of school and extends through approximately 6:30. Adding the additional vehicles in and out of the facility parking lot --whether coming from the south and joining the backed up traffic before entering the facility's driveway or coming from the north and needing to make a left turn across the backed up northbound traffic and exiting the facility to again add to the backed up traffic -- will make a bad situation much worse and severely impact the ability of neighboring residents to get into and out of their homes and as pedestrians attempt to safely try and cross Central Avenue at Charles River Street and elsewhere.

In addition, Carleton Drive, Pine Street, Country Way, Charles River Street, Fisher Street, Village Lane, Russell Road, Walker Lane, and South Street will all be negatively impacted by the proposed facility, either trying to maneuver into an even denser traffic line on Central Avenue or trying to escape the traffic by cutting through roads not designed to handle heavy commuter traffic.

The ability of the fire department, ambulances and police to respond in a timely manner to an emergency in the neighborhood, especially during rush hours, could also well be impacted by traffic in and out of the facility.

Afterschool programming and mid-day drop offs, which may include the use of busses, must also be accounted for.

The current schedule of activities at Temple Aliyah includes preschool and after school programs, and the existing traffic patterns connected to these programs should be considered as the day care facility is reviewed.

With all of these concerns, we would have hoped to see a realistic, thorough traffic study by the proponents. Instead, we are deeply disappointed to see a wholly inadequate study which fails to address any of these concerns in a realistic manner.

- Unlike typical traffic studies, this one does not identify when the field work was done. We are told the study was conducted in February, 2021, during the Covid pandemic, when traffic on Central Avenue is a fraction of what it was before and will be after. So too, Needham public schools are remote-only on Wednesday -- if the study was done on a Wednesday it is entirely unreliable.

The Massachusetts Department of Transportation stated last April that “[t]raffic counts are currently at historic lows and may underrepresent a realistic existing condition” and issued guidance on how to correct for undercounting. <https://www.mass.gov/doc/massdot-guidance-on-traffic-count-data/download>. As far as we can tell, the proponent’s study takes none of this into consideration and instead reaches a conclusion that every resident and morning rush hour traveler on Central Avenue knows to be wrong -- that Central Avenue currently enjoys an “A” level of service.

- Given the traffic line that occurs during normal weekday rush hour, the level of service for a turn into or out of the facility driveway and along Central Avenue itself, is likely an “E” or “F” without the childcare facility and will be made even worse with it. We are not traffic experts, but a short google search of conditions defining different roadway levels of service, seems instructive: (Graphic source: https://policymanual.mdot.maryland.gov/mediawiki/index.php?title=Roadways:_Facility_Selection).

The illustration of Levels of Service E and F are what typifies the morning rush hour on Central Avenue in the vicinity of the facility during normal times.

We note also that the field work seems to consist of a single morning’s observation. No analysis has been offered of afternoon and evening traffic impact and no attempt has been made to provide the date or day of the week (or school schedule that day) when this data was obtained.

- The report assumes a traffic distribution of 70% from the south and 30% from the north without any explanation of this assumption. We understand the building will be occupied by a childcare operation currently operating in the center of Needham which would suggest that the traffic percentages should be reversed, with more users coming into the facility from the north, requiring more traffic to cut across the northbound lane to enter the driveway. However, It is important to note that each car will both enter and exit the driveway, doubling the number of trips impacting the neighborhood.

- The report relies on the proponent's description of the drop off and pick up practices of the facility used at its current location. There is no provision for what happens if the facility finds that the new location requires adjustments in its drop off procedure, nor is there any provision for changes should a different entity operate the facility. No explanation is given for the queuing this process will involve, especially if cars are delayed in returning to Central Avenue.
- The report wholly fails to examine the impact of the project on the adjacent streets or intersections (or, for that matter, traffic along Central Avenue itself). It focuses solely on the driveway entrance and exit from the proposed building.
- It does not consider the safety ramifications of the proposed increase in traffic. While traffic studies usually reference recent accidents in the area, this report does not. Just last week, a four car accident which happened at Pine Street and Central Avenue, approximately 350 feet from the site. Over the years, neighbors have repeatedly sought to increase the safety of Central Avenue.

Recently, residents of Oxbow Road asked for the installation of crosswalks to enable children to safely cross the street. Adding a commercial project to the area heightens these concerns. Pedestrian, as well as vehicular safety, is a critical issue and must be addressed (including the lack of sidewalks and how that impacts pedestrian options). Residents previously requested the Town provide sidewalks in the area and the dangers to pedestrians in this area have long been a topic of discussion. The town's Traffic Management Advisory Committee (TMAC) recently held a meeting with three community agenda items -- and all three related to this neighborhood. TMAC recommended a pedestrian system, including crosswalk, be added at the intersection of Charles River Street and Central Avenue (where none exists now) be added to the community plan but given other projects on the list in town, it is unlikely the project will be authorized or take place for decades.

The Planning Board's site review process must include consideration of "[c]onvenience and safety of vehicular movement within the site and on adjacent streets...." A real traffic study, using realistic traffic counts and addressing all the relevant issues should be completed and analyzed before allowing the project to proceed.

Setback Concerns

The proponent acknowledges that the site review process must address "[t]he relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area...." The proposal is for the main building to have a setback from Central Avenue of only 35 feet. The immediate south side abutter, at 1708 Central Avenue, has a set back of approximately 70 feet, Temple Aliyah is set back approximately 200 feet from to the front corner of the building, and 1652 Central Avenue is set back approximately 109 feet. Every other home on this section of Central Avenue has a setback of at least 90 feet. At 35 feet from the road, this building will be completely inconsistent with the neighborhood.

There is no sound reason why the setback cannot be in accord with the existing buildings in the neighborhood. It is a commercial building proposed for a residential zone, and assuring that it is in harmony with the surrounding area is required by Section 7.4.1 of the Needham by laws. This may limit any potential further development of the other parts of the property (the proponent has not revealed whether that is his intention), but that is irrelevant to the requirements of site review.

Lighting Concerns

The proponent recognizes that the site review process must include “protection of adjoining premises against seriously detrimental uses by ... sound and sight buffers....” We request that the proposed plan include sound and sight buffers, as well as lighting measures which will limit the impact of the building and its operation on the surrounding homes.

The proponent notes that the lighting will be adjacent to Temple Aliyah, but does not address lighting impacts on the abutter at 1652 Central Ave, on the other side of the Temple parking lot and with a clear line of site to the project parking lot and anticipated light poles, nor does the proponent address concerns of those across from the project. This lighting impact must be mitigated for all of the neighbors.

Road Reconstruction After Sewer Installation

We have been informed town sewer service will be extended from the tie in at Country Way down to 1688 Central Ave. Based upon what Needham has experienced with the South Street project, we ask that should the project be allowed to proceed, road repairs return the streets to the safest and most drivable condition in a timely manner.

Environmental and Conservation Concerns

Several neighbors have concerns about the potential of soil contamination at the site due to the previous uses of the property. We seek to make sure the property is safe for the proposed use and that any necessary mitigation measures be taken.

Conclusion

In sum, we request the following steps be taken:

- This letter be distributed to all Town bodies and officials who will consider this project. We ask that distribution include the Traffic Management Committee, which may have expertise to offer concerning the traffic conditions on Central Avenue.
- The project be treated as a Major Project, with the full review process required.
- The public be afforded a public and transparent process, including the ability to comment and be heard.

- A new traffic study be done, and full consideration be given to whether the traffic degradation and safety issues can be mitigated and, if so, how.
- If the project proceeds, the setback be increased.
- If the project proceeds, the lighting, road construction, sidewalk, crosswalk, landscape, and environmental concerns be mitigated.
- Finally, the Developer is a member of the Needham Select Board, which raises concerns about conflict of interest and ensuring that the process is without improper influence. For transparency sake, we ask that all project-related communications between the Developer and the Planning Board and the Developer and other members of the Select Board be fully disclosed.

Sincerely,

Neighbors & Neighborhoods of 1688 Central Avenue

(submitted electronically due to dangers due to COVID-19 of door-to-door canvassing)

Updated list of signatories to the previously submitted Petition; this list received June 11, 2021

timestamp	Email Address	Name (please submit a se	Street Name and Town	Do you join in the above-I	Do you live in 02427?	Do you live on Belle Lane	Are you registered to vote in Needham	Useful information for town meeting Warrant requirement purposes?
3/19/2021 9:44:10	david.lazarus@gmail.com	David Lazarus	Oxbow Road, Needham	Yes	Yes	Yes	Yes	
3/19/2021 9:50:15	mbmcfarland4@gmail.com	Marybeth McFarland	99 Oxbow Road Needham	Yes	Yes	Yes	Yes	
3/19/2021 9:52:15	bernie.j.mcf@gmail.com	Bernard McFarland	99 Oxbow Rd Needham	Yes	Yes	Yes	Yes	
3/19/2021 9:56:32	sfjohnson@gmail.com	Suzette Johnson	65 Oxbow Road, Needham	Yes	Yes	Yes	Yes	
3/19/2021 9:57:19	Dave.Johnson@bain.com	Dave Johnson	65 Oxbow Road, Needham	Yes	Yes	Yes	Yes	
3/19/2021 9:58:12	debby@catsystd.com	Debby chaoman	1843 Central Ave Needham	Yes	Yes	Yes	Yes	
3/19/2021 10:03:19	julielazarus@yahoo.com	Julie Lazarus	Oxbow Rd. Needham	Yes	Yes	Yes	Yes	
3/19/2021 10:08:26	carrieclosuit@gmail.com	Caroline Closuit	120 Oxbow Road, Needham	Yes	Yes	Yes	Yes	
3/19/2021 10:15:39	rhammer622@rcn.com	Randy B. Hammer	Needham	Yes	Yes	Yes	Yes	
3/19/2021 10:15:51	KrissyWolff@gmail.com	Krissy Wolff	76 oxbow road, needham	Yes	Yes	Yes	Yes	
3/19/2021 10:22:28	eytan.shamash@gmail.com	Eytan Shamash	Oxbow Road, Needham	Yes	Yes	Yes	Yes	
3/19/2021 10:29:18	debspielman@comcast.net	Deborah Spielman	Oxbow Road Needham	Yes	Yes	Yes	Yes	
3/19/2021 10:38:02	lynch.katie23@gmail.com	Katie Lynch	Mayflower Road, Needham	Yes	No	Yes	Yes	
3/19/2021 10:39:13	jenremr@gmail.com	Jennifer Reynolds	159 Marked Tree Road, N	Yes	No	Yes	Yes	
3/19/2021 10:43:55	dashisoils@gmail.com	Dagmar Solis	82 Charles River Street	Yes	Yes	Yes	Not Sure	
3/19/2021 10:49:57	nvborisov@gmail.com	Natasha Kuper	Pheasant Landing rd, Ne	Yes	Yes	Yes	Yes	
3/19/2021 11:00:46	annsherman50@gmail.com	Ann Sherman	53 Oxbow Rd	Yes	Yes	Yes	Yes	
3/19/2021 11:15:33	bernie.j.mcf@gmail.com	Bernard McFarland	99 Oxbow Rd Needham	Yes	Yes	Yes	Yes	
3/19/2021 11:17:06	abmabardy@yahoo.com	Anita Mabardy	1663 Central Avenue, Ne	Yes	Yes	Yes	Yes	
3/19/2021 11:20:11	philbmabardy@yahoo.com	Philip Mabardy	1663 Central Avenue, Ne	Yes	Yes	Yes	Yes	
3/19/2021 11:24:55	abmabardy@yahoo.com	Anita Mabardy	1663 Central Avenue, Ne	Yes	Yes	Yes	Yes	
3/19/2021 12:11:21	lindasiegla@aol.com	Linda Seigal	Oxbow st Needham	Yes	Yes	Yes	Yes	
3/19/2021 12:18:16	lindsay614@gmail.com	Lindsay Jabbawy	40 Windsor road needham	Yes	Yes	Yes	Yes	
3/19/2021 12:41:49	Dave.Johnson@bain.com	Dave Johnson	65 Oxbow Road, Needham	Yes	Yes	Yes	Yes	
3/19/2021 12:41:49	sfjohnson@gmail.com	Suzette Johnson	65 Oxbow Road, Needham	Yes	Yes	Yes	Yes	
3/19/2021 12:48:46	abbeasen@gmail.com	Abbe Asen	Stratford Rd, Needham	Yes	Yes	Yes	Yes	
3/19/2021 12:53:52	mjababawy@gmail.com	Mike Jabbawy	40 Windsor Rd Needham	Yes	Yes	Yes	Yes	
3/19/2021 12:56:54	kmaranca@yahoo.com	Koren	White pine road Needham	Yes	Yes	Yes	Yes	
3/19/2021 13:11:28	patty0818@yahoo.com	Patty O'Neill	Charles River Street Neer	Yes	Yes	Yes	Yes	
3/19/2021 13:15:26	oconnor0604@yahoo.com	Nicole O'Connor	50 Country Way Needham	Yes	Yes	Yes	Yes	
3/19/2021 13:17:01	jocconnor@ocventures.net	Jeremy O'Connor	50 Country Way Needham	Yes	Yes	Yes	Yes	
3/19/2021 13:33:05	toriconstantino@gmail.com	Tori Constantino	Beard Way, Needham	Yes	No	Yes	Yes	
3/19/2021 13:33:11	samanthafeisenberg@gmail.com	Samantha Eisenberg	88 Stratford road, Needham	Yes	Yes	Yes	Yes	
3/19/2021 13:34:11	sandyjordan@comcast.net	Sandra Jordan	Stratford Road, Needham	Yes	Yes	Yes	Yes	
3/19/2021 13:35:47	jason.freedman@yahoo.com	Jason Freedman	218 Bridle Trail Rd Needh	Yes	Yes	Yes	Yes	
3/19/2021 13:36:09	lbrosdy04@yahoo.com	Lauren Brodsky	Pheasant Landing Rd, Ne	Yes	Yes	Yes	Yes	
3/19/2021 13:37:22	kblangsnr@gmail.com	Karen Langsner	30 Windsor Road needham	Yes	Yes	Yes	Yes	
3/19/2021 13:42:05	michaela.mendelsohn@gmail.com	Michaela Mendelsohn	210 Charles River St., Ne	Yes	Yes	Yes	Yes	
3/19/2021 13:49:00	rmsoble@aol.com	Risa Carp	169 fairfield St. Needham	Yes	No	Yes	Yes	
3/19/2021 14:04:26	emilydaughters@yahoo.com	Emily Hunsicker	Charles River Needham	Yes	Yes	Yes	Yes	
3/19/2021 14:05:34	stephanie.walt@gmail.com	Stephanie Walt	Pheasant landing road ne	Yes	Yes	Yes	Yes	
3/19/2021 14:10:33	abigail.wilk@gmail.com	Abigail Wilk	100 Windsor Road, Need	Yes	Yes	Yes	Yes	
3/19/2021 14:13:26	niffer33@gmail.com	Jennifer Peterson-Eacott	157 Stratford Road	Yes	Yes	Yes	Yes	
3/19/2021 14:17:27	jocconnor@ocventures.net	Jeremy O'Connor	50 Country Way Needham	Yes	Yes	Yes	Yes	
3/19/2021 14:18:14	jcohen527@gmail.com	Jenna	Virginia Road, Needham	No, but I regularly travel o	No	Yes	Yes	
3/19/2021 14:48:35	dubin.emma@gmail.com	Emma Dubin	Lantern lane, Medfield	Yes	No, but I regularly travel o	No	No	
3/19/2021 14:55:02	kristry17078@yahoo.com	Kristy Thompson	Windsor Road Needham	Yes	Yes	Yes	Yes	
3/19/2021 14:57:00	mclstein@gmail.com	Michelle Murray	Eliot Road needham	Yes	No, but as a community n	No	Yes	
3/19/2021 15:11:16	jessica.kritzman@gmail.com	Jessica Kritzman	Bridle Trail Needham	Yes	Yes	Yes	Yes	
3/19/2021 15:15:45	joditraub@comcast.net	Jodi Traub	232 Bridle Trail Road Ne	Yes	Yes	Yes	Yes	
3/19/2021 15:18:17	abutms@gmail.com	Alexandra Gordon	Bridle Trail Needham	Yes	Yes	Yes	Yes	
3/19/2021 15:23:03	ledric@mac.com	Ricki Nickel	Stratford Rd, Needham	Yes	Yes	Yes	Yes	
3/19/2021 15:29:22	jskoler@comcast.net	Jennifer skoler	165 Bridle Trail Road	Yes	Yes	Yes	Yes	
3/19/2021 15:46:37	sally@tyrie.com	Sally Tyrie	Bridle Trail Rd, Needham	Yes	Yes	Yes	Yes	
3/19/2021 15:48:54	imichelow@lifespan.org	Ian Michelow	Charles River St	Yes	Yes	Yes	Yes	
3/19/2021 15:58:35	aesouliere@aol.com	Adam Souliere	Pheasant Landing Rd, Ne	Yes	Yes	Yes	Not Sure	
3/19/2021 16:02:58	jezeldan@gmail.com	jessica zeldan	80 country way needham	Yes	Yes	Yes	Not Sure	
3/19/2021 16:07:44	zacharydubin@gmail.com	Zach Dubin	Lantern ln, Medfield	Yes	No, but I regularly travel o	No	No	
3/19/2021 16:24:41	john@dwel360.com	John Lynch	Mayflower needham	Yes	Yes	No	Yes	
3/19/2021 16:25:01	stacyhill@gmail.com	Stacy Hill	157 Bridle Trail Rd Needh	Yes	Yes	Yes	Yes	
3/19/2021 16:47:50	ardm@comcast.net	Andrew DiMatteo	290 Bridle Trail Road Ne	Yes	Yes	Yes	Yes	
3/19/2021 16:48:38	ardmatteo@comcast.net	Debi DiMatteo	290 Bridle Trail Road Ne	Yes	Yes	Yes	Yes	
3/19/2021 16:53:55	kmaranca@yahoo.com	Koren	White pine road Needham	Yes	Yes	Yes	Yes	
3/19/2021 17:18:38	ardm@comcast.net	Andrew DiMatteo	290 Bridle Trail Road Ne	Yes	Yes	Yes	Yes	
3/19/2021 17:48:10	asyellin@gmail.com	Adam Yellin	109 Henderson St	Yes	Yes	No	Yes	
3/19/2021 18:12:24	jconlon01@gmail.com	Joshua Co lon	22 Oakhurst Circle Needh	Yes	Yes	No	Yes	
3/19/2021 18:19:46	jrgreenfield1@gmail.com	Josh Greenfield	Moseley needham	Yes	Yes	No	Yes	
3/19/2021 19:41:40	michaela.mendelsohn@gmail.com	Michaela Mendelsohn	210 Charles River St., Ne	Yes	Yes	Yes	Yes	
3/19/2021 19:44:55	jbmorris@gmail.com	Julian B Morris	112 Birds Hill Ave	Yes	Yes	No	Yes	
3/19/2021 19:51:34	toriconstantino@gmail.com	Tori Constantino	Beard Way, Needham	Yes	Yes	No	Yes	
3/19/2021 19:59:22	danielunder@comcast.net	Diane LUNDER	189 Bridle Trail Rd	Yes	Yes	Yes	Yes	
3/19/2021 20:01:34	boursd@gmail.com	Stephen Bourdeau	Sylvan Rd	Yes	Yes	No	Yes	
3/19/2021 21:00:30	susanabraham135@gmail.com	Susan Abraham	Country Way, Needham, I	Yes	Yes	Yes	Yes	
3/19/2021 21:01:52	aaabraham@kexheslaw.cc	Andrew Abraham	Country Way, Needham, I	Yes	Yes	Yes	Yes	
3/19/2021 21:06:49	nheideman328@gmail.com	Nicole Heideman	1708 Central Avenue Ne	Yes	Yes	Yes	Yes	
3/19/2021 21:15:08	jonasdarke@verizon.net	Holly Clarke	1652 Central Ave	Yes	Yes	Yes	Yes	
3/19/2021 21:55:03	famhaus@comcast.net	Barbara Hauschka	105 Walker Lane, Needham	Yes	Yes	Yes	Yes	
3/19/2021 22:04:30	lionel.desrosiers@gmail.com	Lionel Desrosiers	117 Linden St, Needham, Yes	Yes	No	Yes	Yes	
3/19/2021 22:08:05	martin.tomj@gmail.com	Thomas Martin	138 sylvan road, Needham	Yes	No	Yes	Yes	
3/19/2021 22:23:32	rpikaman@gmail.com	Rusht Kamani	Hillside Ave needham	Yes	No, but as a community n	No	Yes	
3/19/2021 22:41:46	berkowitz@gmail.com	Joshua Davidson	73 Linden St Needham, I	Yes	Yes	No	Yes	
3/19/2021 22:50:13	pwern201@gmail.com	Patrick Wrenn	Blacksmith Dr, Needham	Yes	Yes	No	Yes	
3/19/2021 22:57:38	jconlon01@gmail.com	Joshua Co lon	22 Oakhurst Circle Needh	Yes	Yes	No	Yes	
3/19/2021 23:17:56	brent.poliquin@gmail.com	Brent Poliquin	148 Sylvan Rd, Needham	Yes	Yes	No	Yes	
3/20/2021 6:43:30	martin.tomj@gmail.com	Thomas Martin	138 sylvan road, Needham	Yes	Yes	Yes	Yes	
3/20/2021 7:19:48	amyskolnick15@gmail.com	Amy Skolnick	Oxbow rd needham	Yes	Yes	No	Yes	
3/20/2021 7:32:59	adsade@gmail.com	Amy Sade	99 Richardson Drive, Ne	Yes	Yes	No	Yes	
3/20/2021 7:42:52	zjoncson@verizon.net	Carl H Jonasson	1729 CENTRAL AVENUE	Yes	Yes	Yes	Yes	
3/20/2021 8:28:15	berkowitz@gmail.com	Joshua Davidson	73 Linden St Needham, I	Yes	No	Yes	No	
3/20/2021 8:53:25	matthew.heideman@gmail.com	Matthew Heideman	1708 Central Ave, Needh	Yes	Yes	Yes	Yes	
3/20/2021 9:09:09	wtj98@yahoo.com	Everette Jordan	219 Stratford Road Needh	Yes	Yes	Yes	Yes	
3/20/2021 9:23:42	gcavanagh@gmail.com	Greg Cavanagh	17 Carleton Dr Needham, Yes	Yes	Yes	Yes	Not Sure	
3/20/2021 9:34:55	lgene@hotmail.com	Laura Gere	Stratford road needham	Yes	Yes	Yes	Yes	
3/20/2021 9:37:12	rob.dimase@verizon.net	Robert DiMase	1681 Central Avenue Ne	Yes	Yes	Yes	Yes	
3/20/2021 9:50:40	bridgetdinicola@gmail.com	Brigette DiNicola	South Street, Needham	Yes	Yes	Yes	Yes	
3/20/2021 10:02:48	egazmul@comcast.net	Elizabeth Gazmuri	245 Stratford Rd., Needh	Yes	Yes	Yes	Yes	
3/20/2021 10:08:03	kristry17078@yahoo.com	Kristy Thompson	Windsor Road, Needham	Yes	Yes	Yes	Yes	
3/20/2021 10:15:39	kristry17078@yahoo.com	Kristy Thompson	Windsor Road Needham	Yes	Yes	Yes	Yes	
3/20/2021 10:26:22	nathansommichael@gmail.com	Michael Nathanson	Country Way, Needham	Yes	Yes	Yes	Yes	
3/20/2021 10:32:24	zchjonas@gmail.com	Zach Jonas	1652 Central Ave, Needh	Yes	Yes	Yes	Yes	
3/20/2021 10:33:13	jack.dinicola@dinicolalaw.com	John W DiNicola II	1115 South St, Needham, Yes	Yes	Yes	Yes	Yes	
3/20/2021 10:33:16	stephenjonas@wilmerhale.com	Stephen Jonas	1652 Central Ave	Yes	Yes	Yes	Yes	
3/20/2021 10:58:07	ncavanagh@gmail.com	Nikki Cavanagh	Carleton Drive, Needham	Yes	Yes	Yes	Yes	
3/20/2021 11:07:39	sallymck@gmail.com	Sarah (Sally) McKechnie	1703 Central Ave	Yes	Yes	Yes	Yes	
3/20/2021 11:09:22	mariejon13@verizon.net	Carl H Jonasson	1729 CENTRAL AVENUE	Yes	Yes	Yes	No	
3/20/2021 11:21:14	jurk@tclawfirm.com	Jeffrey Turk	312 Country way	Yes	Yes	Yes	Yes	
3/20/2021 11:30:44	andee614@me.com	Andrea K. Shuman	Belle Lane; Needham, Ma	Yes	Yes	Yes	Yes	
3/20/2021 11:31:54	ncavanagh@gmail.com	Nikki Cavanagh	Carleton Drive, Needham	Yes	Yes	Yes	Yes	
3/20/2021 11:33:49	drycemarc1@aol.com	Marc Savenor	27 belle ln	Yes	Yes	Yes	Yes	
3/20/2021 12:30:27	msgillespie@comcast.net	Sharon Gillespie	210 Stratford Road	Yes	Yes	Yes	Yes	
3/20/2021 12:51:32	clairedavison@gmail.com	Claire Davison	1011 South Street	Yes	Yes	Yes	Yes	
3/20/2021 12:52:39	kdavison@gmail.com	Timothy Davison	1011 South Street needh	Yes	Yes	Yes	Yes	
3/20/2021 13:06:06	turkjb@yahoo.com	Barbara Turk	Country way Needham	Yes	Yes	Yes	Yes	
3/20/2021 13:12:52	zcthomson.bms@gmail.com	Christopher Thomson	Windsor Road, Needham	Yes	Yes	Yes	Yes	

Timestamp	Email Address	Name (please submit a se	Street Name and Town	Do you join in the above-I	Do you live in 02492?	Do you live on Belle Lane	Are you registered to vote in Needham	(useful information for town meeting Warrant requirement purposes)?					
3/20/2021 13:13:57	thompson3.1415@gmail.com	Andrew Thompson	Windsor Road, Needham	Yes	Yes	Yes	Yes						
3/20/2021 13:17:22	thompson3.1415@gmail.com	Andrew Thompson	Windsor Road, Needham	Yes	Yes	Yes	Yes						
3/20/2021 13:17:27	thompson3.1415@gmail.com	Andrew Thompson	Windsor Road, Needham	Yes	Yes	Yes	Yes						
3/20/2021 13:24:02	macleod41@aol.com	Norman MacLeod	41 Pine St, Needham, M	Yes	Yes	Yes	Yes						
3/20/2021 13:27:49	macleod41@aol.com	Janet MacLeod	41 Pine Street, Needham	Yes	Yes	Yes	Yes						
3/20/2021 13:40:42	briano1055@yahoo.com	Brian O'Neill	149 Charles River St	Yes	Yes	Yes	Yes						
3/20/2021 13:46:42	jlurk@tqlawfirm.com	Jeffrey Turk	312 Country way	Yes	Yes	Yes	Yes						
3/20/2021 13:47:27	kevinpkileen@yahoo.com	Kevin Kileen	339 Country Way	Yes	Yes	Yes	Yes						
3/20/2021 14:08:54	tkdavison@gmail.com	Timothy Davison	1011 South Street needh	Yes	Yes	Yes	Yes						
3/20/2021 14:11:17	stanleykeller@locklord.com	Stanley Keller	Country Way, Needham	Yes	Yes	Yes	Yes						
3/20/2021 14:12:17	sandykeli@aol.com	Sandra Keller	Country Way, Needham	Yes	Yes	Yes	Yes						
3/20/2021 14:24:14	danielledarish@gmail.com	Danielle Darish	Country Way, Needham	Yes	Yes	Yes	Yes						
3/20/2021 15:35:11	tkdavison@gmail.com	Timothy Davison	1011 South Street needh	Yes	Yes	Yes	Yes						
3/20/2021 15:45:24	annlyons24@yahoo.com	Ann Lyons	Central Avenue, Needham	Yes	Yes	Yes	Yes						
3/20/2021 16:41:59	annlyons24@yahoo.com	Ann Lyons	Central Avenue, Needham	Yes	Yes	Yes	Yes						
3/20/2021 17:29:35	rachnjin@gmail.com	Rachel Flanagan	863 Webster Street	Yes	No	Yes	Yes						
3/20/2021 18:01:34	jabruzese@yahoo.com	Joseph Abruzese	30 Bridle Trail Road, Need	Yes	Yes	Yes	Yes						
3/20/2021 18:25:45	turkbj@yahoo.com	Barbara Turk	Country way Needham	Yes	Yes	Yes	Yes						
3/20/2021 19:45:33	thompson3.1415@gmail.com	Andrew Thompson	Windsor Road, Needham	Yes	Yes	Yes	Yes						
3/20/2021 20:08:19	ericsockol@gmail.com	Eric Sockol	324 Country Way, Needh	Yes	Yes	Yes	Yes						
3/20/2021 20:09:25	judysockol@gmail.com	Judy Sockol	324 Country Way, Needh	Yes	Yes	Yes	Yes						
3/20/2021 20:31:47	seaniemo22@yahoo.com	Sean Morris	48 Scott Rd, Needham	Yes	Yes	Yes	Not Sure						
3/20/2021 20:32:26	marinazmorris@gmail.com	Marina Morris	48 Scott Rd, Needham	Yes	Yes	Yes	Not Sure						
3/20/2021 21:12:51	mshilback@aol.com	Marjorie S Hilback	34 Wilson Ln	Yes	No	Yes	Yes						
3/20/2021 21:52:39	adampatti@gmail.com	Adam Patti	257 Country Way	Yes	Yes	Yes	Yes						
3/20/2021 21:53:22	stephpos@gmail.com	Stephanie Patti	257 Country Way needha	Yes	Yes	Yes	Yes						
3/20/2021 22:06:35	33hila@gmail.com	Hila Krikov	Fisher St, Needham	Yes	Yes	Yes	Yes						
3/20/2021 22:09:17	nkrikov@gmail.com	Niv Krikov	Fisher St, Needham	Yes	Yes	Yes	Yes						
3/20/2021 22:22:45	sjavaheh@mac.com	Stephaniejavaheh	1886 Central Ave	Yes	Yes	Yes	Yes						
3/21/2021 0:21:05	stephpos@gmail.com	Stephanie Patti	257 Country Way needha	Yes	Yes	Yes	Yes						
3/21/2021 0:27:17	stephpos@gmail.com	Stephanie Patti	257 Country Way needha	Yes	Yes	Yes	Yes						
3/21/2021 6:27:56	petelyons28@gmail.com	Pete Lyons	1689 Central Ave, Needh	Yes	Yes	Yes	Yes						
3/21/2021 7:51:22	brosen@therorfolkcomp	Benjamin David Rosen	20 Stratford Rd.	Yes	Yes	Yes	Yes						
3/21/2021 9:58:59	sbentsman@gmail.com	Sophia Bentsman	Country Way, Needham	Yes	Yes	Yes	Yes						
3/21/2021 10:01:16	lbentsman@gmail.com	Lev Bentsman	Country Way, Needham	Yes	Yes	Yes	Yes						
3/21/2021 10:10:37	turkbj@yahoo.com	Barbara Turk	Country way Needham	Yes	Yes	Yes	Yes						
3/21/2021 10:40:37	mikekg80c@yahoo.com	Michael Gillespie	210 Stratford Road, Need	Yes	Yes	Yes	Yes						
3/21/2021 11:41:21	crfinn22@gmail.com	Carol R Lintz	49 Carleton Dr	Yes	Yes	Yes	Yes						
3/21/2021 13:07:54	elwallack@gmail.com	Edward Wallack	8 stratford road	Yes	Yes	Yes	Yes						
3/21/2021 13:38:17	arvedon@verizon.net	ANDREW ARVEDON	29 PINE STREET	Yes	Yes	Yes	Yes						
3/21/2021 14:01:17	alangner70@gmail.com	Alan Langner	30 Windsor Road	Yes	Yes	Yes	Yes						
3/21/2021 14:55:04	mhwallack@comcast.net	Margo Wallack	8 Stratford Rd	Yes	Yes	Yes	Yes						
3/21/2021 17:05:32	taraleekileen@yahoo.com	Tara Kileen	339 Country Way Needha	Yes	Yes	Yes	Yes						
3/21/2021 17:30:36	ashleyrosen@gmail.com	Ashley Rosen	Stratford Road, Needham	Yes	Yes	Yes	Yes						
3/21/2021 21:30:12	sallymck@mac.com	Sarah (Sally) McKechnie	1703 Central Ave	Yes	Yes	Yes	Yes						
3/21/2021 21:51:49	sarahcracken@gmail.com	Sarah Cracken	South street needham	Yes	Yes	Yes	Yes						
3/21/2021 21:58:02	jonathanbracken@hotmail	Jonathan Bracken	South street, Needham	Yes	Yes	Yes	Yes						
3/21/2021 22:20:01	sandyjordan@comcast.net	Sandra Jordan	Stratford Road, Needham	Yes	Yes	Yes	Yes						
3/22/2021 6:37:00	sarahcracken@gmail.com	Sarah Cracken	South street needham	Yes	Yes	Yes	Yes						
3/22/2021 7:11:09	mtgkelly@yahoo.com	Tobin Kelly	Charles River Street, Need	Yes	Yes	Yes	Yes						
3/22/2021 10:17:08	edhillback@aol.com	Elliott Hillback Jr	34 Wilson Lane	Yes	Yes	Yes	Yes						
3/22/2021 11:04:46	egodes@comcast.net	Eric Godes	CEDAR SPRINGS LN, N	Yes	No	Yes	Yes						
3/22/2021 11:38:14	vickikaufman@comcast.net	Vicki Kaufman	35 Starr Ridge Rd, Needh	Yes	Yes	Yes	Yes						
3/22/2021 13:42:21	ginakbradley@gmail.com	Gina Bradley	Great Plain Ave., Needha	Yes	No	Yes	Yes						
3/22/2021 14:07:25	pgazmuri@comcast.net	Pablo Gazmuri	Stratford Rd., Needham	Yes	Yes	Yes	Yes						
3/22/2021 15:14:10	noah.m.carp@gmail.com	Noah Carp	169 Fairfield Street, Need	Yes	No	Yes	Yes						
3/22/2021 15:59:18	robert.onofrey@gmail.com	Robert J Onofrey	49 Pine Street	Yes	Yes	Yes	Yes						
3/22/2021 19:29:23	pbschatz@gmail.com	Paula Schatz	37 White Pine Rd., Needh	Yes	Yes	Yes	Yes						
3/22/2021 20:09:56	ruthlangner1@msn.com	Ruth Langner	Otis St, Needham	No	No	Yes	Yes						
3/23/2021 0:03:50	debby@catsystd.com	Debby chaoman	1843 Central Ave Needha	Yes	Yes	Yes	Yes						
3/23/2021 4:49:04	evanrauch@msn.com	Evan Rauch	224 Country Way	Yes	Yes	Yes	Yes						
3/23/2021 13:39:28	pfalcao@rcn.com	Patricia Rose FALCAO	19 Pine St	Yes	Yes	Yes	Yes						
3/24/2021 8:18:54	divyadas@yahoo.com	Divya Das	92 Pine Street	Yes	Yes	Yes	Yes						
3/24/2021 8:20:04	anuragdas@yahoo.com	Anurag Das	Pine St, Needham Ma	Yes	Yes	Yes	Yes						
3/24/2021 21:39:48	bowebetty@gmail.com	Betty Bowe	Central Ave NEEDHAM	Yes	No	Yes	Yes						
3/25/2021 15:53:42	kallitew2@gmail.com	Kallityn Lew	Central Avenue, Needham	Yes	Yes	Yes	Yes						
3/25/2021 18:11:14	kallitew2@gmail.com	Kallityn Lew	Central Avenue, Needham	Yes	Yes	Yes	Yes						
3/25/2021 22:39:35	kallitew2@gmail.com	Kallityn Lew	Central Avenue, Needham	Yes	Yes	Yes	Yes						
3/27/2021 12:08:26	jesskadar@gmail.com	Jess Kadar	102 Pine Street	Yes	Yes	Yes	Yes						
3/27/2021 12:09:08	aran.kadar@gmail.com	Aran Kadar	Pine Street, Needham	Yes	Yes	Yes	Yes						
3/27/2021 12:14:04	tdeponte1@yahoo.com	Tammie Kukoleka	Pine Street, Needham	Yes	Yes	Yes	Yes						
3/27/2021 12:14:58	mjkuk03@yahoo.com	Michael Kukoleka	Pine Street, Needham	Yes	Yes	Yes	Yes						
3/27/2021 12:47:00	mabruzese@gmail.com	Margaret Abruzese	30 Bridle Trail Rd, Needh	Yes	Yes	Yes	Yes						
3/28/2021 8:56:21	elysepark@yahoo.com	Elyse Park	19 Walker Lane	Yes	Yes	Yes	Yes						
3/28/2021 14:59:18	KrissyWolff@gmail.com	Krissy Wolff	76 oxbow road, needham	Yes	Yes	Yes	Yes						
3/29/2021 7:17:48	sjavaheh@mac.com	Stephaniejavaheh	1886 Central Ave	Yes	Yes	Yes	Yes						
3/30/2021 15:54:25	bobfitz13@gmail.com	Robert Fitzgerald	145 Stratford Rd	Yes	Yes	Yes	Yes						
3/30/2021 15:55:16	bkfitz13@gmail.com	Kerry Spence	145 Stratford Rd	Yes	Yes	Yes	Yes						
3/30/2021 15:57:28	hoopsfitz@gmail.com	Jack Fitzgerald	145 Stratford Rd	Yes	Yes	No	Yes						
3/31/2021 6:37:08	evanbg@rcn.com	Evan Gold	253 Charles River St. Ne	Yes	Yes	Yes	Yes						
3/31/2021 17:20:06	rebeccabf17@gmail.com	Rebecca Friedman	177 bridle trail road Need	Yes	Yes	Yes	Yes						
3/31/2021 17:21:11	michaelf17@gmail.com	Michael Friedman	177 bridle trail road Need	Yes	Yes	Yes	Yes						
3/31/2021 17:22:16	hannahfriedman@gmail	Hannah	177 bridle trail road Need	Yes	Yes	Yes	Yes						
3/31/2021 17:23:23	jessicafriedman7@gmail	Jessica	177 bridle trail road Need	Yes	Yes	Yes	Yes						
3/31/2021 17:25:07	lfriedman177@gmail.com	Jacob Friedman	Bridle Trail Road, Needha	Yes	Yes	Yes	Yes						
4/1/2021 17:56:34	kalkango@yahoo.com	Kalindi Kango	81 country Way	Yes	Yes	Yes	Yes						
4/1/2021 17:57:41	srkango@yahoo.com	Sujay Kango	81 country Way	Yes	Yes	Yes	Yes						
4/1/2021 20:03:20	preethy.thomas@yahoo	Preethy Thomas	Barrett st., Needham	Yes	Yes	No	Yes						
4/1/2021 21:28:24	yasu@post.com	Yasodhara paruchuru	Pleasant st, needham	Yes	Yes	No	Yes						
4/1/2021 21:32:58	therootaroot@yahoo.com	Jennifer Bannion	Jarvis circle, Needham	Yes	Yes	No	Yes						
4/2/2021 8:39:32	lgere@hotmail.com	Laura Gere	Stratford road needham	Yes	Yes	Yes	Yes						
4/2/2021 11:15:40	susanbmurdock@gmail.c	Susan Murdock	66 Rolling Lane Needham	Yes	Yes	No	Yes						
4/2/2021 11:18:29	meredithb1@gmail.com	Meredith Berger	Savoy Rd, Needham	Yes	Yes	No	Yes						
4/2/2021 11:21:27	melissak1124@gmail.com	Melissa Stein	Bonwood Rd Needham	Yes	Yes	No	Yes						
4/2/2021 11:37:49	lauren.r.alexander@hotm	Lauren Alexander	Mayflower Rd, Needham	Yes	Yes	No	Yes						
4/2/2021 11:40:09	jason.hemming@gmail.c	Jason Hemming	Deerfield Needham	Yes	Yes	No	Yes						
4/2/2021 11:43:23	cathy.mert261@gmail.c	Cathy White	Rybury Hillway, Needham	Yes	Yes	No	Yes						
4/2/2021 11:51:43	sdornbusch27@gmail.c	Steve Dornbusch	51 Damon Road	Yes	No, but I regularly travel	No	Yes						
4/2/2021 11:52:22	mkfragola@yahoo.com	Michelle Hoffman	Paul Revere Road Needh	Yes	No, but I regularly travel	No	Yes						
4/2/2021 11:58:54	rainbowow@verizon.net	Caryn F Schwartz	Forest St, Needham	Yes	Yes	No	Yes						
4/2/2021 11:59:45	caroline.valentin@gmail	Caroline Valentin	Webster Street, Needham	Yes	No, but as a community r	No	No						
4/2/2021 12:02:41	efs529@yahoo.com	Elizabeth Stanton	Needham	Yes	Yes	No	Yes						
4/2/2021 12:25:55	beth.marcus@verizon.net	Beth Marcus	Meredith Circle Needham	Yes	Yes	No	Yes						
4/2/2021 12:32:53	kbutter418@gmail.com	Kathy Butters	50 Audrey Ave., Needham	Yes	Yes	No	Yes						
4/2/2021 12:42:45	robyn.fink@me.com	Robyn Fink	128B Hillside Ave 02492	Yes	No, but I work in 02492	No	Yes						
4/2/2021 12:46:50	robbyn1020@gmail.com	Robyn Stanley	Maple, Franklin	Yes	No, but I work in 02492	No	No						
4/2/2021 12:54:24	orjen@aol.com	Jennifer Lehman	Oakland Ave, Needham	Yes	Yes	No	Yes						
4/2/2021 12:58:03	goodnightgracey@gmail	Grace Scott	15 Mercer Rd	Yes	No, but I regularly travel	No	Yes						
4/2/2021 12:58:23	lsugarman@comcast.net	Lesley Sugarman	111 Stratford Rd Needham	Yes	Yes	Yes	Yes						
4/2/2021 13:02:14	jessiebellachou@hotmail	Jessie Chou	Mary Chilton Road, Need	Yes	Yes	No	Yes						
4/2/2021 13:17:17	alexisstjames@gmail.com	Alexisstjames@gmail.com	529 High Rock St, Needh	Yes	Yes	No	Yes						
4/2/2021 13:32:41	hmcgroddy@gmail.com	Heather McGroddy	Bonwood Needham	Yes	Yes	No	Yes						
4/2/2021 13:37:00	jadreami@hotmail.com	Jennifer Adreani	Gayland rd, needham	Yes	Yes	No	Yes						
4/2/2021 13:46:13	Lagoldfarb@gmail.com	Laura Goldfarb	Valley Rd, Needham	Yes	Yes	No	Yes						

Timestamp	Email Address	Name (please submit a se	Street Name and Town	Do you join in the above-I	Do you live in 02492?	Do you live on Belle Lane	Are you registered to vote in Needham	(useful information for town meeting Warrant requirement purposes)?
4/2/2021 13:54:30	mamarinelli@icloud.com	MarieAnne Marinelli	Cynthia Rd Needham	Yes	No, but I regularly travel o	No	Yes	
4/2/2021 13:54:58	sara.frier@gmail.com	Sara Frier	Parkinson St. NEEDHAM	Yes	Yes	No	Yes	
4/2/2021 14:02:25	jmccullen@gmail.com	Justin McCullen	22 Miller street	Yes	Yes	No	Yes	
4/2/2021 14:16:49	Catherine.mccarthy16@y	Catherine McCarthy	1509 central ave	Yes	Yes	Yes	Yes	
4/2/2021 14:23:06	marjorie.spofford@comca	marjorie spofford	21 Woodbine Circle Need	Yes	No, but I regularly travel o	No	Yes	
4/2/2021 14:25:58	oscarcup@yahoo.com	Rose Elin	33 Burr Drive	Yes	Yes	Yes	Yes	
4/2/2021 14:34:21	ravenregister@me.com	Raven Reglater	Charles River St - Needh	Yes	Yes	Yes	Yes	
4/2/2021 14:55:06	caseyfedde@gmail.com	Casey Fedde	16 Mills Rd	Yes	No, but as a community m	No	Yes	
4/2/2021 15:03:03	7lock@comcast.net	Jane Lockhart	268 Manning St.	Yes	Yes	No	Yes	
4/2/2021 15:18:01	jmccusker@gmail.com	John McCusker	248 Charles River St. Ne	Yes	Yes	Yes	Yes	
4/2/2021 15:23:29	Hragin@hotmail.com	Henry Ragin	25 Bennington st.	Yes	No, but as a community m	No	Yes	
4/2/2021 15:25:26	rosenragin@hotmail.com	Laura Rosen	25 Bennington Street	Yes	No, but as a community m	No	Yes	
4/2/2021 15:30:31	virgxp@yahoo.com	Virginia Psikarakis	Wilson lane Needham	Yes	Yes	Yes	Yes	
4/2/2021 15:33:19	kristencasey95@yahoo.co	Kristen Casey	46 Homestead Pk Needh	Yes	No, but as a community m	No	Not Sure	
4/2/2021 15:33:34	julie.o.purrlington@gmail.c	Julie Purrlington	52 Whittier Road Needhai	Yes	Yes	No	Yes	
4/2/2021 15:37:43	adrienne.m.donnely@gmail	Adrienne McCusker	248 Charles River St. Ne	Yes	Yes	Yes	Yes	
4/2/2021 15:38:31	jmccusker@gmail.com	John McCusker	248 Charles River St. Ne	Yes	Yes	Yes	Yes	
4/2/2021 15:49:39	katherinevet@gmail.com	Katherine	69 Walnut Street Needhai	Yes	No	No	Yes	
4/2/2021 16:10:05	sshaker130@gmail.com	Susan Shaker	130 Pine St	Yes	Yes	Yes	Yes	
4/2/2021 16:40:02	skatzee@gmail.com	Scott Katz	Ware Rd, Needham	Yes	Yes	No	Yes	
4/2/2021 17:06:42	cazmawhinney@gmail.co	Christine mawhinney	Jarvis circle needham	No	Yes	No	Yes	
4/2/2021 17:34:12	amyjoybaron@gmail.com	Amy Baron	Virginia Rd, Needham	Yes	No, but I regularly travel o	No	Yes	
4/2/2021 17:41:10	d.nathanson@comcast.net	Dawn Nathanson	123 Country way Needhai	Yes	Yes	Yes	Yes	
4/2/2021 17:54:38	laurie@smileboston.com	Laurie Spitz	188 Charles River Street I	Yes	Yes	Yes	Yes	
4/2/2021 17:55:14	drspitz@smileboston.com	Steven Spitz	188 Charles River Street I	Yes	Yes	Yes	Yes	
4/2/2021 17:55:45	hzspitz@yahoo.com	Hayden Spitz	188 Charles River Street I	Yes	Yes	Yes	Yes	
4/2/2021 17:56:16	Kayla.spitz111@gmail.co	Kayla Spitz	188 Charles River Street I	Yes	Yes	Yes	Yes	
4/2/2021 18:01:23	jill.yanofsky@gmail.com	Jill Yanofsky	High Rock Needham	Yes	Yes	No	Yes	
4/2/2021 18:07:30	ccerrano@comcast.net	Deborah A Cerra	Arnold Street Needham	Yes	No, but I regularly travel o	No	Yes	
4/2/2021 18:08:23	saalcerat@icloud.com	Sal Cerra	Arnold Street Needham	Yes	No, but I regularly travel o	No	Yes	
4/2/2021 18:21:54	khristy17078@yahoo.com	Khristy Thompson	Windsor Rd Needham	Yes	Yes	Yes	Yes	
4/2/2021 18:24:45	victoria.doroshenko@gm	Victoria Doroshenko	19 Beech St. Needham	Yes	No, but I regularly travel o	No	Yes	
4/2/2021 18:33:23	julie_reich@icloud.com	Julie Reich	57 Hemlock St.	Yes	Yes	No	Yes	
4/2/2021 19:28:46	lauren.r.alexander@hotm	Lauren Alexander	Mayflower Rd, Needham	Yes	Yes	No	Yes	
4/2/2021 19:54:31	saramjay@yahoo.com	Sara Jay	776 Chestnut St, Needhai	Yes	Yes	No	Yes	
4/2/2021 20:15:13	Naomi.goldman@yahoo.co	Naomi Goldman	Gayland Rd Needham	Yes	Yes	No	Yes	
4/2/2021 20:17:11	shant.melrose@gmail.com	Shant Wilkes	Hillcrest Rd, Needham	Yes	Yes	No	Yes	
4/2/2021 20:17:45	christinemccourt@yahoo	Christinemccourt@yahoo	Rickdale Road -Needham	Yes	No, but as a community m	No	Yes	
4/2/2021 20:40:13	juliesue.godwasser@gm	JulieSue Godwasser	Carleton drive Needham	Yes	Yes	Yes	Yes	
4/2/2021 20:41:57	gladsknick@gmail.com	Glad Sknick	Park Ave Needham	Yes	No, but I regularly travel o	No	Yes	
4/2/2021 20:43:50	rachel.smoller@gmail.co	Rachel Smoller	Lee Road, Needham	Yes	No, but as a community m	No	Yes	
4/2/2021 20:43:33	kathrynsiegen@gmail.co	Kathryn Segien	May St Needham	Yes	Yes	No	Yes	
4/2/2021 20:48:36	betsyf@comcast.net	Betsy Rauch	Country Way, Needham	Yes	Yes	Yes	Yes	
4/2/2021 20:53:35	katone37@gmail.com	Kim E Stone	45 Greendale Ave	Yes	No, but I regularly travel o	No	Yes	
4/2/2021 20:59:58	courtneyell@yahoo.com	Courtney Rowe	9 Lakin St Needham MA	Yes	No, but I work in 02492	No	Yes	
4/2/2021 21:01:45	peggybauer@gmail.com	Peggy Bauer	Maple Terrace, Needham	Yes	Yes	No	Yes	
4/2/2021 21:02:44	julia_donnely@ix.com	Julia Donnelly	44 Neholden Street Need	Yes	Yes	No	Yes	
4/2/2021 21:06:04	aimee@stoneinjury.com	Aimee Stone	42 Hewitt circle needham	Yes	No, but as a community m	No	Yes	
4/2/2021 21:32:02	atfinucane@comcast.net	Anne Finucane	Sargent St., Needham	Yes	Yes	Yes	Yes	
4/2/2021 21:43:49	margiebrodsky@yahoo.co	Margie Brodsky	19 Russell Road	Yes	Yes	Yes	Yes	
4/2/2021 21:49:17	maryanne.donnely@yah	Maryanne Donnelly	44 Neholden st	Yes	Yes	No	Yes	
4/2/2021 21:58:08	jenluckettadler@gmail.co	Jennifer Adler	Mayflower Road, Needha	Yes	Yes	No	Yes	
4/2/2021 22:10:46	rachel.turk32@gmail.com	Rachel Turk	312 country way, needhai	Yes	Yes	Yes	Yes	
4/2/2021 22:22:45	pazitgabriel@gmail.com	Pazit Gabriel	Meredith Circle, Needham	Yes	Yes	No	Yes	
4/2/2021 22:22:54	carolmstuckey@hotmail.c	Carol Stuckey	Gary Road, Needham	Yes	No, but as a community m	No	Yes	
4/2/2021 22:29:13	polach.linda@gmail.com	Linda Polach	Oxbow road, needham	Yes	Yes	Yes	Yes	
4/2/2021 22:35:01	aysun.sunnetci@gmail.co	Aysun Ceyhan	High Rock Street, Needh	Yes	Yes	No	Yes	
4/2/2021 22:35:40	dlevycpa@gmail.com	David A Levy	42 Village Ln, Needham, I	Yes	Yes	Yes	Yes	
4/2/2021 23:02:36	cpearson0115@gmail.co	Christopher Pearson	Bridle Trail Road, Needhai	Yes	Yes	Yes	Yes	
4/2/2021 23:05:30	jeanth293@gmail.com	Jean Higgins	293 Webster St. Needham	Yes	No, but as a community m	No	Yes	
4/2/2021 23:26:24	katerobey@gmail.com	Kathleen Robey	150 Warren Street Needh	Yes	Yes	No	Yes	
4/2/2021 23:43:29	mgconsultant@outlook.co	Massiel Gallardo	Country Way, Needham	Yes	Yes	Yes	Yes	
4/3/2021 0:03:41	Allisonemargolies@gmail	Allison Margolies	631Great Plain Needham	Yes	Yes	No	Yes	
4/3/2021 0:20:09	julia_donnely@ix.com	Julia Donnelly	44 Neholden Street Need	Yes	Yes	No	Yes	
4/3/2021 0:39:46	arichardsonian@gmail.co	Alison Richardson	60 Wilson Lane, Needham	Yes	Yes	Yes	Yes	
4/3/2021 0:40:59	kae10@verizon.net	Kenneth Puckering	Wilson Lane Needham	Yes	Yes	Yes	Yes	
4/3/2021 0:46:29	kahalimark@gmail.com	Kenith Allen Hallmark	303 Country Way Needha	Yes	Yes	Yes	Yes	
4/3/2021 1:04:49	sbader127@aol.com	Steve Bader	Saw Mill Brook Plow, Ne	Yes	No, but I regularly travel o	No	No	
4/3/2021 1:14:38	dawein@comcast.net	David Weiner	57 Pine St. Needham	Yes	Yes	Yes	Yes	
4/3/2021 1:19:17	n.dacko20@gmail.com	Nicole Dacko	fairview road needham	Yes	Yes	No	Yes	
4/3/2021 1:31:13	rachel@achituv.com	Rachel Achituv	57 WALKER LN	Yes	Yes	Yes	Yes	
4/3/2021 1:40:19	joonasohn@yahoo.com	Joona Sohn	Windsor Rd, Needham	Yes	Yes	Yes	Yes	
4/3/2021 1:53:01	shivakrupa@yahoo.com	Shiva Krupa	Mary chilton rd, needham	Yes	Yes	No	Yes	
4/3/2021 1:14:28	ericaderosa@gmail.com	Erica DeRosa	High rock street, Needhar	Yes	Yes	No	Yes	
4/3/2021 6:24:04	jason.freedman@yahoo.co	Jason Freedman	Bridle Trail Rd Needham	Yes	Yes	Yes	Yes	
4/3/2021 6:48:24	bucho65@yahoo.com	Brian lowell	Central Ave needham	Yes	Yes	Yes	Yes	
4/3/2021 6:50:26	mastoureshgh@yahoo.co	Sahar Lowell	Central, Needham	Yes	Yes	Yes	Not Sure	
4/3/2021 6:57:21	ericsonderpoy@gmail.co	Eric Snyder	1605 Great Plain Ave, Ne	Yes	Yes	No	Yes	
4/3/2021 7:03:27	altzie19@aol.com	Allison Freedman	Bridle Trail Road, Needha	Yes	Yes	Yes	Yes	
4/3/2021 7:16:30	barryspollack@gmail.com	Barry Pollack	Pandolf Lane Needham	Yes	No, but I regularly travel o	No	Yes	
4/3/2021 7:17:26	lisabeth967@gmail.com	Lisa Rothenberg	Webster St. Needham	Yes	Yes	No	Yes	
4/3/2021 7:40:40	csilverman122@aol.com	Chrissy Silverman	44 Lewis St. Needham	Yes	Yes	No	Yes	
4/3/2021 7:41:36	rosi27@aol.com	Rob Silverman	44 Lewis St. Needham	Yes	Yes	No	Yes	
4/3/2021 7:57:40	ericacwright@yahoo.com	Erica Wright	Canterbury Lane, Needha	Yes	Yes	No	Yes	
4/3/2021 7:59:06	radevaney12@gmail.com	Robin Devaney	Carleton Drive, Needham	Yes	Yes	Yes	Not Sure	
4/3/2021 8:10:34	stheran@wellesley.edu	Sally Theran	121 Grant needham	Yes	Yes	No	Yes	
4/3/2021 8:14:40	marinazmorris@gmail.co	Marina Morris	Scott Rd., Needham	Yes	Yes	Yes	Not Sure	
4/3/2021 8:14:49	ejrahunov@gmail.com	Eileen Rakhunov	Gould street needham	Yes	No, but I work in 02492	No	No	
4/3/2021 8:15:06	ronit_h4@hotmail.com	Ronit Klein	Hunnwell street, Needha	Yes	No, but as a community m	No	No	
4/3/2021 8:21:01	lizneust@yahoo.com	Elizabeth G Neustaeder	66 Ellicott St Needham M	Yes	Yes	No	Yes	
4/3/2021 8:22:17	tkwong26@gmail.com	Tony Kwong	74 Brookside Road, Need	Yes	Yes	No	Not Sure	
4/3/2021 8:24:13	ml.nash@verizon.net	Elizabeth Nash	200 Great Plain Ave	Yes	Yes	No	Yes	
4/3/2021 8:24:44	mnash4@live.com	Michael Nash	200 Great Plain Avenue	Yes	Yes	No	Yes	
4/3/2021 8:25:24	barkamy@gmail.com	Amy Barker	121 Newell Avenue, Need	Yes	Yes	No	Yes	
4/3/2021 8:28:11	dridl@gmail.com	Dyanne Ridill	167 Fisher St. Needham	Yes	Yes	Yes	Yes	
4/3/2021 8:36:59	joriel1@aol.com	Justin oriel	Lee rd and needham	Yes	No, but I regularly travel o	No	Yes	
4/3/2021 8:43:59	tjburns6@comcast.net	Judy Burns	18 Blackman Terrace Need	Yes	Yes	No	Yes	
4/3/2021 8:43:59	jmdimeo@comcast.net	Maureen DiMeo	442 Central Ave	Yes	No, but I regularly travel o	No	Yes	
4/3/2021 8:44:14	victoriakorbouk@gmail.c	Victoria Korbouk	Avon Cir., Needham'	Yes	No, but I regularly travel o	No	Yes	
4/3/2021 8:45:19	jdimeo@comcast.net	James DiMeo	442 Central Ave	Yes	No, but as a community m	No	Yes	
4/3/2021 8:46:26	jbe76@yahoo.com	Jeffrey Euse	Amelia Road Needham	Yes	Yes	No	Yes	
4/3/2021 8:48:07	sussman7@yahoo.com	Steven Aaron Sussman	30 Davenport Rd	Yes	No, but I regularly travel o	No	Yes	
4/3/2021 8:58:39	dschatz33@gmail.com	David Schatz	37 White Pine Rd., Needh	Yes	Yes	Yes	Yes	
4/3/2021 9:02:11	the_ogars@me.com	Laura O'garr	Curve St. Needham	Yes	Yes	No	Yes	
4/3/2021 9:02:59	cocuzzo@mit.edu	Allison Cocuzzo	Castano Ct, Needham	Yes	No, but I regularly travel o	No	Yes	
4/3/2021 9:07:48	valerie_snow@hotmail.co	Valerie Snow	247 broad meadow rd	Yes	Yes	No	Yes	
4/3/2021 9:08:55	terzikyan@gmail.com	Lena kalenjan	pine grove st, needham	Yes	No, but I regularly travel o	No	Yes	
4/3/2021 9:24:43	lrhodes@gmail.com	Leigh Doukas	29 Tower Ave	Yes	No, but as a community m	No	Yes	
4/3/2021 9:27:33	lindawendell@gmail.com	Linda Wendell	125 Stratford Rd, Needha	Yes	Yes	Yes	Yes	
4/3/2021 9:49:13	heather@simonza.com	Heather Simmons	Whitman Rd, Needham	Yes	Yes	Yes	Yes	
4/3/2021 10:06:47	hollycharbonnier@yahoo	Holly Charbonnier	Sachem RD, Needham H	Yes	No, but as a community m	No	Yes	
4/3/2021 10:12:09	sarahbhma@yahoo.com	Sarah Heath	54 Lawton Rd., Needham	Yes	Yes	No	Yes	
4/3/2021 10:15:57	me.murphy@rcn.com	Maryellen Murphy	38 Plymouth Rd, Needhai	Yes	Yes	No	Yes	
4/3/2021 10:16:48	smigiuolo@gmail.com	Stefano Migiuolo	54 Lawton Road, Needha	Yes	Yes	No	Yes	

Timestamp	Email Address	Name (please submit a se	Street Name and Town	Do you join in the above-I	Do you live in 02492?	Do you live on Belle Lane	Are you registered to vote in Needham (useful information for town meeting Warrant requirement purposes)?					
4/3/2021 10:18:11	sbentsman@gmail.com	Sophia Bentsman	Country Way, Needham	Yes	Yes	Yes	Yes					
4/3/2021 10:20:13	lbentsman@gmail.com	Lev Bentsman	Country Way	Yes	Yes	Yes	Yes					
4/3/2021 10:29:20	jodiegruen@gmail.com	Jodie Gruen	20 Fairview Rd Needham	Yes	Yes	No	Yes					
4/3/2021 10:32:41	mleibowitz@mac.com	Matthew Leibowitz	65 Whitman Rd, Needham	Yes	Yes	Yes	Yes					
4/3/2021 10:51:54	mattarlin@yahoo.com	Matt Tarlin	Gould St	Yes	Yes	No	Yes					
4/3/2021 10:54:06	kdet1327@gmail.com	Deborah Bassett	South Street Needham	Yes	Yes	Yes	Yes					
4/3/2021 10:55:35	kbassett33@gmail.com	Ken Bassett	South Street Needham	Yes	Yes	Yes	Yes					
4/3/2021 11:07:12	amysnelling@yahoo.com	Amy Snelling	Hoover rd, Needham	Yes	Yes	No	Yes					
4/3/2021 11:23:31	jillianerdos@gmail.com	Jillian Erdoa	Sunset Road Needham	Yes	No, but as a community r	No	Yes					
4/3/2021 11:26:47	lippy6730@gmail.com	Owen Lipchitz	Sunset road, Needham	Yes	No, but I regularly travel o	No	Yes					
4/3/2021 11:29:56	scohengold@rcn.com	Sharon Cohen Gold	Charles River Street, Nee	Yes	Yes	Yes	Yes					
4/3/2021 11:52:06	flecknershopping@comcast	Sarah Fleckner	Locust Lane, Needham, N	Yes	Yes	No	Yes					
4/3/2021 12:03:33	kerryhurwitch72@gmail.co	Kerry Hirwitch	Edgewater Drive - Needh	Yes	Yes	No	Yes					
4/3/2021 12:09:54	jlgraffman@gmail.com	Jennifer Graffman	Country Way, Needham	Yes	Yes	Yes	Yes					
4/3/2021 12:15:18	vanessajones694@icloud	Vanessa Jones	55 Nardone Road	Yes	Yes	No	No					
4/3/2021 12:33:16	acupuncdoc@gmail.com	Lauren Dore	1018 Central Ave	Yes	Yes	Yes	Yes					
4/3/2021 12:44:09	aimu@comcast.net	A. Mukherjee	46 Horace Street	Yes	No, but as a community r	No	Yes					
4/3/2021 12:48:25	jdipchitz@gmail.com	Joseph D Lipchitz	3 Sunset RD	Yes	Yes	No	Yes					

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Friday, March 26, 2021 8:03:20 PM

The following form was submitted via your website: Contact Planning Board

Full Name:: Robert J Onofrey

Email Address:: robert.onofrey@gmail.com

Address:: 49 Pine Street

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 3392250436

Comments / Questions: I'm writing to oppose the planned Daycare Development at 1688 Central Avenue. Central Avenue is a heavily traveled roadway and the additional traffic of parents dropping off their kids during the rush hours is problematic. Central Avenue isn't wide enough to create a left turn lane if traveling towards Dover and attempting to enter the proposed Daycare site. Cars existing the site will also encounter problems if they attempt to turn left and head towards Dover.

The best use for this site is Residential. With over 3 acres of land - this property could easily accommodate two residences - sharing a common entrance drive.

Additional Daycare facilities are needed in Needham - but this is not the right location. I ask that you deny this use at this site.

Additional Information:

Form submitted on: 3/26/2021 8:03:12 PM

Submitted from IP Address: 73.119.205.56

Referrer Page: No Referrer - Direct Link

Form Address: <https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fneedhamma.gov%2fForms.aspx%3fFID%3d229&c=E,1,9uhaH8qGV-aObnIGKK63o7VWiSSxakH8bz7Pied9i0TyeNgbch4zHbjojL6SqL1REeGn-dJpDESiB-yKPt0RjCgQP7PIG4cAQQfdKPGcYw..&typo=1>

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Wednesday, March 31, 2021 12:10:28 PM

The following form was submitted via your website: Contact Planning Board

Full Name:: Norman MacLeod

Email Address:: macleod@aol.com

Address:: Pine Street

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 781-444-7525

Comments / Questions: I am writing to express my concern with proposed development of 1688 by Matt Borelli, sitting member of the Needham Select Board, with a Day Care facility for 80-120 children.

The traffic flow on Central Avenue in this area during the morning and evening commute is already awful. It was not uncommon during the pre-Covid period to have morning traffic backed up beyond Pine Street on the north bound side and evening traffic was often backed up to Marked Tree Road on the south bound side. The additional traffic created by parent drop offs and pick-ups during peak traffic periods with (80-120 trips IN and OUT each morning and (80-120 trips IN and OUT in the evening) would further severely impact the traffic flow on Central Avenue. Virtual all of these vehicles will need to cross this congested traffic either going into or exiting the proposed Day Care site both morning and evening commute creating further congestion a serious safety issue.

The traffic study presented to the neighborhood by Matt Borelli and his team was a Joke. It gave this area of Central Avenue an "A" rating. Study was conducted on February 4, 2021 (Covid-19). The traffic engineer said he had compared this flow with that of Goddard School of Medfield stating the 1688 site compared favorably with that of the Goddard School. He failed note Goddard School (Medfield) has two INS and two OUTS to access their site (one on N. Meadow Rd -- Rt27 and one on Main Street). The Rt 27 entrance to Goddard also has a turn off lane to access the site. He also failed to note Goddard has (36) parking spaces on site and there is very ample space for vehicles to cue on site while awaiting pick-up or drop off children (Google Earth arial view of Goddard will support these comments). The proposed site at 1688 is totally lacking in all of these areas. The inability to have vehicles cue on site at 1688, coupled with no turn-off lane on Central Avenue (single lane road in both directions) will back this traffic onto Central Avenue will further disrupt the flow on Central avenue and potentially impede Needham Police and Fire from carrying out the mission to Walker School and residence in this area of Town.

Vehicles unable to access the Day Care center coming from the south will likely attempt to cue on the "unapproved" sidewalk making this unsafe for walkers, joggers and children on their way to school or play. Dover, Sherborn and other communities south of Needham frequently use Central Avenue on their route to BIDLH and Newton Wellesley Hospital. This additional congestion during peak traffic periods will further impact their response time and mission.

Also, there is a question of conflict of interest with Matt Borelli being the owner and developer of this property while a sitting member of the Needham Select Board. Needham does not want or need the negative publicity and expense Weston recently experienced with a sitting member of their Select Board and a project where he was deeply involved.

In short -- The proposed use of 1688 Central Ave as a Day Care Center is very inappropriate on many counts. I have focused mainly on traffic, impact and safety. There are many other reasons this site is not appropriate for a (80-100-120) child Day Care Center as is currently proposed.

The development of this site with one or two residential properties on would be very appropriate. This would fit in with surrounding homes in the immediate area well as the surrounding neighborhoods. It would have no impact to an already serious traffic issue on Central Avenue.

Additional Information:

Form submitted on: 3/31/2021 12:10:18 PM

Submitted from IP Address: 108.7.69.11

Referrer Page: https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.needhamma.gov%2f1114%2fPlanning-Board&c=E,1.Pm-HV8Es6LgWq6XFDKM_mbsvnu2BTUVpunuG_PDVOQHrD9V2u0f7v08uOgkYI2NwMoIV7pRE1JPtKfhg6lhWaRo_v9Owpc8Y7ifO0WrtvVL4e8kyZSnBv0SOYBA.&typo=1

Form Address: https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d229&c=E,1.D1cWprQDJrx1KW93sM199a4BkV_-C0EGteB0ILLSVw-16gM7K3sAxpZtlzgozp8yOehzB7ekOzJzaN82XwmFyMgx_V2IDSCZhduB7MqEmqSdwh3Jx9WlZrJ&typo=1

1652 Central Avenue
Needham, MA 02492

April 3, 2021

Jeanne McKnight
Chair of Needham Planning Board,

Members of the Needham Planning Board,

Lee Newman
Director of Planning and Community Development
500 Dedham Avenue
Public Services Administration Building
Suite 118
Needham, MA 02492

RE: Site Review of Proposed Project at 1688 Central Avenue

Dear Chair McKnight and All Planning Board Members,

Attached please find detailed comments regarding the proposed project at 1688 Central Avenue associated with the Neighborhood Petition submitted to you on March 22, 2021. As of this writing, 418 abutters, neighbors, and other impacted residents have signed.

We submit these comments for consideration during the Planning Board's site review process of the proposed project. We ask that you give careful consideration to these comments and enter them, along with their attachments, into the formal record of your meeting should there need to be further proceedings on the matter. Thank you for your consideration.

Yours truly,

Holly Clarke

Comments of Neighbors of 1688 Central Avenue for Consideration During the Planning Board's Site Review Process for that Location

The following comments are submitted for the Planning Board and other town departments to consider while conducting the site review process for the proposed development of 1688 Central Avenue. The proponent, Matt Borrelli, asks to build and own a large commercial building in a residential zoned area building that he will lease to the operator of a child care facility. The proposal will impact the neighbors of Central Avenue and the town as a whole forever. While daycare facilities are permitted as of right in all Needham zoning districts, the town regulates any proposed project, including those whose use is allowed as of right, to ensure that it fits within the town's development plans and guidelines. In this case:

- The project fits the Needham Zoning By-Laws' definition of a "Major Project" and, therefore, the Board should treat it as such and reject the proponent's submission of the project as only a "Minor Project."
- The proponent does not present the accurate information necessary to assess the project's impact on traffic in the area as required by Needham Zoning By-Law 7.4.5.
- The relationship between the proposed design and structures and open spaces in the natural landscape, existing buildings and other community assets is out of harmony with the surrounding area.

I. While Needham allows the use of residential parcels for child care facilities as of right, the town retains the authority to regulate proposed projects through site review.

Massachusetts state law Ch 40a s.3 provides:

...No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. As used in this paragraph, the term "child care facility" shall mean a child care center or a school-aged child care program, as defined in section 1A of chapter 15D.

In keeping with state law, Needham's By-Laws permit the use of parcels in residential districts for child care facilities. Under both state law and the town's By-Laws, such facilities are subject to the town's regulations concerning the building's characteristics and its impact on the surrounding area. In this case, the proposed building at 1688 is subject to site review under Needham's By-Laws. Section 7.4.1 states:

The purpose of this Section is to provide a comprehensive review procedure for construction projects, herein defined, to insure compliance with the goals and objectives of the Master Plan, and the provisions of the Zoning By-Law, to minimize adverse

impacts of such development, and to promote development which is harmonious with surrounding areas.

Section 7.4.6 lays out the Planning Board's responsibilities and authority when conducting a site review:

In conducting the Site Plan Review, the Planning Board shall consider the following matters:

- (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;
- (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;
- (c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;
- (d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;
- (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 this By-Law; and
- (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; and may require when acting as the Special Permit Granting Authority or recommend in the case of minor projects, when the Board of Appeals is acting as the Special Permit Granting Authority, such appropriate conditions, limitations, and safeguards necessary to assure the project meets the criteria of a through f.

Massachusetts Courts have made clear that town authorities tasked with administering site plan reviews have the authority to impose stricter requirements than those otherwise required by town by-laws as a condition of site plan approval. *Muldoon v. Planning Bd. of Marblehead*, 72 Mass. App. Ct. 372 (2008).

II. The Planning Board should reject the current site review request and require the proponents to apply for site review as a Major Project.

The Needham Zoning By-Laws provide two levels of site plan review, Major and Minor Projects. In this district, the By-Laws define a Major Project as, "Any construction project which involves: the construction of 10,000 or more square feet gross floor area; or an increase in gross floor area by 5,000 or more square feet; or any project which results in the creation of 25 or more new off-street parking spaces." A Minor Project is, "... Any construction project which involves: the construction of more than 5,000 but less than 10,000 square feet gross floor area; or an increase in gross floor area such that the total gross floor area, after the increase, is 5,000 or more square feet – and the project cannot be defined as a Major Project." (S. 7.4.2). Section 1 of the By-Laws defines gross floor area as, "the sum of the areas of the several floors of each building on a lot including areas used for human occupancy in

basements, attics, and penthouses, as measured from the exterior faces of the walls, but excluding cellars, unenclosed porches, balconies, attics, or any floor space in accessory buildings or in main buildings intended and designed for the parking of automobiles or for accessory heating and ventilating equipment, laundry, or accessory storage.”

A. The proposed project is a Major Project because it requires the creation of 25 or more new off-street parking spaces.

The proponent asserts that the project requires only 24 parking spaces for its operation of a day care facility for 100 children. Citing the metric Needham has used in the past to determine parking requirements for day care centers, the plans include only 11 spaces for children and 13 spaces for staff. The proponents offer no explanation for the program's actual staffing plans to justify this part of the design. In its March 11 letter accompanying the submission of its request for site review, the proponents write that the new building, “will allow (the operators) to expand and have the necessary room for children.”

The By-Laws require the Planning Board to assess, “the adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises” s.7.4.6(c). In this case, the proposed plan should be found inadequate and the plan rejected.

There are six distinct reasons why the proponent’s claim of 13 staff parking spaces is erroneous and should be rejected by the Board:

- The state mandated staff: child ratios require more than 13 staff for the operator’s current licensed capacity.
- The state mandated staff: child ratios require more than 13 staff to operate a program for 100 or more children in the designed building.
- The amount of parking required by neighboring towns for the proposed project exceeds the proposed 13.
- Similarly sized programs in Needham have more than 24 spaces.
- The proponent’s own submissions indicated the planned parking is insufficient.
- The Needham Fire Department has commented that spaces near the building will need to be marked, “No parking- drop off area only” meaning that the facility will need more than even the 24 spaces it proposes.

1. The EEC required staff: child ratio and the current licensed capacity of the proposed operator establishes this project requires more than 13 parking spaces for staff.

The Department of Early Education and Care (EEC) minimum staff: child ratios are found at 606 CMR 7.10 (Attachment 1). The number of staff required changes with the ages of the children served, with younger children requiring more staff. The EEC also reports providers’ program capacity on the EEC website. The Needham Children’s Center at 858 Great Plain Avenue (the operator proposed for 1688 Central Ave.) is licensed as a large group care facility and is currently listed with the capacity to serve 113 children. The program’s 23 Dedham Avenue location also operates as a large child care facility, with the capacity to serve an additional 30 children (Attachment 2). Table 1 below presents the age groups as set by EEC, the mandated staff:child ratio, the number of children in each age group for which the proposed operator is currently licensed at 858 Great Plain Avenue, and the minimum number of staff required to

be on site for the permitted number of children. The table includes the one full time administrator EEC requires to be on site at all times. This analysis indicates that the program for 113 children in the age groups for which the proposed operator is currently licensed requires a minimum of 16 staff. These numbers do not include interns or volunteers the program may utilize, nor does it include any additional staff members needed for coverage during lunch or break times. Using this analysis, the proposal requires 27 parking spaces and is a Major Project.

Table 1: Staff Required Using EEC Staff:Child Ratios and NCC Current Program

Age Group	Staff: Child Ratio	NCC Capacity	Minimum Staff
Infant	1:3, one additional staff for 4-7 children	7 children	2 staff
Toddler	1:4, one additional for 5-9	18	4
Preschool	1:10	52	6
Kindergarten	1:12	0	0
School Age	1:15	36	3
Infant toddler		0	
Toddler Preschool		0	
Preschool 15mo-k		0	
Preschool SA 33mo-8 yr		0	
MultiAge Group		0	
State Required Administrator			1
TOTALS		113 children	16 staff

- A comparison of the EEC required minimum staff: child ratios to the age designations on classrooms in the proponent's drawings also suggests this project requires more than 13 parking spaces for staff.**

The proponent's drawings designate rooms for specific age groups and indicate that the operator intends to enroll a larger number of younger children than in the current program. The submission shows two rooms marked as "nursery," two as "toddler," three as "preschool" and two as "pre-k." None are marked as kindergarten or school aged, and the rooms designated as craft, play space and nursery playroom have not been included in this analysis. A younger population of children requires additional staff. Table 2 below lists the room designation, staff: child ratio, the number of children in each room and the minimum number of staff required for this distribution. Under this analysis, a program for 100 children would require a minimum of 19 parking spaces for classroom staff and the required administrator. This number makes no allowance for volunteers, interns or staff coverage during lunch or

breaks, yet still brings the total minimum number of parking spaces required to 30. The proposal is a Major Project.

Table 2 Staff Required Using EEC Staff:Child Ratios and Proposed Building Design

Room Title	Staff: Child Ratio	Children	Minimum Staff
2 Nurseries	1:3, one additional staff for 4-7 children	7 children/room maximum = 14 children	4 staff
2 Toddler Rooms	1:4, one additional for 5-9	9 children/room maximum = 18 children	4 staff
3 Preschool Rooms	1:10	20 children/room maximum children proportion*	6
2 pre Kindergarten	1:10	20 children/room maximum*	4
Administrator			1
TOTALS		100 children	19 staff

*The number of children in the preschool and prekindergarten rooms for this analysis was 68 and was distributed evenly. (100 overall capacity - (14 + 18 in the nursery and toddler rooms) = 68).

3. An analysis of the amount of parking neighboring towns would require for this project strongly suggests that the proposal requires more parking than included in the current design and should be reviewed as a Major Project.

An analysis of the parking other towns require for a project this size is instructive in considering the necessary number of parking spaces. Table 3 presents the number of parking spaces 14 nearby communities would require for a child care facility with 13 staff members and 100 children. It includes the standards each town uses in determining the necessary number of parking spaces. Some towns use the square footage of the building to determine parking requirements, others use the program size. The towns using child and staff information all require more than 11 spaces to be allotted for 100 children.

Eight towns would require the proposed project to have more than the requested 24 spaces. The average number of spaces required would be 33. Norwood requires the fewest spaces at 30 and Medfield requires the most at 42. Four towns leave the determination of the number of spaces required to the building inspector. Two towns, Lexington and Sherborn, set a minimum number of spaces and require the submission and approval of parking plans by the permitting authority. Wellesley is included in the first group of eight towns, as it would require 32 parking spaces for a project of this size. However, Wellesley limits the construction of child care facilities in residential districts to 2,500 sf, which would

prevent the construction of this proposed project.¹ This data supports the conclusion that this proposal requires more than 24 parking spaces and is a Major Project.

Table 3: Child Care Parking Requirements For Neighboring Towns

Town	Regulation	Requirement	Result for Proposal as Drafted	
Belmont	Zoning By-Law S. 5.1	discretion of building inspector		
Brookline	Zoning By-Law S. 6.01, 4 a.	minimum set by the building inspector		
Concord	Zoning By-Law 7.7.2.1	1 space for every teacher and employee +1 space for visitors +1 space for every six children based on the largest enrollment on site at any given time	31 (13+1+17)	Planning Board may reduce number required, May require and retain control of a Parking and Traffic and Management Plan
Dedham	Zoning By-Laws 7.6.7	1 space for every teacher & employee +1 space for visitors +1 space for every 6 children based on the largest enrollment on site at any given time	31 (13 + 1 + 17)	

¹ To be clear, this analysis used the proponent's staff numbers. Using an increased number of staff would raise the number of parking spaces required in these towns. In its original Traffic Impact Report, the proponent writes, "Over time, the location could accommodate 80 to 100 students although 120 appears to be allowed"(p.2). If the proponent's intention is to actually allow the operation of a program for 120 children, the number of parking spaces required by this larger program would be even larger in towns basing spaces on enrollment.

Lexington	Zoning By-Law S.135-5.1.4 And S.135-5.5.2	1 per 500 sq.ft. minimum +5 feet rows for snow storage during plowing	20 minimum*	*Town requires submission of parking plan and traffic study for any permit
Medfield	General By-Laws S. 300-8.1	1 space per each full- time employee + 1 space per each shared part time position +1 per 300 sq ft of classroom space	42 (13 + 28.3) 8500sf/300)*	*Estimated classroom space
Newton	Zoning Ordinance C. 30, S. 5.1.4.	1 space per employee plus 1 space for every 5 children	33 (13 +20)	
Norwood	Zoning By-Law 6.1.3	1 space per employees on largest shift +1 space per every six children enrolled	30 13 + 17	
Sherborn	Zoning By-Law S.5.1.1 and 5.1.3	Minimum of 10 parking spaces and approval of a parking plan by the Planning Board	Minimum of 10	

Walpole	Zoning By-Law S. 8	Discretion of the Building Inspector or applicable Special Permit Granting Authority.		"Adequate parking for occupants, employees, members, customers, clients and visitors"
Wayland	By-Law S 198-506, 506.1.9	1 for every 4 persons of the facility's licensed capacity * + 3 designed for the safe and convenient loading and unloading of persons.	32* (100 students+13 staff)= $113/4=28.25 + 3$)	The licensed capacity of the building is likely higher than the 113 staff + children number used.
Wellesley*	Zoning By-Law S. 21	1 for each 150 sq. ft.* occupied by buildings but not less than 3.2 spaces per 1,000 sq. ft. of floor area of buildings.	32	*Rule only applies to Educational Districts A, Business Districts A, Industrial Districts A *Wellesley limits child care facility size in residential districts to 2,500 sq.ft. size in residential districts to 2,500 sq.ft.
Weston	By-Law VIII C. 1	Sufficient spaces to prevent any parking off site or on public way determined by inspector of buildings or Board with authority		
Westwood	By-Law 6.1.4.3	1 space per employee +2 spaces per classroom	31 $13 + (2 \times 9)$	

4. All similarly sized child care facilities in Needham have more than 24 parking spaces available.

The need for more than the 24 spaces planned by the proponents is also demonstrated by the fact that the similarly sized child care programs in Needham operate with more than 24 parking spaces. The EEC lists six Needham programs licensed for between 85 and 149 children, and Needham's GIS mapping shows that all six operate at sites with access to more than 24 parking spaces. Table 4 below presents the name of each program, the number of children it may enroll according to the ECC, and the number of parking spaces.

Table 4 Parking Availability at Similarly Sized Needham Child Care Programs

Program	Number of Children	Number of spaces	
Kindercare 1000 Highland Ave	93 children	49 parking spaces	
Tobin Boulder Schools dba Club 1458 1250 Great Plain Ave	85	Lot at Newman School	
Carter Center for Children & Carter Nursery School 800 Highland Ave	119 total: Two groups: 59 & 60	33 spaces	One-way lot with separate entrance and exit
Chestnut Children's Center 167 Chestnut St	149	31 spaces + 13 spaces in next lot	One way with separate entrance and exit
Knowledge Beginnings 206 A St	117	31 spaces Next to another lot	Separate entrance and exit
Needham Children's Center 858 Great Plain Ave	113	3 next to building 30 in lot Second lot available	

5. The proponent's submissions indicate the plan requires more parking.

The "Traffic Impact Assessment" submitted by the proponent affirms that the plan requires more parking. Starting with an analysis based on 80 children rather than the 100 children listed on the building plans, the report goes on to state, "The parking could easily accommodate over 100 children without creating on site grid lock provided staff is available to assist children into the building where the staff members get that child settled and the initial staff member returns. If a parent insists on entering the facility, they will be directed to park in an unoccupied parking stall or enter the site all the way to the end... to block a staff member's car who is parked for the day" (p.2). The initial traffic impact study also writes that, "Over time, the location could accommodate 80 to 100 students although 120 appears to be allowed" (p.2). This statement raises questions about the actual intended size of the program, making even more concerning the submission's undercounting of necessary parking spaces.

Further, the Storm Water Report provides that, "Snow shall be plowed into wind rows at the edge of the paved areas. Excess snow shall be removed from the site and deposited in approved snow farms" (p.11.) The possibility of losing parking spaces to banked snow during the winter requires additional parking spaces in the plan, further confirming that this is a Major Project.

6. The Needham Fire Department commented that parking near the building will need to be designated. "No parking- drop-off only".

After reviewing the proposed plans, the Needham Fire Department commented that the spaces nearest the building will need to be designated as "no parking- drop off only." Chief Condon wrote that this would be necessary to insure access for ambulances or other fire department apparatus in case of any emergency. Designating these spaces as "drop off only" requires the addition of more spaces in order to provide the necessary capacity to allow families, visitors, deliveries and guests to park on site, and provides yet another reason why this project must be reviewed as a Major Project.

B. The proposed project is a Major Project because it involves an increase in gross floor area by 5,000 or more square feet.

As noted above, the Zoning By-Law defines a Major Project to include "[a]ny construction project which involves: the construction of 10,000 or more square feet gross floor area; **or** an increase in gross floor area by 5,000 or more square feet...."(emphasis added). The by-laws' definition of gross floor area the sum of the areas of the several floors of each building on a lot...". The definition of gross floor area makes clear that this determination is calculated using all of the buildings at a site. Currently, three buildings stand at 1688 Central Avenue: a single family home, a detached garage and a barn. According to the multiple listing service for the property, the house is 1661 sf. Using the Needham town GIS, the garage is approximately 1,200 sf and the barn is 2,320 sf, for a total of 5,181 sf on site, and a gross floor area of 3,981 sf (*i.e.*, the garage is not included in gross floor area). The proponents plan to demolish the house and garage, and build a 9,966 sf building, parking areas, playgrounds and landscaped areas. The barn will be kept and used for "ancillary and storage purposes" (See Proponent's Traffic Impact Study, p.1). If built as designed, the project will increase the gross floor area on the lot by 8,305 sf, (the increase in square footage over the existing home). The proposal, therefore, meets the bylaw's definition of a Major Project because it involves an increase in the gross floor area **at the site** by more than 5,000 sf.

The proponent states that, "[p]ursuant to Section 7.4.2 of the Bylaw, this project qualifies as a "Minor Project" because it involves the construction of more than 5,000 but less than 10,000 square feet of gross floor area, and because it involves the creation of fewer than 25 new off-street parking spaces." (Mar 11, 2021 letter to Planning Board). Not only is this wrong because of the parking issue described above, it is wrong because it completely ignores the operative square footage language — regarding increases in gross floor area of 5000 sf or greater. To the extent the proponent contends that the project does not constitute a Major Project because it does not involve an increase in gross floor area **of an existing building** of more than 5000 sf, that contention would be based on a misreading of the language of the By-Law. The wording used in this section of the By-Law does not limit Major Projects to proposals for the expansion **of existing buildings** by more than 5,000 sf. The section uses more expansive language, as it includes any construction project that "involves...an increase in gross floor area by 5,000 or more square feet." If the intention was to limit this section to additions of existing buildings, the By-

Laws could simply have said so. In fact, the By-Laws do just that by defining a Major Project in a Business, Avery Square Business, or Hillside Avenue Business Districts as, “any construction project which involves a new building; or an addition which increases gross floor area *of an existing building* by 1,000 or more square feet.” (Emphasis added). The difference in language makes clear that the relevant section of the By-Law here classifies projects such as this one, which increase the gross floor area *on the site* by 5,000 or more square feet, as Major Projects, rather than just applying to additions to existing buildings.²

This plain reading of the By-Law fits its purpose: to provide for a comprehensive review process for construction projects which assures compliance with the goals of the Master Plan and the Zoning By-Laws, to minimize adverse impacts of such development, and to promote development which is harmonious with surrounding areas. In this case, the proposed development project would construct a very large commercial project in a residential neighborhood which already has extreme traffic challenges and safety concerns. The By-Law recognizes the potential impact of large projects which expand the square footage on a site by more than 5,000 sf of gross floor area and classifies them as Major Projects. Any other reading leads to the anomalous conclusion that a smaller project, such as adding 5,000 sf of gross floor area to a 1,000 sf building, would be classified as a Major Project, while a project such as this one, which constructs a 9,966 sf building, stands next to another 2,320 sf two story building, and increases the gross floor area on the site by 8,305 sf, would receive the more limited review process of a Minor Project.

Larger projects merit the procedural safeguards included in the Major Project site review process, including the public notice requirements, written reports by reviewing departments, the right to a hearing by impacted residents and the issuance of a special permit to formally safeguard the interests protected by the By-Laws and to make representations enforceable. As proposed, this project would build a commercial building on a residential lot, with a footprint an order of magnitude larger than any other home on this section of Central Avenue. It proposes only a 35 foot setback from the street, far less than any other building on this part of Central Avenue. It increases the lot’s grade by six feet. It has already cut down mature trees on the property and proposes to cut others. It will impact traffic and pedestrian safety for neighbors, Central Avenue and surrounding streets. The business will bring traffic into and out of the site throughout the day, as well as increase noise and light. This development fits the By-Law’s definition of a Major Project and should be treated as such, with the appropriate safeguards to protect the interests of the neighbors and the town.

I. The Planning Board should reject the site plan because it does not present the accurate information necessary to assess the project’s impact on traffic in the area as required by Needham Zoning By-Law 7.4.5.

² The By-Law defines a minor project as, “.. Any construction project which involves: the construction of more than 5,000 but less than 10,000 square feet gross floor area; or an increase in gross floor area such that the total gross floor area, after the increase, is 5,000 or more square feet – and the project cannot be defined as a Major Project.” The Proponent gets no help from this provision, because it explicitly carves out projects “defined as a Major Project” and, as we point out above, this project *does* qualify as a Major Project.

Needham Zoning By-Law 7.4.5 requires an applicant to submit information concerning, “projected traffic volume in relation to existing and reasonably anticipated conditions; and... other information as may be necessary to determine compliance with the provisions of the Zoning By-Law.” Section 7.4.6 establishes the review criteria, “In conducting the Site Plan Review, the Planning Board **shall** consider the following matters: ... (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”(emphasis added). One of the most serious consequences of the proposed development that the Planning Board must evaluate is its impact on traffic on Central Avenue and the adjacent streets. Yet, the traffic impact statements submitted by the proponent are incorrect, contradictory, and incomplete.

A. Central Avenue is heavily traveled and congested in non-Covid 19 times and does not operate at anywhere near an “A” level of service.

The impact of this project on the surrounding neighbors on Central Avenue, adjacent streets and all users of this arterial road cannot be overstated. The proponent begins with the assumption that Central Avenue currently functions at an “A” level of service during peak hours, “with little or no delay during the weekday commuting peak hour”(Original Traffic Report, p.2, Revised Report Executive Summary). This is simply untrue. It is contradicted by the actual lived experience of town residents that use the road as well as by traffic studies done by the town. As the neighbors write in their letter to the Planning Board and Town Departments:

We are deeply concerned about the impact the project will have on safety and traffic on Central Avenue and the surrounding streets.

In normal, non-COVID, times, morning weekday traffic along Central Avenue in this area is extremely heavy and backed up. The morning rush hour extends from approximately 6:30 to 8:30 AM and regularly causes solid backups from the RTS to Temple Aliyah, and often from Newman School back to Temple Aliyah.

To be blunt, during the weekday morning commute, Central Avenue is often an intermittent parking lot all the way to Cedar Street. Evening traffic congestion begins with the release of school and extends through approximately 6:30. Adding the additional vehicles in and out of the facility parking lot –whether coming from the south and joining the backed up traffic before entering the facility’s driveway or coming from the north and needing to make a left turn across the backed up northbound traffic and exiting the facility to again add to the backed up traffic -- will make a bad situation much worse and severely impact the ability of neighboring residents to get into and out of their homes and as pedestrians attempt to safely try and cross Central Avenue at Charles River Street and elsewhere.

In addition, Carleton Drive, Pine Street, Country Way, Charles River Street, Fisher Street, Village Lane, Russell Road, Walker Lane, and South Street will all be negatively impacted by the proposed facility, either trying to maneuver into an even denser traffic line on

Central Avenue or trying to escape the traffic by cutting through roads not designed to handle heavy commuter traffic...

Given the traffic line that occurs during normal weekday rush hour, the level of service for a turn into or out of the facility driveway and along Central Avenue itself, is likely an “E” or “F” without the childcare facility and will be made even worse with it. We are not traffic experts, but a short google search of conditions defining different roadway levels of service, seems instructive: (Graphic source: https://policymanual.mdot.maryland.gov/mediawiki/index.php?title=Roadways:_Facility_Selection_).

The illustration of Levels of Service E and F are what typifies the morning rush hour on Central Avenue in the vicinity of the facility during normal times.

As of this writing, more than 400 people have signed the letter.

The reality of the traffic issues on Central Avenue in general and on this section of Central Avenue in particular are well known in town. In 2014, the town commissioned Pare Corporation to analyze the likely impact of placing the Department of Public Works on Central Avenue at the site of the RTS. The report documents the impact of the operation of both the RTS and the Newman School on traffic. Pare wrote,

The RTS currently has operating hours of 7:30 to 4:00pm Tuesday- Saturday. Based on correspondence with the town, the heaviest periods can be observed in the early morning, just after the RTS opens, and in the afternoon, just prior to closing. Tuesday and Fridays are typically busy days...Additionally, the Newman School is located approximately one-half mile north of the proposed site on Central Avenue. The Newman School is a heavy traffic generator in the hour surrounding the a.m. drop off period and the p.m. dismissal period.

<https://www.needhamma.gov/DocumentCenter/View/10910/015-Volume-3-Facilities-Master-Plan-2014-Traffic-Study?bidId=>

At the time, vehicles exiting the site experienced “D” and “E” levels of service. Ultimately, the town opted not to place the DPW at the RTS due to concerns about the impact of traffic on the ability of town vehicles to enter and leave the site, as well as the impact the additional DPW traffic would have on the traffic. When the town added the John Cogswell Building to the DPW site, it was with the express representation that the new building would store seasonal equipment only and would not add to traffic on Central Avenue. The concerns of 2014 have not only not been alleviated, they have been exacerbated. The RTS and the Newman School both impact traffic in the neighborhood surrounding 1688 Central Avenue. Traffic to the RTS contributes to the area’s backups. The neighborhood is in the Newman School district, and many cars headed to and from the school originate here. The town’s fleet of school buses leave Newman onto Central Avenue early in the morning rush hour and then stop at individual houses along Central Avenue for safety reasons, all contributing to traffic delays. The Planning Board must address the impact of building a large daycare facility in a residential area facing these realities and an accurate traffic impact statement should be the starting point.

B. Other information shows that the proponent's updated traffic analysis undercounts traffic on Central Avenue.

The proponent's based their original report on observations made on February 4, 2021. That report stated 661 vehicles were observed traveling north on Central Avenue and 152 were traveling south between the morning peak hour of 7:30 to 8:30 am. (Figure 3 of proponent's Traffic Study p.12 and Projected Peak Hour Chart p.20). After being told that the observations during Covid would not be valid as they would severely undercount the true traffic, the proponent submitted a revised report which included pre-Covid traffic volumes from the Needham Engineering Division. Without explanation, the report states a 2016 count obtained just south of the RTS was the most useful. The report does not indicate when the count was taken. The report then uses a growth rate of 1.6% to extrapolate a morning peak hour of 1166 cars headed northbound and 295 headed south bound.

A traffic count conducted by Needham in 2006 at the intersection of Central Avenue and Charles River Street in preparation for the installation of a traffic signal suggests that this extrapolation may still undercount the traffic on Central Avenue. On October 11, 2006 the vehicle counts for the morning peak hour in front of 1688 Central Avenue were 974 headed North and 138 headed south.³ Applying the proponent's growth rate of 1.6% annually would estimate the number of vehicles passing 1688 Central Avenue in 2021 during the morning peak hour would be 1236 vehicles traveling northbound and 176 southbound. This projection makes no allowances for any specific traffic generating activities or development that have occurred during the past 15 years. Changes in the operating hours of the Newman School and the elimination of free school bus transportation for much of the neighborhood have greatly increased peak hour traffic.

C. The proponents present, without explanation, different numbers of expected site generated trips in its two reports.

The Proponent's first report states, "that the project is expected to generate approximately 104 new morning peak trips with 55 inbound and 49 outbound " (p.2). In contrast, the second report states, "This project is expected to generate 76 new morning peak trips with 40 in bound and 36 outbound" (p 2). No explanation is offered for this change, which has nothing to do with the impact of the pandemic on Central Avenue traffic, and the Planning Board should press the Proponent on this point to ensure that it is not changing traffic numbers to artificially appear that its project will have a minimal impact traffic.

Under both scenarios, the trip generated during the peak hour will have a significant impact on the immediate neighbors and the traffic on Central Avenue. With 104 trips in the peak hour, 1.7 cars will

³ The total number of cars headed north past 1688 Central is reached by adding the number of vehicles which went through the intersection on Central Avenue northbound, the number turning left from Charles River Street eastbound and the number turning right from Charles River Street westbound. The total number of cars headed southbound past 1688 Central Avenue is reached by using the number of cars on Central Avenue southbound that reached the intersection during the peak hour. (Central Avenue at Charles River Street Turning Movement Count (7:00-9:00 AM), attachment 3.)

be trying to enter or leave the center each minute. If the site generates 76 trips, 1.2 cars will try each minute.

D. The proponent's submission is incomplete because it provides no information about the project's impact on traffic flow on the neighbors.

The By-Laws require the consideration of any project's impact on traffic flow both on the site and on surrounding streets. The importance of traffic to this particular project was explicitly made known to the developer. Yet, the information submitted concerning traffic is incomplete. In its April 2 comments submitted on the proposal, the Department of Public Works noted the submitted traffic report does not include data about evening peak hour traffic conditions, accident data and details about the driveway opening and sidewalk improvements in front of the property.

In addition, the proponent's Traffic Impact Report fails to compare future expected traffic growth with and without the proposed building, and does not include a discussion of expected nearby off-site developments. The reports present no discussion of the increase in the number of daily trips generated by a building of this size and use compared to maintaining the parcel's current use as a residence. Using standard ITE formulas included in the proponent's report, a child care facility at 9,966 square feet generates 475 trips, a facility for 100 children generates 409, and a facility for 120 children generates 491 trips. In comparison, the ITE estimates a single family dwelling to generate 10 trips. These numbers present the increased level of traffic abutters and the neighborhood will endure throughout the day if the project is allowed to proceed at its proposed size. The By-Laws require the Planning Board to review the true impact of a proposed development on the area. The proponent has not done so; the Board must.

The site review application also omits any information about the impact of the placement of the driveway on surrounding homes and Temple Aliyah. While the DPW was particularly interested in the impact of the driveway design on the catch basin, the placement of the driveway is critical to the traffic flow and the ability of neighbors to enter and leave their own property safely. The By-Law specifically requires the Planning Board to review the placement of driveways in relation to traffic and adjacent streets. The proponents should demonstrate how the addition of a daycare center with 100 children and staff will allow neighbors to safely enter and leave their homes at all times. The operation of the day care center brings traffic into and out of the site during the highest traffic periods. The most recent report states the majority of site bound traffic will have to cross the heavier northbound traffic lane to enter the site in the morning. Simultaneously, other cars will be seeking leave, some trying to turn right and increasing the heavier northbound traffic, and others needing to cross the busier lane to turn left.

The impact of the driveway on neighbors is not a theoretical concern. Table 5 lists the placement of neighborhood driveways in relation to the proponent's design. This data makes clear that the family at 1681 will be blocked from entering Central Avenue each time a single car waits to enter the daycare center. The family at 1689 will be blocked if two cars headed south wait to turn into the center. The other homes on the street and the Temple will also be impacted by cars waiting to turn into the daycare's driveway, as well as by cars exiting the driveway and adding to the already existing backup along Central Avenue traveling north. The delay as cars wait to enter the facility will create a ripple effect in traffic that will impact the adjacent homes and streets. Moving the driveway simply shifts the brunt of the problem to different homes. Yet, the proponent's site review offers no information about the issue.

Further, the placement of the driveway impacts the light glare created by headlights onto neighboring properties. By-Law s. 5.3.4 requires off-site glare from headlights to be controlled by the

proponents. It is essential that screening be designed to shield all neighboring buildings from the impact of traffic coming onto and off site, including neighbors on the north side of the site and across the street. The submission does not address the impact of headlight glare.

The plan also gives no consideration to the activities which are conducted at Temple Aliyah, which will hopefully return to its normal activities once the pandemic ends. For example, how will the addition of the daycare center impact the traffic during after-school activities? The proponent also ignores the impact of the operation on pedestrian safety near the site. The proponents do not mention these issues in either of its Traffic Impact Reports, or in its March 11 letter to this Board. The site review should be rejected.

Table 5: Distance from Proposed Driveway to Existing Driveways

Address	Distance to Driveway	Direction from site	Number of Cars 16' length** 3 ft spacing	Number of Cars 17' length 3 ft spacing
1663 Central	Opposite		-	-
1681 Central	49.5'	North	2	2
1695	117	South	6	5
1703	157	South	8	7
1708 Central	172	South	9	8
1664 Central (Temple)	208'	North	10	10
1653 Central	246'	North	12	12
1652 Central	273'	North	14	13

*Standard length for a car: 15-16 feet

<https://anewwayforward.org/average-car-length/>

** Standard length for an Odyssey Minivan: 17'

<https://owners.honda.com/vehicles/information/2020/Odyssey/specs#mid^RL6H9LKXW>

Car numbers are rounded down to the lowest full car number.

The distance of the neighbors' driveways from that of the proposed project was measured using Needham's NSIS mapping.

E. The proponent's offer no information about the plan's impact on the adjacent streets.

The By-Laws require the proponent to provide the Planning Board with information concerning "reasonable anticipated conditions," but no information has been offered about the impact of the increased traffic and the increase in delays on the intersections of Central Avenue and Marked Tree, Pine

Street, Carleton Drive, Country Way and Charles River Drive. In the absence of this information the site review should be rejected.⁴

F. The Board should enlist the assistance of the Traffic Management Advisory Committee.

Finally, the By-Laws permit the Planning Board to send copies of any proposed building project to any town agency deemed appropriate. (s.7.4.4). The neighbors ask the Planning Board to enlist the comments of the town's Traffic Management Advisory Committee, which may offer information and perspective about the actual traffic conditions on Central Avenue and what, if any measures could be used to address the impact of the proposed project.

II. The Planning Board's review of the proposed design should find that the relationship of structures and open spaces to the natural landscape, existing buildings and other community assets is out of harmony with the surrounding area.

The building as proposed is out of harmony with the surrounding area. It is significantly larger than surrounding homes; it is closer to the street than any other building on this section of Central Avenue; and its grade is higher. Table 6 below reflects the footprints and setbacks of the proposed building, the nearby homes and the Temple as measured using the town's GIS map. The facts are that residences in this area have a smaller footprint than the proposed project and all buildings are set much further back than the design proposes. The general rule here is that larger buildings, including the Temple, are set further back from the street. In referring to its size, the proponent's March 12 letter to this board states that it is smaller than Temple Aliyah and that it is within the guidelines for residential homes in the area. Needham's zones this area residential, and it is important to consider the impact on the residential nature of the area of putting two large non-conforming buildings next to each other.

TABLE 6: Comparison of Footprint Size and Setback of 1688 Central Avenue to Neighboring Homes and Temple Aliyah

Address	Approximate Footprint	Proposed Footprint Is % Larger	Approximate Setback
1688 Central	9960 + 2835(existing Barn)= 12,795 sf	-	40'
1708 Central	1612 sf	794%	65'

⁴ Any request by the proponent to waive submission of additional information should be denied, and the site plan as submitted should be rejected. *See Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278, 283-284 n.9 (1986), which clearly states it is within the power of site plan review boards to reject a site plan that fails to furnish adequate information on the various considerations imposed by the by-law as conditions of the approval of the plan.

1652 Central	2714 (house) +830 (garage)= 3544 sf	361%	109'
1729 Central	3350 sf	382%	103'
1719 Central	2280 sf	561%	102'
1711 Central	2400 sf	533%	109'
1703 Central	2774 sf	461%	110'
1695 Central	2976 sf	430%	101'
1689 Central	2901 sf	441%	117'
1681 Central	2820 sf	454%	115'
1663 Central	2295 sf	557%	116'
1653 Central	3550 sf	360%	114'
1664 Central Temple Aliyah	20,844 sf	61%	213'

Furthermore, the entire project is front loaded on the site. From the street to the end of the proposed building and fenced playground is approximately 385 feet. The lot extends another 594 feet. The lot has the square footage to permit any building to be set further back on the property. The Design Review Board's comments call for the building to be re-situated, either by reconfiguring it or removing the barn. Moving the building back will also be in keeping with the requirements of By-Law s. 5.3.6, which states "Site arrangements and grading shall minimize the number of removed trees 8" trunk diameter or larger." Requiring the building to be set back further could preserve a large tree currently destined to be removed, which is especially important given the number of trees that have already been cut. No reason has been offered for the designed placement of the building. Only a smaller, more appropriately sited building could come closer to the requirement of consistency with the residential neighborhood, while potentially reducing traffic impact. It is fully within the authority of the Planning Board and Building Officials to control both the size of the proposed building and its placement on the lot.

Conclusion

The Board should reject the proposed site review as a Minor Project, treat the proposal as a Major Project as required under the By-Law, follow that process to ensure full input from and protections of the neighbors, and carefully consider what changes in the plan and special permitting is necessary to preserve the interests of the residents of Central Avenue and the entire town.

ATTACHMENT 1

606 CMR: DEPARTMENT OF EARLY EDUCATION AND CARE

606 CMR 7.00: STANDARDS FOR THE LICENSURE OR APPROVAL OF FAMILY CHILD CARE; SMALL GROUP AND SCHOOL AGE AND LARGE GROUP AND SCHOOL AGE CHILD CARE PROGRAMS

610 CMR 7.10(9)(b)

(b) Fixed Age Groups. Children may be assigned to groups with others within their same age range, as specified by the Department provided the requirements of 606 CMR 7.10(9)(b)1. through 6. are met. The fixed age group ratios and groupings below may be used by large group and school age child care programs.

Regulation Number	Age Group/Full or Half Day Program	Maximum Group Size	Educator/Child Ratio	Educator Qualifications
606 CMR 7.10(9)(b)1.	Infants (up to 15 months old) (Full or Half Day)	7	1: 3, one additional educator for four – seven infants	At least one Infant/Toddler Teacher, per 606 CMR 7.09(18)(c)2.
606 CMR 7.10(9)(b)2.	Toddlers (15 to 33 months) (Full or Half Day)	9	1:4, one additional educator for five – nine toddlers	At least one Infant/Toddler Teacher, per 606 CMR 7.09(18)(c)2.
606 CMR 7.10(9)(b)3.	Preschoolers 33 months to school age (Full Day)	20	1:10	At least one Preschool Teacher, per 606 CMR 7.09(18)(c)2.
606 CMR 7.10(9)(b)	Preschoolers 33 months to school age (Half Day)	24	1:12	At least one Preschool Teacher, per 606 CMR 7.09(18)(c)2.
606 CMR 7.10(9)(b)5.	Kindergarten (attending first grade the following year)	30	1:15	At least one Preschool Teacher, per 606 CMR 7.09(18)(c)2.
606 CMR 7.10(9)(b)6.	School Age	26	1:13	At least one Group Leader, per 606 CMR 7.09(19)(a)2.

ATTACHMENT 2

Needham Children's Center, Inc.

858 GREAT PLAIN AVE Needham , MA 02492-3030

Program Information

Name: Carole Sullivan,Susanne Teachout

Provider Number: P-170073

Capacity: 113

Type of Care: Large Group

First Licensed On: 01/01/1981

Provider Status: Current

Most Recently Renewed: 08/03/2020

Umbrella: ⓘ Needham Children's Center, Inc.

EEC Licenser: Karen Lessard

EEC Regional Office Address:

324-R Clark Street , Worcester , MA 01606

Full Year Schedule



Temp/Emergency:

Open Holidays: ⓘ

Accepts Children: ⓘ

Drop In Care Available: ⓘ

Extended Day option available: ⓘ

	HOURLY		DAILY		WEEKLY		MONTHLY		OTHER	
Age Group	Part	Full	Part	Full	Part	Full	Part	Full	Part	Full
Toddler Age Group				\$135.00		\$520.00				
Kindergarten Age Group				\$47.00		\$160.00				
Preschool Age Group				\$120.00		\$454.00				
School Age Group				\$62.00		\$561.00				

Day	Start Time	End Time
Friday	07:30:00 AM	06:00:00 PM
Monday	07:30:00 AM	06:00:00 PM
Thursday	07:30:00 AM	06:00:00 PM
Tuesday	07:30:00 AM	06:00:00 PM
Wednesday	07:30:00 AM	06:00:00 PM

Ages Served and Capacity

Infant (birth - 15 mo) ?	7
Toddler (15 mo - 33 mo) ?	18
Preschool (33 mo - K) ?	52
Kindergarten ?	0
School Age (5 yr - 14 yr) ?	36
Infant Toddler (birth - 33 month) ?	0
Toddler Preschool 15 mo - k ?	0
Preschool SA 33 mo - 8 yr ?	0
Multi-Age Group (birth - 14 yr) ?	0

Needham Children's Center Inc.

23 Dedham Ave Needham , MA 02492-3007

Program Information

Name: Susanne Teachout

Provider Number: P-170074

Capacity: 30

Type of Care: Large Group

First Licensed On: 01/31/1989

Provider Status: Current

Most Recently Renewed: 08/03/2020

Umbrella: ⓘ Needham Children's Center, Inc.

EEC Licenser: Karen Lessard

EEC Regional Office Address:

[324-R Clark Street , Worcester , MA 01606](#)

Full Year Schedule



Temp/Emergency:

Open Holidays: ⓘ

Accepts Children: ⓘ

Drop In Care Available: ⓘ

Extended Day option available: ⓘ

	HOURLY		DAILY		WEEKLY		MONTHLY		OTHER	
Age Group	Part	Full	Part	Full	Part	Full	Part	Full	Part	Full
Preschool Age Group						\$445.00				

Day	Start Time	End Time
Friday	07:30:00 AM	06:00:00 PM
Monday	07:30:00 AM	06:00:00 PM
Thursday	07:30:00 AM	06:00:00 PM
Tuesday	07:30:00 AM	06:00:00 PM
Wednesday	07:30:00 AM	06:00:00 PM

Ages Served and Capacity

Infant (birth - 15 mo) ⓘ	0
Toddler (15 mo - 33 mo) ⓘ	0
Preschool (33 mo - K) ⓘ	30
Kindergarten ⓘ	0
School Age (5 yr - 14 yr) ⓘ	0
Infant Toddler (birth - 33 month) ⓘ	0
Toddler Preschool 15 mo - k ⓘ	0
Preschool SA 33 mo - 8 yr ⓘ	0
Multi-Age Group (birth - 14 yr) ⓘ	0

Source: https://eeclead.force.com/apex/eec_childcaresearchproviderdetail?id=001j000000qhjokAAA

Attachment 3
Traffic Count Conducted by the Needham Engineering Division
October 11, 2006

CENTRAL AVENUE AT CHARLES RIVER STREET TURNING MOVEMENT COUNT (7:00-9:00 AM)												
DATE	APPROACH	MOVEMENT	7:00-7:15	7:15-7:30	7:30-7:45	7:45-8:00	8:00-8:15	8:15-8:30	8:30-8:45	8:45-9:00		
10/11/06											AM PEAK HOUR	
	CENTRAL AVENUE SOUTHBOUND										7:30-8:30 (1487 VEHICLES)	
		LEFT	3		5	2		1	1	3		
		THRU	21	37	25	36	42	35	41	46	% H.V./BUS = 5.4%	
		RIGHT	3	4	4	4	4	5	3	8		
	CENTRAL AVENUE NORTHBOUND											
		LEFT	6	22	28	19	22	33	18	12		
		THRU	111	188	194	194	198	180	157	106		
		RIGHT		1	3	2	1	2	3	4		
	CHARLES RIVER STREET EASTBOUND											
		LEFT	21	53	53	57	42	45	42	37		
		THRU	10	27	27	37	29	30	31	34		
		RIGHT	7	8	3	11	6	7	6	11		
	CHARLES RIVER STREET WESTBOUND											
		LEFT					1		2	1		
		THRU	10	5	22	21	27	19	19	18		
		RIGHT	4		5	3	1	2	2	5		
			196	345	369	386	373	359	325	285		

From: [Meredith Fried](#)
To: [Selectboard](#); [Planning](#)
Subject: 1688 Central Project
Date: Sunday, April 4, 2021 1:51:57 PM

To the Select Board and Planning Board of Needham –

My name is Meredith Fried and I live at 136 Stratford Road in Needham. First, thank you all for your service to our town. I understand you deal with myriad projects and issues and appreciate your attention to making good choices for our town and our residents. I have lived in Needham for more than 18 years and am grateful to those who have worked to make this a wonderful town for our families.

I am writing to join friends and neighbors in our concern around the proposed project at 1688 Central Avenue. I was part of a call with the day care center owners recently and they certainly seem like lovely people. I think the idea of having a child care center nearby – especially one that sounds like it is run with wisdom and heart – is a nice one. However I have concerns about the way the project has been proposed and the potential challenges it will pose for people in neighborhoods on this side of town.

At the outset, my understanding is that this project has been designed so that it doesn't require the scrutiny of a "major project." However it seems to fall only slightly below that on several levels and makes me very concerned that once it is created it will then be ripe to ask for variances for additions, building renovations and parking spaces that would make it a much bigger center than it's being sold as at the moment. I think if the builders and day care center owners would be willing to somehow codify that this center would never get beyond the size that's being discussed, I would have many fewer concerns. However, without that I am left to imagine that my current concerns would only increase once this becomes a larger child care facility.

My main concern is based on the increase in traffic along Central Avenue. The developer has provided traffic studies but they seem rather disingenuous, as they were done during our current pandemic. In the past year since the pandemic began, traffic has decreased SIGNIFICANTLY. Though it has started to rise up from zero, as it was last spring, it is certainly nowhere near the level it was at pre-pandemic. If for no other reason, there is only half the population attending Newman on any given day. However, I know it's also significantly reduced by people (like my husband) working from home and not driving down Central Ave.

I have concerns about adding to the traffic on Central not just from a convenience standpoint but from a safety standpoint as well. One concern is the ability for emergency vehicles to safely pass with significantly increased traffic. I also have concerns about having many people trying to turn left from Central into the proposed daycare as well as concerns about the safety of children/families walking or biking down Central on their way to Newman, Pollard or the High School. While eliminating that left hand turn and forcing people to loop around to Charles River may help the Central Ave traffic, it seems like that option simply pushes the problem elsewhere into the surrounding neighborhoods and will cause traffic and safety issues there.

I know there is more to learn about this proposed project and as concerned neighbors and town residents we are very willing to discuss the potential issues and come up with creative solutions that serve everyone's needs. I look forward to the planning board giving this true consideration and recognizing that this is not a small project but a major one, and one that deserves the attention of and collaboration with all parties involved to ensure the safety of residents throughout the town.

Thank you very much for taking a detailed look at this project and hearing the voices and concerns of all those impacted.

Regards,

Meredith Fried

Michaela A. Fanning
853 Great Plain Avenue
Needham, MA 02492
617-947-9474 (Cell)

April 5, 2021

Via email at aclee@needham.ma.gov
Needham Planning Board
Lee Newman, Director
Planning And Community Development
1471 Highland Avenue
Needham, MA 02492

Re: Parking/Traffic at Needham Children's Center

To Whom It May Concern:

I write the letter at the request of Needham Children's Center, Inc. ("NCC" hereafter) in connection with its proposed new location at 1688 Central Avenue, Needham, Massachusetts. As a parent of a child who attended NCC for many years and a resident of the property directly across the street from the NCC facility, I write this letter without reservation and am happy to do so to support NCC. Joining me in support of NCC are my neighbors, Matt Gore (whose children also attended NCC) and Gregg Starr. We share the building located at 853-855 Great Plain Avenue directly across the street from NCC.

My daughter attended several NCC programs from preschool through the afterschool program and summer camps. NCC is an efficient, well-run program on all levels including car and foot traffic as well as parking. There was never a time when I dropped my daughter off in the morning or picked her up in the afternoon when there was a rush of parents all picking up at the same time. Drop off and pick up was naturally staggered based on the myriad of work situation(s) and schedule(s) of the respective parents.

On a typical day, there would be 3-4, perhaps sometimes 5 parents picking up when I collected my daughter at the end of the day. As far as the morning drop off, I was usually 1 of 3-4 parents dropping off at the same time as we all caught the same train into Boston.

Lee Newman, Director
Planning And Community Development
April 5, 2021
Page Two

I have lived across the street from NCC for 21 years. Neither my neighbors nor I have ever witnessed a traffic flow problem and/or back up and/or parking issue caused by parents either dropping off at or picking up their children from NCC.

I spend as much time as possible on my front porch when weather permits. The only time I have ever witnessed a traffic problem is when the YMCA runs its soccer program on Saturdays in the fall and spring. But as far as NCC is concerned, its program has never created a traffic issue. I suspect that will be even more true now because of the pandemic since more parents will be working from home and will have more flexible work schedules. Presumably, that will result in an even more staggered flow of car and foot traffic at the beginning and end of the day especially since fewer parents will be beholden to train schedules and/or traffic congestion when commuting to Needham for pick up.

We urge you to grant NCC whatever permits it needs to operate its business at its new proposed location. Frankly, I will miss seeing the children playing games outside and hearing their laughter when they do. The neighbors in the Central Avenue area will not regret allowing this business to become their neighbors. The staff has always been respectful and responsive to its surrounding neighbors. Gregg, Matt and I have enjoyed having them as neighbors for all these years.

I wish NCC the best of luck in the new location.

Sincerely,


Michaela A. Fanning

Cc: Matthew Gore
Gregg Starr

From: [Maggie Abruzese](#)
To: [Selectboard](#); [Planning](#); [Lee Newman](#); [Alexandra Clee](#); jabruzese@yahoo.com
Subject: 1688 Central Avenue
Date: Monday, April 5, 2021 3:52:05 PM

Dear Planning Board and Select Board of Needham, Ms. Newman and Ms. Clee,

We are writing to request that you designate 1688 Central Avenue as a Major Project and that it receives the review required as such. This project meets the threshold of Major Project for two separate reasons, each of which is sufficient to classify it as a Major Project: (1) it increases gross floor area by more than 5000 square feet and (2) it will require the creation of 25 or more new off street parking spaces.

Section 7.4.2 of the Needham Town bylaws define Major Project:

MAJOR PROJECT – Any construction project which involves: the construction of 10,000 or more square feet gross floor area; or an increase in gross floor area by 5,000 or more square feet; or any project which results in the creation of 25 or more new off-street parking spaces.

The current gross floor area of 1688 Central is 7,463 according to Needham Assessors Records (1663 sq.ft house, 4800 sq ft barn, 400 sq. ft detached garage, 600 sq. ft. detached garage). The plan submitted by Mr. Borelli proposes replacing the house and garages with a building of 9966 gross floor area in addition to keeping the existing barn. This brings the gross floor area up to 14,766 sq. ft., an increase of 7,303 sq. ft. Therefore this project involves “an increase in gross floor area by 5000 or more square feet” which makes it a Major Project.

The proposal submitted by Mr. Borelli indicates that there will be 24 parking spaces at the new building. However, the building as designed is sufficient to hold 120 children. The parking attendant to a 120 child daycare center (with the required teachers, administrators, maintenance staff, parent parking, etc.) is more than 24 parking spaces. The Board must consider full building capacity and ensure that the project is designed to meet the needs of full building capacity. It is not sufficient for the developer to suggest that they don’t intend to utilize the space to full capacity in order to classify the project as minor. That would be as silly as allowing a homeowner to claim that they are not planning to use certain portions of a home in order to escape zoning review triggered by those portions. If the project is big enough to have the space for 120 children, they must comply with regulations for 120 children which would mean space for the necessary staff and parent parking.

Because this project adds more than 5000 sq. ft., and independently because this project must have more than 24 parking spaces, it is a Major Project subject to increase scrutiny. For this reason, we request that you reject Mr. Borelli’s attempt to classify it as a minor project.

Sincerely,

Margaret Abruzese
Joseph Abruzese
30 Bridle Trail Rd.
Needham, MA 02492
(617) 429-2264

**253 Charles River Street
Needham, MA 02492**

April 5, 2021

selectboard@needhamma.gov
Needham Select Board

planning@needhamma.gov
Needham Planning Board

Re: Comments on Proposed 9,960 Square Foot Daycare Facility at 1688 Central Avenue

We believe that this project should be treated as a “Major Project” and undergo the full review required of Major Projects under Section 7.4.3 of the Needham Zoning By Laws (NZBL). This project will have major implications on the neighborhood so it needs to undergo a full and proper review.

Traffic Congestion

We have lived on Charles River Street since 1994. The traffic on Central Avenue has increased a great deal in the years we have lived on Charles River Street. When we first moved to Charles River Street, it felt like living in the country. As building increased in Needham and the surrounding towns, the traffic on Central Avenue has increased greatly each year. In fact, people from as far away as Franklin use Central Avenue as a traffic route to Boston. There is no way that traffic on Central Avenue deserves an “A” rating.

It is important to look at the traffic patterns pre-Covid since traffic will return as the pandemic subsides. Pre-Covid, leaving the house around 7:30 to 8:00 am, it would take multiple cycles of the traffic light at the corner of Central Avenue and Charles River Street before there would be a break in traffic and we could exit our driveway on to Charles River Street. The problem was that cars were not able to make the left turn from Charles River Street on to Central Avenue because Central Avenue would be backed up to at least Temple Aliyah and sometimes to Charles River Street.

The issue of access to the neighborhood by the fire department, ambulances and police is a real issue. Last May 2020, we had a major fire at our house which caused substantial damage (we are living out of our house for at least 15 months). The fire occurred in the evening so the fire trucks, which came from many towns, could get to our house fairly quickly. What would have happened if the fire had occurred during the day? How would the fire trucks have been able to deal with the Central Avenue traffic to get to our house?

Lack of Sidewalks and Crosswalks

Walking around the neighborhood is dangerous due to the lack of sidewalks and crosswalks. We live a short walk to Temple Aliyah and would like to walk to the Temple for various events. However, it is quite dangerous to walk along Central Avenue with the amount of traffic, even on weekends and holidays. In addition, we would like to take advantage of the entrance to the Rail Trail on Charles River Street, but it is even more dangerous to walk to the Rail Trail since there are no sidewalks on Charles River Street and the road is narrower on that end of the street.

It would have been nice if our son could have walked to Newman School when he attended it. However, given the lack of sidewalks and crosswalks on Charles River Street and Central Avenue, and the congested traffic on Central Avenue, it was never safe for him to do so. This is another benefit (walking to school), of which the neighborhood cannot take advantage.

Lack of Transparency Regarding this Proposal

We are troubled by the lack of transparency regarding this proposal and the appearance that it is receiving treatment not in keeping with Needham Zoning By Laws. A project of this magnitude will have a large impact on the surrounding neighborhood so it should be treated with the highest care. In addition, since the Developer is a member of the Needham Select Board, this raises concerns about conflict of interest and ensuring that the process is without improper influence.

In addition, we were amazed to read that town sewer service will be extended from the tie in at Country Way down to 1688 Central Avenue, and would like to understand how this is possible. We do not have town sewer service or gas lines and have always been told by the town that such services would never be extended to our neighborhood. How is it that the benefit of having town sewer service is being extended to this proposed development?

We would appreciate answers to the questions raised by this proposed development.

We would be happy to discuss our experiences in further detail.

Sharon Cohen Gold
617.610.1020

Evan Gold
617.974.1219

Town of Needham
Design Review Board

Members of the Design Review Board,

The Neighborhood of 1688 Central Avenue is writing in follow up to the Design Review Board meeting of May 10th, 2021 with specific request to be considered and addressed when reviewing the project for 1688 Central Avenue.

Two items previously raised by the Design Review Board on March 22nd, 2021 were not discussed in last evenings meeting. The comments presented to the Planning Board after the meeting on the 22nd, the board recommended that the building design did not fit the neighborhood. Additionally, size and height of the building would dwarf many of the houses in the neighborhood.

In last evenings meeting neither of those topics were discussed in depth and, in the neighborhoods view, those are critical topics. If the intention of this project is to provide a quality space for children and also fit into the neighborhood, why were these two topics not addressed. The building height and design has not gotten smaller, the set back of the building isn't nearly enough not to cause a disruption to the Neighborhood and the design hasn't changed enough to fit into the look and feel of the other houses around.

In the neighborhoods view, we would like the setback to be greater than 65 feet. Ideally start where the temple's building starts. The land exists.

This solves several issues:

1. The building design and size would be hidden from the neighborhood
2. The larger driveway ensures there is plenty of room for the cars to get off Central Avenue hence mitigating any Traffic or Safety concerns previously raise by this group

We would like the Design Review Boards opinion on these items as you consider your comments for the Planning board.

Thank you,

Members of the Neighborhood of 1688 Central Avenue

From: [Lee Newman](#)
To: [Alexandra Clee](#)
Subject: FW: Re; Neighborhood concerns for 1688 Central Avenue project for DRB's review
Date: Monday, May 10, 2021 4:50:55 PM
Attachments: [41EC65E8-A81A-49AF-8670-C05F4CAB50FD.png](#)

From: Elisa Litchman <elitchman@needhamma.gov>
Sent: Monday, May 10, 2021 4:04 PM
To: Matthew Heideman <matthew.heideman@gmail.com>
Cc: Holly Clarke <jonasclarke@verizon.net>; David Lazarus <david.lazarus@gmail.com>
Subject: Re: Re; Neighborhood concerns for 1688 Central Avenue project for DRB's review

Thank you. The Design Review Board agenda for this evening's meeting includes this project however, this is not a public hearing with public comments taken. The Planning Board has this project on their agenda for May 18th and will take public comment at that time. I have shared the information with them.

Elisa Litchman
Administrative Assistant
Planning & Community Development/
Conservation Department
Town of Needham
500 Dedham Avenue
Suite 118
Needham, MA 02492
781.455.7550 Ext. 222
www.needhamma.gov

Hours:
Monday, Tuesday 12:30-5pm
Wednesday, Thursday 8:30am-3pm
Friday 8:30am-2pm

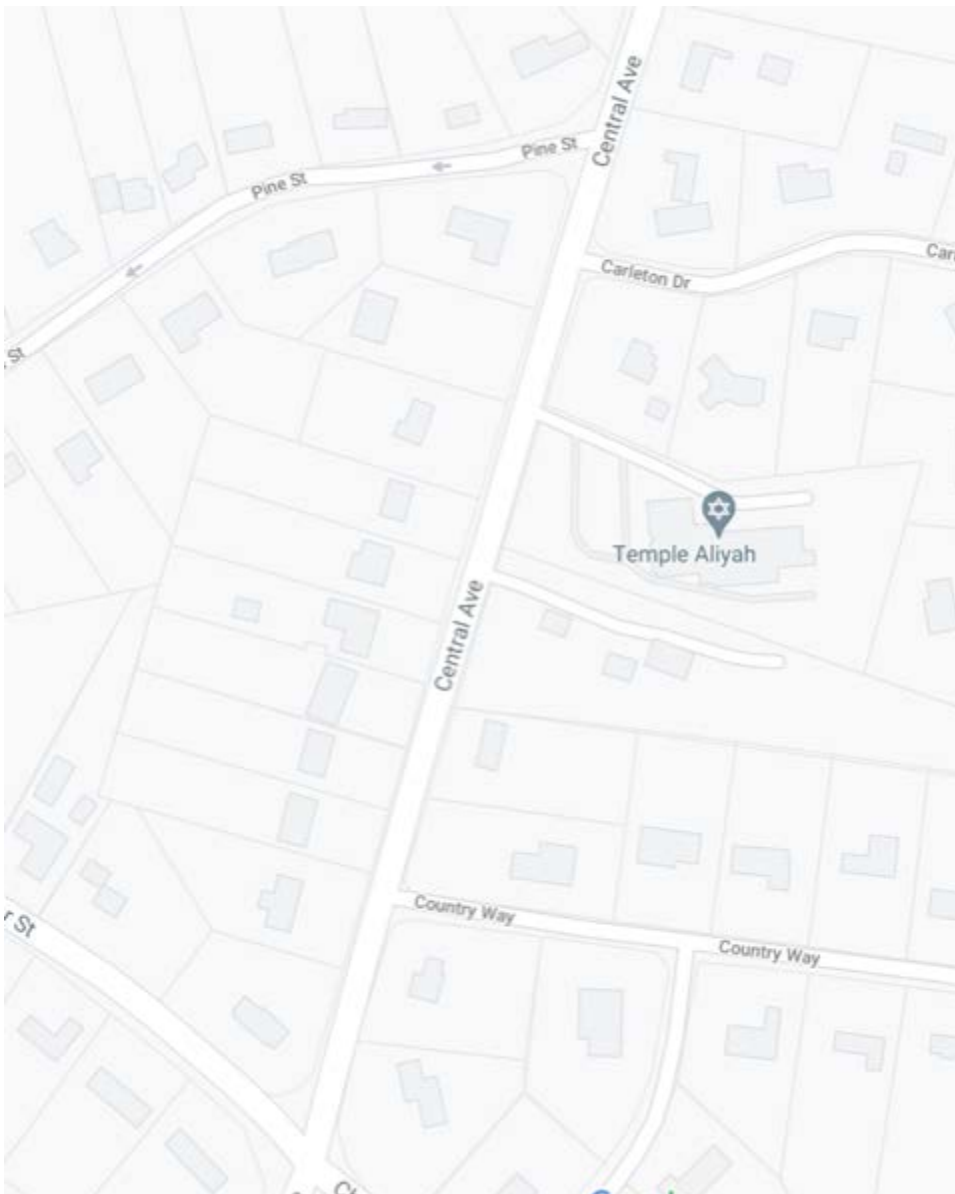
From: Matthew Heideman <matthew.heideman@gmail.com>
Sent: Monday, May 10, 2021 12:47:23 PM
To: Elisa Litchman <elitchman@needhamma.gov>
Cc: Holly Clarke <jonasclarke@verizon.net>; David Lazarus <david.lazarus@gmail.com>
Subject: Re; Neighborhood concerns for 1688 Central Avenue project for DRB's review

Ma'am,

I am writing to inform the DRB of the neighborhoods concerns before tonights meeting. We have worked hard to consolidate our responses for review and consideration.

The below attached neighborhood concerns we share with the Planning board on April 5th before their previous meeting. From the documents we feel the relevant items for the DRB to consider are as follows:

1. Need proper traffic review with Pre-covid information. When will this be received?
2. Setback is not appropriate for the street context on Central Avenue. We would like to see 65' min to match adjacent property. Everything else on street is larger than 65' - see map attached.
3. Design of building, scale and proportion revisions - We do not feel it fits into the neighborhood especially due to the size and set back.
4. Soil Testing report needs to be provided with deadline for mitigation.
5. Landscape layout review and appropriate all season screening from street and neighbor



Please let me know if we will have a chance to express these concerns on the meeting this evening?

Thank you,

Matthew Heideman
1708 Central Avenue
Needham MA 02492
(M) 914-523-1231

From: [Lee Newman](#)
To: [Alexandra Clee](#)
Subject: FW: 1688 Central Avenue
Date: Thursday, May 13, 2021 7:54:58 AM

From: Robert Dimase <rob.dimase@verizon.net>
Sent: Wednesday, May 12, 2021 6:48 PM
To: Lee Newman <LNewman@needhamma.gov>
Subject: Fwd: 1688 Central Avenue

I've lived at 1681 Central Ave since December 2000. I attended the Design Board Meeting this week and remain very concerned that this project is going to substantially increase traffic in an already congested section of Town and create a hazardous situation twice/day, five days/week during peak travel hours.

I've read Chief Schlitter's written response to the propose project and I find it hard to believe that the Town of Needham would not require the owner of the day care facility to provide traffic detail service every day during drop off and pick up times. While the proposed tenant has "promised" staggered drop off and pick up times there is virtually no way to ensure their customers will comply with this request. The Chief's letter alludes to 11 accidents between Pine and Charles River Street over a 5+ year time period. This strikes me as a significant number of accidents in a very short stretch of roadway that is bound to increase substantially if this project is allowed to move forward. The traffic study performed by the developer is a sham as it occurred in the middle of the pandemic when we all know that traffic volumes were down 80%+ and should be completely disregarded.

Based on the proposed driveway location to the development, it will be nearly impossible for me to leave my driveway in the morning in either direction. I strongly encourage the Town of Needham to reconsider their safety stance as it relates to the project and should it be allowed to move forward require the day care center to provide detail service through the entirety of the drop off and pick up times, not just for the one week "trial" period suggested.

Additionally the Developer has not provided any information on the proposed use of the Barn and the rest of the property. My assumption is that further development is contemplated which would simply exacerbate the traffic situation. I strongly urge the Town of Needham to consider the very significant traffic and safety impacts the proposed development will create in a residential neighborhood.

Thank you.

Rob DiMase
781-844-5729

From: [Eileen Sullivan](#)
To: [Kate Fitzpatrick](#); [Elisa Litchman](#); [Alexandra Clee](#); [David Roche](#); [Lee Newman](#); [Anthony DelGaizo](#); [Rhain Hoyland](#); [John Schlittler](#)
Subject: 1688 Central Ave project
Date: Wednesday, May 12, 2021 5:28:35 PM

To all this may concern,

As a resident of Central Avenue living directly across from 1688 Central, I have been closely paying attention to the plans and various communications relating to the proposed building of a childcare facility at that location. After attending various virtual meetings and consulting with other neighbors, I must express numerous concerns that I have regarding the building planned for this location.

The design plans show the new structure will be elevated to 150' and I am concerned about the effect of the run-off this will have on my property and septic system that is on the front of my lot. Is a pump that can process the overflow be added to the current plan to resolve any issues that could develop in the future?

Another concern is the location of the new structure and how close it is to the street. I see that there has been a slight revision moving it back to 50' but this would still make it out of sync with all of the other residences in the neighborhood. In the Planning Design Board meeting on May 10th the Chairwoman suggested the possibility of the barn that Mr. Borelli intends on keeping be eliminated from the plan allowing the new building to be moved back on the lot. With Temple Aliyah set back 213' from the street and at similar elevation to the proposed structure, this would allow the new building to be more in harmony with the surrounding area. It is my understanding that the use of the barn will be for storage. With a childcare center of 100 students, I find it unlikely that the intended use will be its only purpose. I question Mr. Borelli's future intentions for the barn after the building permit has been issued.

Other issues of concern are the traffic that the childcare center will cause for residents that travel in this area daily and the safety of those that use this area of Central Ave. As an educator at a similar size school in Newton (Jackson School), I am very familiar with drop-off and pick-up lines. Each morning and afternoon the traffic wraps around our location onto Washington St. causing a hinderance to the traffic flow although there are two lanes moving in each direction. With Central Ave having one lane, the drop-off and pick-up times would cause a major disruption to those travelers, and especially to those that reside so close to the school location. This disruption would be caused directly by the overflow of traffic due to proposed plans for drop-off and pick-up. This problem would exist in both north and south directions with parents entering the childcare facility. Each weekday morning, I wait in my driveway more than 5 minutes to move north onto Central. This wait-time would increase substantially for me, many of my neighbors and for those already traveling on Central Ave. A few questions I have relating to this issue are: 1) Does the childcare center have adequate staffing to move the car line quickly so that it doesn't spill out onto Central Ave? With the younger ages of the children, it will take longer for them to be moved into/out of the car requiring assistance from school staff. 2) What is the "staggered time" schedule and how long is each slot? I question how this model is enforced by the school staff and see this as being very difficult to control. There are too many uncertainties that would result in additional traffic and safety problems. If the

barn were eliminated from the plan and the new structure moved back, the drop-off and pick-up lines could be extended onto the property lessening the overflow onto Central Ave.

The safety issues that this proposed plan allows are very concerning. I have lived in this town for over 30 years and on many school days, my children would ride their bikes to the Newman School. If I were a parent of school-aged children today, I would not feel at all comfortable with the amount of traffic in this area of the street. With cars entering the childcare center and the temple each morning and afternoon, this is a major safety issue. In a recent report given by Chief Schlittler, there were 11 accidents in the past five years between Pine St. and Charles River St. This is not surprising to me seeing how much congestion there is already in this part of town. If there is nothing done to mitigate the traffic concerns that have been brought forward, the expectation of an increase in this number can only be expected. That isn't acceptable given that there is an opportunity now to do something about it.

Thank you for considering the issues I have brought forward, and my hope is that you will show consideration towards revising the proposed plans for the 1688 site. If you have any questions or would like any clarification, please feel free to contact me. I will continue to give this matter my close attention and will certainly be present for the scheduled town meeting on the 18th. Thank you for your time in hearing my concerns.

Sincerely,

Eileen Sullivan
1695 Central Ave
339-225-0491

From: [Eric Sockol](#)
To: [Kate Fitzpatrick](#); [Elisa Litchman](#); [Alexandra Clee](#); [Lee Newman](#); [Anthony DelGaizo](#); [Rhain Hoyland](#); [John Schlittler](#)
Cc: matthew.heideman@gmail.com; [Eric David Sockol](#); [Keller, Stanley](#)
Subject: 1688 Central Ave project is an embarrassment for Needham
Date: Tuesday, May 11, 2021 9:24:47 PM

I have proudly lived in Needham for 54 years and have always viewed the town's offices and their dedicated employees with the highest regards and integrity. I always believed that when " push came to shove " the town would do the right thing for its citizens and fight to maintain the character and reputation Needham has worked so hard to earn. The intent and actions of Selectman Matt Borrelli are an embarrassment to all elected and employed officials of Needham. The easy thing to do is take the stance that " there is nothing " any of the town offices can do because of Massachusetts statute. Needham is better than that and " doing the right thing " is always harder. If the town chooses to look the other way, the permanent stain will harm the town and its citizens for years to come.

This email is now a public record, I hope I proudly tell my grandson someday that the citizens' voices can be heard and Needham had an epiphany and did the right thing.

Respectively submitted,

Eric Sockol
Needham Resident since 1967

=====
Eric Sockol
617-470-4259

From: [Eric Sockol](#)
To: [Elisa Litchman](#); [Alexandra Clee](#); [Rhain Hoyland](#); [John Schlittler](#); [Anthony DelGaizo](#)
Cc: [Eric David Sockol](#)
Subject: 1688 Central Ave - Email clarification
Date: Wednesday, May 12, 2021 10:55:55 AM

I wanted to clarify something regarding the email I sent last night. My concern and comments are 100% directed at the behavior and intentions of Selectman Matt Borrelli and **not at any** of the town officials that received the email. I know from numerous interactions with the various town offices, that they are always fully committed to serving the town's benefit over their own personal benefit. I strongly believe that the current and future projects at 1688 Central Ave will cause irreversible traffic congestion and numerous safety issues.

The main purpose of my email was to highlight the concerns and request that each of you challenge the proposal before the damage becomes permanent.

Thank you for your service to Needham,

Respectively submitted,
Eric Sockol
Needham resident since 1967

=====

Eric Sockol
617-470-4259

Town of Needham
Design Review Board

Members of the Design Review Board,

The Neighborhood of 1688 Central Avenue is writing in follow up to the Design Review Board meeting of May 10th, 2021 with specific request to be considered and addressed when reviewing the project for 1688 Central Avenue.

Two items previously raised by the Design Review Board on March 22nd, 2021 were not discussed in last evenings meeting. The comments presented to the Planning Board after the meeting on the 22nd, the board recommended that the building design did not fit the neighborhood. Additionally, size and height of the building would dwarf many of the houses in the neighborhood.

In last evenings meeting neither of those topics were discussed in depth and, in the neighborhoods view, those are critical topics. If the intention of this project is to provide a quality space for children and also fit into the neighborhood, why were these two topics not addressed. The building height and design has not gotten smaller, the set back of the building isn't nearly enough not to cause a disruption to the Neighborhood and the design hasn't changed enough to fit into the look and feel of the other houses around.

In the neighborhoods view, we would like the setback to be greater than 65 feet. Ideally start where the temple's building starts. The land exists.

This solves several issues:

1. The building design and size would be hidden from the neighborhood
2. The larger driveway ensures there is plenty of room for the cars to get off Central Avenue hence mitigating any Traffic or Safety concerns previously raise by this group

We would like the Design Review Boards opinion on these items as you consider your comments for the Planning board.

Thank you,

Members of the Neighborhood of 1688 Central Avenue

May 13, 2021

Jeanne McKnight
Chair of Needham Planning Board,

Members of the Needham Planning Board,

Lee Newman
Director of Planning and Community Development
500 Dedham Avenue
Public Services Administration Building
Suite 118
Needham, MA 02492

RE: Proposed Project at 1688 Central Avenue

Dear Chair McKnight and All Planning Board Members,

Attached please find the detailed comments of neighbors of 1688 Central Avenue for consideration during the Planning Board's meeting on May 18, 2021 of the proposed project at that location. We ask that you give careful consideration to these comments and enter them, along with their attachments, into the formal record of your meeting should there need to be further proceedings on the matter. Thank you for your consideration.

Yours truly,

Holly Clarke

**Response of Abutters and Neighbors of 1688 Central Avenue Project
to the Proponent's Letter of April 16, 2021.**

The abutters and neighbors to the proposed 1688 Central Avenue project (the "Project") submit this response to the proponent's letter of April 16, 2021. The proponent advances a series of arguments that should be rejected. The proponent 1) misreads state law and Needham's Zoning By Law ("ZBL"), 2) would gut the Planning Board's clear authority to conduct a major site plan review of the Project and substitute a "process" with no standards or support under state law or the ZBL, 3) ignores entirely the consistent precedent of reasonable regulation of child care facilities by towns across the state, and 4) ignores the very real setback and traffic impacts of the Project. Finally, the process the proponent seeks would effectively eliminate all meaningful opportunity for abutters and neighbors to be heard.

In addition to encouraging this Board to commit legal error in its review of the Project, the proponent reverses his position on the Board's authority. Having acknowledged in his March 11 letter that the Board **should** review the Project according to the six site plan review criteria of ZBL Section 7.4.6., he now retreats from that position and argues in his April 16 letter that these criteria may not apply after all. That change of position, which amounts to the proponent's reneging on a promise to the town and, in particular, to the neighbors of this Project, to subject the Project to site plan review, should not be sanctioned by this Board.

The Planning Board should reject the Proponents application for minor site plan review, which is the application currently before the Board. To do anything else at this time would be in contravention of the bylaws, including giving public notice about the pending actions before the Planning Board.

Major Project versus Minor Project

Before setting forth in detail the flaws in the proponent's arguments, it is important to level-set on the process issues at stake in this case – which could well set a precedent for the Board in its consideration of other projects in the future. ZBL Sections 7.4.2 and 7.4.3 describe two, related types of site plan reviews: Major Projects and Minor Projects.¹ Both require the same information from a proponent. To be sure, the two types of projects call for different procedural safeguards, including a different role for the Planning Board. However, the ZBL Section

¹ We will not repeat our arguments about why this is a Major Project, and, instead, direct the Board to our letter of April 3, which we attach for ease of reference. We also incorporate all of our substantive comments about the project.

7.4.3 absolutely requires the Board's consideration of the six criteria for a site plan review for **both** types of project:

In conducting the Site Plan Review, the Planning Board **shall** consider the following matters: (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; (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; (c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises; (d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site; (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 this By-Law; and (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.... (emphasis added)

The Bylaw requires the Planning Board to consider these issues in all site plan reviews. Whether the Planning Board issues recommendations to the Building Inspector for a minor project or issues a Major Site Plan Special Project permit, the Board's examines and weighs the same factors. This is critical here because the Project in its present form so clearly fails to meet the above criteria.

After filing for site plan review as a minor project, the proponent received comments from town departments and neighbors challenging the filed plan and its status as a minor project. In response, he changed his plan to now include 30 parking spaces, which clearly qualifies the project for major site plan review. Instead of withdrawing his application as a minor project, the proponent now proposes that the Needham Zoning Bylaws simply do not apply to him at all, arguing for the first time that the Project is not only not a Major Project, but not a Minor Project either. Having dispatched the ZBL's site plan review, how does the proponent propose that the Board address the town's interests and the neighbors' real concerns? – according to his April 16 letter, that is “yet to be determined.”

This attempted sleight of hand should be rejected by the Board.

I. Applying Needham's Site Plan Review to the Project is Entirely Consistent with MGL Ch 40A s3.

The proponent argues that MGL Ch 40A s. 3 prohibits the application of Needham's Site Plan Review to his Project. That argument is wrong as a matter of law. MGL Ch 40A s 3 provides:

No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. As used in this paragraph, the term "child care facility" shall mean a child care center or a school-aged child care program, as defined in section 1A of chapter 15D.

The plain reading of the statute forbids municipalities from requiring a special permit for the use of land or structures, or the expansion of existing structures for the purpose of operating a child care facility, while allowing municipalities to reasonably regulate the land and buildings in order to protect legitimate municipal interests embodied in local zoning laws. The statute creates a protected use, but balances that protection with the specific authorization for the application of reasonable regulations regarding issues such as bulk and setback on the structures and lots.

The proponent's argument amounts to a radical rewrite of the statute. He reads the statute as if it states, "No zoning ordinance or bylaw in any city or town shall require a special permit related to the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of which is the operation of a child care facility; provided, however, that such land or structures may only be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements." The Board should reject this invitation to rewrite state law to advantage the Project.

Needham's ZBL complies with MGL Ch 40A s.3. Section 3 of the ZBL designates child care facilities as a permitted use as of right in all districts. Child care operators simply are not required to obtain a special use permit in order to use their properties to operate a child care facility in Needham. In this case, the proponent is a real estate developer and not a child care operator. The law is not clear as to whether, as a developer, he is entitled to the special protection afforded child care facilities. The protection runs to the child care use, not to the developer, and the reasonableness of regulation is measured against the program's interests, not those of a

real estate investment. At the very least, the Board should insist on obtaining, and putting on the record, a copy of the lease between the proponent and the tenant to assess the duration of the lease and to ensure that the operation will be in keeping with the representations made in the Project application. Assertions should not substitute for the facts and the details critical to the neighborhood's interests and the Board's decision making.

Needham has elected to regulate the building projects for child care facilities just as it does all construction projects. Through its Site Plan Review process, Needham permissibly regulates all construction projects which exceed specified benchmarks in order to protect established and well recognized legitimate municipal interests. ZBL 7.2.3 provides, "A special permit shall be required for every Major Project, regardless of whether the contemplated use thereof is designated as permissible, as of right or by special permit, under the table of uses set forth in Section 3.2 of this By-Law." The two distinct references to "special permit" in this section underscore that the major project site review special permit is separate and different from special permits required for use.

The ZBL is a reasonable regulation aimed at addressing the consequences of construction projects which trigger concerns because of their bulk, setback, and other characteristics and not because of their use. The plain language of the Bylaws make clear that the Board looks to the construction aspects of the project and not to the intended use of the land following construction or improvement. Section 7.4.1 sets forth the purpose of the site review process, "to provide a comprehensive review procedure for **construction projects**, herein defined, to ensure compliance with the goals and objectives of the Master Plan, and the provisions of the Zoning By-Law, to minimize adverse impacts of such development, and to promote development which is harmonious with surrounding areas."

Section 7.4.2 provides the definitions applicable to site review:

For the purposes of this Section the following definition of terms should apply to **any construction project** excluding single and two family homes.

MAJOR PROJECT – **Any construction project** which involves: the construction of 10,000 or more square feet gross floor area; or an increase in gross floor area by 5,000 or more square feet; or any project which results in the creation of 25 or more new off-street parking spaces...

MINOR PROJECT – **Any construction project** which involves: the construction of more than 5,000 but less than 10,000 square feet gross floor area; or an increase in gross floor area such that the total gross floor area, after the increase, is 5,000 or more square feet – and the project cannot be defined as a Major Project.

By their plain terms, the ZBL regulates the size and bulk of any construction project, including a proposed child care facility, to assure the protection of legitimate municipal zoning objectives. The site plan review bylaws come into play only when a project is so large that it merits review beyond the application of the usual zoning bylaw requirements. The square footage of new construction, the total change in a project's resulting gross floor area, or the need for additional parking require site plan review. The building's proposed use is not even considered in this process. The "special permit" issued after site review simply provides the means for the town to enforce any reasonable conditions necessary to regulate the proposed construction project. It is not related to the underlying use.

In his attempt to evade site plan review, the proponent conflates the requirement of permitted use with regulation of construction, thereby misreading Ch 40A and ignoring the structure and applicability of the ZBL. He also misapplies relevant case law. The April 16 letter to the Planning Board misreads both *Petrucci v. Westwood*, 45 Mass. App. Ct. 818 (1998) and *Watros v. Greater Lynn Mental Health & Retardation Assn., Inc.*, 421 Mass 106(1995). Both cases address attempts to prohibit the use of existing non-conforming structures as child care facilities. In *Petrucci*, the town and abutters objected to the use of an existing barn as a child care facility because it shared a residential lot with a single family home. The abutters in *Watros* similarly objected to the use of a rented barn as an educational facility because it shared the premises with a two-family building owned by another. The cases presented claims that the proposed buildings could not be classified as child care facilities because they shared lots with residential buildings, and asserted lots could not have two uses. The cases do not support the proponent's arguments.

In fact, when the proponent quotes from *Petrucci*, he omits the critical sentence. The full passage, including the critical sentence (highlighted) follows:

In dismissing the argument of abutters who challenged the proposed use on residential property of a barn to house and educate retarded adults - that the exemption applied only when the educational use occupied the entire property - the court in *Watros* stressed that the second paragraph, "speaks not once, but twice, of 'land or structures' as the focus of the exemption." 421 Mass. at 113. The "constrictive result" flowing from the abutters' reading of the statute was "neither required by the language of the statute nor consistent with its purpose," id. at 114, which was "to prevent local interference with the use of real property" - whether of land or of structures thereon for the exempt purposes identified in the statute. Id. at 113. Here, also, the plain language of the statute (which, as in *Watros*, speaks not once but twice of "land or structures") and its manifest intent - to broaden, rather than narrow, the opportunities for establishing child care facilities in the Commonwealth... - overwhelm the board's constrictive ef-

fort to parse any substantial child care facility on a residential property out of the statute (emphasis added, 822-3).

The “constrictive result” referred to by the court concerned the attempt to limit the statute’s application to the use of buildings as child care facilities only when they are the sole buildings on a lot, not to the application of legitimate town bylaws concerning the buildings’ attributes. In sum, MGL CH40A s.3 deliberately and clearly separates use as a child care facility from reasonable regulations of structures.²

II. Child Care Facilities in Needham and Throughout the State Have Long Been Subject to Reasonable Regulations Such As Those Contained in Needham’s Site Plan Review.

The proponent’s arguments are also inconsistent with the established practice throughout the State of applying reasonable regulations to structures at which child care facilities are operated. In *Rogers v. Norfolk*, 432 Mass. 374 (2000), the Court upheld Norfolk’s bylaw limiting child care facilities to 2,500 square feet. The Court found the preservation of the town’s residential character to be a legitimate municipal purpose and recognized the town’s right to limit the placement of large structures in residential zones.

A challenged provision in a zoning bylaw is presumptively valid, and a challenger bears the burden to prove otherwise. See *Johnson v. Edgartown*, 425 Mass. 117, 121 (1997) ...The provision focuses on the fact that child care facilities are commercial enterprises, and thereby have a greater potential than residential uses to disrupt, or detract from, the town's tranquility. A child care facility of larger dimensions will likely generate more traffic and create more noise, all of which may have greater impact on a town composed mainly of single-family homes.

Like Norfolk, some municipalities have enacted bylaws specific to child care facilities. For example, Wellesley requires day care facilities in residential districts to provide 10 foot setbacks

² Even if it were determined that the Board could not issue a special permit for the Project, the rest of the ZBL would remain in force. Section 7.11 provides, “Severability: The invalidity of any section or provision of this By-Law shall not invalidate any other section or provisions thereof.” The Board would still possess all of its authority under the ZBL to regulate the construction of the project and set reasonable terms. See: *Campbell v. Lynn*, 415 Mass. 772 (1993)(while enforcing setback requirements against non-conforming building used for educational purposes would be unreasonable because the building was already in existence, had this been a proposal to build a new building, the bylaws might have been enforceable and “local officials might be warranted in requiring that an educational user seek an alternative site.”); *Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278, 283-284 n.9 (1986) (“authorities may reject a site plan that fails to furnish adequate information required by the by-law; impose reasonable conditions in connection with site plan approval, even at the expense of the applicant; and reject site plans where “although proper in form, (the site plan) may be so intrusive on the needs of the public in one regulated aspect or another that rejection by the board would be tenable”)

for playground areas, screened play spaces and parking spaces, specific fire alarm equipment, one off street parking space for every paid or unpaid employee on or off the premises to assure there will be no on-street parking, new buildings must meet all zoning bylaws, and facilities may be no larger than 2,500 sf. Newton's child care specific bylaw intends, "to distinguish between family child care homes and day care centers which are more intensely used, to encourage larger facilities to co-locate within other existing large institutions, to encourage safe access and egress, and to minimize potential congestion at drop-off and pick-up times." The City requires dense vegetative buffers to screen parking and playgrounds, one parking space for every five children, and the filing of formal parking and drop off plans. Medfield requires child care facilities to have designated pick up zones with a minimum of parking of 25% of the building capacity, separate entrances and exits, and minimum lot sizes.

Some towns use site plan review, either on its own or in addition to specific bylaws, to regulate child care facilities. For example, Westwood allows day care facilities in existing buildings as of right, but requires facilities in new buildings to get special permits. Brookline's administrative site review requires applicant's to provide the number of children and employees; operating hours, location of outdoor play activities (whether on-site or at a public playground); employee and drop-off/pick-up parking, and a site plan showing the location of outdoor play space and parking. Newton's site review provides notice to the Ward Councilors and abutters, and addresses convenience and safety of streets, driveways, screening and avoidance of major topographical changes. Wayland 's Planning Board conducts site plan review of section 3 uses consistent with that section." The proponent writes that Framingham limits its approach to site review when applied to section 3 uses, and Framingham does do so for minor projects. When a proposed facility qualifies for major project status, Framingham exercises its authority to apply full site review.

Needham permissibly exercises its authority to regulate their bulk, height and other features through zoning bylaws applicable to all uses, including the site review process. The town need not have adopted bylaws specific to child care facilities in order to protect the well recognized and legitimate public interests implicated by any building project over a specific size, including those offered accommodation under ch 40a s.3. Needham's bylaws are in fact more lenient than the bylaw upheld in Rogers. Needham only applies s. 7 site review to construction projects of a certain size and bulk, and the process itself is nuanced and tailored to the degree that the size of the proposed project implicates legitimate municipal concerns. In the Residential A zoning district at issue, only construction projects involving new construction of more than 5,000 sf, or with a total size at completion of more than 5,000 gross floor area, are subject to site review.

Table 1 below reflects the number of child care facilities listed as licensed on the State Department of Early Education and Care website in the listed cities and towns. The chart includes each municipality's population, the total number of licensed child care facilities, the number of large child care facilities within each town, and applicable local zoning bylaws. This chart demonstrates that each town, including Needham, protects child care facilities as a use, but still enacts reasonable regulations on the characteristics of construction to protect local zoning interests. The reasonableness of Needham's approach is reflected by the fact that our town has the most large group child care facilities per capita of the town's listed.

Table 1

City/Town	Population	Number of Child Care Facilities Licensed by EEC*	Number of Large Child Care Facilities	Local Zoning By Laws
Newton	88,414	84	57	s. 6.3.4; 7.5
Framingham	74,416	115	25	s. IV,B, s.VI, F.2.a
Brookline	59,121	53	40	Art. IV, s. 603/4, s. 9.12
Lexington	33,132	32	25	s. 9.5.6
Natick	33,012	46	20	s. III-A.2 49, 11.7.2
Needham	31,388	36	26	7.4.2
Norwood	29,725	36	13	s. 10.5
Wellesley	28,670	30	21	S.II.3A, s.16
Belmont	26,116	34	21	s. 7.3
Dedham	25,219	45	11	Table 3, 7 s. 9.5.3
Walpole	25,200	37	10	s. 13
Concord	18,918	14	13	s. 4.3.2, s.11.8.7
Hopkinton	18,470	22	10	S, 210-124, 210-165, 210-133
Westwood	16,400	11	7	s.4.1.4.3

Holliston	14,939*	14	5	s.III,A, VII
Wayland	13,835	9	9	s. 603.3
Medfield	12,955	12	10	s. 5.
Weston	12,112	10	10	s. V.A.3, s. XI.K
Dover	6127	4	4	s. 185-10

* Large Group Child Care Facilities a redefined by the EEC.

III. The Proponent's Effort to Create a Site Plan Review Under MGL ch 40a s.3 Should be Rejected.

The proponent recognized the validity of the ZBL in his March 11, 2021 request for Site Plan Review as a Minor Project (emphasis added):

Pursuant to Section 7.4.2 of the Bylaw, this project qualifies as a "Minor Project" because it involves the construction of more than 5,000 but less than 10,000 square feet of gross floor area, and because it involves the creation of fewer than 25 new off-street parking spaces. Pursuant to Needham Zoning Bylaw Section 3.2.1, the proposed use as a child care facility is allowed by right in this district, meaning that no Special Permit is required for this use. **Therefore, Minor Project Site Plan Review is appropriate.**

After the assumptions underlying his claim to be a Minor Project were challenged, and after conceding his project requires at least 30 parking spaces, the proponent now claims (emphasis added):

The hearing on May 18 for this project is thus **neither minor nor major project plan review** under section 7.4 of the Bylaw. It is simply site plan review pursuant to c. 40A, section 3, during which process the Board may consider "reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."

Exactly what constitutes "reasonable regulation" of these aspects of this project **remains to be determined....**

MGL CH 4a s.3 simply does not mention site plan review, nor does any other section of state zoning law. Site plan review is a creation of municipalities endorsed by the courts to serve local zoning interests. Section 3 permits each municipality to pass bylaws to regulate the build-

ing issues related to child care facilities in their community. As discussed above, some have enacted bylaws which specifically regulate child care facilities, some regulate through site reviews and some towns use both. Section 3 does not permit a single proponent to craft his own approach to site plan review.³

There can be no question that the concerns addressed in Needham's bylaws are appropriately the subject of town zoning laws. The purposes of the site review process are, "to insure compliance with the goals and objectives of the Master Plan, and the provisions of the Zoning By-Law, to minimize adverse impacts of such development, and to promote development which is harmonious with surrounding areas." S. 7.4. Needham's bylaws specifically delineate the municipal interests the site review process aims to protect, as well as set forth the six criteria the town must consider in making its assessment in ZBL 7.4.6 (see above).

Each of the identified considerations are recognized by state law, the bylaws and the Courts as important and legitimate municipal interests. MGL. Ch 40A s 1a defines zoning ordinances as using the, "...full extent of the independent constitutional powers of cities and towns to protect the health, safety and general welfare of their present and future inhabitants." Courts addressing protected uses under MGL Ch 40A s3 stress the protection of the character and well-being of established neighborhoods as one purpose of the statute.

"There is indication that the Legislature, in enacting G. L. c. 40A, § 3, second par., authorized municipalities to impose regulatory measures on educational and religious uses, in order to protect the character and well-being of established neighborhoods, as long as "the regulation will not seriously jeopardize the mission of the protected institutions." 1972 House Doc. No. 5009. *Campbell v. Lynn*, 415 Mass. 772 (1993).

In his separate opinion in *Trustees of Tufts College v. Medford*, 415 Mass 753 (1993), Justice O'Connor quoted the House Report on the amendment of MGL Ch 40A with s3, which makes clear the statute's recognition of the well being adjacent neighborhoods as a legitimate public interest.

It is unfortunate that the present state of the law is such that some communities may have legitimate doubts about the validity of regulations which would impose reasonable controls on institutions presently covered by the Dover amendment. The Department **would encourage the use of such control where essential to the well-being of the adjacent neighborhood**, and where the regulation will not seriously jeopardize the mission of the protected institutions. Thus, the Depart-

³ If the Planning Board were to accede to the proponent's request, the contents of other towns bylaws might be helpful in fashioning reasonable regulations of a proposed new building in a residential zone.

ment proposes to clarify the present language so as to achieve the aims of the general court in passing the original amendment while at the same time precluding unwise restrictions on the power of the communities to regulate the land use activities of churches and educational institutions. The proposed language, for example, would specifically authorize the imposition of reasonable regulations concerning density or intensity of occupancy, bulk and height [of] structures, yards and setbacks, as well as limitations upon the location of assessory uses which traditionally have tended to be detrimental to adjacent property (770-1) (emphasis added).

Massachusetts courts recognize that uses protected by section 3 may be regulated for the promotion of public health or safety, preservation of the character of an adjacent neighborhood (*Trustees of Tufts College v. Medford*); preservation of residential neighborhoods (*Rogers v. Norfolk*); reduction of congestion in the streets, conservation of health, securing safety from fire and other dangers, provision of adequate light and air, prevention of overcrowding of land and avoiding undue concentration of population (*MacNeil v. Avon*, 386 Mass. 339 (1982)); assuring safety, aesthetics and privacy, including distance from neighbors, shielding building visibility and prevention the loss of trees (*Petrucci v. Westwood*), and protection of public convenience and safety by limiting crowded streets (*Radcliffe College v. Cambridge*, 350 Mass. 613 (1966)).

Court decisions make clear that the reasonableness of a regulation is to determined after applying the bylaws as written and to measure reasonableness on a case by case basis. The test requires measuring the impact of the regulation on the protected use against the advancement of the municipal goal served by the regulation. See: *Trustees of Tufts College v. Medford*. The proponent seeks to gut the regulations before they are applied. This approach is incorrect and should be rejected.

IV. The proponent's attempt to evade application of the site review bylaw violates MGL Ch 40A s.4 requirement of uniform application of zoning requirements.

MGL Ch 40A s.4 requires, "Any zoning ordinance or by-law which divides cities and towns into districts shall be uniform within the district for each class or kind of structures or uses permitted." The requirement of uniformity extends to all classes and kinds of structures and uses, and the Courts make clear this extends to protected uses under s.3. In *Trustees of Tufts College v. Medford*, the Court stated, "Because local zoning laws are intended to be uniformly applied, an [applicant] . . . making challenges similar to those made by Tufts will bear the burden of proving that the local requirements are unreasonable as applied to its proposed project." Similarly, in *Campbell v. Lynn*, the Court held,

Local zoning requirements are meant to be applied uniformly, Trustees of Tufts College v. Medford..., and consequently, local officials may not grant blanket exemptions from the requirements to protected uses. The officials may, however, on an appropriate showing, decide that facially reasonable zoning requirements concerning bulk and dimension cannot be applied to an educational use occupying a particular site because application of the requirements would improperly nullify the protection granted to the use, or because compliance with the requirements would significantly impede an educational use, in either instance without appreciably advancing municipal goals embodied in the local zoning law.

The proponent's attempt to exempt his Project from the application of Needham's zoning by-laws ignores the uniformity requirement. By proposing a project of this bulk, the proponent becomes subject to the site review process, as well as all other zoning bylaws.

V. The Project Does Not Meet The Site Plan Review Criteria and should not be approved.⁴

A. Setback

The proposed building is out of harmony with the surrounding neighborhood. The proponent asks to place a large commercial project of more than 12,000 sf only 50 feet from Central Avenue and to raise the property's grade by six feet. In this residential area, no building is set back less than 65 feet, and the clear pattern is for larger buildings to be set much further back from the street. The setbacks create more visual space and contribute to the visual appeal of the neighborhood. The arrangement helps mitigate the impact of the traffic along Central Avenue, allowing better sight lines up and down the road and enhancing safety. The table below presents each building's footprint size, its relationship to the proposed project and set back.

⁴ The Neighbors herein incorporate all of the issues identified in their April 3 letter.

Table 2: Comparison of Building Footprint Size and Setback of Project, Neighboring Homes and Temple Aliyah

Address	Approximate SF	Proposed Project is % Larger	Setback
1688 Central	9960 + 2835(existing Barn)= 12,795 sf	-	50' (proposed)
1708 Central	1612 sf	794%	65'
1652 Central	2714 (house) +830 (garage)= 3544 sf	361%	109'
1729 Central	3350 sf	382%	103'
1719 Central	2280 sf	561%	102'
1711 Central	2400 sf	533%	109'
1703 Central	2774 sf	461%	110'
1695 Central	2976 sf	430%	101'
1689 Central	2901 sf	441%	117'
1681 Central	2820 sf	454%	115'
1663 Central	2295 sf	557%	116'
1653 Central	3550 sf	360%	114'
1664 Central Temple Aliyah	20,844 sf	61%	213'

Siting the project in accord with the established neighborhood pattern would be in harmony with the existing configuration and protect the aesthetics of the neighborhood. A larger setback would help create a buffer from the proposed commercial use, increasing both visual

screening and protection from protection from noise, activities and traffic for abutters and neighbors. Lengthening the driveway would make vehicle overflows onto Central Avenue less likely by moving on site traffic further onto the lot, create a longer driveway to help avoid any waiting vehicles from spilling over onto Central Avenue, and would enhance the safety of pedestrians and bicyclists passing the property. The bylaws protects these legitimate, critical municipal interests.

The municipal interests served by increasing the project's setback are extremely important. The lot has plenty of space to accommodate these legitimate concerns, whether by redesigning the project, adjusting the placement of the proposed buildings or removing the barn. No reason has been offered to not set the building back in accord with the neighborhood pattern, much less one that impacts the use of the building as a child care facility. The proponent may wish to reserve the rest of the lot for further development (he has avoided discussing his intent), but that is not an interest the statute or bylaw protect.

B. Traffic

The Planning Board must regulate the project in order to address the issues of traffic on Central Avenue, surrounding streets and on site. A day care center at the proposed size is expected to generate 480 traffic trips daily. The current single family use generates 10 trips.⁵ This added traffic will exacerbate the current traffic conditions on Central Avenue and will impact the lives of everyone that lives near the site or travels the road. The need for a proposal to actually mitigate traffic concerns relates directly to public safety and can not be overstated. As the Police Chief notes, there have been 12 accidents between Pine Street and Charles River Street in the last five years, a period that includes more than one year with the pandemic- reduced traffic. At least one accident was at the foot of the driveway entrance to the Temple, a fact that should concern everyone. The number of accidents reinforces the critical need to properly mitigate the traffic impacts of the proposed project.

The project involves both onsite and offsite traffic issues. Both must be analyzed and solved. The traffic patterns on site and the need for the appropriate placement and number of parking spaces should be analyzed. Having first said the facility only required 24 spaces, the

⁵ The estimates are made by the Institute of Traffic Engineers.

proponent now plans to have 30. The sufficiency of this number should be fully examined. We note that other nearby towns would require a facility of this size to have more parking spaces.⁶

To date, 483 neighbors and Needham residents signed the letter to the planning board and town departments sharing the facts of the current traffic situation on Central Avenue. The road is over capacity, requiring people to leave their homes much earlier in the morning to arrive at their destinations on time, and taking them much longer to return to their homes in the evening. The experiences the residents describe is substantiated by the 2016 traffic counts taken by the town in preparation for building the Jack Cogswell Building. The counts reflect the reality that there is more than a single peak hour in the morning and evening at this location. Traffic counts remain high for more than an hour. The phenomena of high traffic volumes expanding over longer periods occurs when drivers are required to allow more time to reach their destinations because of increases in traffic.⁷ Addressing traffic congestion is a legitimate municipal interest. In fact, as a town, Needham recognized the impact of traffic on Central Avenue when it elected not to place the DPW building on Central Avenue in 2014. The town found that traffic would impact the DPW's to do its job, and opted to only place a storage facility on the site.

In addition to the added volume, the placement of the project's driveway will impact the ability of neighbors to enter and exit their homes. An analysis of the 2016 traffic counts collected by the town shows the amount of traffic and its impact the ability to enter and exit driveways along this stretch of road. Before any traffic added to the street by the proposed project, the average weekday morning peak hour traffic count is 1482.6 cars, equaling 25 cars/minute, or approximately 1 car every 2.4 seconds. Approximately 1167.2 of these cars are headed north each hour, equaling nearly 20 cars/minute or 1 car every 3 seconds. The south bound peak hour averages 299.8 cars, or 5 cars/minute or 1 car every 12.5 seconds. The child care facility will add even more cars to this already overburdened scene. The proponent projects the majority of the cars headed to the center will travel south bound, and will make a left turn across the heaviest lane of traffic to enter the facility. The drivers will wait for a break in the stream of 1 car every 3 seconds to enter the driveway, and will queue in the travel lane on Central Avenue. They must also negotiate the turns into the driveway with the drivers leaving the daycare center and returning to Central Avenue. As these vehicles wait on Central Avenue, they will block ongoing traffic and prevent residents from entering and leaving their homes. Preserving the neighbors'

⁶ Please see Neighbors letter of April 3. We note the DPW bases its comments on the sufficiency of 30 parking spaces on the staff and student numbers submitted by the proponent as part of its original submission to claim status as a minor project. The proponent should be required to provide all of the information necessary to make an accurate assessment of what is required to assure that safety and traffic concerns are fully addressed. The applicant's status as a developer rather than the child care provider again impacts this consideration.

⁷ See Attachment 1 for analysis of Needham traffic counts taken by the RTS in 2016.

access to their homes is a critical municipal interest. It is unique circumstance particular to this site and must be addressed before the project is permitted to be built.

Traffic mitigation must also address afternoon and evening traffic. The 2016 counts indicate more cars on the road in the afternoon than in the morning. Further, Temple Aliyah's schedule releases their daycare program at 4:30pm Monday through Thursday, and 1:00 pm on Friday. Religious school classes run from 2:45-5:45pm on Monday and Thursday. The proponent's traffic study provides no analysis for the afternoon period, a deficiency noted by the DPW in its comments. The Planning Board should refuse to approve the site plan without this information and an enforceable strategy to address the project's impact on neighborhood traffic throughout the day.

The time to address the traffic issues is now- before any project is approved. A mitigation strategy must be identified, explored, and, if satisfactory, enforced. Central Avenue is too narrow to permit the addition of a lane, and there is no place to put a traffic light. Central Avenue is an arterial road and forbidding left turns into and out of the property would require town and perhaps state action, and would send traffic to neighboring streets, ill-equipped to handle it. The Police Chief acknowledges the traffic problems and the difficulty of neighbors entering and exiting their driveways, and references the proposed tenant's description of staggered drop offs as a mitigating strategy. The terms of the staggered drop off should be identified and analyzed to see if they can effectively address the traffic issues on the site and on Central Avenue. At the Design Review Board meeting on May 10, the proponent stated that the current design offered room for 10 cars to queue in the driveway, and twenty cars are slotted to arrive in each time slot. The Planning Board should require the proponent to provide full information before permitting the project to go forward.

The comments of the Police Chief indicate that the tenant was amenable to hiring a police detail for the first week of school. While the program's decision to pay a police detail to help orient families to on site operating procedures may increase on site efficiency for the daycare users, it will do nothing to help cars trying to maneuver through traffic on Central Avenue nor will it stop traffic long enough to allow neighboring residents to exit their driveways. The concept of a detail officer on Central Avenue to mitigate the impact of the project in the morning and evening should be fully vetted, with the recognition that the problem is real, immediate and permanent- it will not go away after one week.

One mitigation strategy – which the proponent has not acknowledged, but the Board should consider—is downsizing the building and thereby reducing the number of trips to the site.

As noted earlier, the proposed tenant is not even before the Planning Board, a fact that complicates the resolution of these issues.⁸ What if the facility determines that the new setting does not permit the same practices as at the old address? What if drivers simply do not comply with the plan? What if a new tenant takes over the lease? Or the developer sells his interest? The Planning Board must require complete answers to these questions before approving any project for this site. Approval should not be given without the complete information necessary to assure the interests of the town are protected. If the problem is so intractable that it has no reasonable solution, the permit should not be granted. *Petrucci v. Westwood*, 45 Mass. App. Ct. 818 (1998).

VI. The Process Proposed by the Proponent Would Effectively Eliminate Any Opportunity For Neighbors and Residents to Be Heard About the Project.

The developer proposes to replace a single family home in a residential district with a commercial project of 12,795 square feet spread over two buildings, including a two story barn, and a parking lot for at least 30 vehicles. He has already cut down trees across the site, removed some of the screening that shielded the Temple, and changed the appearance of the neighborhood. The consequences for abutters, the surrounding neighborhood and the entire town stemming from this project can not be overstated. It will impact Central Avenue forever.

Perhaps one of the worst features of the proponent's proposal is the attempt to eliminate the residents' right to be heard about a project that impacts their daily lives. By first claiming to be a minor project, and now by attempting to rewrite the site review process altogether, the proponent has sought to avoid the concerns of the abutters, neighbors and residents of this town. The need for transparency and openness in governmental actions is axiomatic. Notice and the opportunity to be heard in a public forum are a fundamental part of fairness and insured by the Needham bylaws. The Major Site Plan Review Process guarantees a public hearing for all projects with great impact on the surrounding area and town. The requirement of public reports by departments, including the Design Review Board, fosters public confidence and trust in the process of decision making. Without any public input from anyone other than the proponent, government departments do not receive a complete picture of any project's ramifications. More information contributes to better developments, as well as assuring citizens that their concerns are in fact considered. Public meetings on proposals, without any opportunity for residents to voice their thoughts or objections do not insure the interests of Needham are served. Public meetings which only include only one-sided presentations skew the information relied upon and the resulting decisions that are made. While residents appreciate the ability to contact town

⁸ In assessing the reasonableness of the application of zoning provisions involving CH 40a s. 3 users, the Courts have suggested that the status as a tenant, and the option to chose to go to another site may weigh in support of a municipality enforcing a zoning requirement. See: *Campbell v. Lynn*, 415 Mass. 772 (1993), opinion of J. Wilkins.

officials and department employees, these conversations do not substitute for the public hearing the bylaws require for a project this size. Submitting written comments, either before or after a public meeting, does not substitute for the exchange of a public hearing. We put our faith in the Planning Board to allow meaningful public opportunity for residents to be heard, their concerns understood and their interests protected.

Thank you for your time and consideration.

Attachment 1: Traffic Counts Collected by Needham Near RTS, 2016

AM:

Monday May 16, 2016

5/16/2016	06:30 AM	217	25
5/16/2016	06:45 AM	255	47
5/16/2016	07:00 AM	269	51
5/16/2016	07:15 AM	254	62
5/16/2016	07:30 AM	273	61
5/16/2016	07:45 AM	276	60
5/16/2016	08:00 AM	265	70
5/16/2016	08:15 AM	220	63
5/16/2016	08:30 AM	213	67
5/16/2016	08:45 AM	166	79
5/16/2016	09:00 AM	154	72
5/16/2016	09:15 AM	150	61
5/16/2016	09:30 AM	123	57

Time	Vehicles North	Vehicles South	Total
6:45- 7:45	1051	221	1272
7:00- 8:00	1072	253	1321
7:15- 8:15	1068	253	1321
7:30- 8:30	1034	254	1288
7:45- 8:45	974	259	1233

Peak hour: 7:15- 8:15

Compounded to 2021*: 1483 total- 1175 north 279 south

24.71 vehicles/minute- 19.58 vehicles/minute north - 4.65 vehicles/minute south

***Compounding was done at the 1.6% annual rate suggested in the proponent's traffic impact study**

Tuesday May 10, 2016

5/10/2016	5/10/2017	5/10/2018	5/10/2019
5/10/2016	06:30 AM	227	23
5/10/2016	06:45 AM	261	27
5/10/2016	07:00 AM	278	47
5/10/2016	07:15 AM	265	48
5/10/2016	07:30 AM	292	71
5/10/2016	07:45 AM	279	59
5/10/2016	08:00 AM	232	79
5/10/2016	08:15 AM	277	64
5/10/2016	08:30 AM	175	61
5/10/2016	08:45 AM	244	73
5/10/2016	09:00 AM	213	70

Time	Vehicles North	Vehicles South	Total
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6:45- 7:45.	1096	193	1289
7:00- 8:00	1114	225	1339
7:15- 8:15	1068	257	1325
7:30- 8:30	1080	273	1353
7:45- 8:45	963	263	1226

Peak hour: 7:30 8:30

Compounded to 2021: 1488 total- 1188 north 300 south

24.5 vehicles/minute- 19.8 vehicles/minute north - 4.65 vehicles/minute south

Wednesday, May 11, 2016

5/11/2016	06:30 AM	225	23
5/11/2016	06:45 AM	277	38
5/11/2016	07:00 AM	268	40
5/11/2016	07:15 AM	255	64
5/11/2016	07:30 AM	304	49
5/11/2016	07:45 AM	253	87
5/11/2016	08:00 AM	237	78
5/11/2016	08:15 AM	252	64
5/11/2016	08:30 AM	210	56
5/11/2016	08:45 AM	220	64
5/11/2016	09:00 AM	176	75
5/11/2016	09:15 AM	198	72
5/11/2016	09:30 AM	197	54

Time	Vehicles North	Vehicles South	Total
6:45- 7:45.	1104	191	1295
7:00- 8:00	1080	240	1320
7:15- 8:15	1049	278	1327
7:30- 8:30	1046	278	1324
7:45- 8:45	950	285	1235

Peak hour: 7:15- 8:15**Compounded to 2021: 1460 total- 1154 north- 306 south****24.33 vehicles/minute- 19.23 vehicles/minute north - 5.1 vehicles/minute south**

Thursday, May 12, 2016

5/12/2016	06:30 AM	234	22
5/12/2016	06:45 AM	241	32
5/12/2016	07:00 AM	270	50
5/12/2016	07:15 AM	282	57
5/12/2016	07:30 AM	254	71
5/12/2016	07:45 AM	277	89
5/12/2016	08:00 AM	264	67
5/12/2016	08:15 AM	256	73
5/12/2016	08:30 AM	221	69
5/12/2016	08:45 AM	189	68
5/12/2016	09:00 AM	197	71
5/12/2016	09:15 AM	174	58
5/12/2016	09:30 AM	188	49

Time	Vehicles North	Vehicles South	Total
6:45- 7:45.	1047	210	1257
7:00- 8:00	1083	267	1350
7:15- 8:15	1077	283	1360
7:30- 8:30	1051	300	1351
7:45- 8:45	1018	312	1330

Peak hour: 7:15- 8:15

Compounded to 2021: 1545 total- 1185 north 311 south

25.75 vehicles/minute- 19.75 vehicles/minute north - 5.18 vehicles/minute south

Friday, May 13, 2016

5/13/2016	06:45 AM	217	38
5/13/2016	07:00 AM	241	52
5/13/2016	07:15 AM	248	54
5/13/2016	07:30 AM	279	59
5/13/2016	07:45 AM	266	82
5/13/2016	08:00 AM	244	66
5/13/2016	08:15 AM	242	69
5/13/2016	08:30 AM	216	83
5/13/2016	08:45 AM	186	85
5/13/2016	09:00 AM	190	81
5/13/2016	09:15 AM	184	64
5/13/2016	09:30 AM	175	67

Time	Vehicles North	Vehicles South	Total
6:45- 7:45.	985	203	1188
7:00- 8:00	1034	247	1281
7:15- 8:15	1037	261	1298
7:30- 8:30	1031	276	1307
7:45- 8:45	968	300	1268

Peak hour: 7:30- 8:30

Compounded to 2021: 1437 total- 1134 north 303 south

23.95 vehicles/minute- 18.9 vehicles/minute north - 5.05 vehicles/minute south

Saturday, May 14, 2016

5/14/2016	06:30 AM	43	15
5/14/2016	06:45 AM	61	16
5/14/2016	07:00 AM	42	16
5/14/2016	07:15 AM	47	18
5/14/2016	07:30 AM	76	26
5/14/2016	07:45 AM	119	40
5/14/2016	08:00 AM	139	40
5/14/2016	08:15 AM	141	35
5/14/2016	08:30 AM	146	34
5/14/2016	08:45 AM	151	74
5/14/2016	09:00 AM	141	80
5/14/2016	09:15 AM	181	61
5/14/2016	09:30 AM	171	61

Sunday, May 15, 2016

5/15/2016	06:30 AM	19	7
5/15/2016	06:45 AM	32	11
5/15/2016	07:00 AM	28	11
5/15/2016	07:15 AM	31	10
5/15/2016	07:30 AM	35	25
5/15/2016	07:45 AM	44	13
5/15/2016	08:00 AM	26	18
5/15/2016	08:15 AM	48	31
5/15/2016	08:30 AM	52	35
5/15/2016	08:45 AM	52	40
5/15/2016	09:00 AM	58	48
5/15/2016	09:15 AM	54	42
5/15/2016	09:30 AM	84	82

PM

Monday, May 9, 2016

5/9/2016	03:00 PM	104	153
5/9/2016	03:15 PM	112	141
5/9/2016	03:30 PM	76	201
5/9/2016	03:45 PM	111	195
5/9/2016	04:00 PM	87	226
5/9/2016	04:15 PM	67	222
5/9/2016	04:30 PM	68	250
5/9/2016	04:45 PM	88	247
5/9/2016	05:00 PM	90	270
5/9/2016	05:15 PM	114	243
5/9/2016	05:30 PM	110	268
5/9/2016	05:45 PM	81	243
5/9/2016	06:00 PM	108	237
5/9/2016	06:15 PM	90	230

Time	Vehicles North	Vehicles South	Total
4:30- 5:30	360	1010	1370
4:45- 5:45	402	1028	1430
5:00- 6:00	395	1024	1490
5:15- 6:15	413	1001	1414

Peak hour: 4:45- 5:45

Compounded to 2021 volume: 1573 total- 442 north 1131 south

26.21 vehicles/minute- 7.36 vehicles/minute north - 18.85 vehicles/minute south

Tuesday, May 10, 2016

5/10/2016	03:00 PM	128	165
5/10/2016	03:15 PM	134	136
5/10/2016	03:30 PM	130	186
5/10/2016	03:45 PM	130	210
5/10/2016	04:00 PM	115	219
5/10/2016	04:15 PM	106	229
5/10/2016	04:30 PM	82	218
5/10/2016	04:45 PM	97	230
5/10/2016	05:00 PM	107	230
5/10/2016	05:15 PM	123	269
5/10/2016	05:30 PM	96	250
5/10/2016	05:45 PM	107	211
5/10/2016	06:00 PM	80	261
5/10/2016	06:15 PM	85	215
5/10/2016	06:30 PM	70	193

Time	Vehicles North	Vehicles South	Total
4:30- 5:30	409	947	1356
4:45- 5:45	426	979	1405
5:00- 6:00	436	960	1399
5:15- 6:15	409	991	1400

Peak hour: 4:45- 5:45

Compounded to 2021: 1546 total- 469 north 1077 south

25.76 vehicles/minute- 7.81 vehicles/minute north - 17.95 vehicles/minute south

Wednesday, May 11, 2016

5/11/2016	03:00 PM	120	166
5/11/2016	03:15 PM	125	164
5/11/2016	03:30 PM	108	211
5/11/2016	03:45 PM	133	194
5/11/2016	04:00 PM	104	198
5/11/2016	04:15 PM	88	222
5/11/2016	04:30 PM	85	204
5/11/2016	04:45 PM	99	244
5/11/2016	05:00 PM	108	237
5/11/2016	05:15 PM	94	234
5/11/2016	05:30 PM	108	246
5/11/2016	05:45 PM	94	254
5/11/2016	06:00 PM	93	257
5/11/2016	06:15 PM	73	208
5/11/2016	06:30 PM	82	229

Time	Vehicles North	Vehicles South	Total
4:30- 5:30	386	919	1305
4:45- 5:45	429	961	1390
5:00- 6:00	409	991	1400
5:15- 6:15	424	971	1395

Peak hour: 5:15- 6:15

Compounded to 2021: 1540 total- 450 north 1090 south

25.66 vehicles/minute- 7.5 vehicles/minute north - 18.16 vehicles/minute south

Thursday, May 12, 2016

5/12/2016	03:00 PM	127	165
5/12/2016	03:15 PM	147	144
5/12/2016	03:30 PM	128	189
5/12/2016	03:45 PM	129	209
5/12/2016	04:00 PM	105	220
5/12/2016	04:15 PM	93	229
5/12/2016	04:30 PM	93	235
5/12/2016	04:45 PM	102	255
5/12/2016	05:00 PM	115	266
5/12/2016	05:15 PM	123	243
5/12/2016	05:30 PM	103	240
5/12/2016	05:45 PM	107	240
5/12/2016	06:00 PM	99	227
5/12/2016	06:15 PM	100	217
5/12/2016	06:30 PM	77	220

Time	Vehicles North	Vehicles South	Total
4:30- 5:30	403	1004	1447
4:45- 5:45	443	989	1437
5:00- 6:00	448	989	1437
5:15- 6:15	432	950	1382

Peak hour: 4:45- 5:45**Compounded to 2021: 1591 total- 487 north 1104 south****26.51 vehicles/minute- 8.1 vehicles/minute north - 18.4 vehicles/minute south**

Friday, May 13, 2016

5/13/2016	03:00 PM	163	168
5/13/2016	03:15 PM	130	122
5/13/2016	03:30 PM	131	215
5/13/2016	03:45 PM	129	220
5/13/2016	04:00 PM	105	231
5/13/2016	04:15 PM	102	228
5/13/2016	04:30 PM	86	267
5/13/2016	04:45 PM	96	233
5/13/2016	05:00 PM	68	228
5/13/2016	05:15 PM	89	254
5/13/2016	05:30 PM	107	243
5/13/2016	05:45 PM	112	240
5/13/2016	06:00 PM	97	239
5/13/2016	06:15 PM	82	199
5/13/2016	06:30 PM	74	167

One Hour Period	Vehicles North	Vehicles South	Total
4:30- 5:30	339	982	1321
4:45- 5:45	360	958	1318
5:00- 6:00	376	965	1341
5:15- 6:15	408	971	1379

Peak hour: 5:15- 6:15

Compounded to 2021: 1517 total- 449 north 1068 south

25.28 vehicles/minute- 6.8 vehicles/minute north - 16.1 vehicles/minute south

Saturday, May 14, 2016

5/14/2016	03:00 PM	154	101
5/14/2016	03:15 PM	173	97
5/14/2016	03:30 PM	184	98
5/14/2016	03:45 PM	220	102
5/14/2016	04:00 PM	206	109
5/14/2016	04:15 PM	87	96
5/14/2016	04:30 PM	78	100
5/14/2016	04:45 PM	74	85
5/14/2016	05:00 PM	68	90
5/14/2016	05:15 PM	70	109
5/14/2016	05:30 PM	94	118
5/14/2016	05:45 PM	91	103
5/14/2016	06:00 PM	85	91
5/14/2016	06:15 PM	79	91
5/14/2016	06:30 PM	80	86

Sunday, May 15, 2016

5/15/2016	03:00 PM	123	99
5/15/2016	03:15 PM	69	109
5/15/2016	03:30 PM	63	98
5/15/2016	03:45 PM	84	84
5/15/2016	04:00 PM	82	102
5/15/2016	04:15 PM	63	78
5/15/2016	04:30 PM	57	87
5/15/2016	04:45 PM	80	72
5/15/2016	05:00 PM	51	75
5/15/2016	05:15 PM	89	75
5/15/2016	05:30 PM	75	84
5/15/2016	05:45 PM	69	69
5/15/2016	06:00 PM	47	72

1652 Central Avenue
Needham, MA 02492

April 3, 2021

Jeanne McKnight
Chair of Needham Planning Board,

Members of the Needham Planning Board,

Lee Newman
Director of Planning and Community Development
500 Dedham Avenue
Public Services Administration Building
Suite 118
Needham, MA 02492

RE: Site Review of Proposed Project at 1688 Central Avenue

Dear Chair McKnight and All Planning Board Members,

Attached please find detailed comments regarding the proposed project at 1688 Central Avenue associated with the Neighborhood Petition submitted to you on March 22, 2021. As of this writing, 418 abutters, neighbors, and other impacted residents have signed.

We submit these comments for consideration during the Planning Board's site review process of the proposed project. We ask that you give careful consideration to these comments and enter them, along with their attachments, into the formal record of your meeting should there need to be further proceedings on the matter. Thank you for your consideration.

Yours truly,

Holly Clarke

Comments of Neighbors of 1688 Central Avenue for Consideration During the Planning Board's Site Review Process for that Location

The following comments are submitted for the Planning Board and other town departments to consider while conducting the site review process for the proposed development of 1688 Central Avenue. The proponent, Matt Borrelli, asks to build and own a large commercial building in a residential zoned area building that he will lease to the operator of a child care facility. The proposal will impact the neighbors of Central Avenue and the town as a whole forever. While daycare facilities are permitted as of right in all Needham zoning districts, the town regulates any proposed project, including those whose use is allowed as of right, to ensure that it fits within the town's development plans and guidelines. In this case:

- The project fits the Needham Zoning By-Laws' definition of a "Major Project" and, therefore, the Board should treat it as such and reject the proponent's submission of the project as only a "Minor Project."
- The proponent does not present the accurate information necessary to assess the project's impact on traffic in the area as required by Needham Zoning By-Law 7.4.5.
- The relationship between the proposed design and structures and open spaces in the natural landscape, existing buildings and other community assets is out of harmony with the surrounding area.

I. While Needham allows the use of residential parcels for child care facilities as of right, the town retains the authority to regulate proposed projects through site review.

Massachusetts state law Ch 40a s.3 provides:

...No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. As used in this paragraph, the term "child care facility" shall mean a child care center or a school-aged child care program, as defined in section 1A of chapter 15D.

In keeping with state law, Needham's By-Laws permit the use of parcels in residential districts for child care facilities. Under both state law and the town's By-Laws, such facilities are subject to the town's regulations concerning the building's characteristics and its impact on the surrounding area. In this case, the proposed building at 1688 is subject to site review under Needham's By-Laws. Section 7.4.1 states:

The purpose of this Section is to provide a comprehensive review procedure for construction projects, herein defined, to insure compliance with the goals and objectives of the Master Plan, and the provisions of the Zoning By-Law, to minimize adverse

impacts of such development, and to promote development which is harmonious with surrounding areas.

Section 7.4.6 lays out the Planning Board's responsibilities and authority when conducting a site review:

In conducting the Site Plan Review, the Planning Board shall consider the following matters:

- (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;
- (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;
- (c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;
- (d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;
- (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 this By-Law; and
- (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; and may require when acting as the Special Permit Granting Authority or recommend in the case of minor projects, when the Board of Appeals is acting as the Special Permit Granting Authority, such appropriate conditions, limitations, and safeguards necessary to assure the project meets the criteria of a through f.

Massachusetts Courts have made clear that town authorities tasked with administering site plan reviews have the authority to impose stricter requirements than those otherwise required by town by-laws as a condition of site plan approval. *Muldoon v. Planning Bd. of Marblehead*, 72 Mass. App. Ct. 372 (2008).

II. The Planning Board should reject the current site review request and require the proponents to apply for site review as a Major Project.

The Needham Zoning By-Laws provide two levels of site plan review, Major and Minor Projects. In this district, the By-Laws define a Major Project as, "Any construction project which involves: the construction of 10,000 or more square feet gross floor area; or an increase in gross floor area by 5,000 or more square feet; or any project which results in the creation of 25 or more new off-street parking spaces." A Minor Project is, "... Any construction project which involves: the construction of more than 5,000 but less than 10,000 square feet gross floor area; or an increase in gross floor area such that the total gross floor area, after the increase, is 5,000 or more square feet – and the project cannot be defined as a Major Project." (S. 7.4.2). Section 1 of the By-Laws defines gross floor area as, "the sum of the areas of the several floors of each building on a lot including areas used for human occupancy in

basements, attics, and penthouses, as measured from the exterior faces of the walls, but excluding cellars, unenclosed porches, balconies, attics, or any floor space in accessory buildings or in main buildings intended and designed for the parking of automobiles or for accessory heating and ventilating equipment, laundry, or accessory storage.”

A. The proposed project is a Major Project because it requires the creation of 25 or more new off-street parking spaces.

The proponent asserts that the project requires only 24 parking spaces for its operation of a day care facility for 100 children. Citing the metric Needham has used in the past to determine parking requirements for day care centers, the plans include only 11 spaces for children and 13 spaces for staff. The proponents offer no explanation for the program's actual staffing plans to justify this part of the design. In its March 11 letter accompanying the submission of its request for site review, the proponents write that the new building, “will allow (the operators) to expand and have the necessary room for children.”

The By-Laws require the Planning Board to assess, “the adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises” s.7.4.6(c). In this case, the proposed plan should be found inadequate and the plan rejected.

There are six distinct reasons why the proponent’s claim of 13 staff parking spaces is erroneous and should be rejected by the Board:

- The state mandated staff: child ratios require more than 13 staff for the operator’s current licensed capacity.
- The state mandated staff: child ratios require more than 13 staff to operate a program for 100 or more children in the designed building.
- The amount of parking required by neighboring towns for the proposed project exceeds the proposed 13.
- Similarly sized programs in Needham have more than 24 spaces.
- The proponent’s own submissions indicated the planned parking is insufficient.
- The Needham Fire Department has commented that spaces near the building will need to be marked, “No parking- drop off area only” meaning that the facility will need more than even the 24 spaces it proposes.

1. The EEC required staff: child ratio and the current licensed capacity of the proposed operator establishes this project requires more than 13 parking spaces for staff.

The Department of Early Education and Care (EEC) minimum staff: child ratios are found at 606 CMR 7.10 (Attachment 1). The number of staff required changes with the ages of the children served, with younger children requiring more staff. The EEC also reports providers’ program capacity on the EEC website. The Needham Children’s Center at 858 Great Plain Avenue (the operator proposed for 1688 Central Ave.) is licensed as a large group care facility and is currently listed with the capacity to serve 113 children. The program’s 23 Dedham Avenue location also operates as a large child care facility, with the capacity to serve an additional 30 children (Attachment 2). Table 1 below presents the age groups as set by EEC, the mandated staff:child ratio, the number of children in each age group for which the proposed operator is currently licensed at 858 Great Plain Avenue, and the minimum number of staff required to

be on site for the permitted number of children. The table includes the one full time administrator EEC requires to be on site at all times. This analysis indicates that the program for 113 children in the age groups for which the proposed operator is currently licensed requires a minimum of 16 staff. These numbers do not include interns or volunteers the program may utilize, nor does it include any additional staff members needed for coverage during lunch or break times. Using this analysis, the proposal requires 27 parking spaces and is a Major Project.

Table 1: Staff Required Using EEC Staff:Child Ratios and NCC Current Program

Age Group	Staff: Child Ratio	NCC Capacity	Minimum Staff
Infant	1:3, one additional staff for 4-7 children	7 children	2 staff
Toddler	1:4, one additional for 5-9	18	4
Preschool	1:10	52	6
Kindergarten	1:12	0	0
School Age	1:15	36	3
Infant toddler		0	
Toddler Preschool		0	
Preschool 15mo-k		0	
Preschool SA 33mo-8 yr		0	
MultiAge Group		0	
State Required Administrator			1
TOTALS		113 children	16 staff

2. A comparison of the EEC required minimum staff: child ratios to the age designations on classrooms in the proponent's drawings also suggests this project requires more than 13 parking spaces for staff.

The proponent's drawings designate rooms for specific age groups and indicate that the operator intends to enroll a larger number of younger children than in the current program. The submission shows two rooms marked as "nursery," two as "toddler," three as "preschool" and two as "pre-k." None are marked as kindergarten or school aged, and the rooms designated as craft, play space and nursery playroom have not been included in this analysis. A younger population of children requires additional staff. Table 2 below lists the room designation, staff: child ratio, the number of children in each room and the minimum number of staff required for this distribution. Under this analysis, a program for 100 children would require a minimum of 19 parking spaces for classroom staff and the required administrator. This number makes no allowance for volunteers, interns or staff coverage during lunch or

breaks, yet still brings the total minimum number of parking spaces required to 30. The proposal is a Major Project.

Table 2 Staff Required Using EEC Staff:Child Ratios and Proposed Building Design

Room Title	Staff: Child Ratio	Children	Minimum Staff
2 Nurseries	1:3, one additional staff for 4-7 children	7 children/room maximum = 14 children	4 staff
2 Toddler Rooms	1:4, one additional for 5-9	9 children/room maximum = 18 children	4 staff
3 Preschool Rooms	1:10	20 children/room maximum children proportion*	6
2 pre Kindergarten	1:10	20 children/room maximum*	4
Administrator			1
TOTALS		100 children	19 staff

*The number of children in the preschool and prekindergarten rooms for this analysis was 68 and was distributed evenly. (100 overall capacity - (14 + 18 in the nursery and toddler rooms) = 68).

3. An analysis of the amount of parking neighboring towns would require for this project strongly suggests that the proposal requires more parking than included in the current design and should be reviewed as a Major Project.

An analysis of the parking other towns require for a project this size is instructive in considering the necessary number of parking spaces. Table 3 presents the number of parking spaces 14 nearby communities would require for a child care facility with 13 staff members and 100 children. It includes the standards each town uses in determining the necessary number of parking spaces. Some towns use the square footage of the building to determine parking requirements, others use the program size. The towns using child and staff information all require more than 11 spaces to be allotted for 100 children.

Eight towns would require the proposed project to have more than the requested 24 spaces. The average number of spaces required would be 33. Norwood requires the fewest spaces at 30 and Medfield requires the most at 42. Four towns leave the determination of the number of spaces required to the building inspector. Two towns, Lexington and Sherborn, set a minimum number of spaces and require the submission and approval of parking plans by the permitting authority. Wellesley is included in the first group of eight towns, as it would require 32 parking spaces for a project of this size. However, Wellesley limits the construction of child care facilities in residential districts to 2,500 sf, which would

prevent the construction of this proposed project.¹ This data supports the conclusion that this proposal requires more than 24 parking spaces and is a Major Project.

Table 3: Child Care Parking Requirements For Neighboring Towns

Town	Regulation	Requirement	Result for Proposal as Drafted	
Belmont	Zoning By-Law S. 5.1	discretion of building inspector		
Brookline	Zoning By-Law S. 6.01, 4 a.	minimum set by the building inspector		
Concord	Zoning By-Law 7.7.2.1	1 space for every teacher and employee +1 space for visitors +1 space for every six children based on the largest enrollment on site at any given time	31 (13+1+17)	Planning Board may reduce number required, May require and retain control of a Parking and Traffic and Management Plan
Dedham	Zoning By-Laws 7.6.7	1 space for every teacher & employee +1 space for visitors +1 space for every 6 children based on the largest enrollment on site at any given time	31 (13 + 1 + 17)	

¹ To be clear, this analysis used the proponent's staff numbers. Using an increased number of staff would raise the number of parking spaces required in these towns. In its original Traffic Impact Report, the proponent writes, "Over time, the location could accommodate 80 to 100 students although 120 appears to be allowed"(p.2). If the proponent's intention is to actually allow the operation of a program for 120 children, the number of parking spaces required by this larger program would be even larger in towns basing spaces on enrollment.

Lexington	Zoning By-Law S.135-5.1.4 And S.135-5.5.2	1 per 500 sq.ft. minimum +5 feet rows for snow storage during plowing	20 minimum*	*Town requires submission of parking plan and traffic study for any permit
Medfield	General By-Laws S. 300-8.1	1 space per each full- time employee + 1 space per each shared part time position +1 per 300 sq ft of classroom space	42 (13 + 28.3) 8500sf/300)*	*Estimated classroom space
Newton	Zoning Ordinance C. 30, S. 5.1.4.	1 space per employee plus 1 space for every 5 children	33 (13 +20)	
Norwood	Zoning By-Law 6.1.3	1 space per employees on largest shift +1 space per every six children enrolled	30 13 + 17	
Sherborn	Zoning By-Law S.5.1.1 and 5.1.3	Minimum of 10 parking spaces and approval of a parking plan by the Planning Board	Minimum of 10	

Walpole	Zoning By-Law S. 8	Discretion of the Building Inspector or applicable Special Permit Granting Authority.		"Adequate parking for occupants, employees, members, customers, clients and visitors"
Wayland	By-Law S 198-506, 506.1.9	1 for every 4 persons of the facility's licensed capacity * + 3 designed for the safe and convenient loading and unloading of persons.	32* (100 students+13 staff)= 113/4= 28.25 + 3)	The licensed capacity of the building is likely higher than the 113 staff + children number used.
Wellesley*	Zoning By-Law S. 21	1 for each 150 sq. ft.* occupied by buildings but not less than 3.2 spaces per 1,000 sq. ft. of floor area of buildings.	32	*Rule only applies to Educational Districts A, Business Districts A, Industrial Districts A *Wellesley limits child care facility size in residential districts to 2,500 sq.ft. size in residential districts to 2,500 sq.ft.
Weston	By-Law VIII C. 1	Sufficient spaces to prevent any parking off site or on public way determined by inspector of buildings or Board with authority		
Westwood	By-Law 6.1.4.3	1 space per employee +2 spaces per classroom	31 13 + (2x9)	

4. All similarly sized child care facilities in Needham have more than 24 parking spaces available.

The need for more than the 24 spaces planned by the proponents is also demonstrated by the fact that the similarly sized child care programs in Needham operate with more than 24 parking spaces. The EEC lists six Needham programs licensed for between 85 and 149 children, and Needham's GIS mapping shows that all six operate at sites with access to more than 24 parking spaces. Table 4 below presents the name of each program, the number of children it may enroll according to the ECC, and the number of parking spaces.

Table 4 Parking Availability at Similarly Sized Needham Child Care Programs

Program	Number of Children	Number of spaces	
Kindercare 1000 Highland Ave	93 children	49 parking spaces	
Tobin Boulder Schools dba Club 1458 1250 Great Plain Ave	85	Lot at Newman School	
Carter Center for Children & Carter Nursery School 800 Highland Ave	119 total: Two groups: 59 & 60	33 spaces	One-way lot with separate entrance and exit
Chestnut Children's Center 167 Chestnut St	149	31 spaces + 13 spaces in next lot	One way with separate entrance and exit
Knowledge Beginnings 206 A St	117	31 spaces Next to another lot	Separate entrance and exit
Needham Children's Center 858 Great Plain Ave	113	3 next to building 30 in lot Second lot available	

5. The proponent's submissions indicate the plan requires more parking.

The "Traffic Impact Assessment" submitted by the proponent affirms that the plan requires more parking. Starting with an analysis based on 80 children rather than the 100 children listed on the building plans, the report goes on to state, "The parking could easily accommodate over 100 children without creating on site grid lock provided staff is available to assist children into the building where the staff members get that child settled and the initial staff member returns. If a parent insists on entering the facility, they will be directed to park in an unoccupied parking stall or enter the site all the way to the end... to block a staff member's car who is parked for the day" (p.2). The initial traffic impact study also writes that, "Over time, the location could accommodate 80 to 100 students although 120 appears to be allowed" (p.2). This statement raises questions about the actual intended size of the program, making even more concerning the submission's undercounting of necessary parking spaces.

Further, the Storm Water Report provides that, "Snow shall be plowed into wind rows at the edge of the paved areas. Excess snow shall be removed from the site and deposited in approved snow farms" (p.11.) The possibility of losing parking spaces to banked snow during the winter requires additional parking spaces in the plan, further confirming that this is a Major Project.

6. The Needham Fire Department commented that parking near the building will need to be designated. "No parking- drop-off only".

After reviewing the proposed plans, the Needham Fire Department commented that the spaces nearest the building will need to be designated as "no parking- drop off only." Chief Condon wrote that this would be necessary to insure access for ambulances or other fire department apparatus in case of any emergency. Designating these spaces as "drop off only" requires the addition of more spaces in order to provide the necessary capacity to allow families, visitors, deliveries and guests to park on site, and provides yet another reason why this project must be reviewed as a Major Project.

B. The proposed project is a Major Project because it involves an increase in gross floor area by 5,000 or more square feet.

As noted above, the Zoning By-Law defines a Major Project to include "[a]ny construction project which involves: the construction of 10,000 or more square feet gross floor area; **or** an increase in gross floor area by 5,000 or more square feet...."(emphasis added). The by-laws' definition of gross floor area the sum of the areas of the several floors of each building on a lot...". The definition of gross floor area makes clear that this determination is calculated using all of the buildings at a site. Currently, three buildings stand at 1688 Central Avenue: a single family home, a detached garage and a barn. According to the multiple listing service for the property, the house is 1661 sf. Using the Needham town GIS, the garage is approximately 1,200 sf and the barn is 2,320 sf, for a total of 5,181 sf on site, and a gross floor area of 3,981 sf (*i.e.*, the garage is not included in gross floor area). The proponents plan to demolish the house and garage, and build a 9,966 sf building, parking areas, playgrounds and landscaped areas. The barn will be kept and used for "ancillary and storage purposes" (See Proponent's Traffic Impact Study, p.1). If built as designed, the project will increase the gross floor area on the lot by 8,305 sf, (the increase in square footage over the existing home). The proposal, therefore, meets the bylaw's definition of a Major Project because it involves an increase in the gross floor area **at the site** by more than 5,000 sf.

The proponent states that, "[p]ursuant to Section 7.4.2 of the Bylaw, this project qualifies as a "Minor Project" because it involves the construction of more than 5,000 but less than 10,000 square feet of gross floor area, and because it involves the creation of fewer than 25 new off-street parking spaces." (Mar 11, 2021 letter to Planning Board). Not only is this wrong because of the parking issue described above, it is wrong because it completely ignores the operative square footage language — regarding increases in gross floor area of 5000 sf or greater. To the extent the proponent contends that the project does not constitute a Major Project because it does not involve an increase in gross floor area **of an existing building** of more than 5000 sf, that contention would be based on a misreading of the language of the By-Law. The wording used in this section of the By-Law does not limit Major Projects to proposals for the expansion **of existing buildings** by more than 5,000 sf. The section uses more expansive language, as it includes any construction project that "involves...an increase in gross floor area by 5,000 or more square feet." If the intention was to limit this section to additions of existing buildings, the By-

Laws could simply have said so. In fact, the By-Laws do just that by defining a Major Project in a Business, Avery Square Business, or Hillside Avenue Business Districts as, “any construction project which involves a new building; or an addition which increases gross floor area *of an existing building* by 1,000 or more square feet.” (Emphasis added). The difference in language makes clear that the relevant section of the By-Law here classifies projects such as this one, which increase the gross floor area *on the site* by 5,000 or more square feet, as Major Projects, rather than just applying to additions to existing buildings.²

This plain reading of the By-Law fits its purpose: to provide for a comprehensive review process for construction projects which assures compliance with the goals of the Master Plan and the Zoning By-Laws, to minimize adverse impacts of such development, and to promote development which is harmonious with surrounding areas. In this case, the proposed development project would construct a very large commercial project in a residential neighborhood which already has extreme traffic challenges and safety concerns. The By-Law recognizes the potential impact of large projects which expand the square footage on a site by more than 5,000 sf of gross floor area and classifies them as Major Projects. Any other reading leads to the anomalous conclusion that a smaller project, such as adding 5,000 sf of gross floor area to a 1,000 sf building, would be classified as a Major Project, while a project such as this one, which constructs a 9,966 sf building, stands next to another 2,320 sf two story building, and increases the gross floor area on the site by 8,305 sf, would receive the more limited review process of a Minor Project.

Larger projects merit the procedural safeguards included in the Major Project site review process, including the public notice requirements, written reports by reviewing departments, the right to a hearing by impacted residents and the issuance of a special permit to formally safeguard the interests protected by the By-Laws and to make representations enforceable. As proposed, this project would build a commercial building on a residential lot, with a footprint an order of magnitude larger than any other home on this section of Central Avenue. It proposes only a 35 foot setback from the street, far less than any other building on this part of Central Avenue. It increases the lot’s grade by six feet. It has already cut down mature trees on the property and proposes to cut others. It will impact traffic and pedestrian safety for neighbors, Central Avenue and surrounding streets. The business will bring traffic into and out of the site throughout the day, as well as increase noise and light. This development fits the By-Law’s definition of a Major Project and should be treated as such, with the appropriate safeguards to protect the interests of the neighbors and the town.

I. The Planning Board should reject the site plan because it does not present the accurate information necessary to assess the project’s impact on traffic in the area as required by Needham Zoning By-Law 7.4.5.

² The By-Law defines a minor project as, “.. Any construction project which involves: the construction of more than 5,000 but less than 10,000 square feet gross floor area; or an increase in gross floor area such that the total gross floor area, after the increase, is 5,000 or more square feet – and the project cannot be defined as a Major Project.” The Proponent gets no help from this provision, because it explicitly carves out projects “defined as a Major Project” and, as we point out above, this project *does* qualify as a Major Project.

Needham Zoning By-Law 7.4.5 requires an applicant to submit information concerning, “projected traffic volume in relation to existing and reasonably anticipated conditions; and... other information as may be necessary to determine compliance with the provisions of the Zoning By-Law.” Section 7.4.6 establishes the review criteria, “In conducting the Site Plan Review, the Planning Board **shall** consider the following matters: ... (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”(emphasis added). One of the most serious consequences of the proposed development that the Planning Board must evaluate is its impact on traffic on Central Avenue and the adjacent streets. Yet, the traffic impact statements submitted by the proponent are incorrect, contradictory, and incomplete.

A. Central Avenue is heavily traveled and congested in non-Covid 19 times and does not operate at anywhere near an “A” level of service.

The impact of this project on the surrounding neighbors on Central Avenue, adjacent streets and all users of this arterial road cannot be overstated. The proponent begins with the assumption that Central Avenue currently functions at an “A” level of service during peak hours, “with little or no delay during the weekday commuting peak hour”(Original Traffic Report, p.2, Revised Report Executive Summary). This is simply untrue. It is contradicted by the actual lived experience of town residents that use the road as well as by traffic studies done by the town. As the neighbors write in their letter to the Planning Board and Town Departments:

We are deeply concerned about the impact the project will have on safety and traffic on Central Avenue and the surrounding streets.

In normal, non-COVID, times, morning weekday traffic along Central Avenue in this area is extremely heavy and backed up. The morning rush hour extends from approximately 6:30 to 8:30 AM and regularly causes solid backups from the RTS to Temple Aliyah, and often from Newman School back to Temple Aliyah.

To be blunt, during the weekday morning commute, Central Avenue is often an intermittent parking lot all the way to Cedar Street. Evening traffic congestion begins with the release of school and extends through approximately 6:30. Adding the additional vehicles in and out of the facility parking lot –whether coming from the south and joining the backed up traffic before entering the facility’s driveway or coming from the north and needing to make a left turn across the backed up northbound traffic and exiting the facility to again add to the backed up traffic -- will make a bad situation much worse and severely impact the ability of neighboring residents to get into and out of their homes and as pedestrians attempt to safely try and cross Central Avenue at Charles River Street and elsewhere.

In addition, Carleton Drive, Pine Street, Country Way, Charles River Street, Fisher Street, Village Lane, Russell Road, Walker Lane, and South Street will all be negatively impacted by the proposed facility, either trying to maneuver into an even denser traffic line on

Central Avenue or trying to escape the traffic by cutting through roads not designed to handle heavy commuter traffic...

Given the traffic line that occurs during normal weekday rush hour, the level of service for a turn into or out of the facility driveway and along Central Avenue itself, is likely an “E” or “F” without the childcare facility and will be made even worse with it. We are not traffic experts, but a short google search of conditions defining different roadway levels of service, seems instructive: (Graphic source: https://policymanual.mdot.maryland.gov/mediawiki/index.php?title=Roadways:_Facility_Selection_).

The illustration of Levels of Service E and F are what typifies the morning rush hour on Central Avenue in the vicinity of the facility during normal times.

As of this writing, more than 400 people have signed the letter.

The reality of the traffic issues on Central Avenue in general and on this section of Central Avenue in particular are well known in town. In 2014, the town commissioned Pare Corporation to analyze the likely impact of placing the Department of Public Works on Central Avenue at the site of the RTS. The report documents the impact of the operation of both the RTS and the Newman School on traffic. Pare wrote,

The RTS currently has operating hours of 7:30 to 4:00pm Tuesday- Saturday. Based on correspondence with the town, the heaviest periods can be observed in the early morning, just after the RTS opens, and in the afternoon, just prior to closing. Tuesday and Fridays are typically busy days...Additionally, the Newman School is located approximately one-half mile north of the proposed site on Central Avenue. The Newman School is a heavy traffic generator in the hour surrounding the a.m. drop off period and the p.m. dismissal period.

<https://www.needhamma.gov/DocumentCenter/View/10910/015-Volume-3-Facilities-Master-Plan-2014-Traffic-Study?bidId=>

At the time, vehicles exiting the site experienced “D” and “E” levels of service. Ultimately, the town opted not to place the DPW at the RTS due to concerns about the impact of traffic on the ability of town vehicles to enter and leave the site, as well as the impact the additional DPW traffic would have on the traffic. When the town added the John Cogswell Building to the DPW site, it was with the express representation that the new building would store seasonal equipment only and would not add to traffic on Central Avenue. The concerns of 2014 have not only not been alleviated, they have been exacerbated. The RTS and the Newman School both impact traffic in the neighborhood surrounding 1688 Central Avenue. Traffic to the RTS contributes to the area’s backups. The neighborhood is in the Newman School district, and many cars headed to and from the school originate here. The town’s fleet of school buses leave Newman onto Central Avenue early in the morning rush hour and then stop at individual houses along Central Avenue for safety reasons, all contributing to traffic delays. The Planning Board must address the impact of building a large daycare facility in a residential area facing these realities and an accurate traffic impact statement should be the starting point.

B. Other information shows that the proponent's updated traffic analysis undercounts traffic on Central Avenue.

The proponent's based their original report on observations made on February 4, 2021. That report stated 661 vehicles were observed traveling north on Central Avenue and 152 were traveling south between the morning peak hour of 7:30 to 8:30 am. (Figure 3 of proponent's Traffic Study p.12 and Projected Peak Hour Chart p.20). After being told that the observations during Covid would not be valid as they would severely undercount the true traffic, the proponent submitted a revised report which included pre-Covid traffic volumes from the Needham Engineering Division. Without explanation, the report states a 2016 count obtained just south of the RTS was the most useful. The report does not indicate when the count was taken. The report then uses a growth rate of 1.6% to extrapolate a morning peak hour of 1166 cars headed northbound and 295 headed south bound.

A traffic count conducted by Needham in 2006 at the intersection of Central Avenue and Charles River Street in preparation for the installation of a traffic signal suggests that this extrapolation may still undercount the traffic on Central Avenue. On October 11, 2006 the vehicle counts for the morning peak hour in front of 1688 Central Avenue were 974 headed North and 138 headed south.³ Applying the proponent's growth rate of 1.6% annually would estimate the number of vehicles passing 1688 Central Avenue in 2021 during the morning peak hour would be 1236 vehicles traveling northbound and 176 southbound. This projection makes no allowances for any specific traffic generating activities or development that have occurred during the past 15 years. Changes in the operating hours of the Newman School and the elimination of free school bus transportation for much of the neighborhood have greatly increased peak hour traffic.

C. The proponents present, without explanation, different numbers of expected site generated trips in its two reports.

The Proponent's first report states, "that the project is expected to generate approximately 104 new morning peak trips with 55 inbound and 49 outbound " (p.2). In contrast, the second report states, "This project is expected to generate 76 new morning peak trips with 40 in bound and 36 outbound" (p 2). No explanation is offered for this change, which has nothing to do with the impact of the pandemic on Central Avenue traffic, and the Planning Board should press the Proponent on this point to ensure that it is not changing traffic numbers to artificially appear that its project will have a minimal impact traffic.

Under both scenarios, the trip generated during the peak hour will have a significant impact on the immediate neighbors and the traffic on Central Avenue. With 104 trips in the peak hour, 1.7 cars will

³ The total number of cars headed north past 1688 Central is reached by adding the number of vehicles which went through the intersection on Central Avenue northbound, the number turning left from Charles River Street eastbound and the number turning right from Charles River Street westbound. The total number of cars headed southbound past 1688 Central Avenue is reached by using the number of cars on Central Avenue southbound that reached the intersection during the peak hour. (Central Avenue at Charles River Street Turning Movement Count (7:00-9:00 AM), attachment 3.)

be trying to enter or leave the center each minute. If the site generates 76 trips, 1.2 cars will try each minute.

D. The proponent's submission is incomplete because it provides no information about the project's impact on traffic flow on the neighbors.

The By-Laws require the consideration of any project's impact on traffic flow both on the site and on surrounding streets. The importance of traffic to this particular project was explicitly made known to the developer. Yet, the information submitted concerning traffic is incomplete. In its April 2 comments submitted on the proposal, the Department of Public Works noted the submitted traffic report does not include data about evening peak hour traffic conditions, accident data and details about the driveway opening and sidewalk improvements in front of the property.

In addition, the proponent's Traffic Impact Report fails to compare future expected traffic growth with and without the proposed building, and does not include a discussion of expected nearby off-site developments. The reports present no discussion of the increase in the number of daily trips generated by a building of this size and use compared to maintaining the parcel's current use as a residence. Using standard ITE formulas included in the proponent's report, a child care facility at 9,966 square feet generates 475 trips, a facility for 100 children generates 409, and a facility for 120 children generates 491 trips. In comparison, the ITE estimates a single family dwelling to generate 10 trips. These numbers present the increased level of traffic abutters and the neighborhood will endure throughout the day if the project is allowed to proceed at its proposed size. The By-Laws require the Planning Board to review the true impact of a proposed development on the area. The proponent has not done so; the Board must.

The site review application also omits any information about the impact of the placement of the driveway on surrounding homes and Temple Aliyah. While the DPW was particularly interested in the impact of the driveway design on the catch basin, the placement of the driveway is critical to the traffic flow and the ability of neighbors to enter and leave their own property safely. The By-Law specifically requires the Planning Board to review the placement of driveways in relation to traffic and adjacent streets. The proponents should demonstrate how the addition of a daycare center with 100 children and staff will allow neighbors to safely enter and leave their homes at all times. The operation of the day care center brings traffic into and out of the site during the highest traffic periods. The most recent report states the majority of site bound traffic will have to cross the heavier northbound traffic lane to enter the site in the morning. Simultaneously, other cars will be seeking leave, some trying to turn right and increasing the heavier northbound traffic, and others needing to cross the busier lane to turn left.

The impact of the driveway on neighbors is not a theoretical concern. Table 5 lists the placement of neighborhood driveways in relation to the proponent's design. This data makes clear that the family at 1681 will be blocked from entering Central Avenue each time a single car waits to enter the daycare center. The family at 1689 will be blocked if two cars headed south wait to turn into the center. The other homes on the street and the Temple will also be impacted by cars waiting to turn into the daycare's driveway, as well as by cars exiting the driveway and adding to the already existing backup along Central Avenue traveling north. The delay as cars wait to enter the facility will create a ripple effect in traffic that will impact the adjacent homes and streets. Moving the driveway simply shifts the brunt of the problem to different homes. Yet, the proponent's site review offers no information about the issue.

Further, the placement of the driveway impacts the light glare created by headlights onto neighboring properties. By-Law s. 5.3.4 requires off-site glare from headlights to be controlled by the

proponents. It is essential that screening be designed to shield all neighboring buildings from the impact of traffic coming onto and off site, including neighbors on the north side of the site and across the street. The submission does not address the impact of headlight glare.

The plan also gives no consideration to the activities which are conducted at Temple Aliyah, which will hopefully return to its normal activities once the pandemic ends. For example, how will the addition of the daycare center impact the traffic during after-school activities? The proponent also ignores the impact of the operation on pedestrian safety near the site. The proponents do not mention these issues in either of its Traffic Impact Reports, or in its March 11 letter to this Board. The site review should be rejected.

Table 5: Distance from Proposed Driveway to Existing Driveways

Address	Distance to Driveway	Direction from site	Number of Cars 16' length** 3 ft spacing	Number of Cars 17' length 3 ft spacing
1663 Central	Opposite		-	-
1681 Central	49.5'	North	2	2
1695	117	South	6	5
1703	157	South	8	7
1708 Central	172	South	9	8
1664 Central (Temple)	208'	North	10	10
1653 Central	246'	North	12	12
1652 Central	273'	North	14	13

*Standard length for a car: 15-16 feet

<https://anewwayforward.org/average-car-length/>

** Standard length for an Odyssey Minivan: 17'

<https://owners.honda.com/vehicles/information/2020/Odyssey/specs#mid^RL6H9LKXW>

Car numbers are rounded down to the lowest full car number.

The distance of the neighbors' driveways from that of the proposed project was measured using Needham's NSIS mapping.

E. The proponent's offer no information about the plan's impact on the adjacent streets.

The By-Laws require the proponent to provide the Planning Board with information concerning "reasonable anticipated conditions," but no information has been offered about the impact of the increased traffic and the increase in delays on the intersections of Central Avenue and Marked Tree, Pine

Street, Carleton Drive, Country Way and Charles River Drive. In the absence of this information the site review should be rejected.⁴

F. The Board should enlist the assistance of the Traffic Management Advisory Committee.

Finally, the By-Laws permit the Planning Board to send copies of any proposed building project to any town agency deemed appropriate. (s.7.4.4). The neighbors ask the Planning Board to enlist the comments of the town's Traffic Management Advisory Committee, which may offer information and perspective about the actual traffic conditions on Central Avenue and what, if any measures could be used to address the impact of the proposed project.

II. The Planning Board's review of the proposed design should find that the relationship of structures and open spaces to the natural landscape, existing buildings and other community assets is out of harmony with the surrounding area.

The building as proposed is out of harmony with the surrounding area. It is significantly larger than surrounding homes; it is closer to the street than any other building on this section of Central Avenue; and its grade is higher. Table 6 below reflects the footprints and setbacks of the proposed building, the nearby homes and the Temple as measured using the town's GIS map. The facts are that residences in this area have a smaller footprint than the proposed project and all buildings are set much further back than the design proposes. The general rule here is that larger buildings, including the Temple, are set further back from the street. In referring to its size, the proponent's March 12 letter to this board states that it is smaller than Temple Aliyah and that it is within the guidelines for residential homes in the area. Needham's zones this area residential, and it is important to consider the impact on the residential nature of the area of putting two large non-conforming buildings next to each other.

TABLE 6: Comparison of Footprint Size and Setback of 1688 Central Avenue to Neighboring Homes and Temple Aliyah

Address	Approximate Footprint	Proposed Footprint Is % Larger	Approximate Setback
1688 Central	9960 + 2835(existing Barn)= 12,795 sf	-	40'
1708 Central	1612 sf	794%	65'

⁴ Any request by the proponent to waive submission of additional information should be denied, and the site plan as submitted should be rejected. *See Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278, 283-284 n.9 (1986), which clearly states it is within the power of site plan review boards to reject a site plan that fails to furnish adequate information on the various considerations imposed by the by-law as conditions of the approval of the plan.

1652 Central	2714 (house) +830 (garage)= 3544 sf	361%	109'
1729 Central	3350 sf	382%	103'
1719 Central	2280 sf	561%	102'
1711 Central	2400 sf	533%	109'
1703 Central	2774 sf	461%	110'
1695 Central	2976 sf	430%	101'
1689 Central	2901 sf	441%	117'
1681 Central	2820 sf	454%	115'
1663 Central	2295 sf	557%	116'
1653 Central	3550 sf	360%	114'
1664 Central Temple Aliyah	20,844 sf	61%	213'

Furthermore, the entire project is front loaded on the site. From the street to the end of the proposed building and fenced playground is approximately 385 feet. The lot extends another 594 feet. The lot has the square footage to permit any building to be set further back on the property. The Design Review Board's comments call for the building to be re-situated, either by reconfiguring it or removing the barn. Moving the building back will also be in keeping with the requirements of By-Law s. 5.3.6, which states "Site arrangements and grading shall minimize the number of removed trees 8" trunk diameter or larger." Requiring the building to be set back further could preserve a large tree currently destined to be removed, which is especially important given the number of trees that have already been cut. No reason has been offered for the designed placement of the building. Only a smaller, more appropriately sited building could come closer to the requirement of consistency with the residential neighborhood, while potentially reducing traffic impact. It is fully within the authority of the Planning Board and Building Officials to control both the size of the proposed building and its placement on the lot.

Conclusion

The Board should reject the proposed site review as a Minor Project, treat the proposal as a Major Project as required under the By-Law, follow that process to ensure full input from and protections of the neighbors, and carefully consider what changes in the plan and special permitting is necessary to preserve the interests of the residents of Central Avenue and the entire town.

ATTACHMENT 1

606 CMR: DEPARTMENT OF EARLY EDUCATION AND CARE

606 CMR 7.00: STANDARDS FOR THE LICENSURE OR APPROVAL OF FAMILY CHILD CARE; SMALL GROUP AND SCHOOL AGE AND LARGE GROUP AND SCHOOL AGE CHILD CARE PROGRAMS

610 CMR 7.10(9)(b)

(b) Fixed Age Groups. Children may be assigned to groups with others within their same age range, as specified by the Department provided the requirements of 606 CMR 7.10(9)(b)1. through 6. are met. The fixed age group ratios and groupings below may be used by large group and school age child care programs.

Regulation Number	Age Group/Full or Half Day Program	Maximum Group Size	Educator/Child Ratio	Educator Qualifications
606 CMR 7.10(9)(b)1.	Infants (up to 15 months old) (Full or Half Day)	7	1: 3, one additional educator for four – seven infants	At least one Infant/Toddler Teacher, per 606 CMR 7.09(18)(c)2.
606 CMR 7.10(9)(b)2.	Toddlers (15 to 33 months) (Full or Half Day)	9	1:4, one additional educator for five – nine toddlers	At least one Infant/Toddler Teacher, per 606 CMR 7.09(18)(c)2.
606 CMR 7.10(9)(b)3.	Preschoolers 33 months to school age (Full Day)	20	1:10	At least one Preschool Teacher, per 606 CMR 7.09(18)(c)2.
606 CMR 7.10(9)(b)	Preschoolers 33 months to school age (Half Day)	24	1:12	At least one Preschool Teacher, per 606 CMR 7.09(18)(c)2.
606 CMR 7.10(9)(b)5.	Kindergarten (attending first grade the following year)	30	1:15	At least one Preschool Teacher, per 606 CMR 7.09(18)(c)2.
606 CMR 7.10(9)(b)6.	School Age	26	1:13	At least one Group Leader, per 606 CMR 7.09(19)(a)2.

ATTACHMENT 2

Needham Children's Center, Inc.

858 GREAT PLAIN AVE Needham , MA 02492-3030

Program Information

Name: Carole Sullivan,Susanne Teachout

Provider Number: P-170073

Capacity: 113

Type of Care: Large Group

First Licensed On: 01/01/1981

Provider Status: Current

Most Recently Renewed: 08/03/2020

Umbrella: ⓘ Needham Children's Center, Inc.

EEC Licenser: Karen Lessard

EEC Regional Office Address:

324-R Clark Street , Worcester , MA 01606

Full Year Schedule



Temp/Emergency:

Open Holidays: ⓘ

Accepts Children: ⓘ

Drop In Care Available: ⓘ

Extended Day option available: ⓘ

	HOURLY		DAILY		WEEKLY		MONTHLY		OTHER	
Age Group	Part	Full	Part	Full	Part	Full	Part	Full	Part	Full
Toddler Age Group				\$135.00		\$520.00				
Kindergarten Age Group				\$47.00		\$160.00				
Preschool Age Group				\$120.00		\$454.00				
School Age Group				\$62.00		\$561.00				

Day	Start Time	End Time
Friday	07:30:00 AM	06:00:00 PM
Monday	07:30:00 AM	06:00:00 PM
Thursday	07:30:00 AM	06:00:00 PM
Tuesday	07:30:00 AM	06:00:00 PM
Wednesday	07:30:00 AM	06:00:00 PM

Ages Served and Capacity

Infant (birth - 15 mo) ?	7
Toddler (15 mo - 33 mo) ?	18
Preschool (33 mo - K) ?	52
Kindergarten ?	0
School Age (5 yr - 14 yr) ?	36
Infant Toddler (birth - 33 month) ?	0
Toddler Preschool 15 mo - k ?	0
Preschool SA 33 mo - 8 yr ?	0
Multi-Age Group (birth - 14 yr) ?	0

Needham Children's Center Inc.

23 Dedham Ave Needham , MA 02492-3007

Program Information

Name: Susanne Teachout

Provider Number: P-170074

Capacity: 30

Type of Care: Large Group

First Licensed On: 01/31/1989

Provider Status: Current

Most Recently Renewed: 08/03/2020

Umbrella: ⓘ Needham Children's Center, Inc.

EEC Licenser: Karen Lessard

EEC Regional Office Address:

[324-R Clark Street , Worcester , MA 01606](#)

Full Year Schedule



Temp/Emergency:

Open Holidays: ⓘ

Accepts Children: ⓘ

Drop In Care Available: ⓘ

Extended Day option available: ⓘ

	HOURLY		DAILY		WEEKLY		MONTHLY		OTHER	
Age Group	Part	Full	Part	Full	Part	Full	Part	Full	Part	Full
Preschool Age Group						\$445.00				

Day	Start Time	End Time
Friday	07:30:00 AM	06:00:00 PM
Monday	07:30:00 AM	06:00:00 PM
Thursday	07:30:00 AM	06:00:00 PM
Tuesday	07:30:00 AM	06:00:00 PM
Wednesday	07:30:00 AM	06:00:00 PM

Ages Served and Capacity

Infant (birth - 15 mo) ?	0
Toddler (15 mo - 33 mo) ?	0
Preschool (33 mo - K) ?	30
Kindergarten ?	0
School Age (5 yr - 14 yr) ?	0
Infant Toddler (birth - 33 month) ?	0
Toddler Preschool 15 mo - k ?	0
Preschool SA 33 mo - 8 yr ?	0
Multi-Age Group (birth - 14 yr) ?	0

Source: https://eeclead.force.com/apex/eec_childcaresearchproviderdetail?id=001j000000qhjokAAA

Attachment 3
Traffic Count Conducted by the Needham Engineering Division
October 11, 2006

CENTRAL AVENUE AT CHARLES RIVER STREET TURNING MOVEMENT COUNT (7:00-9:00 AM)												
DATE	APPROACH	MOVEMENT	7:00-7:15	7:15-7:30	7:30-7:45	7:45-8:00	8:00-8:15	8:15-8:30	8:30-8:45	8:45-9:00		
10/11/06											AM PEAK HOUR	
	CENTRAL AVENUE SOUTHBOUND										7:30-8:30 (1487 VEHICLES)	
		LEFT	3		5	2		1	1	3		
		THRU	21	37	25	36	42	35	41	46	% H.V./BUS = 5.4%	
		RIGHT	3	4	4	4	4	5	3	8		
	CENTRAL AVENUE NORTHBOUND											
		LEFT	6	22	28	19	22	33	18	12		
		THRU	111	188	194	194	198	180	157	106		
		RIGHT		1	3	2	1	2	3	4		
	CHARLES RIVER STREET EASTBOUND											
		LEFT	21	53	53	57	42	45	42	37		
		THRU	10	27	27	37	29	30	31	34		
		RIGHT	7	8	3	11	6	7	6	11		
	CHARLES RIVER STREET WESTBOUND											
		LEFT					1		2	1		
		THRU	10	5	22	21	27	19	19	18		
		RIGHT	4		5	3	1	2	2	5		
			196	345	369	386	373	359	325	285		

From: [SALLY MCKECHNIE](#)
To: [Kate Fitzpatrick](#); elichtman@needhamma.gov; [Alexandra Clee](#); [David Roche](#); [Lee Newman](#); [Anthony DelGaizo](#); [Rhain Hoyland](#); [John Schlittler](#)
Subject: 1688 Central Ave.
Date: Thursday, May 13, 2021 4:58:01 PM

Dear Folks,

I know you are all aware of the current ongoing concerns of the neighborhood residents of 1688 Central Ave.

May I first say that I was greatly disappointed in the way this project was handled from the very start, with little

communication afforded, especially to the neighbors who would be most affected. It seems that we were only an

afterthought to plans that were already well underway!

As has been stated by many of the citizens living next to and across the street from this project, as well as those

from the surrounding areas, our greatest concern is about traffic and the safety issues which we believe have been

minimized to a great extent by outdated or overlooked studies of the problems that have long been a part of Central

Ave. I have lived here for over 40 years and traffic has always been an issue.

We have also expressed our concerns about the location of the building and proposed uses of other

buildings on this property, not to mention the integrity of the property itself based on previous usage

Our sincere belief is that this proposed building constitutes a major project based on the information that we have

been given.

Please give these concerns your utmost attention!!

Respectfully,

Sally McKechnie
1703 Central Ave.

From: [Robert Dimase](#)
To: [Elisa Litchman](#); [Alexandra Clee](#); [David Roche](#); [Lee Newman](#); [Anthony DelGaizo](#); [Rhain Hoyland](#); [John Schlittler](#); [Kate Fitzpatrick](#)
Subject: Proposed development at 1688 Central Avenue
Date: Thursday, May 13, 2021 10:44:59 PM

I was particularly struck when I read the following on the Town of Needham website, <http://needhamma.gov/493/Responsibilities-Goals>

Select Board Responsibilities & Goals

- **Representing the interests of town residents in business dealings**, legal affairs, and inter-governmental cooperation with other municipal, county, state, and federal agencies.

With the amount of neighborhood concern this project has generated since it became public, Matt Borrelli will have completely abdicated his duty as a member of the Select Board should he continue to pursue this project. He's clearly representing his own financial interests over the community at large.

I am not terribly knowledgeable about our town's governance but would hope there are protections in place for the electorate when a Town official fails to uphold their duty to town residents.

Rob DiMase
1681 Central Avenue
781-844-5729

Joseph Abruzese
Margaret Abruzese
30 Bridle Trail Road
Needham, MA 02492
(617) 429-3964
jabruzese@yahoo.com

April 5, 2021

Kate Fitzpatrick
Town Manager
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492
kfitzpatrick@needham.gov

Re: 1688 Central Avenue

Dear Ms. Fitzpatrick:

We are Needham town residents and are writing to you regarding our concerns about the proposed Day Care Center project at 1688 Central Avenue.

As you know Matthew Borrelli, a Town Selectman, is the developer. Mark Gluesing, the Chair of the Design Review Board, is the architect. The proposal is to construct a significant commercial building for a full time daycare center with a capacity to serve 120 children. In evaluating this proposal, the Town must evaluate what would happen at full capacity of 120 children. Statements that the daycare does not plan to enroll to full capacity are not binding on the daycare or any future tenants of the proposed building. *If the Town does not plan for full building capacity, there is no way to address issues that arise when the building is used at full capacity after the fact.* If the Town were to approve this proposal, it would be approving a 120 child daycare facility and it needs to be certain that a 120 child daycare facility could be supported in this location.

We are seriously concerned with the proposal, specifically regarding the substantial adverse impact it will have to the safety of residents in the surrounding location. The lack of infrastructure and the traffic congestion will make it extremely difficult for emergency vehicles to access the neighborhoods, including our own Bridle Trail neighborhood, should an emergency arise during peak traffic hours.

Lack of Infrastructure

1688 Central Avenue is in a residential area near the border of Dover and Wellesley. Nearly all of the properties, including 1688 Central, are residential single family homes. As such, the infrastructure in this area is limited:

- Central Avenue is a 1-lane road in both directions
- There are no medians or turning lanes
- There are no shoulders on either side of the road
- There are no sidewalks
- There are no crosswalks
- There are no stop signs in the area
- There are few traffic lights in the area
- All surrounding roads have similar characteristics

The streets cannot support a sizable commercial operation. This area of Central Avenue is not built to support a surge of cars entering and exiting a daily business establishment in an easy and safe way. Pedestrians, joggers and kids biking to school cannot safely proceed along the road with the addition of business traffic and cars turning in/out of a commercial driveway. A commercial daycare of the size proposed by Mr. Borelli needs to be in an area that has appropriate surrounding infrastructure that can safely accommodate this type of business.

It has been suggested that traffic can be mitigated by pushing the traffic flow into the neighboring streets by requiring right hand turns into/out of the center. This in fact will not address pedestrian safety issues or bicycle safety issues. A right hand turn only traffic flow will not protect pedestrians, joggers or bicyclists from the increased danger of vehicles turning into/out of a commercial daycare center. Furthermore, this approach will add pedestrian risks on additional side streets not suited for higher traffic volumes.

Traffic Congestion

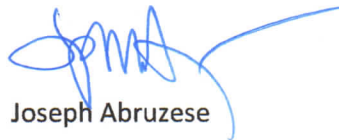
Prior to the pandemic, during peak hours, traffic regularly backed up on Central Avenue from Great Plain Avenue to Temple Aliyah. Turning out of the Bridle Trail Neighborhood from Carleton Drive onto Central Avenue requires patience. Sometimes people are kind and let you in; sometimes you wait minutes before you can catch a break in the traffic. Once on Central Avenue headed toward Boston, one sits in bumper to bumper traffic at least until passing the light at Great Plain Avenue. This area of Central Ave is overburdened. The Town needs to consider how to relieve traffic in this area. There is no room to add additional cars racing to drop their children off at daycare and battle traffic to get to work.

The daycare center has stated they intend to stagger drop off times to ease road congestion. In reality, this will not provide relief to the traffic on Central Avenue. Central Avenue is already overburdened. The Town needs to consider how to improve traffic flow on Central Avenue itself. **Adding a large commercial daycare center to this area of Central Avenue, even a daycare center that unenforceably promises that it will have staggered drop off times, will only add traffic no matter the configuration or schedule.** The point of daycare is that parents need to drop their children off so they can go to work. There is no way to have a commercial daycare that does not have drop off during peak commuting hours.

Aside from being a commuting headache, congested traffic presents a significant safety issue for the Town. When there is standstill traffic, emergency vehicles have a difficult time getting through. Minutes count in an emergency. Should someone be suffering a stroke, an allergic reaction, a heart attack or other 911 emergency, minutes wasted trying to get around heavy traffic on a one lane road could mean the difference between full recovery and post emergency impairment, or even life and death.

We ask that the Town address the existing safety issues presented by the congestion on Central Avenue and reject a bid to add a large commercial daycare center at 1688 Central Avenue.

Sincerely,



Joseph Abruzese



Margaret Abruzese

Objection to Any Purported Agreement to Waive Major Project Review and/or Special Permit Requirements with Regard to Proposed Construction at 1688 Central Avenue

As neighbors to 1688 Central Avenue, we object to Selectman Borelli and Needham Enterprises attempt to insist that Needham's zoning laws and procedures to not apply to this project. The planning board must carry out its duty to protect the interests of Needham by doing a full Major Project review and subjecting the project to all the requirements of the Needham zoning laws. We are concerned about the safety and welfare of Needham residents which will be detrimentally affected by Selectman Borelli and Needham Enterprise's proposed construction at 1688 Central as set forth in our prior letter of April 5, 2021 (copy attached).

Contrary to what Selectman Borelli and Needham Enterprises are arguing in their letters to the Board, Massachusetts General Laws chapter 40A, section 3 (aka The Dover Amendment) does not magically release them from following the town's zoning processes and procedures. The Dover Amendment does not permit complete disregard for the zoning authority of the town by someone seeking to build a building that will be leased to a child care center.

First, the third paragraph of the Dover Amendment relied upon by Needham Enterprises and Selectman Borelli does not apply to construction of a new building. Second, the Dover Amendment does not prevent Needham from conducting a Major Project Review and Special Permit process for construction projects of a certain larger size, even if the building will eventually be used as a child care center.

1. The Third Paragraph of the Dover Amendment Does Not Prohibit a Special Permit Process for What Needham Enterprises seeks here - Construction of a New Building

M.G.L. 40A, s 3, third paragraph provides:

No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, **the use of land or structures, or the expansion of existing structures**, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open

space, parking and building coverage requirements. As used in this paragraph, the term "child care facility" shall mean a child care center or a school-aged child care program, as defined in section 1A of chapter 15D. (Emphasis added.)

In this matter, Selectman Borelli must follow the Major Project/special permit process **because he seeks to build a new building, and that building is of a certain class** (one that results in an increase in gross floor area of >5000 square feet and/or one that results in the creation of 25 or more new off street parking spaces) **triggering Major Project review**. The project at hand is new construction of a building. In conducting Major Project review, Needham is **not** prohibiting or requiring a special permit to allow the *use of land or structures for a child care center*, nor is it prohibiting or requiring a special permit for the *expansion of existing structures for use as a child care center*. Needham is requiring a special permit **for the construction of a new building**. Construction of a new building is not within the proscription of special permits in M.G.L. 40A, s. 3 third paragraph, regardless of whether proposed building is intended eventually to be used as a child care facility.

This point was discussed by the Land Court in the case of Primrose School Franchising Company et al v. Town of Natick et al. which can be found at <http://masscases.com/cases/land/21/21lcr305.html> The court distinguished cases where a child care center is attempting to use an existing structure or land, or it is attempting to modify an existing structure, from cases where a developer is attempting to build a new building or reconstruct existing structures.

M.G.L. 40A, s. 3 “[paragraph 3] protects only existing structures and expansions thereto but does not protect either (1) construction of a new structure or (2) reconstruction of existing structures.” Primrose School Franchising Company et al v. Town of Natick, <http://masscases.com/cases/land/21/21lcr305.html> The court noted that a different paragraph of M.G.L. c. 40A, s. 3 protecting agricultural pursuits, paragraph 1, had been amended specifically to include new construction. It found that it was illustrative that the legislature did not so amend paragraph 3. For this reason, in Primrose School Franchising Company, the Land Court held that the Town of Natick was allowed to require a special permit for the construction of a new structure that was to be used as a child care facility.

Selectman Borelli and Needham Enterprise’s assertion that the Planning Board cannot subject his project to review as a Major Project and require a special permit

is erroneous. Needham is allowed to require Major Project review and special permit for the construction of a new building.

2. The Third Paragraph of the Dover Amendment Does Not Bar a Town from Prohibiting or Requiring a Special Permit for Construction of Child Care Centers of a Particular Size

Even for cases that do deal with the use of an existing structure or land or the modification of an existing structure, the Commonwealth's highest court has held that restrictions in zoning laws that prohibit or require a special permit for child care facilities when they reach a larger size in a residential area can be permissible under M.G.L. 40A, s. 3, third paragraph. Rogers v. Town of Norfolk, 432 Mass 374, 383 (2000).

In Rogers v. Town of Norfolk, 432 Mass 374 (2000), Kristin Rogers sought to turn a dog kennel, that had been converted to a single family residence with a footprint of 3200 square feet, into a child care facility. The zoning bylaws in the Town of Norfolk prohibited child care facilities in buildings with footprints of larger than 2500 square feet. Because the footprint of the Rogers residence was greater than 2500 square feet, the building commissioner and the zoning board of appeals would not issue a building permit and other zoning approvals to allow her to use her residence as a child care center.

Rogers brought suit arguing that the Town of Norfolk is prohibited from having a zoning law that restricts child care centers to using buildings that are less than 2500 square feet because of the Dover Amendment. Rogers argued that the size limitation provision acts in such a way as to nullify the protection of child care centers under the Dover Amendment. Rogers, 432 Mass at 378.

The SJC found that the footprint restriction was facially valid. Rogers, 432 Mass at 383. The SJC held "A challenged provision in a zoning bylaw is presumptively valid, and a challenger bears the burden to prove otherwise." Rogers, 432 Mass at 379 citing Johnson v. Edgartown, 425 Mass 117, 121 (1997). "The proper test for determining whether the provision in issue contradicts the purpose of G.L.C. 40A, s 3, third paragraph, is to ask whether [the challenged provision] furthers a legitimate municipal interest, and its application rationally relates to that interest, or whether it acts impermissibly to restrict the establishment of child care facilities in the town, and so is unreasonable." Id.

The purpose of the Norfolk footprint restriction was to ensure that the size of child care facilities did not detract from Norfolk's predominantly residential character by inserting larger structures into residential zones. Rogers, 432 Mass at 380. The SJC found that preservation of the residential character of neighborhoods is a legitimate municipal purpose to be achieved by local zoning control and that the bylaw was a reasonable accommodation between the need to establish child care facilities and the need to preserve the predominant nature of Norfolk's residential zones. *Id.* Therefore, it held that the law was facially valid.¹ *Id.*

With regard to Selectman Borelli and Needham Enterprises, he cannot simply bypass the requirements for Major Projects by claiming he intends to construct a child care facility. Child care facilities do not hold a "get out of zoning law requirements free" card. Needham's zoning requirements are presumed to be valid. Rogers, 432 Mass at 379. Selectman Borelli and Needham Enterprises must demonstrate affirmatively that they are not. *Id.* To do so, **Selectman Borelli and Needham Enterprises must prove that the Major Project process does not further a legitimate municipal interest or that its application does not rationally relate to the legitimate interest but instead acts to impermissibly restrict the establishment of child care facilities in the town. *Id.***

Selectman Borelli and Needham Enterprises have made no such showing. They have not alleged that the Major Project process does not further a legitimate municipal interest or that it impermissibly restricts the establishment of child care facilities in the town. They have argued only that the Dover Amendment *automatically* doesn't allow Needham to prohibit their massive child care center or subject it to a special permit process. This is incorrect. As the SJC held in Rogers, while a town cannot prohibit or subject to special permit process all child care centers, **it can prohibit or subject to a special permit process child care centers over a certain size.** Rogers, 432 Mass. at 383.

¹ While the court found that Norfolk could prohibit buildings with a footprint larger than 2500 square feet from being used as child care facilities in general, it did find that applying the regulation in the particular facts of that case only was unreasonable since the plaintiff was proposing to use an existing residential structure which did conform to the styles and character of the residences in the area, it was not structurally feasible to alter the existing structure to be under 2500 square feet and having that residence used as a child care facility would not affect the aesthetic appearance of the neighborhood in the way that the Norfolk bylaw was intended to discourage. This is very different from 1688 Central where the building has not been built, the proposal is for a building that is massively larger than any of the residences in the area and aesthetics is only one of several different municipal concerns that are to be protected by the Major Project review process.

Here, Needham is requiring Major Project process and special permit because the proposed building is over a certain size. Needham applies more scrutiny for projects over a certain size, Major Projects, because larger size projects are more likely to have detrimental effect and implicate valid municipal concerns.

The Major Project process in Needham's zoning bylaws furthers a legitimate municipal interest. Section 7.4.6 of the bylaws sets forth the municipal interests to be protected in a Major Project Site Plan Review.

7.4.6 Review Criteria

In conducting the Site Plan Review, the Planning Board shall consider the following matters:

- (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;
- (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;
- (c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;
- (d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;
- (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 this By-Law; and
- (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; and may require when acting as the Special Permit Granting Authority or recommend in the case of minor projects, when the Board of Appeals is acting as the Special Permit Granting Authority, such appropriate conditions, limitations, and safeguards necessary to assure the project meets the criteria of a through f.

Without giving any examples or detail as to which pieces of the Site Plan Review they find objectionable, Selectman Borelli and Needham Enterprises broadly assert that the allowable subjects of reasonable regulation set forth in c. 40A, section 3

are not the same as the Section 7.4.6 Site Plan Review criteria. The Site Plan Review criteria enumerate the legitimate municipal interests that must be considered when reviewing the building proposal – it does not set forth particular regulations. Selectman Borelli and Needham Enterprises boldly assert that Needham zoning bylaw regarding Major Projects is to be completely disregarded and the criteria of section 3 somehow substituted for Needham's zoning bylaws. This approach is not supported by the case law. If they wish to argue that they do not need to follow Needham zoning bylaws, they must provide evidence that those bylaws and the Site Review Criteria do not further a legitimate municipal interest or that their application does not rationally relate to the legitimate interest and instead acts to impermissibly restrict the establishment of child care facilities in the town. Rogers, 432 Mass at 379. They have made no such showing.

For these reasons, the Planning Board must adhere to the bylaws in reviewing the Major Project proposal of Selectman Borelli and Needham Enterprises, hold Selectman Borelli and Needham Enterprises to the same level of scrutiny that it would hold any other project and protect the municipal interests of Needham and its residents.

Sincerely,

Margaret and Joe Abruzese
30 Bridle Trail Rd
Needham MA 02492

From: [Meredith Fried](#)
To: [Planning](#); [Selectboard](#); [Alexandra Clee](#); [Lee Newman](#)
Subject: 1688 Central
Date: Tuesday, May 18, 2021 2:39:59 PM

Hi –

I am writing once again as a concerned neighbor regarding the proposal for development at 1688 Central Ave. I want to express my objection to any agreement to waive the Major Project review process and special permit requirements for this project. I want the planning board to retain their authority on this project so that they can review it properly and protect the interests of Needham overall and these abutting neighborhoods in particular.

Thank you very much for your attention to my concerns.

Regards,

Meredith

From: [Lori Shaer](#)
To: [Planning](#); [Lee Newman](#); [Alexandra Clee](#)
Subject: 1688 Central Ave. project
Date: Tuesday, May 18, 2021 3:00:31 PM

Good afternoon. As a neighbor to 1688 I strongly object to you waiving any facet of a Major Project Review for the proposed Borelli project. Thank you.

Best,
Lori Shaer
Bridle Trail Road

From: [Sandy Jordan](#)
To: [Planning](#)
Subject: 1688 Central Ave
Date: Tuesday, May 18, 2021 3:06:42 PM

Hello,

I am writing to voice my opinion about the [1688 central Ave](#) project.

My main concerns are traffic. Leaving my Country Way neighborhood in the morning is already difficult. Traffic can back up to the horse farm on a normal day. I feel a new traffic study NEEDS to be completed now that a more normal traffic flow is back in place since the pandemic. Doing a study while schools are hybrid and a lot of people are still working from home is not showing true data. Adding anymore traffic to this already congested road is not feasible for the entire neighborhood.

Evening traffic can also be worse. The light at Charles River can back up to where I can't even get to my street, causing me to use south street, which already backs up at chestnut.

Please listen. Please help us. Having a day care this far out of town doesn't make any sense. Most parents will be looking for a daycare closer to a main road.

Also, the secondary plan of also opening a preschool on this property seems to be a sneaking an even bigger project onto the property.

Please take more time to study this project. It isn't small, it's large and it's getting even larger.

Thank you for your time,

Sandra Jordan
[219 Stratford Road](#)
[Needham](#)

From: [Khristy Thompson](#)
To: [Planning](#)
Subject: 1688 Central Avenue
Date: Tuesday, May 18, 2021 3:24:27 PM

Dear Planning Board Members,

I am writing to you as a concerned Needham resident and neighbor to the proposed project at 1688 Central Avenue. My family and I object to the waiving of the planning board's authority on this project. We are hopeful and believe that the planning board will want to protect the interests of Needham and of our neighborhood.

Sincerely,
Khristy J. Thompson
50 Windsor Rd.
Needham, MA 02492

From: [Henry Ragin](#)
To: [Planning](#)
Subject: 1688 Central
Date: Tuesday, May 18, 2021 3:41:30 PM

I am a resident of 25 Bennington st., Needham. I am writing to request that the Planning Board maintain the maximum control over the Central Avenue. project that is allowed by law. I recognize that there are legal complications, but it is my understanding that this position is allowable under Massachusetts law.

Thank you.

Henry Ragin
hragin@hotmail.com
781-686-0927

From: [David G. Lazarus](#)
To: [Lee Newman](#); [Alexandra Clee](#); [Planning](#)
Cc: [Selectboard](#)
Subject: 1688 Central
Date: Tuesday, May 18, 2021 4:07:04 PM

Good afternoon-

I have been informed that the Planning Board has officially decided on a legal position regarding 1688 Central Avenue. Specifically, among other things I have been told:

"The Planning Board agrees with the applicant that it is limited to the subjects which can be reviewed to those set forth at MGL Chapter 40A, section 3, and the cases thereunder, and that our decision whereby the Planning Board issues its "reasonable regulations" will not be called a "special permit".

This is incorrect as a matter of law and also violates the open meeting law by depriving the community of its due process. Apparently the Board has behind closed doors made a decision and a deal without a formal opinion from town counsel and without letting the community see what is happening. I request no deliberation and action be taken outside the confines of the open meeting law and that the planning board have a fair process open to the community. To the extent the Board has taken action, as evidenced further by Needham Enterprises letter providing that an agreement has been reached, I request the Board cease further activity on this project unless and until these significant process deficiencies are addressed.

It must be noted that no daycare is before the Planning Board - only a developer. If the daycare provider is central to the Board's evaluation, they should be present and provide the lease and any other needed information.

Furthermore, to the extent current outside town counsel is subject to appointment by the Select Board (chaired by the developer of this very project) the legal contract should be put out for bids to avoid even the appearance of impropriety.

Respectfully,
David Lazarus
115 Oxbow Road, Needham

--

David G. Lazarus

From: [John McCusker](#)
To: [Planning](#); [Selectboard](#); [Alexandra Clee](#); [Lee Newman](#)
Subject: Concerned Neighbor - 1688 Central Ave.
Date: Tuesday, May 18, 2021 4:53:35 PM

To Whom It May Concern,

I am writing this letter to express my strong opposition to the proposed development at 1688 Central Avenue. I have concerns about this proposed project (1688 Central Avenue) and object to any Agreement waiving the Major Project Review Process and Special Permit requirements. We have entrusted the Planning Board to protect the interests of our town and allowing this project to continue without listening to our concerns and the general welfare of this area sets a disappointing standard.

I live at the intersection of Charles River St. and Central Ave and can attest to the busy intersection as well as many cars speeding through to save seconds at a yellow or red light. With this project further slowing down traffic flow during pickup/drop-off and increasing volumes that are already incredibly high, I urge you to perform a full review of this project.

Sincerely,

John

John McCusker

248 Charles River St.

Needham, MA 02492

From: [Laurie Spitz - Smileboston Cosmetic and Implant Dentistry](#)
To: [Planning](#); [Selectboard](#); [Alexandra Clee](#); [Lee Newman](#)
Subject: 1688 Central Avenue project
Date: Tuesday, May 18, 2021 6:57:08 PM

Dear planning board:

We live on Charles River Street and currently have to adjust our timing to work and into town around the three elementary schools. Understanding this project from the get-go, we gravely object to any agreement to waive Major Project review process and special permit requirements for the 1688 Central Avenue project.

Smile always,

Laurie Spitz 617 504 1028
Steve Spitz 617 504 1029

From: [Randy Hammer](#)
To: [Selectboard](#); [Planning](#); [Lee Newman](#); [Alexandra Clee](#)
Subject: 1688 Central Avenue
Date: Tuesday, May 18, 2021 9:09:31 PM

Good Evening,

I am a neighbor of 1688 Central Avenue and I object that the Planning Board is agreeing to waive it's authority on this project. I expect the Planning Board to protect the interests of Needham and of this neighborhood.

Thank You.
Randy Hammer

May 24, 2021

Paul Alpert
Chair of Needham Planning Board,

Members of the Needham Planning Board,

Lee Newman
Director of Planning and Community Development
500 Dedham Avenue
Public Services Administration Building
Suite 118
Needham, MA 02492

RE: Planning Board Meeting of May 18, 2021

Dear Chair Alpert and All Planning Board Members,

Attached please find my comments concerning the Planning Board Meeting of May 18, 2021. I ask that you consider these comments and enter them into the formal record of your meeting should there need to be further proceedings on the matter. Thank you for your consideration.

Yours truly,

Holly Clarke

On May 18, 2021, I attended the Planning Board meeting and listened to the Board's discussion about Needham Enterprises' proposed development of 1688 Central Avenue ("Project"). Had I been afforded an opportunity to comment, I would have addressed both the process and substance of the Board's actions.

While the matter was listed on the agenda as "Minor Site Plan Review," the Board's discussion focused on a letter authored by Attorney Evan Huber dated May 14 (attached). The letter states that Needham Enterprises had been in discussions with Lee Newman, the Director of the Planning Department and Christopher Heep, Town Counsel, and reached an "express understanding" that:

Needham Enterprises will be submitting electronically, by May 20, an application for major project site plan review. However, it is expressly understood and agreed that no special permit pursuant to Section 7.4 of the Bylaw will be required for this project, nor will the review criteria normally applicable to major project site plan review be applicable in this case. Instead, the Board's jurisdiction and authority will be limited to the criteria enumerated in M.G. L. c. 40A, Section 3.

This letter was sent via email to neighbors and abutters of the project on Friday, May 14, 2021.

At the May 18 meeting, members referred to an earlier Board decision to seek advice from town counsel regarding the contents of the proponent's April 13 letter, which for the first time laid out an assertion that the project was not subject to Needham's site plan review standards at all. This reversed the proponent's position expressed in the filed application for minor site plan review submitted in March, which acknowledged the Project was subject to the bylaws' standards for site review. From the Board's exchange at the meeting, it became clear that Town Counsel did not provide a written or formal opinion before ostensibly entering an agreement to bind the town. A selection of court cases were provided to the Board Members -- we do not know by whom -- and included in the meeting packet. No explanation was provided for this course of action.

The process followed in this case for providing legal advice by a town board in a public matter is highly unusual. Attorneys provide expertise in analyzing the relevant law to issues of concern. It is inconceivable that an issue of this importance- the legality of a bylaw which mandates the actions of the Planning Board, Planning Department and other town agencies expressly for the purpose of protecting the town's interests- would not merit a written opinion. I

note that the bylaw requires the Planning Board to act, using the directive “shall” no less than 19 times in describing the required actions for site reviews. No substantive reason was offered to explain the decision to disregard the bylaw without even receiving Town Counsel’s opinion.

Further, while we are told Town Counsel did not provide a formal opinion, according to the May 14 letter, he bound the town to a process to handle this single project, laid out in the excerpt quoted above. While the discussions by members of the Board raised questions about the meaning of the letter’s language, the process that produced the letter raises troubling issues. The “agreement” was reached outside of public meetings, in concert only with the proponent, and fashioned a new process unsanctioned by- and contrary to- the bylaws for the review of this particular project. Residents of this neighborhood and the town, as well as other town boards and governmental entities, were excluded from participating in what should have been a fully public process. If the Board only engages with a proponent’s representative in private, the outcome will favor the proponent. The public counts on official notices to understand the timeline of the Board’s decision making. The publicly posted agenda stated the project was scheduled for minor site plan review, as did letters on town letterhead sent to abutters by the proponent’s attorneys. Yet, abutters and neighbors received an email Friday afternoon at 3:45, which included the letter announcing an agreement between the proponent and the Planning Board. This change in process eliminated the neighbors’ ability to meaningfully and publicly state their concerns to their elected representatives, the Planning Board. While I appreciate the invitation and opportunity to submit these written comments, it is now after the meeting has closed and these comments are not shared in a public forum. This is fundamentally unfair and raises questions about the requirements of due process and Open Meeting Laws. Public discussions can and should take place in a manner to actually influence decisions, and certainly open public processes increase confidence in decision making.

The view that the standards of a Major Project site plan review cannot apply to this Project and should be guided only by the standards of Ch. 40A Section 3 is wrong as a matter of law. Needham Enterprises proposes to build a new structure at 1688 Central Avenue to be used as a child care facility. The project is subject to special permit requirements under the bylaws, even as a protected use under M.G.L. ch 40a s.3. In addition to the information included in my submission of May 13, 2021, the following cases address the applicability of special permitting to new buildings proposed for uses protected under s.3:

Prime v. Norwell, 42 Mass. App. Ct. 796 (1997) addressed the applicability of MGL 40a s. 3 to new construction. The case involved the proposed construction of a farm stand at an established farm. The project was subject to two special permits, one as a new building proposed as an agricultural use and the second as a new building proposed in an aquifer

protection district. Agriculture is a protected use under s.3, just as child care facilities are. The Court rejected the farm's challenge to the town's authority to require the new building to obtain a special permit. The Court held that the requirement of the special permit was, in fact, a reasonable regulation of the new building, stating, "The board does not lack the power to impose reasonable regulations, including a permit requirement, upon the proposed structure." The court further held that the municipal interest in protecting the water supply empowered the town to enact a special permit requirement as a reasonable regulation before allowing the construction of a new building.

Rosenfeld v. ZBA Mendon, 78 MAC 677 (2011), upheld the town's authority to require a special permit for a new building, even when the intended use of the building is protected under MGL c.40A s.3. The plaintiffs proposed to erect a primary residence, as well as buildings related to horse raising, a protected agricultural use under s.3. The Court found the construction of a new building was properly subject to special permitting.

In their complaint, the plaintiffs asserted that the board was without authority to grant a special permit for the proposed use as an agricultural use under G. L. c. 40A, § 3. However, as the Land Court judge correctly observed, Gray Wolf's proposed use did not simply rely on the use of existing structures but called for the erection of new structures. Accordingly, the board's use of the special permit procedure was appropriate. See *Prime v. Zoning Bd. of Appeals of Norwell*, 42 Mass. App. Ct. 796, 802 (1997).

The Court further commented that concerns about traffic, noise, and air and water quality are all municipal interests implicated by new construction that a town may address through reasonable regulation.

Land Courts considering the application of section 3 to child care facilities have applied the holdings of the above cases and ruled that special permits may be required by towns regulating the construction of new buildings rather than use of pre-existing structures. *Campbell v. Town of Weymouth*, Misc Case 237269 (Sept 23, 1998) addressed a municipality's ability to require special permits for the building of a child care facility located in both a residential district and a flood plain district. Following the reasoning applied to protected agricultural uses articulated above, the Court stated, "A zoning by-law may require a special permit for the construction of a new structure to be used as a child care facility just as, under *Prime*, it may require a special permit for the construction of a new structure to be used for agricultural purposes."

In *Primrose School Franchising Co. v. Town of Natick*, Misc. 12-459243 (June 17, 2013), the Court again upheld local special permit requirements for a child care facility proposed to be built in a residential area. The proposed construction was subject to three special permits: construction in a residential zone, construction in an aquifer protection district and a placement of a sign larger than one square foot. The Court upheld Natick's authority to require the project to be regulated through special permits. The Court analyzed the language of MGL ch. 90A s.3:

The court in *Campbell* reasoned that if the phrase the use of land or structures prohibited a special permit requirement for new construction, then the second phrase, or expansion of existing structures would be superfluous. To wit, if new construction and reconstruction were protected by the phrase "use of land or structures", then surely expansion of an existing structure would also be protected and encompassed within the language use of land or structures. If that were indeed the proper interpretation, then the next clause, expansion of existing structures, would be superfluous. A statute must be interpreted to give effect to all its provisions, so that no part will be inoperative or superfluous. *Lowery v. Klemm*, 446 Mass. 572 , 577 (2006) (internal citations omitted).

It should also be noted that subsequent to the decision in *Prime*, P1 of the Dover Amendment was amended and now states, "no zoning ordinance or bylaw shall...unreasonably regulate or require a special permit for the use, expansion, reconstruction or construction of structures thereon for the primary purpose of commercial agriculture." The language construction of structures would seem to supersede the holding in *Prime* that a bylaw can require a special permit for new construction of an agricultural structure. No such amendment was made to P3 to add language protecting either new construction or reconstruction for a child care facility.

The language in s.3 offering protected status to child care facilities does not exempt new buildings from regulation through special permits. Had the legislature intended to exempt new construction for child care facilities from special permitting, it would simply have said so. The legislature has not - twice.

The proposed construction of a new building to be used for child care purposes is clearly subject to reasonable regulation, including through special permitting. A commercial project's location in a residential zone triggers well established, legitimate municipal interests that are typically protected through the issuance of a special permit. The Needham bylaws provide that protection to its residents. The child care facility is a use as of right, as are the homes which this commercial project will impact. The Planning Board should comply with the bylaws, and I urge you to reconsider.

One other matter. In my letter of May 13, I noted that the operator of the child care facility is not before the Board, raising further legal and factual questions about the process being followed here. **I repeat the neighbors' request of the Board to request that Needham Enterprises provide its lease and any other agreements with the operator for the public record so that it may be considered during the review of the Project.**

May 24, 2021

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Lee Newman
Director of Planning and Community Development
500 Dedham Avenue
Public Services Administration Building
Suite 118
Needham, MA 02492

RE: Planning Board Meeting of May 18, 2021

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From: [Robert Onofrey](#)
To: [Alexandra Clee](#)
Subject: 1688 Central Avenue
Date: Tuesday, May 25, 2021 8:51:47 PM
Attachments: [1688 Central Ave Site.pdf](#)

Alexandra:

Re: 1688 Central Avenue.

I wanted to comment on the proposed development at 1688 Central Avenue. I oppose this development because of the impact it will have on traffic on Central Avenue. While I agree to the need for additional day care facilities in Needham - this development will make the traffic issues on Central Avenue far worse.

That aside - the proposed utilization of the site is problematic - caused in part by the developers desire to retain the existing barn for "storage".

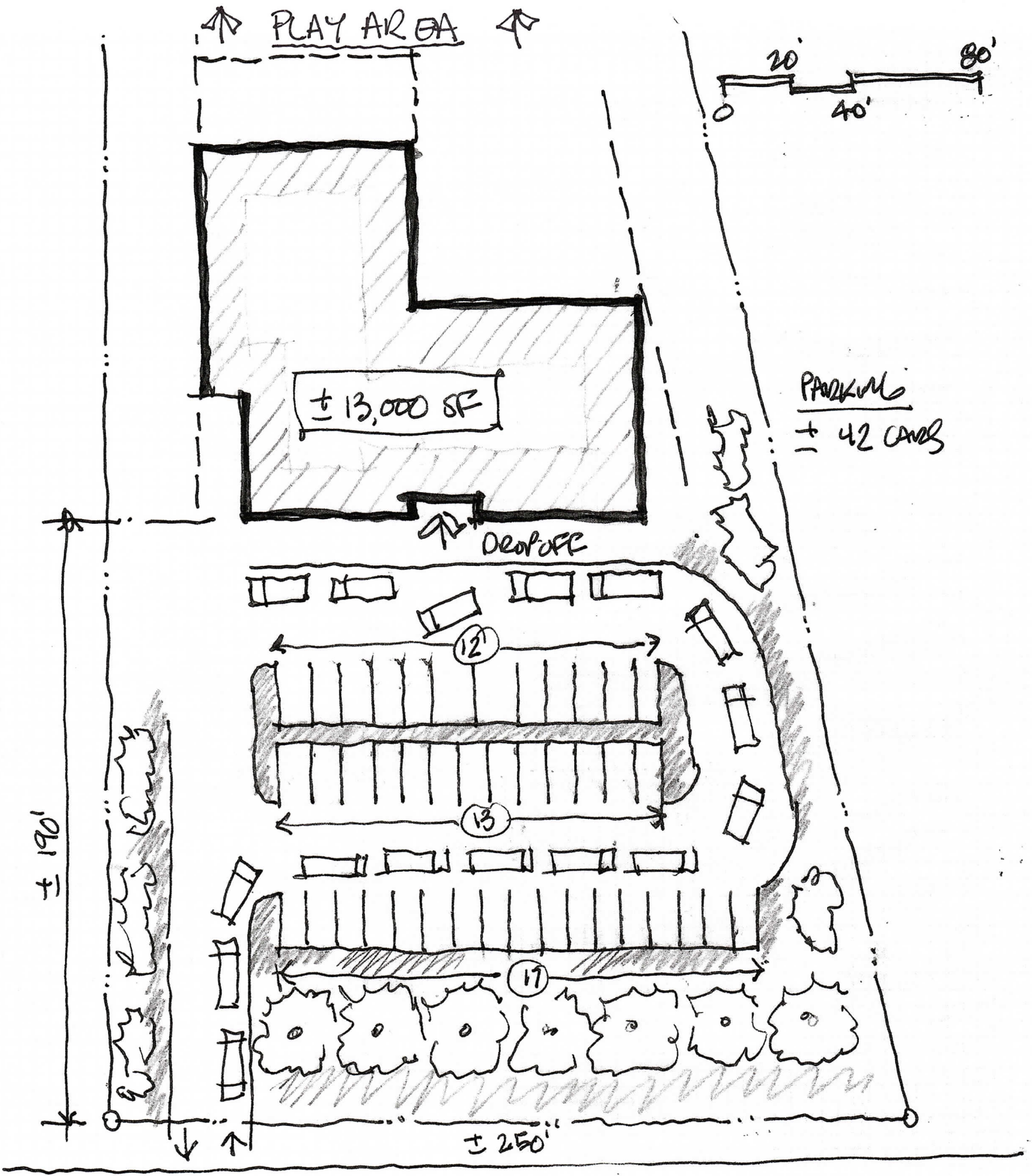
If the barn were razed - the parking could be consolidated into one area and placed immediately at the front of the site - allowing the building to be set far back from Central Avenue. This setback would enable the screening of the cars and the facility with trees. The enclosed sketch suggests that the facility could be sited about 190 feet, or more, off Central Avenue as opposed to the 65 feet proposed by the developer. Locating a building of this size so close to Central will overwhelm adjacent residential properties and will not blend into the neighborhood.

The entrance to the facility would be at the front of the building - easily visible - unlike the original proposal. This parking configuration would also allow a longer queue for parents dropping off their kids in the early morning - or at pick up time. Less chance for cars to be backed up on Central.

By consolidating the parking at the front of the site - it would also separate the cars from the children's play area that could be safely located immediately behind the proposed facility.

While the developer has proposed a facility "just shy" of 10,000 SF, the enclosed sketch indicates a larger facility to satisfy the needed "storage" requirements.

While I hope this development is not approved and not allowed to go forward - changes to the site utilization must be required at the very least.



CENTRAL AVENUE

1688 CENTRAL AVENUE - ALTERNATE SITE LAYOUT

23 MAY 2021

From: [Robert Onofrey](#)
To: [Alexandra Clee](#)
Subject: Re: 1688 Central Avenue
Date: Wednesday, May 26, 2021 9:57:46 AM

Alexandra:

I had forgotten to include my address in last note to you:

Robert James Onofrey
49 Pine Street
Needham, MA 02492

On Tue, May 25, 2021 at 8:51 PM Robert Onofrey <robert.onofrey@gmail.com> wrote:

Alexandra:

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I wanted to comment on the proposed development at 1688 Central Avenue. I oppose this development because of the impact it will have on traffic on Central Avenue. While I agree to the need for additional day care facilities in Needham - this development will make the traffic issues on Central Avenue far worse.

That aside - the proposed utilization of the site is problematic - caused in part by the developers desire to retain the existing barn for "storage".

If the barn were razed - the parking could be consolidated into one area and placed immediately at the front of the site - allowing the building to be set far back from Central Avenue. This setback would enable the screening of the cars and the facility with trees. The enclosed sketch suggests that the facility could be sited about 190 feet, or more, off Central Avenue as opposed to the 65 feet proposed by the developer. Locating a building of this size so close to Central will overwhelm adjacent residential properties and will not blend into the neighborhood.

The entrance to the facility would be at the front of the building - easily visible - unlike the original proposal. This parking configuration would also allow a longer queue for parents dropping off their kids in the early morning - or at pick up time. Less chance for cars to be backed up on Central.

By consolidating the parking at the front of the site - it would also separate the cars from the children's play area that could be safely located immediately behind the proposed facility.

While the developer has proposed a facility "just shy" of 10,000 SF, the enclosed sketch indicates a larger facility to satisfy the needed "storage" requirements.

While I hope this development is not approved and not allowed to go forward - changes to the site utilization must be required at the very least.

Needham Enterprise, LLC Application for Major Site Review Must Be Rejected Because the Supporting Architectural Drawings are Filed in Violation of the State Ethics Code

With regard to the project at 1688 Central Ave in Needham, the architect on the project, Mark Gluesing, is a municipal employee whose work in this matter is in violation of the State Ethics Code. Mr. Gluesing is violating section 17(a) of the Code which limits a municipal employee's ability to receive compensation on matters in which Needham has a direct and substantial interest. He also is in violation of section 17(c), which limits the ability of a municipal employee to act as an agent of anyone other than Needham in matters which Needham has a direct and substantial interest. Additionally, Mr. Gluesing has violated Section 23(b)(2) of the State Ethics Code which prohibits the use of a town position to obtain privileges in connection with this matter.

1. Facts

Mark Gluesing is the Chair of the Design Review Board ("DRB") for the Town of Needham. Mr. Gluesing is an architect and does business as Mark Gluesing Architect. Mr. Gluesing was hired by Needham Enterprises/Matt Borrelli as the architect for the development of 1688 Central Avenue ("1688 Central Project").

On June 29, 2020, Matt Borrelli (Chair of the Needham Select Board) emailed Lee Newman, the director of the Planning Department in Needham to let her know of the project, to seek her input, and let her know that Mr. Borrelli would be the developer and Mr. Gluesing would be the architect.

From: Matt Borrelli <mborrelli@borrellilegal.com>
Sent: Monday, June 29, 2020 2:52:20 PM
To: Lee Newman <LNewman@needhamma.gov>
Cc: Alexandra Clee <aclee@needhamma.gov>; John Glossa <glossaeng@aol.com>; Mark Gluesing <mjgarchitect@verizon.net>; Field Resources Inc <fieldresources@hotmail.com>
Subject: 1688 Central

Hi Lee,
I have a client interested in starting a child care facility at 1688 Central Avenue with me as developer. I am submitting the working draft of the project and would be interested in meeting or speaking informally to get feedback on the submission. Mark Glueing is the architect on the project and we are currently working on plans. Please let me know how I should proceed. Thank you.

Matt Borrelli

Ms. Newman responded the next day and advised setting up a meeting the next week where she would have the town engineer, building inspector and fire chief available to give Mr. Borrelli and Mr. Gluesing comments on the draft proposal.

From: Lee Newman LNewman@needhamma.gov
Subject: Re: 1688 Central
Date: June 30, 2020 at 3:51 PM
To: mborrelli@borrellilegal.com
Cc: Alexandra Clee aclee@needhamma.gov, John Glossa glossaeng@aol.com, Mark Gluesing mjpgarchitect@verizon.net, Field Resources Inc fieldresources@hotmail.com

Matt,

I would suggest that we set up a zoom meeting for a day next week where I can make arrangements to have the town engineer, building inspector, and fire chief available to give you comments on the draft proposal. Can you identify some days and times next week for a meeting and I'll see what I can put together.

Thanks,

On July 6, 2020, Mr. Gluesing emailed Ms. Newman in connection with the plans he was preparing for Needham Enterprise on the 1688 Central Project to ask to speak with her about the difference between a minor and major project review.

From: Mark Gluesing mjpgarchitect@verizon.net
Subject: 1688 Central avenue project
Date: July 6, 2020 at 4:07 PM
To: Newman Lee LNewman@needhamma.gov

Lee,
Would you have a few minutes to speak with me in the morning about this project? I want to discuss the difference between minor and major project reviews. We are hovering at 10K sf, but the client may want an additional 500 sf or so of space.

Thanks,
Mark

Mark Gluesing Architect
48 Mackintosh Avenue
Needham, Massachusetts
02492 781.444.3504
<http://mjpgarchitects.com>

On July 7, 2020, Mr. Gluesing emailed Ms. Newman to give her the drawings in advance of their meeting on that Thursday with all the relevant town departments to discuss the 1688 Central Project plans.

From: Mark Gluesing mlgarchitect@verizon.net
Subject: 1688 Central Avenue
Date: July 7, 2020 at 4:14 PM
To: lee Newman LNewman@needhamma.gov

Lee,
Here are drawings of the building we are planning. Look forward to discussing with you all Thursday.

Thanks,
Mark
Mark Gluesing Architect
48 Mackintosh Avenue
Needham, Massachusetts
02492 781.444.3564
mlgarchitect@verizon.net

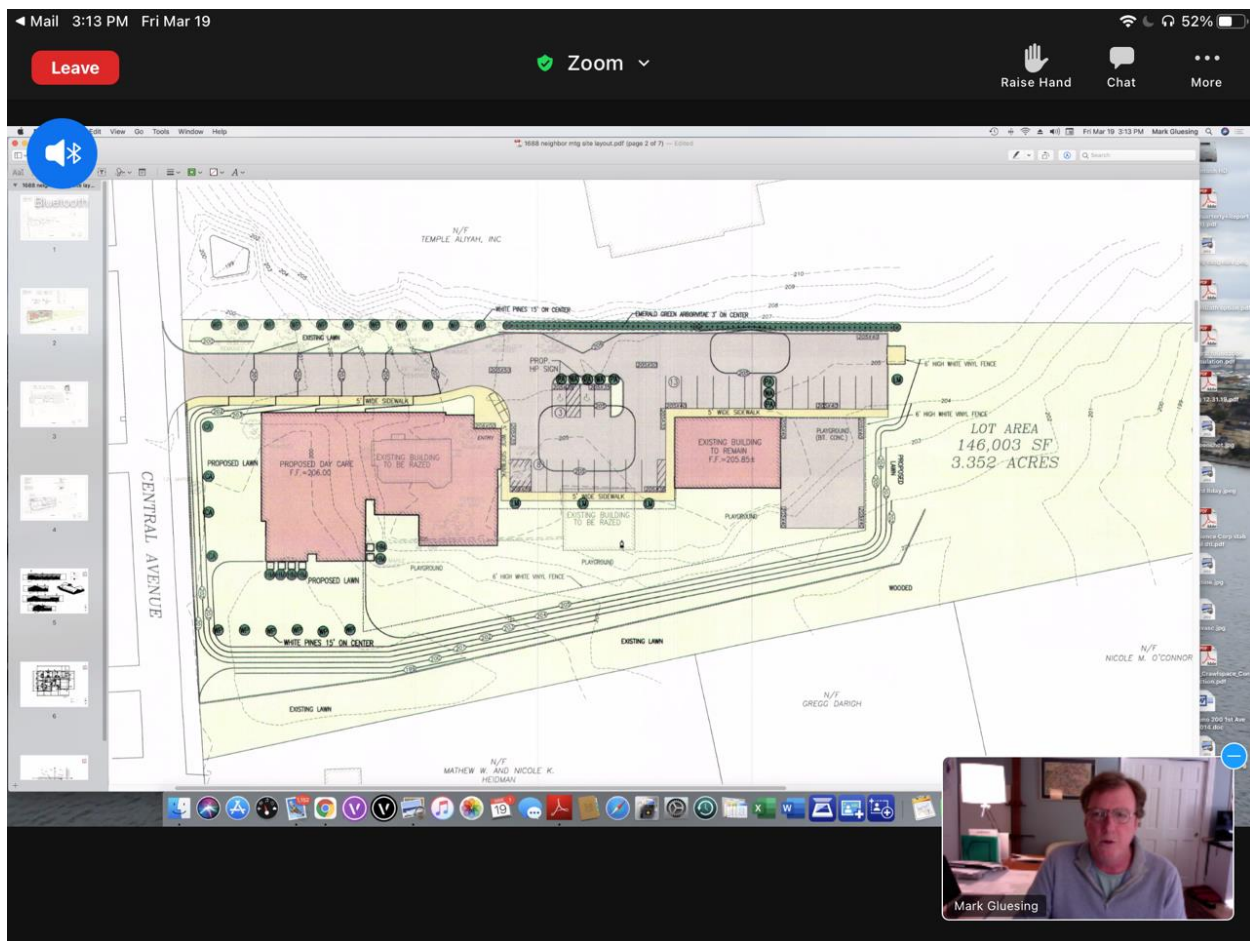


Needham
Enterpr...20.pdf

On March 8, 2021, Needham Enterprises filed an [application](#) for DRB review of the 1688 Central Project. The application listed Mark Gluesing Architect as the designer/installer. The application included architectural drawings, each page of which contained a professional seal signed by Mark Gluesing.

On March 18, 2021, Needham Enterprises filed an [application](#) for Minor Site Plan review for the 1688 Central Project with the Planning Board of the Town of Needham. The application included architectural drawings, each page of which contained a professional seal signed by Mark Gluesing. Per Needham bylaws, the application was sent to the Department of Public Works, Town Engineer, Fire Department, Design Review Board and other boards for review and comment to the Planning Board.

The neighbors of 1688 Central expressed a great deal of concern about the adverse impact of this project on the neighborhood. On March 19, 2021, Needham Enterprises held a meeting with neighbors of 1688 Central Ave to discuss the 1688 Central Project. Presenting for Needham Enterprises was Matt Borrelli, Mark Gluesing, the traffic engineer (John Gullen), the daycare owner (Patricia Day), and the engineer for the project (John Glossa). Mr. Gluesing presented and explained the architectural plans at that meeting on behalf of Needham Enterprises.



On March 22, 2021, Needham Enterprises appeared before the DRB to discuss the architectural plans submitted for review with Mr. Gluesing's seal. At that zoom DRB meeting, Mr. Gluesing recused himself and logged off the call when the 1688 Central Project was discussed. Mr. Gluesing was required to do this under [Section 19](#) of the State Ethics Code which prohibits a municipal employee from participating in any matter in which he has a financial interest.

After the March 22 meeting, Mr. Gluesing discussed the architectural plans with DRB board member Nelson Hammer and asked Mr. Hammer to provide recommendations for the design for the 1688 Central Project. It appears from the written exchange that Mr. Gluesing had multiple conversations with Mr. Hammer about the design and demanded a short deadline for Mr. Hammer's response. On March 30, 2021, Mr. Hammer emailed Mr. Gluesing multiple times and provided detailed written suggestions for the design for the 1688 Central Project. (See Exhibit A, attached).

Abutters, neighbors and Needham residents have complained that Mr. Borrelli and Mr. Gluesing have conflicts of interest because they are trying to be developer and architect for this

project at the same time they have responsibilities to the Town of Needham as Chair of the Select Board and Chair of the DRB.

In fact, Mr. Gluesing is in violation of the State Ethics Code with his conduct in this case. While recusing himself from the official DRB meeting on the 1688 Central Project was appropriate and proper under Section 19 of the State Ethics Code, Mr. Gluesing's involvement in the project violates other sections of the State Ethics Code.

2. Municipal Employee for purposes of the State Ethics Code

Someone is a "municipal employee" if they are:

a person performing services for or holding an office, position, employment or membership in a municipal agency, whether by election, appointment, contract of hire or engagement, whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis, but excluding (1) elected members of a town meeting and (2) members of a charter commission established under Article LXXXIX of the Amendments to the Constitution. M.G.L. c. 268A, s. 1(g).

Mr. Gluesing clearly fits this definition as he is an appointed member of the Design Review Board of Needham.

3. Special Municipal Employee for purposes of the State Ethics Code

Some sections of the State Ethics Code apply less restrictively to special municipal employees. Someone is a "special municipal employee" if they are:

a municipal employee who is not a mayor, a member of the board of aldermen, a member of the city council, or a selectman in a town with a population in excess of ten thousand persons and whose position has been expressly classified by the city council, or board of aldermen if there is no city council, or board of selectmen, as that of a special employee under the terms and provisions of this chapter... [M.G.L. c. 268A, s. 1\(n\)](#).

For Mr. Gluesing to be a special municipal employee under this definition, his position (member of the DRB) needs to have been expressly classified as such by the Select Board. It is an open question as to whether this is the case.¹ However, even if Mr. Gluesing were a special

¹ [The Board, Committee & Commission Member Handbook of the Town of Needham dated August 21, 2015](#) prepared by the Town Manager and the Town Clerk incorrectly states on page 8 that "Members of boards and committees are considered 'Special Municipal Employees'". This is incorrect because a position (here member of DRB) can only be considered "special municipal employee" if the Select Board "expressly classified" it as such.

municipal employee, his actions still would be in contravention of Section 17 of the State Ethics Code.

4. Limited of Application of Section 17 to Special Municipal Employees

Section 17 of the State Ethics Code makes its obligations and prohibitions less restrictive for special municipal employees. It limits its application to special municipal employees as follows:

A special municipal employee shall be subject to paragraphs (a) and (c) **only in relation to a particular matter** (a) in which he has at any time participated as a municipal employee, or **(b) which is or within one year has been a subject of his official responsibility**, or (c) which is pending in the municipal agency in which he is serving. Clause (c) of the preceding sentence shall not apply in the case of a special municipal employee who serves on no more than sixty days during any period of three hundred and sixty-five consecutive days. (emphasis added) [M.G.L. c. 268A, s. 17.](#)

The submission of a Site Plan Review application for the 1688 Central Project and affiliated application for DRB review is a “particular matter”² and it “is or within one year has been a subject of his official responsibility”. As a member of the DRB, Mr. Gluesing had official responsibility for reviewing the 1688 Central Project submission and providing feedback to the planning board and other officials of Needham regarding that submission. It does not matter that Mr. Gluesing recused himself from the official DRB discussion and determination regarding the 1688 Central Project. A “public official retains official authority on all matters subject to his review, even if he recuses himself from the discussion and vote on those matters.” [Public Education Letter in the Matter of Lawrence Beals](#) dated January 9, 2020.³ Therefore, Mr. Gluesing is subject to the obligations and prohibitions of paragraphs (a) and (c) of section 17 in relation to the 1688 Central Project *even if he is a special municipal employee*.

5. Section 17(a)

[M.G.L. c. 268A, s. 17\(a\)](#) provides:

² [M.G.L. c. 268A, s 1\(k\)](#) defines “particular matter” as follows:

any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property.

³ In the [Matter of Lawrence Beals](#), Mr. Beals was a member of the zoning board. He was a special employee. He recused himself from discussion and vote on the matter when it was before the zoning board. The State Ethics Commission expressly held that even with his recusal, the matter was within the subject of his official responsibility as a member of the zoning board and that therefore he was subject to sections 17(a) and 17(c) regarding the matter.

No municipal employee shall, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other than the city or town or municipal agency in relation to any particular matter in which the same city or town is a party or has a direct and substantial interest.

“The purpose of this prohibition is to prevent a municipal employee from dividing his loyalty between his public employer and a private party.” [Public Education Letter in the Matter of Lawrence Beals](#), State Ethics Commission, January 9, 2020.

The 1688 Central Project application for Site Plan Review and related DRB review is a particular matter under the State Ethics Code because it is an application for a determination. [M.G.L. c. 268A, s 1\(k\)](#)

Needham has a direct and substantial interest in the review of plans for the 1688 Central project. [Commonwealth v. Canon](#), 373 Mass 494, 498 (1977). “By definition, submissions and applications requiring approval of a municipal agency are particular matters in which the municipality has a direct and substantial interest.” [State Ethics Commission Opinion EC-COI-93-15 dated June 22, 1993](#).

Therefore, Mr. Gluesing is not permitted to directly or indirectly receive or request compensation from anyone other than the Town of Needham in relation to the submission of the 1688 Central project for Site Plan Review and DRB review. [M.G.L. c. 268A, s. 17\(a\)](#)

Mr. Gluesing has received or requested compensation⁴ in relation to the submission of the 1688 Central Project in violation of M.G.L. c. 268A s. 17(a).

The project’s application to the DRB lists the Designer/Installer as “Mark Gluesing Architect”. Mr. Gluesing has prepared architectural plans for the project. Each page of those plans has Mr. Gluesing’s professional seal signed by Mark J Gluesing. Under Massachusetts law, the architect’s seal certifies that the plans were prepared under his responsible control and that he will be responsible for them. [231 CMR 4.02](#). With Mr. Gluesing’s knowledge and consent, those plans have been submitted to the Planning Board, the Design Review Board, Department of Public Works, Town Engineer, Fire Department, Building Department, and potentially other departments in the town of Needham on behalf of Needham Enterprises.

Mr. Gluesing reached out to Lee Newman at the planning department to ask for assistance with the project plans in July 2020. He also emailed a draft of his plans to Ms. Newman and met with

⁴ (a) "Compensation", any money, thing of value or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or another. [M.G.L. c. 268A, s. 1](#).

Ms. Newman and the town engineer, building inspector fire chief and others to discuss the draft plans.

Mr. Gluesing has also represented himself to be the architect for the project to members of the 1688 Central Ave neighborhood. Mr. Gluesing presented the plans for the site to the neighborhood at a zoom meeting on March 19, 2021 and answered questions regarding those plans.

While we do not know the financial arrangement between Needham Enterprises/Mr. Borrelli and Mr. Gluesing, it is clear this is a commercial engagement which will financially benefit Mr. Gluesing. Therefore, he has received or requested compensation - money, or something of value or economic benefit in return for his services rendered.

For these reasons, Mr. Gluesing is acting in violation of G.L.c. 268A, s. 17(a).

6. Section 17(c)

[M.G.L. c. 268A, s 17\(c\)](#) provides:

No municipal employee shall, otherwise than in the proper discharge of his official duties, **act** as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the same city or town, or **as agent** or attorney **for anyone in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest.** (emphasis added)

As discussed above, Needham's review of the 1688 Central Project is a particular matter in which Needham has a direct and substantial interest.

Mr. Gluesing is a municipal employee who is acting as an agent for Needham Enterprises in connection with the 1688 Central Project. "For purposes of the conflict law, acting as an agent includes signing contracts on behalf of an individual or entity, acting as a spokesperson or advocate for another in an application process, presenting supporting information to a public agency or representing another in any way before a public agency." [State Ethics Commission Opinion EC-COI-93-15 dated June 22, 1993](#).

Under Section 17(c), special municipal employees are forbidden from representing a private party before their own board AND ALSO from representing a private party before any other municipal boards or agencies AND ALSO from representing a private party to abutters or other interested parties. [Public Education Letter in the Matter of Lawrence Beals](#), State Ethics Commission, January 9, 2020. Mr. Gluesing has represented Needham Enterprises before his own board, as well as other municipal boards and agencies (the Planning Board, Department of Public Works, Town Engineer, Fire Department, Building Department) as well to the abutters and neighbors of 1688 Central regarding the 1688 Central Project submissions.

“[P]rofessionally stamping or sealing documents, which are then submitted to a Town board or committee, constitutes representation of, or personally appearing on behalf of someone other than the Town.” [State Ethics Commission Opinion EC-COI-93-15 dated June 22, 1993](#). In professionally sealing a document for submission to a Town board, Mr. Gluesing acted on behalf of Needham Enterprises. Mr. Gluesing is bound to speak on behalf of Needham Enterprises in relation to the submitted plans. Indeed, his seal certifies that he will be responsible for those plans. [231 CMR 4.02](#).

In addition to the fact that sealing the drawings submitted with the application constitutes appearing before the various departments and boards involved in this Site Plan Review, Mr. Gluesing also personally spoke on behalf of Needham Enterprises with regard to the 1688 Central Project plans on many occasions – in his emails to Ms. Newman, in his presentation to the Neighbors, in the meeting of July 9, 2020 with the planning department, the town engineer, the building inspector, the fire chief and others. Mr. Gluesing also spoke on behalf of Needham Enterprises in his conversations and correspondence with DRB member Mr. Hammer.

For all of these reasons, Mr. Gluesing’s involvement in the 1688 Central Project violates the State Ethics Code Section 17(c).

7. Section 23(b)(2)(ii)

Section 23(b)(2)(ii) of the State Ethics Code provides:

(b) No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

...

(2) (i) solicit or receive anything of substantial value for such officer or employee, which is not otherwise authorized by statute or regulation, for or because of the officer or employee's official position; or (ii) use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals; ... [M.G.L. c. 268A, s. 23\(b\)\(2\)](#).

Mr. Gluesing used his position as Chair of the DRB to press upon another member of the DRB, Mr. Nelson, to provide Mr. Gluesing and Needham Enterprises with unwarranted privileges, namely design work for the project. Design work such as that undertaken by Mr. Hammer at Mr. Gluesing’s request is something of substantial value which is not properly available to all architects and entities appearing before the DRB. It was Mr. Gluesing’s position as chair of the DRB which gave him access to Mr. Hammer and which gave him the ability to demand design work on a short time frame on behalf of his client Needham Enterprises. These actions by Mr. Gluesing are in direct contravention of the State Ethics Code. M.G.L. c. 268A, s. 23(b)(2). See also State Ethics Commission Opinion EC-COI-83-153 (advising a town building commissioner

contemplating construction work on his own property, “[Y]ou have regular access to Town officials and have authority over various construction matters in the Town. You would violate the provisions of section 23 if you improperly exploit your access to Town officials to aid your construction plans, thereby using your official position to secure unwarranted privileges.”)

8. Conclusion

“The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public’s trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service[.]” [Summary of The Conflict of interest Law for Municipal Employees](#), posted by Town Clerk’s office, Town of Needham.

It is for this reason that Mr. Gluesing’s violations of the law must be expediently addressed by Needham and action must be taken to halt the ongoing violation perpetuated by the submission of Mr. Gluesing’s architectural plans to the Town in this matter. If Needham accepts the use of Mr. Gluesing’s architectural plans in support of Needham Enterprises’ application for Major Project Site Review, the integrity of our Town government and the public’s trust and confidence in our Town government will be lost and Needham will be complicit.

For all of these reasons, the Planning Board must reject the application for Major Project Site Review.

Exhibit A

From: Nelson Hammer <nh@hammerwalsh.com>
Sent: Friday, April 23, 2021 4:22 PM
To: Elisa Litchman
Subject: FW: 1688 Central Avenue
Attachments: for Mark.docx; Site Plan 1.pdf; Site Plan 2.pdf; Drought-tolerant plants.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Elisa,

After the 1688 Central Avenue project was presented to the DRB, Mark Gluesing asked me if I could provide some recommendations for the landscape design. In response, I sent him the email below and attached.

All my other involvement in 1688 Central Avenue has been documented in the DRB notes.

Thanks...

Nelson Hammer, RLA, Principal
Hammer Walsh Design Inc.
24 Farnsworth Street, 4th Floor
Boston, MA 02210
617-274-8695 Office
781-771-0845 Cell
www.hammerwalsh.com

From: Nelson Hammer
Sent: Tuesday, March 30, 2021 11:26 PM
To: 'Mark Gluesing (mjgarchitect@verizon.net)' <mjgarchitect@verizon.net>
Subject: 1688 Central Avenue

Hi Mark,

Sorry I didn't get a chance to do an actual planting plan, but the attached will give you the bones for one, and I will have some more time on Thursday if you need more from me and it is not too late (I know you said you needed it tomorrow).

I am enclosing two plans. The only reason for even including site plan 2 is to show you the key at the end of the parking lot.

The attached memo should be self-explanatory.

Call/email with questions or comments

*Due to COVID-19, I am currently working from home.
Both phone numbers below remain valid*

From: Nelson Hammer nh@hammerwalsh.com 
Subject: DRB comments
Date: March 30, 2021 at 7:29 AM
To: Mark Gluesing (mjgarchitect@verizon.net) mjgarchitect@verizon.net

Hi Mark,

If you have the Board's comments available digitally, can you please forward them to me at your convenience?

Thanks...

Due to COVID-19, I am currently working from home.
Both phone numbers below remain valid

Nelson Hammer, RLA, Principal
Hammer+Walsh Design Inc.
24 Farnsworth Street, 4th Floor
Boston, MA 02210
617-274-8695 Office
781-771-0845 Cell
www.hammerwalsh.com

winmail.dat

From: Nelson Hammer nh@hammerwalsh.com 
Subject: 1688 Central Aveue
Date: March 30, 2021 at 8:26 AM
To: Mark Gluesing (mjgarchitect@verizon.net) mjgarchitect@verizon.net

Mark,

The large hemlocks at the NE corner of the site marked "removed". Have they already been removed? Because if not, they would be a good screen instead of the white pine.

Due to COVID-19, I am currently working from home.
Both phone numbers below remain valid

Nelson Hammer, RLA, Principal
Hammer+Walsh Design Inc.
24 Farnsworth Street, 4th Floor
Boston, MA 02210
617-274-8695 Office
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winmail.dat

From: Nelson Hammer nh@hammerwalsh.com 
Subject: 1688 Central Avenue
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To: Mark Gluesing (mjgarchitect@verizon.net) mjgarchitect@verizon.net

Hi Mark,

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I am enclosing two plans. The only reason for even including site plan 2 is to show you the key at the end of the parking lot.

The attached memo should be self-explanatory.

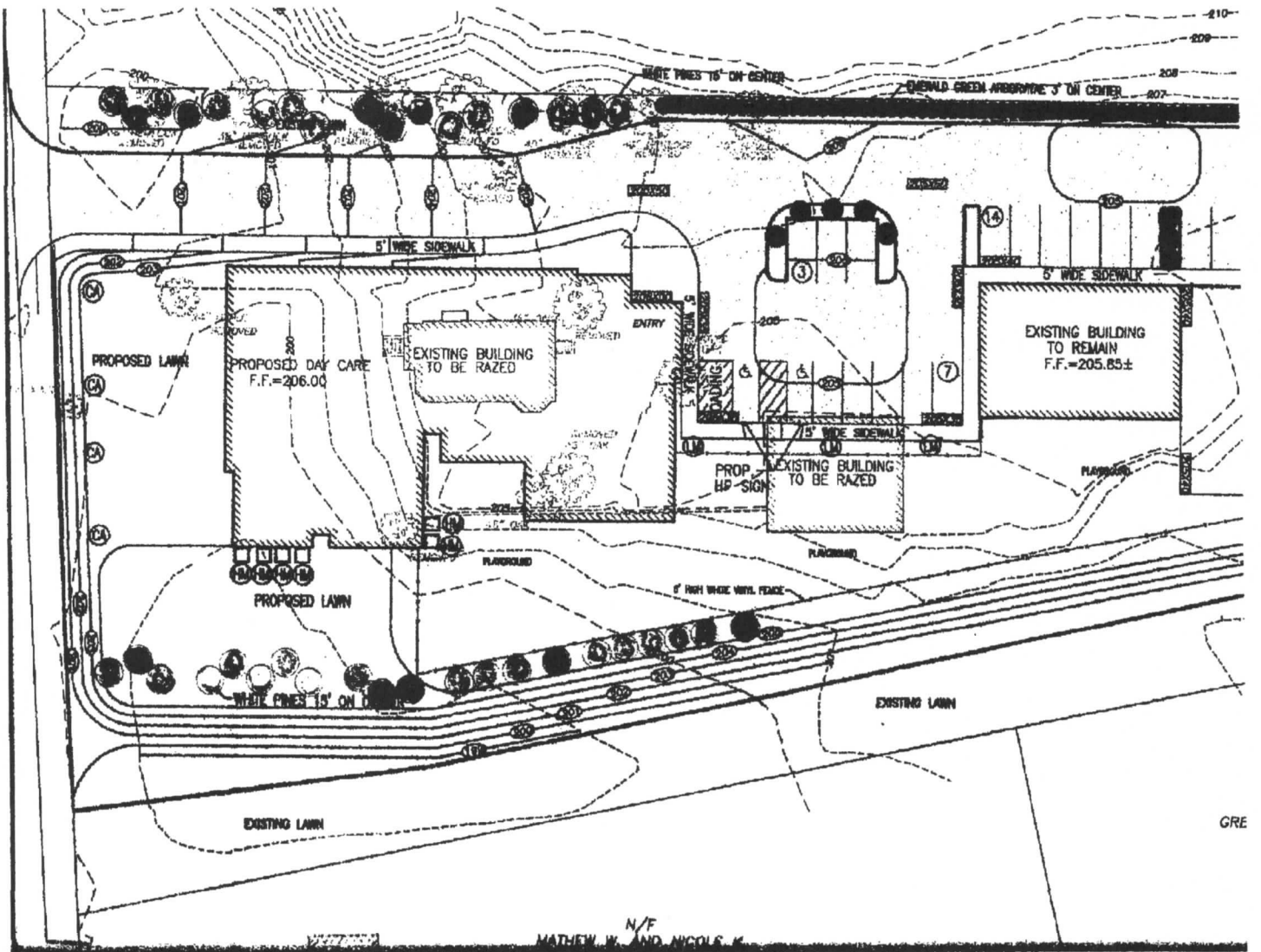
Call/email with questions or comments

Due to COVID-19, I am currently working from home.
Both phone numbers below remain valid

Nelson Hammer, RLA, Principal
Hammer+Walsh Design Inc.
24 Farnsworth Street, 4th Floor
Boston, MA 02210
617-274-8695 Office
781-771-0845 Cell
www.hammerwalsh.com



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GRE

Hi Mark,

I'm afraid I had limited time to do what you've asked, but I will do the best I can to give you my thoughts as to how I would approach the design (which, quite frankly, may have little to do with what the Town of Needham is going to require, given the neighbors' concerns). What this will be is an amalgamation of what was discussed at the DRB hearing, plus our discussions, plus some thoughts I've had since the meeting. I will have more time on Thursday, if that helps.

In no particular order...

- The "key" at the east end of the parking lot provides room for the car exiting the last stall to back out. Its width (east-west) should be 9', or the width of a parking space. Its length should be from the back of the stall to the far side of the parking lot as I've shown. I would move the dumpster enclosure back to the east a few feet just in case to avoid it being hit by a car backing out of that last space.
- You had mentioned that there was an intention to add more screening than what was shown on the drawing. If I were doing it and didn't have a client who was pinching pennies, I would put in what I've shown on the attached plan, with the color coding indicating different species. I've drawn them all at about 8' in diameter and about 8' o.c. with some minor spacing in between differing species (visually, this helps the color and texture of one species stand out more distinctly from a neighboring species); grouping them in varying quantities (i.e., 3 here, 5 there, etc.; and perhaps adding a single specimen every once in a while. An even more interesting interpretation would also vary the spacing by species, which I did not bother to do.
- Evergreen species I would suggest for screening, in addition to the White Pine and the Emerald Green Arborvitae: Norway spruce (*Picea abies*), Eastern Red Cedar (*Juniperus virginiana*), and for an individual specimen to stand out, Baby Blue Spruce (*Picea pungens* 'Baby Blue'). This last one would make an excellent specimen to stand on its own amongst groupings of the other three (adding White Pine to the Norway Spruce and Eastern Red Cedar).
- You mentioned the Legacy Maple at 3" caliper might be large enough to keep them where they are. I don't think so. If the walkway is 5' wide, they are placed 2.5' from the sidewalk, which is closer than I would like. If you really want to keep it within that fence, put a note on the plant list or the plan that states that "All Legacy Maples must be delivered with 6' of clear trunk without pruning lower branches", which means the lowest branches will be 6' off the ground at the trunk. I'm guessing you probably won't find them. One thing in your favor is that Legacy Maples have lower branches that ascend more than most other maple species.
- You and I discussed Hetz Midget Arborvitae as a low screen in front of the AC/units. I've never used that species for such a use. It just doesn't get tall enough. I would suggest Hill's Upright Yew (*Taxus media* 'Hill's Upright'), which stays the same width as the Arborvitae (3'-4'), but gets to be 6'-8' tall (and can be pruned, if desired, to keep it lower).
- The entrance drive appears to be about 22' wide (I'm guessing because I didn't print it to scale). That's borderline too narrow (24' would be better), and the width of the parking aisle

would also be better at 24'. How wide are the parking stalls? The narrower the stall, the wider the aisle should be.

- I don't know that I would line Central Avenue with crabapple trees. I would prefer to see a line of shade trees (either Red Maple (*Acer rubrum*), Green Vase Zelkova (*Zelkova serrata* 'Green Vase'), or Red Oak (*Quercus rubra*). I'm partial to the Zelkova, based on the big sucker that sits in my front yard. Love that tree! All these species will get way up and way out, perhaps 60' high and 40'-50' wide at maturity. My Zelkova is more than 50' wide measured parallel to Fuller Brook Avenue. And the power lines on Central Ave are on the west side of the street, so you will have nothing to encumber them.
- If the intent of your client is to make the front façade seem like a house for the neighborhood's sake, houses have foundation plantings, and a mix of deciduous and evergreen shrubs along the west façade would help bring some residential scale to the building. Assuming your client will not spring for irrigation, I would stay away from broadleaf flowering evergreens (which I would prefer, but virtually all need more water than typical drought-tolerant plants like juniper, yew, holly (most of which are broadleaf evergreen, but don't flower), hydrangea, and spirea. A list of drought tolerant plants is attached. Some *ornamental grasses are worth consideration, too: Hameln Fountain Grass (Pennisetum alopecuroides* 'Hameln'), which stays low (2'), and Maiden Grass (*Miscanthus sinensis* 'Gracillimus'), which gets 3'-4' in height. Like the screening evergreens, I would plant several of the same species in groupings of varying numbers and separate each grouping, spaced so the edge of the planter bed is serpentine.
- Lighting- You said you didn't want to change it. 24' mounting heights on light fixtures in a residential neighborhood is really, really pushing it. If the building department allows it, I would fit them all with house-side shields to make sure you get no light trespass onto Temple property. I would be much more comfortable with more, lower fixtures. 20' or even 18'.

Drought Tolerant Plants for the Landscape

Roberta A. Clark and Deborah C. Swanson, Extension Educators

UMass Landscape, Nursery & Urban Forestry Program

Cape Cod Cooperative Extension and Plymouth County Extension

The plants listed below are among those that have been shown to be drought tolerant. However, any plant, regardless of how drought tolerant it may be, will require supplemental watering during its period of establishment in the landscape. Other factors that will impact success of establishment include: location, correct planting procedures, soil type and preparation.

Deciduous trees:

Acer griseum - Paperbark maple
Carpinus caroliniana - American hornbeam
Cornus kousa - Kousa dogwood
Cotinus obovatus - American smoketree
Crataegus phaenopyrum - Washington hawthorn
Ginkgo biloba - Ginkgo
Halesia tetraptera - Carolina silverbells
Koelreuteria paniculata - Goldenraintree
Liquidambar styraciflua - American sweetgum

Magnolia x loebneri - Loebner hybrid magnolia
Malus spp. - Crabapple
Platanus x acerifolia - London planetree
Quercus spp. - Oak, many species
Sophora japonica - Japanese pagodatree
Tilia spp. - Linden
Ulmus parvifolia - Lacebark elm
Zelkova serrata - Japanese zelkova

Shrubs:

Aesculus parvifolia - Bottlebrush buckeye
Arctostaphylos uva-ursi - Bearberry
Aronia spp. - Chokeberry
Buddleia davidii - Butterfly bush
Calluna spp. - Heather
Chaenomeles x superba - Japanese flowering quince
Clethra alnifolia - Sweet pepperbush
Comptonia peregrina - Sweetfern
Cornus mas - Corneliancherry dogwood
Cotinus coggygria - Smokebush
Cotoneaster spp. - Cotoneaster
Erica spp. - Heath
Exochorda racemosa - Pearl bush
Forsythia sp. - Forsythia

Hydrangea paniculata - Panicle hydrangea
Hypericum prolificum - Shrubby St. John's wort
Itea virginica - Virginia sweetspire
Myrica pensylvanica - Bayberry
Philadelphus coronarius - Mockorange
Physocarpus opulfolius - Ninebark
Potentilla fruticosa - Bush cinquefoil
Rhus spp. (aromatica, copallina, typhus) - Ornamental sumac
Rosa rugosa - Saltspray rose
Rosa virginiana - Virginia rose
Spiraea spp. - Spirea, many species
Syringa spp. - Lilac
Vaccinium angustifolium - Lowbush blueberry
Viburnum dentatum - Arrowwood

Needled Evergreens:

Abies concolor - White fir
Cedrus atlantica - Atlas cedar
Cephalotaxus harringtonia - Japanese plum yew
Chamaecyparis pisifera - Sawara false cypress
Juniperus spp. - Junipers, most species

Picea spp. - Spruce, most species
Pinus spp. - Pine, most species
Taxus spp. - Yew, most species
Thuja occidentalis - Eastern arborvitae

Broadleaf Evergreens

Ilex crenata - Japanese holly
Ilex glabra - Inkberry

Ilex x meserveae - Meserve holly
Ilex opaca - American holly

Vines

Aristolochia macrophylla (*durior*) - Dutchman's pipe
Campsis radicans - Trumpet creeper
Clematis montana - Anemone clematis

Lonicera sempervirens - Trumpet honeysuckle
Parthenocissus quinquefolia - Virginia creeper
Wisteria frutescens - American wisteria

Perennials

Asclepias tuberosa - Butterflyweed
Agastache foeniculum - Anise hyssop
Amsonia spp. - Amsonia
Artemisia spp. - Artemisia
Aster spp. - Asters
Baptisia australis - False blue indigo
Centaurea montana - Perennial bachelor's button
Coreopsis spp. - Coreopsis
Dianthus spp. - Pinks
Echinacea purpurea - Purple cone flower
Echinops ritro - Globe thistle
Erygium spp. - Sea holly
Euphorbia sp. - Spurge
Gaillardia spp. - Blanket flower
Geranium macrorrhizum - Bigroot geranium
Helleborus sp. - Hellebores
Hemerocallis spp. - Daylily
Hibiscus moscheutos - Common mallow

Hosta sp. - Hosta
Iris sibirica - Siberian iris
Lavandula angustifolia - Lavender
Liatris spp. - Gay feather
Nepeta spp. - Catmint
Paeonia sp. - Peony
Perovskia atriplicifolia - Russian sage
Phlox spp. - Phlox
Rudbeckia spp. - Black-eyed Susan
Salvia spp. - Sage
Sedum spp. - Sedum
Sempervirens tectorum - Hens and chicks
Stachys byzantina - Lamb's ears
Stokesia laevis - Stokes' aster
Thymus spp. - Thyme
Verbascum spp. - Mullein
Yucca spp. - Yucca

Annuals

Calendula officinalis - Pot marigold
Canna x generalis - Canna
Capsicum spp. - Ornamental peppers
Celosia cristata - Cockscomb
Cleome - Spider plant
Cosmos - Cosmos
Digitalis purpurea - Foxglove
Eschscholzia californica - California poppy
Gazania rigens - Gazania
Helianthus sp. - Sunflowers

Helichrysum bracteatum - Strawflower

From: [Christopher Heep](#)
To: [Alexandra Clee](#)
Cc: [Lee Newman](#)
Subject: Re: 1688 Central Avenue - objection
Date: Wednesday, June 9, 2021 3:29:49 PM

Hi Alex and Lee. I've reviewed the letter from Maggie and Joe Abruzese.

The Planning Board does not have the jurisdiction to hear or decide matters under M.G.L. c.268A, the *State Ethics Law*. Even if it is assumed that the letter correctly identifies a conflict of interest, I don't believe that this would affect the Planning Board's review of the project under the Zoning By-Law. In particular, I have not found any case law to suggest that a conflict of interest within the ranks of an applicant's consultant team provides an independent basis for a board to disapprove a zoning permit application.

Accordingly, I suggest that discussing these arguments in the public hearing is not likely to be productive, or to result in the disapproval that the Abruzeses are requesting. I believe the best approach relative to the letter is for the Planning Board to continue to review the application on its merits under the standards contained in the Zoning Bylaw and Dover Amendment case law.

Thanks, and happy to discuss.
Chris

[Christopher H. Heep](#)

[MiyaresHarrington](#) - Local options at work

[Miyares and Harrington LLP](#)
40 Grove Street • Suite 190
Wellesley, MA 02482
Direct: 617.804.2422 | Main: 617.489.1600
www.miyares-harrington.com

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From: Alexandra Clee <aclee@needhamma.gov>
Date: Tuesday, June 8, 2021 at 3:43 PM
To: Christopher Heep <cheep@miyares-harrington.com>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: FW: 1688 Central Avenue - objection

Hi Chris,

Please see attached that we received today, as well as question from our Planning Board Chair in email below.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
www.needhamma.gov

From: Paul S. Alpert <psa@westonpatrick.com>
Sent: Tuesday, June 8, 2021 3:39 PM
To: Alexandra Clee <aclee@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Cc: Adam Block <adamjblock@kw.com>
Subject: RE: 1688 Central Avenue - objection

Alex and Lee:

I think that this "objection" and the covering email should be sent to Chris Heep for his review. My question for Chris is: Assuming that Ms. Abruzese is correct that Mark Gluesing is in violation of the state ethics "code" or law, is denial of the major site plan review application the appropriate remedy, or is her remedy to file a complaint with an appropriate state board or agency?

Thanks.

Paul

Paul S. Alpert, Esq.
WESTON | PATRICK
A Professional Association Since 1897
1 Liberty Square – Suite 1210
Boston, MA 02109
(617) 742-9310
(617) 880-6314 (direct line)
(617) 742-5734 (facsimile)
psa@westonpatrick.com

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delivery error by replying to this message, and then delete it from your system.

Thank you.

From: Alexandra Clee <aclee@needhamma.gov>

Sent: Tuesday, June 8, 2021 3:26 PM

To: Paul S. Alpert <psa@westonpatrick.com>; 'Adam Block' <adamjblock@kw.com>; mj@jacobs-thomas.com; Jeanne McKnight (jeannemcknight@comcast.net) <jeannemcknight@comcast.net>

Cc: Natasha Espada (nespada@studioenee.com) <nespada@studioenee.com>; Lee Newman <LNewman@needhamma.gov>; Elisa Litchman <elitchman@needhamma.gov>

Subject: FW: 1688 Central Avenue - objection

Dear Board,

The attached will be in your packets, but I wanted to send it now so you had time to review.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
www.needhamma.gov

From: Margaret Abruzese <mabruzese@gmail.com>

Sent: Tuesday, June 8, 2021 3:07 PM

To: Planning <planning@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Alexandra Clee <aclee@needhamma.gov>

Subject: 1688 Central Avenue - objection

Re: Application for Major Site Plan Review
Needham Enterprises LLC/ 1688 Central Avenue

Dear Planning Board, Ms. Newman and Ms. Clee,

As residents of Needham and neighbors of 1688 Central Avenue, we are writing to request that the Planning Board deny the Needham Enterprises LLC application for Major Site Plan Review because the submission is in violation of the State Ethics Code, M.G.L. c. 268A, s. 17(a) and 17(c). Our reasons for this request are more fully set forth in the attached document.

Sincerely,
Maggie and Joe Abruzese
30 Bridle Trail Rd

Needham MA 02492

From: [Alexandra Clee](#)
To: ["jonasclarke@verizon.net"](mailto:jonasclarke@verizon.net)
Cc: [Lee Newman](#); psa@westonpatrick.com
Subject: RE: Individual Neighbor Comments re: 1688 Central Avenue #3
Date: Monday, June 14, 2021 11:27:02 AM

I had not previously received this email and I will add it to the packet.

Alexandra Clee
Assistant Town Planner
Needham, MA
www.needhamma.gov

From: jonasclarke@verizon.net <jonasclarke@verizon.net>
Sent: Monday, June 14, 2021 9:30 AM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; psa@westonpatrick.com
Subject: Individual Neighbor Comments re: 1688 Central Avenue #3

Good morning (again),

Individual neighbors prepared comments about the 1688 Central Avenue project before the April meeting. When consideration of the project was postponed, the comments were not shared.

I am forwarding them to you now, asking that they can be shared with the Board members. There are five comments which I will forward separately.

Please let me know if I need to do anything else, and again, thank you for your help.

Holly Clarke
617-816-0607

----- Forwarded message -----

From: **Barbara Turk** <turbkj@yahoo.com>
Date: Sat, Apr 3, 2021 at 5:39 PM
Subject: central ave traffic safety
To: safetyoncentral@gmail.com <safetyoncentral@gmail.com>

Hello,

My name is Barbara Turk, I live at 312 Country Way, and have been there since 2007. I drive Central Ave regularly to and from work in Boston 3 days a week, and into town for errands regularly twice weekly at non- commuting times. On my commuting days I am on the road at approximately 7:30am, returning around 6pm.

I strongly do not believe that Central Avenue deserves an A rating. I find it incredible to imagine that a traffic assessment taken during this pandemic time would even remotely reflect the reality of this road use. Traffic on Central Ave now is a fraction of its typical pre-pandemic use.

There are many days when it is extremely difficult to turn out of Country Way in either direction. I turn right towards Boston, and often traffic is backed up to Bridle Trail, and then it is stop and go until the light at 135.

I am very concerned that school buses regularly travel on Central Ave and have multiple stops as they have to pick children up directly in front of their homes due to lack of sidewalks on the street. The increase in traffic that a 100 person day care would bring is going to seriously compound the traffic issue and would likely delay school buses as well. I would also be terribly concerned that emergency vehicles would not be able to get down Central Avenue due to increased traffic.

Cars turning left into the day care will stop traffic in both directions. This is going to be a traffic nightmare and quite frankly Central Ave is already a traffic nightmare. However restricting a left turn into the day care from cars traveling from Needham would likely not make a huge difference, because it would just double the number of cars who would be turning in from the right, and again that would just back traffic up likely to the traffic light at Charles River and beyond. Likewise all of the surrounding streets will have to absorb people cutting through to turn around so they can approach the day care from the south for a right turn only. I can only imagine the cars cutting through Bridle Trail and Country Way. These are quiet neighborhood streets that are going to be significantly affected by this daycare center and the traffic that it will create.

Thank you for your attention.

Barbara Turk

From: [Alexandra Clee](#)
To: ["jonasclarke@verizon.net"](mailto:jonasclarke@verizon.net)
Cc: [Lee Newman](#); psa@westonpatrick.com
Subject: RE: Individual Neighbor Comments re: 1688 Central Avenue #4
Date: Monday, June 14, 2021 11:29:40 AM

I had not previously received this comment and will add it to the packet.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
www.needhamma.gov

From: jonasclarke@verizon.net <jonasclarke@verizon.net>
Sent: Monday, June 14, 2021 9:33 AM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; psa@westonpatrick.com
Subject: Individual Neighbor Comments re: 1688 Central Avenue #4

Good morning (again),

Individual neighbors prepared comments about the 1688 Central Avenue project before the April meeting. When consideration of the project was postponed, the comments were not shared.

I am forwarding them to you now, asking that they can be shared with the Board members. There are five comments which I will forward separately.

Please let me know if I need to do anything else, and again, thank you for your help.

Holly Clarke
617-816-0607

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

Subject:Residents for 37 years; across 1620 Central Ave
Date:Sun, 4 Apr 2021 23:18:45 -0400
From:Patricia Falcao <patfalcaomd@gmail.com>
To:Safetyoncentral@gmail.com

Concerning traffic in the Central Ave section from between the town transfer station and Charles River Road:

My spouse and I are 37 year Needham residents, having lived 34 years at 19 Pine St, where we live with Central Ave traffic immediately across from 1620 Central. Although our address is 19 Pine St, we look directly at traffic on Central, which regularly backs up past Pine St. Quite recently, we were in attendance

at the immediate aftermath of the 5 car crash at the junctions of Central, Pine and Carlton, which would greatly benefit from a traffic light.

Although traffic has been lighter during the pandemic quarantine, because we're now coming out of lock downs, we anticipate its return to the regular back-ups that happen every rush hour, on all temple holidays, and often at evening rush hours as well. Anyone who conducted a traffic study on a regular school week, prior to March 2020, would understand what I'm describing.

Patricia Falcao 19 Pine St, Needham, MA 02492 tel: 781-444-5425

From: [Alexandra Clee](#)
To: ["jonasclarke@verizon.net"](mailto:jonasclarke@verizon.net)
Cc: [Lee Newman](#); psa@westonpatrick.com
Subject: RE: Individual Neighbor Comments re: 1688 Central Avenue (#5)
Date: Monday, June 14, 2021 11:31:45 AM

I had not previously received this comment and will add it to the packet.

Thanks, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
www.needhamma.gov

From: jonasclarke@verizon.net <jonasclarke@verizon.net>
Sent: Monday, June 14, 2021 9:35 AM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>; psa@westonpatrick.com
Subject: Individual Neighbor Comments re: 1688 Central Avenue (#5)

Good morning (again),

Individual neighbors prepared comments about the 1688 Central Avenue project before the April meeting. When consideration of the project was postponed, the comments were not shared.

I am forwarding them to you now, asking that they can be shared with the Board members. There are five comments which I will forward separately.

Please let me know if I need to do anything else, and again, thank you for your help.

Holly Clarke
617-816-0607

----- Forwarded message -----

From: Shaigorodsky Leon <shaigor@gmail.com>
Date: Sun, Apr 4, 2021 at 6:51 PM
Subject: Central driving
To: <safetyoncentral@gmail.com>

Hi

I am living on bridle trail rd for last 4y

The traffic in the morning or afternoon is at least 25.-3x slower that during other hours, making the commute to west st for example easily 15min (from otherwise 5min)

It is a major concern to me to have another public facility on the same route as it will make commute even longer

Combined with narrow road it is also safety concern when car turning left and everyone starts to break

Addition of new school on central (despite strong opposition of residents) made the traffic severely more challenging and we strongly disagree having additional kids facility on the same street that will require left turn crossing the traffic

Thank you,
Leon Shaigorodsky

June 11, 2021

VIA ELECTRONIC AND FIRST-CLASS MAIL

Paul Alpert, Chair
Needham Planning Board
Public Services Administration Building
500 Dedham Ave
Needham, MA 02492
Email: planning@needhamma.gov

Re: Needham Enterprises, LLC
1688 Central Avenue, Needham
Application for Major Project Site Plan Review, Zoning By-Law, Section 7.4

Dear Chair Alpert:

Our firm represents a group of Needham residents who are abutters to 1688 Central Avenue (the “Property”), who own land directly opposite the Property, who are abutters to abutters within three hundred feet of the Property, and/or who reside in the same residential zoning district as the above-referenced project and who will be significantly and substantively impacted by the proposed development of a daycare facility on the Property.¹ These residents have serious concerns regarding the proposed daycare facility, including its impact on traffic, public safety, and the character of the neighborhood, as well as the administrative procedures governing the Planning Board’s review of this project.

First, the residents appreciate that after their considerable efforts to raise awareness of the size and scope of this project, Needham Enterprises, LLC (the “Developer”), submitted an application for Major Project Site Plan Review. However, the Developer has tried to improperly restrict the Planning Board’s power and authority with respect to this application, and the residents wish to correct the misimpressions left by the Developer.

¹ This residents group includes, but is not limited to, Matthew and Nicole Heideman (1708 Central Avenue), Eileen Sullivan (1695 Central Avenue), Carl and Marie Jonasson (1729 Central Avenue), Stephen Jonas and Holly Clarke, (1652 Central Avenue), Dr. Patricia Falcao (19 Pine Street), JulieSue and Matt Goldwasser (34 Carleton Drive), Joe and Maggie Abruzese (30 Bridle Trail Road), Judi and Jack Remondi (258 Bridle Trail Road), Meredith and Gabe Fried (136 Stratford Road), Jared and Abby Wilk (100 Windsor Road), Greg and Raven Register (89 Charles River Street), Steven and Laurie Spitz (188 Charles River Street), Elyse Park (19 Walker Lane), and Deb Spielman (131 Oxbow Road).

In his letter dated May 14, 2021 (the “May 14 Letter”), Evans Huber, Esq., counsel for Needham Enterprises, LLC, claimed the Developer and the Town came to an agreement regarding how the proposed project would proceed through the permitting process. In particular, Attorney Huber asserts that the project will be reviewed according to an unconventional *ad hoc* agreement between the Town and the Developer that deprives the Planning Board of its permit granting authority under the state Zoning Act, M.G.L. c. 40A, and the Needham Zoning By-Law. This arrangement is highly irregular on its face and is particularly concerning in this case where there are serious conflict-of-interest concerns.

In the May 14 Letter, Attorney Huber stated, “it is expressly understood and agreed that no special permit pursuant to Section 7.4 of the Bylaw will be required for this project, nor will the review criteria normally applicable to major project site plan review be applicable in this case. Instead, the Board’s jurisdiction and authority will be limited to the criteria enumerated in M.G.L. c. 40A, Section 3.”

This position is preposterous. There is no legal foundation for this procedure. The Planning Board should not abdicate its authority under the Zoning Act and the Needham Zoning By-Law.

As a threshold matter, there is no support for the Developer’s assertion that all review standards under the Needham Zoning By-Law can be vacated by a project entitled to a “use” protection under G.L. c. 40A, § 3 (commonly referred to as the Dover Amendment). The Dover Amendment provides (in the contexts of child care facilities):

No zoning ordinance or bylaw in any city or town shall prohibit, or require a special permit for, the use of land or structures, or the expansion of existing structures, for the primary, accessory or incidental purpose of operating a child care facility; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

In this application, the Developer is proposing to raze two buildings on the Property in order to construct a new building that will house the daycare facility. Thus, the application is for *new construction* of a child care facility, as opposed to the utilization of an existing structure or the expansion of an existing structure for use as a child care facility. The Land Court has held that a local zoning bylaw “may require a special permit for construction of a *new structure* to be used as a child care facility within” an applicable residential zoning district. Primrose School Franchising Co. v. Town of Natick, No. 459243, 2013 WL 3057432, at *8 (Mass. Land Court June 17, 2013) (emphasis in original). The Court noted that paragraph 3 of G.L. c. 40A, § 3, “protects only existing structures and expansions thereto but does not protect either (1) construction of a new structure or (2) reconstruction of existing structures.” Id. at *7.

Primrose follows other cases holding similarly that special permits may be used to regulate the building of new structures housing protected Dover Amendment uses. See e.g., Prime v. Zoning Bd. of Appeals of Norwell, 42 Mass.App.Ct. 796, 802 (1997) (holding that zoning “board does not lack the power to impose reasonable regulations, including a permit requirement, upon

the proposed [] structure”); Rosenfeld v. Zoning Bd. of Appeals of Mendon, 78 Mass.App.Ct. 677, 681 n.8 (2011) (“In their complaint, the plaintiffs asserted that the board was without authority to grant a special permit for the proposed use as an agricultural use under G.L. c. 40A, § 3. However, as the Land Court judge correctly observed, Gray Wolf’s proposed use did not simply rely on the use of existing structures but called for the erection of new structures. Accordingly, the board’s use of the special permit procedure was appropriate.”).

Similar to the facility at issue in Primrose, the Developer’s proposed daycare project at 1688 Central Avenue is located in a Single Residence A (SRA) zone under the Needham Zoning By-Law. According to the Schedule of Use Regulations table in Section 3.2.1 of the By-Law, a child care facility is allowed by right in the SRA zoning district, and, if it is a Major Project under Section 7.4.2, per Section 3.1, it will require a special permit from the Planning Board. See also Section 7.4.3:

A special permit shall be required for every Major Project, regardless of whether the contemplated use thereof is designated as permissible, as of right or by special permit, under the table of uses set forth in Section 3.2 of this By-Law. The special permit granting authority for all permits the issuance of which is necessary for the construction or use of a Major Project shall be the Planning Board, which, for such purposes, shall have all the powers conferred upon such special permit granting authorities by General Laws Chapter 40A, and shall conduct its business in accordance with the notice, hearing and decisional requirements there set forth, and in accordance with the requirements of this By-Law.

Accordingly, the project requires both a Major Project Site Plan Review **and** a Special Permit.

With respect to the assertion in the May 14 Letter that the project should just proceed under G.L. c. 40A, § 3, the Board must reject this position. There is no independent permitting mechanism in G.L. c. 40A, § 3. The Dover Amendment protected certain classes of uses from some local zoning regulation, but did not exempt those uses from **all** local zoning codes. The Dover Amendment still allows a municipality to apply “reasonable regulations” to a protected use, which are objectively set forth in the municipality’s zoning bylaw. Local zoning ordinances and bylaws set the standards for all building projects, including protected Dover Amendment uses. Needham’s Site Plan Review provisions are reasonable regulations under the Dover Amendment.

In its Legal Notice for this matter, the Planning Board expressly noted that the proceeding would take place “[i]n accordance with the provisions of M.G.L., Chapter 40A, S.11 and the Needham Zoning Bylaws, Section 7.4.” The residents understand this Legal Notice to properly express that the public hearings related to this project will be conducted as a special permit hearing under G.L. c. 40A, § 11, and that all of the customary statutory protections and procedures related to such a special permit will be available to the residents of Needham, including, but not limited to

the opportunity to appeal the special permit decision under G.L. c. 40A, § 17, should such further action be necessary.²

The Planning Board can and should fully consider the proposed project under the standards established for Site Plan Reviews in the By-Law. The Planning Board has the authority to apply the town bylaws, and to identify and assure that any problems created by the project can be mitigated before the project may be built. The Appeals Court has made clear that reviewing boards conducting site plan review of projects permitted as of right and so limited to imposing reasonable terms and conditions, still maintain regulatory authority even to reject the site plans.

A board may lawfully reject a site plan that fails to furnish adequate information on the various considerations imposed by the by-law as conditions of the approval of the plan. ... A board also possesses discretion to impose reasonable conditions under a by-law's requirements in connection with approval of a site plan, even if the conditions are objected to by the owner or are the cause of added expense to the owner. ... In some cases, the site plan, although proper in form, may be so intrusive on the interests of the public in one regulated aspect or another that rejection by the board would be tenable. This would typically be a case in which, despite best efforts, no form of reasonable conditions could be devised to satisfy the problem with the plan and the judge conducting de novo review concurs in that conclusion.

Prudential Ins. Co. of America v. Bd. of Appeals of Westwood, 23 Mass.App.Ct. 278, 283 n.9 (1986) (internal citations omitted). This reasoning applies to site plan review for protected uses under G.L. c. 40A, § 3. When addressing a proposal for a use protected under the Dover Amendment, the Planning Board is empowered to obtain the necessary information to ascertain the full scope of any problems created by a proposal, to fashion appropriate remedies, and in the event no remedy can be found, to deny the project. Further, cases under the Dover Amendment make clear the Planning Board may impose site restrictions on the proposed development so long as those restrictions relate to a “legitimate municipal concern.” Rogers v. Town of Norfolk, 432 Mass. 374, 378 (2000).

In Rogers, the Supreme Judicial Court reiterated its holding in Trustees of Tufts College v. Medford, 415 Mass. 753, 383-384 (1993), and applied the analytical framework for protected educational uses under the Dover Amendment to protected child care facilities:

In Trustees of Tufts College v. Medford, ... we held that “[l]ocal zoning requirements adopted under the proviso [amendment allowing ‘reasonable regulations’] to the Dover Amendment which serve legitimate municipal purposes sought to be achieved by local zoning, such as promoting public health or safety, preserving the character of an adjacent neighborhood, or one of the other purposes sought to be achieved by local zoning ... may be permissibly enforced, consistent with the Dover Amendment, against [a protected] use ... so long as the provision is shown to be related to a

² The Legal Notice also properly observed that the Major Project Site Plan Review process “allows the Planning Board to impose restrictions upon [] the Petitioner building a new child care facility that will house an existing Needham child-care business, Needham Children's Center (NCC).”

legitimate municipal concern, and its application bears a rational relationship to the perceived concern.

Rogers, 432 Mass. at 377-78. Distilled to its essence, Rogers holds that the central question for a Planning Board when applying the requirements of a local zoning bylaw to a protected use under the Dover Amendment is “whether application of the [specific zoning] requirement to the plaintiff’s proposed project furthers a legitimate municipal concern to a sufficient extent to warrant requiring the plaintiff to alter her plans.” Rogers, 432 Mass. at 385, citing Tufts, 415 Mass. at 764.

In Rogers, the SJC upheld a municipality’s bylaw limiting the size of daycare facilities in residential districts to 2500 square feet. The Court began by stating that enacted bylaws are presumed to be valid, and instructed that “preservation of the residential character of neighborhoods is a legitimate municipal purpose to be achieved by local zoning control.” Rogers, 432 Mass. at 380. The SJC also observed that “[a] child care facility of larger dimensions will likely generate more traffic and create more noise, all of which may have greater impact on a town composed mainly of single-family homes.” Id. Finally, the SJC noted “the exercise of zoning authority calls for balancing rights or privileges of use with the character of neighborhoods, a task which necessarily calls into play issues of size, location, setback, traffic, and the sundry other matters addressed in local land use and zoning bylaws and ordinances.” Id. at 382.

Rogers makes clear that towns possess the authority to regulate child care facilities under the Dover Amendment. The Planning Board is empowered to undertake the customary Major Project Site Plan Review and issue a Special Permit as required by the Needham Zoning By-Law. The Planning Board acts to preserve the strong public purposes the community sought to protect through the careful consideration and adoption of the By-Law. These purposes are enshrined in Section 1.1 of the Bylaw, which states:

The purpose of this By-Law is 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 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 hereinafter provided.

In addition to the overarching purpose of the By-Law, for its review of the proposed daycare at 1688 Central Ave, the Planning Board must apply the Review Criteria in Section 7.4.6, including:

- (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;

- (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;
- (c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;
- (d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;
- (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 this By-Law; and
- (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; and may require when acting as the Special Permit Granting Authority or recommend in the case of minor projects, when the Board of Appeals is acting as the Special Permit Granting Authority, such appropriate conditions, limitations, and safeguards necessary to assure the project meets the criteria of a through f.

Of particular importance for this Project are the legitimate public purposes to “lessen congestion in the streets” and the review criteria charging the Planning Board to consider “[c]onvenience 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.”

The residents on and around Central Avenue have already submitted numerous comments regarding the deleterious impact this Project will have on the neighborhood. Though we will not repeat all of the concerns here, we will mention both traffic and site concerns. The issues connected to the traffic of the proposed project include: the contrast between the proposed building's setback and size and that of every other home in the immediate areas, as well as to the layout and orientation of the facilities at Temple Aliyah; the lack of information concerning the proposed drop off and pick up procedures; the extremely shallow set back and the limited capacity to handle traffic internally; the impact of the size and capacity of the proposed facility on the pre-existing and ever growing traffic congestion on Central Avenue; and the ability of nearby residents to enter and exit their own driveways. The Developer's traffic impact submissions are contradictory and incomplete, and they misstate the traffic conditions on Central Avenue. In order to fully consider the impact of the proposed building on all of the critical traffic concerns both on and off site, including the direct and deleterious impacts on the abutters and neighbors, the Planning Board should conduct its own independent traffic study. The study would permit the Planning Board to determine how to protect the town's legitimate interests in traffic and to assure the safety of its residents.³

³ The board has the authority to require the petitioner to pay for an independent traffic study commissioned by the board.

The building's setback and size impacts not only the municipal interest in relieving traffic congestion, but an increased set back and a decrease in the overall mass and size of the Project will also help to prevent the overcrowding of land and the preservation of adequate light and air. The considerable mass and height of the proposed project will crowd Central Avenue and dwarf the homes nearby, especially 1708 Central Avenue. It bears no relationship to existing structures or open space. The dimensions and orientation of the commercial building on the Property would create serious problems that must be evaluated by the Planning Board to determine if the concerns can be addressed. As noted in Section 1.1 of the Bylaw "construction, alteration, height, area and location of buildings and structures" are the tools within the Bylaw that the Planning Board can use to promote outcomes that protect Needham's legitimate municipal interests. Under M.G.L. c. 40A, § 3, and Needham's Zoning By-Law, the Planning Board has the authority to require the "mitigation of adverse impacts" on Central Avenue through Major Project Site Review and the Special Permit process. After, and only after, determining that the serious issues created by the current proposal can be mitigated, should the Planning Board allow the project to proceed (under the terms of a special permit).

Procedural Irregularities

At its essence, the May 14 Letter recommends an *ad hoc* standard of review unsupported by legal authority following a backroom off-the-record meeting between Town officials and the Developer, who happens to be the Chair of the Needham Select Board. The letter raises both conflict of interest and open meeting law concerns.

To mitigate the conflict of interest concerns and the loss of confidence in the independence of the Planning Board, the residents hereby request that the Planning Board renounce the terms of the *ad hoc* standard of review and any pre-conceived procedure for how this project will progress before the Planning Board. The project should proceed based solely on the review criteria and purposes set forth in the Zoning By-Law without compromise by virtue of the Developer's position as Select Board Chair or any other improper influence.

The May 14 Letter also raises the concern that representatives of the Planning Board and Town government are conducting the business of the Planning Board outside of an open meeting. Such conduct would be antithetical to the exercise of authority under the Zoning Act, which is another reason why the *ad hoc* negotiated standard should be denounced by the Planning Board during the upcoming public meeting.

Record Preservation

The residents have every interest in participating in the full Major Project Site Plan Review and special permitting process for this Project. But, in light of the matters raised above, we request that the Planning Board and the Planning Department, and its members and representatives, and Town Counsel, preserve all documents, including emails and texts, related to the Project. This request extends to all Town departments involved in the review of the Project. We also request that the Board direct the Developer to preserve all of its communications with any Town official or employee or Town entity regarding the project. This request applies to documents or

communications concerning the Project or application on or from any personal email or other devices of the individuals described above, as well as their work email and devices.

Sincerely,



Peter F. Durning

cc: *via electronic mail*
Lee Newman, Planning Department
Alexandra Clee, Assistant Town Planner
Jeanne McKnight
Natasha Espada
Adam Block
Martin Jacobs
Kate Fitzpatrick, Town Manager
Evans Huber, Esq.
Theodora K. Eaton, Town Clerk
David A. Roche, Building Commissioner
Elisa Litchman, Design Review Board
Board of Selectmen (selectboard@needhamma.gov)

From: mabruzese@gmail.com
To: [Planning](#); [Alexandra Clee](#); [Lee Newman](#)
Cc: mabruzese@gmail.com; [Sandy Cincotta](#)
Subject: re: 1688 Central Avenue - objection
Date: Friday, June 11, 2021 4:56:34 PM

Dear Planning Board of Needham,

We have received a copy of the e-mail sent by Chris Heep, Town Counsel, concerning our objection to the Major Project Site Review of the project at 1688 Central Avenue.

It is not surprising that there is no case law guiding the procedures the Board should follow in this case. It is unusual that ethical violations of this nature would have been committed and discovered all before action was taken on a petitioner's application. The absence of case law does not prevent the application of common sense and reason to guide your actions in this matter.

To make its case before the Planning Board, the petitioner is relying on architectural drawings sealed by Mark Gluesing. If Mr. Gluesing is prohibited from submitting architectural drawings to the Planning Board in this case due to the fact that he is the chair of the Design Review Board (a board whose input is an integral part of the Planning Board's site review process), then petitioner's submission is tainted and the Board cannot and should not consider those drawings or any application predicated on those drawings. The entire point of conflict of interest laws is to prevent municipal officials from being able to use improper means to accomplish ends that are, or appear to be, self serving. The Board should act to preserve public confidence in its own integrity and decision making and should not proceed to process the proposed review application until this matter is resolved.

The situation presented by this case is particularly suspect because the petitioner itself is an entity wholly owned and operated by the Chair of the Select Board, Matt Borrelli. Mr. Borrelli's actions in this matter also appear to be in contravention of the State Ethics Code. Among his problematic behaviors: Mr. Borrelli acted as an agent for an entity other than Needham when he personally communicated with Lee Newman at the planning department on behalf of Needham Enterprises LLC, and when he personally met with the various town departments to get their suggestions and input on the project on behalf of Needham Enterprises LLC. These acts were in contravention of G.L.c. 268A, s 17(c) which prohibits municipal employees from acting as an agent for anyone other than the municipality in any case in which the municipality has an interest. Additionally, Mr. Borrelli hiring Mr. Gluesing as his architect is problematic under the State Ethics Code. It is a violation of the conflict of interest laws of the State Ethics Code for Mr. Borrelli to promise or offer Mr. Gluesing compensation for work on a matter in which Needham has an interest. G.L.c. 268A, s. 17(b). The conflicts created by the fact that Mr. Borrelli is both Chair of the Select Board and developer in this case spread wide and make everyone's jobs delicate. Even Town Counsel is in a potential conflict position rendering advice in this case because he is appointed by the Select Board.

These are not whispers of a conflict of interest. Serious allegations are raised in this case regarding petitioner and his architect which are well supported by the facts and the law. Needham cannot simply ignore that and proceed as usual. If the Board takes the position that it does not have the authority to decide the issue of whether actions are in violation of the State Ethics Code, the appropriate thing to do is to stop and get a determination on that issue before the Planning Board proceeds. If there is a determination that there are ethical violations here by Mr. Gluesing and/or by Mr. Borrelli, Needham would not be able to consider the application for site plan review because the application will have been tainted by unethical conduct. M.G.L. c. 268A, s. 21(a). Accordingly, we request that the Board refer the question of whether Mr. Gluesing and/or Mr. Borrelli's conduct in this matter violates the State Ethics Code to the State Ethics Commission for a determination, and that the Board suspend all hearings and decisions on this case until such a determination is made.

The Planning Board's actions in setting the hearing for June 15, 2021 were driven by the fact that "the applicant is anxious to have this move forward quickly to a hearing." See comments of Former Chair,

Video recording of May 18, 2021 Planning Board meeting at approximately 56:35, available at https://www.youtube.com/watch?v=iX_Xlf5sMvQ. The commercial interests of an entity owned and operated by a Town Selectman in having this project completed as quickly as possible should not trump the interests of Needham in preventing conflicts of interest, fostering integrity in public service, and promoting the public's trust and confidence in that service and governmental decision making. The residents of Needham have a right to be assured that their town representatives and employees are acting in the town's best interest. It is in the Town of Needham's best interests to obtain the State Ethics Commission's viewpoint before proceeding; it is not in Needham's interest to expedite the project. If Needham were to push forward with site plan approval and ignore the conflict of interest question so that petitioner could complete the project more expediently, Needham would be enabling municipal employees to use their town positions improperly to further their own personal interests which would not foster integrity in public service or promote the public's trust and confidence in that service.

Sincerely,

Margaret and Joe Abruzese
30 Bridle Trail Rd
Needham, MA 02492

CC: Ms. Clee, Ms. Newman, Ms. Cincotta

From: [Karen Langsner](#)
To: [Alexandra Clee](#)
Subject: 1688 Central Avenue project
Date: Sunday, June 13, 2021 3:14:52 PM

Dear Ms. Clee:

We live on Windsor Road and currently have to adjust our timing to work and into town around our three elementary schools drop-off and pick-up schedules. Understanding this project from the get-go, we gravely object to any agreement to waive the Major Project review process and special permit requirements for the 1688 Central Avenue project.

Thank You,
Karen and Alan Langsner

From: [Keller, Stanley](#)
To: [Planning](#); [Selectboard](#); [Alexandra Clee](#); [Lee Newman](#)
Subject: 1688 Central Avenue Project
Date: Sunday, June 13, 2021 3:51:13 PM

To the Town of Needham Representatives:

We are long-time residents at 325 Country Way and will be directly affected by the 1688 Central Avenue Project. From the perspective of proper use this property, necessary attention to traffic and safety concerns and reasonable regulation of the proposed use and potential future uses of that property, we believe it is both justified and legally permissible to subject the 1688 Central Avenue Project to a scrupulous Major Project review process and reasonable regulation. The following is a letter to the editor that I sent in April after an article quoting the developer, Mr. Borrelli was published. I hope you will find it informative. We plan to attend the June 14 Planning Board meeting.

"I write regarding the article published in print on April 15 regarding the Daycare Center proposed to be built in a mainly residential, high traffic area on Central Ave. in Needham. This project presents the Town and its officials with a challenge to do the right thing when the parties involved are influential officials in the Town. Matthew Borrelli, the owner and developer of the project, is a member of the Town Select Board. He is quoted in the article as saying that in his position he has to go to a higher standard which he is happy to do. We should hold Mr. Borrelli to his statement even though the facts so far belie that assertion. Is it a higher standard to try to questionably squeeze an obviously major project just under the wire as a purported minor project to escape the review a project of this nature and size deserves? Does anyone really think that a building just under 10,000 sq., ft. as described, basing it in part on using an existing aged barn, and with a claim of just under 25 parking spaces, will be adequate for a facility accommodating more than 100 children? Experience with similar facilities tells us otherwise. Is it a higher standard to use, not once but twice, a traffic study taken during the dramatic reduction in traffic due to the pandemic to alleviate concerns over traffic that all of us who commuted regularly to Boston in the not too distant past know too well? Is it a higher standard to seek to avoid the safety review essential for a daycare center populated with so many children? The challenge for the Town and its officials is to ensure that the higher standard that Mr. Borrelli says he embraces is in fact applied to this controversial and sensitive project."

Stanley Keller
325 Country Way
Needham, MA



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From: [Sean Morris](#)
To: [Alexandra Clee](#)
Cc: [Marina Morris](#)
Subject: 1688 Central Ave project
Date: Monday, June 14, 2021 9:01:04 AM

Alexandra,

We live on 48 Scott Rd in the Country Way neighborhood and have to continuously factor in three different elementary schools traffic to go to work and into town. Since learning of this project at its beginning, we gravely object to any agreement to waive Major Project review process and special permit requirements for the 1688 Central Ave project.

Thank you,

Sean and Marina Morris

June 14, 2021

Paul Alpert
Chair of Needham Planning Board,

Members of the Needham Planning Board,

Lee Newman
Director of Planning and Community Development
500 Dedham Avenue
Public Services Administration Building
Suite 118
Needham, MA 02492

RE: Site Review of Proposed Project at 1688 Central Avenue
Comments on Proponent's Revised Traffic Impact Assessment

Dear Chair Alpert and All Planning Board Members,

Attached please find the detailed comments of neighbors of 1688 Central Avenue for consideration during the Planning Board's site review process of the proposed project at that location. These comments address the revised Traffic Impact Assessment submitted by the proponent. We ask that you give careful consideration to these comments and enter them, along with their attachments, into the formal record of your meeting should there need to be further proceedings on the matter. Thank you for your consideration.

Yours truly,

Holly Clarke

Comments of Neighbors of 1688 Central Avenue for Consideration During the Planning Board's Site Review Process for that Location Concerning the Traffic Impact Assessment Reports

The following comments are submitted for the Planning Board and other town departments to consider while conducting the site review process for the proposed development of 1688 Central Avenue.

The Proponent's Traffic Impact Assessments are so flawed that the Planning Board cannot responsibly rely on them in its deliberations.

The proponent has submitted three Traffic Impact Assessments. The inaccuracies, inconsistencies, and contradictions in all three reports are so glaring that the reports strain credibility and suggest that the Proponent has not been forthright with the Town or the neighbors.

- As every resident in the area well-knows, Central Avenue does not operate at a level of service A during the morning rush hour and the reports' stubborn refusal to acknowledge that reality taints its conclusions.
- The reports make inconsistent assumptions about the number of children attending the program and, in a transparent effort to sell the project as having minimal impact, use various methods to artificially reduce the number of morning peak hour generated trips.
- The reports present contradictory descriptions of the drop off and pick up procedures- the procedures which the Proponent claims will mitigate the traffic problems caused by the program.
- "In conducting the Site Plan Review, the Planning Board **shall** consider the following Matters: ... (b) Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets...." Needham Zoning Bylaw 7.4.6 (emphasis added). Yet, the third report – presumably representing the Proponent's best effort to sell the project to the Planning Board – completely ignores the impact of the proposed development on the ability of residents to enter and leave their homes.

It is a fact that the project is sited in an area of high-volume traffic and it is a fact that every neighbor will feel the negative impact on vehicular and pedestrian movement in the area. The Proponent offers no serious remedy for the traffic impact of its project, instead trying to divert, through a series of changing assumptions and calculations, the Planning Board's attention away from the fundamental facts at play here. We urge the Board to reject the Proponent's efforts and find that the application as submitted does not meet the traffic criterion for Site Plan Review.

1. The proponent incorrectly concludes that Central Avenue traffic operates at Level of Service “A”.

The description of Central Avenue as operating at a LOS “A” is simply untrue.

Central Avenue is a heavily traveled road that operates well beyond its capacity. Delays occur from one end of town to the other. The “peak hour” of traffic extends well beyond one hour, residents using the street leave earlier in order to allow sufficient time to arrive at their destinations on time. The residents of the area have tried to make their actual experience with Central Avenue traffic known to the developer and the town agencies involved with evaluating this Project. Traffic studies commissioned by the town of Needham acknowledge Central Avenue as heavily trafficked, with challenges to pedestrians and vehicles alike. Nowhere is there a description of Central Avenue traffic as free flowing with drivers virtually unaffected by the presence of other vehicles. The proponent’s refusal to recognize this fact undermines the credibility of the submitted reports and prevents this Board from making the necessary judgments required under the Bylaws.

The first report (Report 1) submitted with the initial application and marked March, 2021, bases its conclusions on undated observations made from the property’s driveway. The report states that Central Avenue carries 9,000 vehicles per day in the vicinity of the site, with 9%, or 813 cars, of the daily volume passing the site during the morning peak hour (Report 1- Executive Summary, Figure 3). The report concludes that Central Avenue operates with an “A” level of service. When asked, the proponent revealed that the observations were done on February 4, 2021- during the pandemic. The report’s conclusion may have accurately reported about a day during the pandemic with schools operating with hybrid models, businesses implementing work from home strategies and people deliberately staying home. However, February 2021 traffic simply is not representative of non-Covid 19 traffic reality on Central Avenue.

The second report, marked Revised March 2021, includes analysis based on counts collected by Needham in 2016 as it planned to build at the RTS site (Report 2). Report 2 writes that Central Avenue carried approximately 16,000 cars in 2016, with approximately 8%, during the morning peak hour (Report 2- Executive Summary). Adjusting the 2016 numbers using an annual growth rate of 1.6%, the report concludes 1461 cars would pass 1688 Central Avenue during the morning peak hour in 2021 if the pandemic had not influenced traffic (Figure 4). Despite the dramatic increase in volume, Report 2 again concludes Central Avenue traffic flows smoothly, with a projected LOS A Northbound for all moves, LOS A southbound through movement and LOS B for left turn movement into the site. The driveway west bound was projected to operate at LOS D. In fact, the report offers no discussion of the impact of such an increase in volume on the neighborhood or the project.

The third report, marked Revised June 2021 and submitted on June 10, 2021, contains observations made from the site driveway on June 3, 2021 “in response to the view that traffic counts on Central Avenue were increasing at a rapid pace back to Pre-Covid 19 level” (Report 3 at p 2). The report writes that the observed traffic volumes remain reduced by 25% from the levels projected using 2016 plus 1.6% of annual growth. The report again concludes that Central Avenue operates at a level of

Service “A”, this time for all through movement, including even the left turn into the site. The driveway was now projected to operate at a LOS “C”.

Report 3 does include the first reference to traffic issues on Central Avenue, with the observation of a backed up line of cars extending from Charles River Street to the driveway at 1688 Central Avenue from 4:51 to 5:01 pm. The stacking is described as, “not sustained during the entire ten minutes but flowed much like an accordion where it would move upon the green light and open as the queued vehicles began to move. From my position in the driveway, it was not possible to tell if the pedestrian phase had been activated at the light or if a slow-moving dump truck contributed to the backup although both were observed in the area.” (P 2). According to the author’s calculations on page 5, he observed a line of approximately 44 cars for ten minutes on a day when traffic is reduced by 25%, but this did not sway his estimation of the level of service on Central Avenue. The report includes no analysis of the impact of such a queue on traffic on the neighborhood if the proposed childcare facility was operating. We note that there is no “pedestrian phase” at the Central Avenue Charles River Street traffic light. There are pedestrians, however, who struggle to safely cross Central Avenue. Dump trucks and other large vehicles also frequent the street. Needham school busses also drive the street, stopping in front of each home of any student as a safety measure.

Report 3 goes so far as to suggest that the traffic volumes used in the report may be “conservative” and may be higher than returning traffic volumes. Unfortunately, the pandemic is not over. Many people have not yet returned to their offices, nor have all activities resumed.¹ The Massachusetts Department of Transportation monitors traffic at set checkpoints and makes weekly comparisons of current and 2019 traffic volumes. Traffic at the Newton Mass Pike checkpoint shows traffic steadily increasing, but it remains reduced by 22.7%. <https://mobility-massdot.hub.arcgis.com/#traffic>. Further, the proponent’s own observations show an increase in traffic from February to June. In sum, there is nothing conservative about the proponent’s traffic assumptions. Covid 19 presents some challenges to estimating traffic, but the town has the resources of its own previous studies, the residents’ experience, and common sense to recognize the reality of the traffic problems that already exist on Central Avenue and how this project will impact them. Perhaps the proponent’s error is in solely focusing on the site driveway and ignoring all that happens around it. Perhaps the challenge of fashioning effective mitigation strategies because of the limits of this site is causing willful blindness. Whatever the reason, the developer’s refusal to recognize the reality of the traffic on Central Avenue does not change that reality. Traffic is a legitimate municipal interest that must be addressed before any project is approved.

¹ Importantly, the Temple’s activities are not accounted for in these reports.

2. The three reports make inconsistent assumptions about the number of children attending the facility and change the methods used to artificially reduce the number of peak morning hour trips.

The second and third reports are ostensibly intended to address the impact of Covid 19 on the conclusions on earlier conclusions. However, the reports are inconsistent with each other on matters not at all related to changes in traffic volume on Central Avenue because of Covid 19. The characteristics of the program itself should have remained the same. The planned number of children is basic information necessary for the town to assess the project. It impacts parking, traffic, and other considerations. It is included on the submitted plans. Similarly, the methods used to calculate the traffic generated by the proposed building should be consistent. The changes in the methods of determining the resulting traffic- resulting in the inexplicable conclusion that more children will cause less traffic- undermines the trustworthiness of the proponent's conclusions and renders the submission suspect..

Table 1 below shows the number of children attending the program and the number of peak morning trips the program will generate according to each report.

TABLE 1: Number of Children in Attendance and the Number of Peak Hour Morning Trips generated.

	Report 1	Report 2	Report 3
Number of Children	80	97	113
Number of Peak AM Used by the Report	104 trips	76	83
Number of AM peak hour student/trips per Proposed Operator's schedule*	55 cars/110 trips	40 cars/ 80 trips	40 cars/ 80 trips

The reports' changes in the number of children raises questions about the proponent's true intentions at the site and the credibility of the representations made to the town and residents. The 80 students contained in Report 1 matches the proprietor's statement to neighbors that the program will be for no more than 80 children. Report 2 uses 97 children, a number close to the architectural drawing's reference to 100 students. The 113 number is not explained.

The reports use different methods to reach their conclusions about the Project's traffic impact, a fact that undermines their credibility. Report 1 utilizes the ITE Report 10th edition to calculate the number of morning peak hour generated trips according to building size (109 trips), and the number of students (61 trips) and averages the two to reach 85 peak AM hour trips. The report also considers the proposed drop off procedure used by the proponent, which generates 55 peak morning **cars**, which

would be expected to equal 110 **trips**. The report reduces the cars within the peak hour by 6 and concludes that the proposed facility will generate **104 peak AM hour trips**. (Figure 4).

In contrast, Report 2 only uses the ITE Report to calculate the number of generated trips based on the number of students (72 trips). It makes no mention of the ITE building size prediction of 109 trips, and avoids averaging the different measures, which would have equaled 91 trips. Instead, Report 2 proceeds to consider a completely different version of the operator's proposed drop off procedure than that used in Report 1. This version predicts a morning total of 68 cars, with 40 **cars** during the AM peak hour, which would be expected to equal 80 **trips**. The report reduces the number of cars by 4 and concludes the proposed facility will generate **76 peak AM hour trips**. (Figure 5).

Like Report 2, Report 3 only uses the ITE trip generation based on the number of students (83 trips), makes no mention of trip generation per building size (109 trips), and does not average the two measures (96 trips). Report 3 uses the same operator's proposed drop process as Report 2, with an AM peak hour generation of 40 **cars**, which would equal 80 **trips**. No adjustment is made for the increased number of children being considered in Report 3. The report uses the ITE calculation of generated trips by the number of students to conclude the proposed building will generate **83 peak AM hour trips** (Figure 4 of the report).

The reports increase the number of children attending in each successive report yet reduce the predicted number of peak hour trips. On their face, these conclusions are not credible. Larger programs will generate more traffic because more children will need to be brought to the center. The changes in the reports suggest the proponent is trying to juggle the numbers to avoid addressing the traffic implications of the project.

3. The traffic generated at nearby daycare centers undermines the proponent's projections about the traffic impact of this project.

The reports include data gathered from the operation of two nearby daycare centers as a means "to gain a higher level of confidence in our projected drop off/ pick up vehicle trips." However, analyzing this information contradicts rather than confirms the proponent's projections for 1688 Central Avenue.

At the Goddard School in Medfield, 59 students arrive during the AM peak hour and 96 children attend the program" (Report 1, p.2). Assuming the 59 students arrive in separate vehicles, there are 118 peak hour **trips**. The rate of peak hour arrivals to the number of students at the Goddard School- 59 vehicles: 96 children- can be used to test the proponent's predictions. Table 2 shows the number of trips that would be generated at the Goddard School rate for the 80, 97 and 113 student programs described in the three reports.

TABLE 2: Expected AM Peak Hour Traffic at 1688 Central Using Goddard School Data

	Goddard School	Report 1	Report 2	Report 3
Students	96	80	97	113
Cars/peak hour projected from Goddard School data	50	60	70	82
Proponent Projection Cars/Peak	--	55	40	40
Trips/peak hour projected from Goddard School data	118	120	140	163
Proponent Projection Trips/peak	--	104	76	83

The report also includes data from a second, unnamed daycare center with 87 children, which experienced a total of 51 **vehicles** during the morning peak hour. (Report 1, p.2). The 51 vehicles would equate to approximately 102 **trips**. Using the rate of peak hour arrivals to the number of students - 51 : 87 - allows a comparison to the proponent's projections. Table 3 shows the number of trips that would be generated at the unnamed daycare center's rate for the 80, 97 and 113 student programs described in the three reports.

TABLE 3: Expected AM Peak Hour Traffic at 1688 Central Using Second Center Data

	Unnamed Center	Report 1	Report 2	Report 3
Students	87	80	97	113
Cars/peak hour projected using rate from Unnamed School	51	48	67	71
Proponent Projection Cars/Peak	--	55	40	40
Trips/ peak hour projected using rate from Second School	118	100	118	134
Report Projection trips/peak hour	--	104	76	83

The information about the actual traffic generated by nearby child care facilities is no doubt valuable. It offers real time data about the actual operation of daycare facilities that may provide more accurate insight into the traffic likely to be generated by the proposed project. The schools included in the proponent's traffic analysis indicate that Reports 2 and 3 drastically undercount the traffic that will be generated by the proposed project. The proponent's projections should therefore be rejected and the project should not be approved based upon this submission.

4. The reports present contradictory descriptions of the drop off and pick up procedures- the procedures which the Proponent claims will mitigate the traffic problems caused by the program.

The only mitigation strategy the proponent presents to address the traffic implications of the project is a staggered drop off and pick up plan. It is beyond troubling that the submitted reports use different plans to calculate the AM peak hour traffic generated by the program. The effectiveness of the

pandemic drop off plan implemented at another location to the 1688 Central Avenue site raises serious issues. All users will drive to this location and no additional parking lots or on street parking is available. Returning to workplaces and traffic on Central Avenue may impact the ability of families to time their drop offs to the current schedule. These and other issues must be fully considered and addressed before the project is approved. However, the proposed drop off plan considered in making the traffic impact projections should at least have been consistent across the reports.

The Student Drop Off & Pick Up Program used in Report 1, presented below, accounts for 80 cars overall and leads to the conclusion that the center will generate 104 AM peak hour trips.

AM	7:30-8:00	16 cars
	8:00-8:15	9
	8:15-8:30	10
	8:30-8:45	16
	8:45-9:00	19
	9:00-9:15	10
The Peak hour = 55 cars		
The Peak trips= 104 trips (Report 1, Figure 4)		

Report 2 switches to “Proponent’s Child Drop off & Pick Up Program on Tuesdays through Thursdays 68 cars.” No explanation is given for this change or for why a schedule with a lesser number of cars should be used for planning purposes, especially when the predicted number of enrolled children increases. The report states:

AM	7:30-8:00	10 cars
	8:00-8:30	15
	8:30-8:50	15
	8:50-9:00	10

AM Peak Hr = call 40 cars (Report 2, Figure 5)

No explanation is given as to why the Peak Hour would be “called 40 cars.” The time slots on this schedule differ from those in the first report. Report 2 does not include the number of children that actually are transported to the current facility under this schedule, nor whether any adjustment is required to use it for a program for 97 children. The report uses this figure to conclude the facility would generate only 76 AM peak hour trips.

Report 3 replicates Report 2's use of "Proponent's Child Drop off & Pick Up Program on Tuesdays through Thursdays- 68 cars."

AM	7:00-8:00	10 cars
	8:00-8:30	15 cars
	8:30-8:50	15
	8:50-9:00	10
	9:00-9:15	20

AM Peak Hr = call 40 cars (Report 3, Figure 4)

Like Report 2, Report 3 concludes 40 cars will arrive in the AM peak hour, which the report identifies as 8:00- 9:00 am. Report 3 includes an additional time slot and lists 20 additional cars arriving between 9:00 and 9:15. While the report lists the total number of cars as 68, the actual number of cars included totals 70. Again, no explanation is given for the number of children arriving at the current program site, nor whether any adjustment is required to use it to predict car and trip generation for a program serving 113 children.

The number of cars and trips the proposed building project will generate is a critical piece of information needed to assess the impact this project will have on the neighborhood. It impacts both on and off site traffic. The changes in the description of the drop off procedures impacts raise the question of whether the proponent is retrofitting the numbers to try to fit the site and paper over the serious problems presented by the proposed building.

Furthermore, the operator's drop off program has been touted as the solution that will eliminate any negative consequences for the neighborhood and its residents. The plan should be fully explained in the proponent's submissions so that it could be fully vetted. Yet, the only references to the plan are those included in the Traffic Impact Assessments. As discussed above, the reports include completely different plans, refer to different time slots and call for different numbers of cars and trips to be distributed over the drop off and pick up periods.

Using the only descriptions provided above, it is clear the drop off plans will not prevent overflow traffic from queuing on Central Avenue. According to the proponent's presentation before the Design Review Board, the driveway can accommodate 10 cars at any one time. The drop off program included in Report 1, a plan for only 80 students, calls for at least 10 cars every 15 minute from 8:00 am through 9:15. The plan calls for 16 cars at 8:30 and 19 cars at 8:45. The 35 cars during this 30 minute period would have less than one minute to stop, allow the child to be unbuckled from the car, gather their belongings, say goodbye and leave with the teacher. It is unrealistic to expect this plan to work.²

² No explanation is given for the pick up procedure or the PM traffic patterns. Unlike drop off, pickups require time to bring the right child to the waiting car. The time required for this process is likely greater than the time spent helping a child leave a car in the morning. This process should be completely explained and analyzed.

As currently described, the building will undoubtedly cause traffic to overflow from the site onto Central Avenue. Cars waiting to enter the site to drop off children will completely block traffic. The site review should be denied as the information provided is insufficient to protect the town's interest in assuring the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets.

5. The reports completely ignore the impact of the proposed development on the ability of residents to enter and leave their homes.

As proposed, the building will impact the ability of nearby residents to use their driveways. Residents have outlined the issue in previous submissions, and we stand by those comments. The placement of the project's single two-way driveway will require residents already coping with Central Avenue traffic to simultaneously navigate the vehicles entering and exiting 1688 Central Avenue. If residents-whose homes are a use as of right- cannot be assured ingress and egress from their houses, the project should not be approved.

The findings of a 2014 traffic study commissioned by Needham evaluating the driveways at the RTS supports the validity of the neighbors' concerns about this project. The 2014 study showed the RTS driveways operating at LOS D in the morning and LOS E in the evening peak hours. The absence of any commercial project nearby directly across the street to further hinder vehicles trying to exit the driveway and annual traffic growth suggests that homes near 1688 Central Avenue will experience even lower levels of service as a result of the proposed project.

<https://www.needhamma.gov/DocumentCenter/View/10910/015-Volume-3-Facilities-Master-Plan-2014-Traffic-Study?bidId=>

The proponent completely ignores this problem. Report 3 discusses the ability of vehicles exiting 1688 Central Avenue's driveway to turn left, and the ability of vehicles to turn right into and out of the driveway. These may be relevant questions, but they are not the only questions the proponent must address, and the Planning Board must answer. Clients of the facility will be free to select another child care center if they find traffic is too frustrating. Residents have no such an out.

6. The reports do not include standard sections necessary to evaluate the project's impact on traffic.

Finally, we note the reports do not include standard sections used to evaluate the traffic impact of proposed projects. The reports, even after three tries, do not include assessments of future traffic growth, with and without the project. What is the projected increase of traffic along Central Avenue for the next seven years, particularly as it is an artery for towns south of Needham? How should this growth be accounted for? The report does not compare growth and no growth scenarios. It offers no evaluation of the afternoon peak hour, despite the increased traffic generally and the presence of Temple Aliyah and its afternoon programs. The report includes no analysis of the surrounding streets and intersections

that would be impacted by this project. This information is necessary to understand the impact of any proposed development, assess problems and determine what mitigation measures are necessary and possible. This planning must be done now, so that every precaution can be taken to protect the interests of Needham and its residents. Without this information, the application for site plan review should be denied.

From: [Pete Lyons](#)
To: [Planning](#); [Selectboard](#); [Alexandra Clee](#); [Lee Newman](#); [Marcus Nelson](#); [Lakshmi Balachandra](#)
Cc: petelyons28@gmail.com
Subject: 1688 Central Avenue Project
Date: Monday, June 14, 2021 9:41:53 AM

Dear Town Representatives,

I am writing to express my serious objection to the current plan for a day care at 1688 Central Avenue. My house is located at 1689 Central Avenue (across the street from the proposed daycare site) and I have lived here for 13 years. It is very concerning that a project of this nature is being considered in our residential district, and I believe it will have a significant impact on my family. I have three major concerns for your consideration:

1.) Traffic – Central Avenue traffic is already a serious issue and adding a day care with more than 100 students will most certainly exacerbate the challenges we already face. I am concerned about the my family’s safety, and the difficulty I will face entering and exiting my driveway which is located across the street from the driveway of the proposed daycare. The developer’s representatives have not provided any specific plans to address the traffic issues and in fact, defended a traffic study conducted during the pandemic that rated Central Avenue as “A” level service. Clearly a traffic study conducted during a pandemic when most people are not commuting to work is not a reasonable assessment of the true situation. Additionally, I believe the letter provided by the Chief of Police does not reflect the safety and traffic issues we face every day on Central Avenue and was upset that a leader entrusted with Public Safety does not seem to understand the circumstances we face on this road where the speed limit is 40 miles per hour, proper sidewalks do not exist, traffic congestion is extreme during morning and afternoon rush hours, and there have been accidents including a serious 4 car accident earlier this year. The proposed daycare will only add to this difficult and dangerous traffic situation.

2.) Building Design – The proposed building’s scale and placement on the property does not fit with the rest of the homes on the street. The developer has been asked to move the building back on the property to be in line with the other structures (including Temple Aliyah). While the new design pushed the building back slightly it is not enough to be consistent with the neighborhood.

3.) Lighting – I am concerned that lighting from the parking lot and car headlights exiting the driveway will shine onto my property. While the owner of the daycare has suggested that the lights will be turned off when the school is closed, I am not sure how this will be enforced. The lights from Temple Aliyah (next to the proposed day care site) are on late into the evening despite complaints. I am concerned that we will face a similar issue with the day care. I also don’t see a reasonable way to mitigate the impact of ~80 cars’ headlights shining into my home during the winter months when it will be dark during daycare pickup.

I have other concerns, including the involvement of town representatives in this project, but trust this is being evaluated and appropriately addressed by the town’s legal counsel.

This project has significant opposition from the community and I hope that you consider the long-term impact this will have on those of us that live in this neighborhood if this project moves forward.

Sincerely,
Pete Lyons
1689 Central Avenue

From: [Maggie Abruzese](#)
To: psa@westonpatrick.com; adamjblock@kw.com; mj@jacobs-thomas.com; jeannemcknight@comcast.net
Cc: [Planning](#); [Alexandra Clee](#); [Lee Newman](#)
Subject: Fwd: 1688 Central Avenue - objection
Date: Monday, June 14, 2021 12:38:43 PM

Hello Paul, Adam, Marty and Jeanne,

I am forwarding this to you directly now so that you may have time to consider it before tonight's hearing.

While I understand that you do not wish to turn this hearing into a discussion of the ethical violations alleged, I think it is important for the planning board to deliberate about what it would mean to the planning board process should ethics violations related to this application be established.

It is alleged (with solid evidence) that Mr. Gluesing and Mr. Borrelli have violated the ethics code with the purpose of getting Planning Board approval for their project. Town Counsel has stated that there is no case law to guide him but he doesn't believe the planning board could deny the application based on Mr. Gluesing and Mr. Borrelli's ethical violations.

I would ask you to deliberate about the merits of that belief by Town Counsel. **How would Needham ever foster integrity in public service and promote the public's trust and confidence in the Needham's government if the Planning Board did not have the discretion to refuse to approve an application that is the fruit of unethical behavior?**

Our fuller response to Town Counsel's opinion is in the forwarded email below.

Thank you for your consideration.

Sincerely,

Maggie and Joe Abruzese

cc: Ms. Clee, Ms. Newman, Planning@needhamma.gov

Begin forwarded message:

From: mabruzese@gmail.com
Date: June 11, 2021 at 4:56:24 PM EDT
To: planning@needhamma.gov, Alexandra Clee <aclee@needhamma.gov>, lnewman@needhamma.gov
Cc: jabruzese@gmail.com, scincotta@needhamma.gov
Subject: re: 1688 Central Avenue - objection

Dear Planning Board of Needham,

We have received a copy of the e-mail sent by Chris Heep, Town Counsel, concerning our

objection to the Major Project Site Review of the project at 1688 Central Avenue.

It is not surprising that there is no case law guiding the procedures the Board should follow in this case. It is unusual that ethical violations of this nature would have been committed and discovered all before action was taken on a petitioner's application. The absence of case law does not prevent the application of common sense and reason to guide your actions in this matter.

To make its case before the Planning Board, the petitioner is relying on architectural drawings sealed by Mark Gluesing. If Mr. Gluesing is prohibited from submitting architectural drawings to the Planning Board in this case due to the fact that he is the chair of the Design Review Board (a board whose input is an integral part of the Planning Board's site review process), then petitioner's submission is tainted and the Board cannot and should not consider those drawings or any application predicated on those drawings. The entire point of conflict of interest laws is to prevent municipal officials from being able to use improper means to accomplish ends that are, or appear to be, self serving. The Board should act to preserve public confidence in its own integrity and decision making and should not proceed to process the proposed review application until this matter is resolved.

The situation presented by this case is particularly suspect because the petitioner itself is an entity wholly owned and operated by the Chair of the Select Board, Matt Borrelli. Mr. Borrelli's actions in this matter also appear to be in contravention of the State Ethics Code. Among his problematic behaviors: Mr. Borrelli acted as an agent for an entity other than Needham when he personally communicated with Lee Newman at the planning department on behalf of Needham Enterprises LLC, and when he personally met with the various town departments to get their suggestions and input on the project on behalf of Needham Enterprises LLC. These acts were in contravention of G.L.c. 268A, s 17(c) which prohibits municipal employees from acting as an agent for anyone other than the municipality in any case in which the municipality has an interest. Additionally, Mr. Borrelli hiring Mr. Gluesing as his architect is problematic under the State Ethics Code. It is a violation of the conflict of interest laws of the State Ethics Code for Mr. Borrelli to promise or offer Mr. Gluesing compensation for work on a matter in which Needham has an interest. G.L.c. 268A, s. 17(b). The conflicts created by the fact that Mr. Borrelli is both Chair of the Select Board and developer in this case spread wide and make everyone's jobs delicate. Even Town Counsel is in a potential conflict position rendering advice in this case because he is appointed by the Select Board.

These are not whispers of a conflict of interest. Serious allegations are raised in this case regarding petitioner and his architect which are well supported by the facts and the law. Needham cannot simply ignore that and proceed as usual. If the Board takes the position that it does not have the authority to decide the issue of whether actions are in violation of the State Ethics Code, the appropriate thing to do is to stop and get a determination on that issue before the Planning Board proceeds. If there is a determination that there are ethical violations here by Mr. Gluesing and/or by Mr. Borrelli, Needham would not be able to consider the application for site plan review because the application will have been tainted by unethical conduct. M.G.L. c. 268A, s. 21(a). Accordingly, we request that the Board refer the question of whether Mr. Gluesing and/or Mr. Borrelli's conduct in this matter violates the State Ethics Code to the State Ethics Commission for a determination, and that the Board suspend all hearings and decisions on this case until such a determination is made.

The Planning Board's actions in setting the hearing for June 15, 2021 were driven by the fact that "the applicant is anxious to have this move forward quickly to a hearing." See comments of Former Chair, Video recording of May 18, 2021 Planning Board meeting at approximately 56:35, available at https://www.youtube.com/watch?v=iX_Xlf5sMvQ. The commercial interests of an entity owned and operated by a Town Selectman in having this

project completed as quickly as possible should not trump the interests of Needham in preventing conflicts of interest, fostering integrity in public service, and promoting the public's trust and confidence in that service and governmental decision making. The residents of Needham have a right to be assured that their town representatives and employees are acting in the town's best interest. It is in the Town of Needham's best interests to obtain the State Ethics Commission's viewpoint before proceeding; it is not in Needham's interest to expedite the project. If Needham were to push forward with site plan approval and ignore the conflict of interest question so that petitioner could complete the project more expediently, Needham would be enabling municipal employees to use their town positions improperly to further their own personal interests which would not foster integrity in public service or promote the public's trust and confidence in that service.

Sincerely,

Margaret and Joe Abruzese
30 Bridle Trail Rd
Needham, MA 02492

CC: Ms. Clee, Ms. Newman, Ms. Cincotta

From: [Michelow, Ian](#)
To: [Planning](#)
Subject: 1688 Central Avenue project
Date: Sunday, June 13, 2021 10:15:46 PM

Subject: 1688 Central Avenue project

To the Town of Needham Representatives:

We live on Charles River Street and currently have to adjust our timing to work and into town around our three elementary schools. Understanding this project from the get-go, we gravely object to any agreement to waive Major Project review process and special permit requirements for the 1688 Central Avenue project.

Sincerely

Ian Michelow

--



Ian C. Michelow, MD, MMed, DTM&H

Associate Professor of Pediatrics
The Warren Alpert Medical School, Brown University
Division of Pediatric Infectious Diseases
RI Hospital/Hasbro Children's Hospital
Center for International Health Research
55 Claverick Street, Providence, RI 02903
Tel: 401-444-6548

From: [Nikki Cavanagh](#)
To: [Alexandra Clee](#)
Subject: 1688 Central Avenue project
Date: Monday, June 14, 2021 2:07:19 PM

To the Town of Needham Representatives:

We live on Carleton Drive and currently have to adjust our timing to work and into town around our three elementary schools. Understanding this project from the get-go, we gravely object to any agreement to waive Major Project review process and special permit requirements for the 1688 Central Avenue project.

Thank You,

Nikki and Greg Cavanagh

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Nikki Cavanagh
(860) 707- 0214 | [LinkedIn](#)

From: [Patricia Falcao](#)
To: [Planning](#); [Selectboard](#); [Alexandra Clee](#); [Lee Newman](#)
Subject: Re: 1688 Central Ave is a MAJOR PROJECT
Date: Monday, June 14, 2021 5:36:39 PM

Good afternoon Gentlemen & Gentlewomen:

To the Town of Needham Representatives:

We have lived at the turn-in island of Central Ave and Pine St (19 Pine St) for 34 years, and are already having to adjust our timing to work and into town around our three elementary schools along Central Avenue.

We very much object to any agreement to waive Major Project review process and special permit requirements for the 1688 Central Avenue project. At a minimum, for basic safety, we need a traffic light at the strangely configured junction of Carlton Drive entering Central Ave, immediately (almost) across from Pine St, where a recent 5 car accident occurred (May 2021).

Thank You,

Patricia Falcao, prior elected town official, and for spouse James Blumenfeld, volunteer emergency communications for town disasters



**NEEDHAM
ZONING BOARD OF APPEALS
AGENDA**

THURSDAY, June 17, 2021- 7:30PM

Zoom Meeting ID Number: 869-6475-7241

or

(tentatively) Powers Hall, Needham Town Hall, 1471 Highland Avenue

For Planning Board Use Only

To join the meeting link at: https://us02web.zoom.us/j/86964757241

- | | |
|------------------|---|
| Minutes | Review and approve Minutes from May 20, 2021 meeting. |
| Case #1 – 7:30PM | 33 Fenton Road –Andrew McKinney, applicant, has made application to the Board of Appeals for a Special Permit under Sections 6.1.2, 7.5.2 and any other applicable Sections of the By-Law to allow a third car garage. The property is located at 33 Fenton Road, Needham, MA in the Single Residential B District. |
| Case #2 – 7:30PM | 34 Grosvenor Road –Karen Han, applicant, has made application to the Board of Appeals for a Special Permit under Sections 1.4.6, 4.2.1, 7.5.2 and any other applicable Sections of the By-Law to allow the change, extension, alteration, and enlargement to a lawful, pre-existing, non-conforming building associated with the addition of a mudroom and covered back patio to a detached two-car garage. The property is located at 34 Grosvenor Road, Needham, MA in the SRB District |
| Case #3 – 7:45PM | 68 Highland Avenue –No No Song, LLC, applicant, has made application to the Board of Appeals for a Special Permit seeking a waiver of strict adherence to the parking requirements and design requirements and the alteration of a lawfully pre-existing non-conforming parking lot pursuant to Sections 5.1.2, 5.1.3, 5.1.1.5, 1.4.6, 7.5.2 and any other applicable sections of the By-Law associated with the location of the showroom for Frank Web Home, a bath, kitchen and lighting business. The property is located at 68 Highland Avenue, Needham, MA in the Highland Commercial-128 District. |
| Case #4 – 8:00PM | 68 Wilshire Park –Adam Jacob Pase and Liat Rosen, applicants, have made application to the Board of Appeals for a 1) Variance, pursuant to Sections 7.5.3 and/or M.G.L. 40A, Section 10 from applicable minimum side yard setback requirements of Section 4.2.1 of the By-Law; 2) Special Permit, pursuant to Sections 1.4.6 of the Zoning By-Law for the change, extension, alteration, and enlargement of a lawful, pre-existing, non-conforming structure; and 3) an Interpretation/Amendment to a prior Variance, dated June 27, 1984; and any other |

applicable sections of the By-Law associated with the construction of additions and a new deck to an existing residence. The property is located at 68 Wilshire Park, Needham, MA in the Single Residential B District.

Next Meeting: **July 15, 2021, 7:30pm**



**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

APPLICATION FOR HEARING

IT IS STRONGLY RECOMMENDED THAT APPLICANTS CONSULT WITH THE BUILDING INSPECTOR PRIOR TO FILING THIS APPLICATION.

Note: Application must be complete, with certified plot plan attached, and application fee included, or application will not be accepted.

Date: 5/24/21

Name of Applicant or Appellant: ANDREW MCKINNEY

Address: 300 2ND AVE, APT 4113
NEEDHAM, MA 02494

E-mail address: ATTYMCKINNEY@GMAIL.COM

Daytime telephone: _____

Cell phone: 617-501-0233

Additional contact information, (ie: contractor ☐, architect ☐ builder ☐ attorney ☐):

Address/Location of Property 33 FENTON RD, NEEDHAM MA 20494

Assessor map/parcel number MAP 123, PARCEL 30

Zone of property: SR-B

Is property within 100 feet of wetlands, 200 ft. of stream or in flood plain? ☐ Yes ☒ no

Applicant is: ☒ owner ☐ tenant ☐ prospective tenant ☐ licensee ☐ prospective purchaser

Type of Permit requested: ☒ residential or ☐ commercial

If residential renovation, will renovation constitute "new construction"? ☒ yes ☐ no

If commercial, please consult with building inspector regarding parking issues

Select one: ☒ Special Permit ☐ Variance ☐ Comprehensive Permit, M.G. L Ch. 40B
☐ Amendment ☐ Appeal Building Inspector Decision*

*(For an appeal from decision of Building Inspector, attach copy of the decision or other written notice received from the Building Inspector.)

Existing Conditions: EXISTING SINGLE FAMILY HOME

Statement of relief sought: ALLOW A GARAGE FOR 3 CARS FOR NEW CONSTRUCTION

TO BE BUILT ON LOT ABOVE.

PROPOSED NEW HOME INCLUDES AN APPROVED ADU, SO A 3 CAR BAY GARAGE WOULD
PROVIDE ADEQUATE COVERED PARKING FOR THE ADU RESIDENT AND MAIN HOUSE

Applicable Section(s) of Zoning By-Law: Section 6.1.2

If application under Zoning Section 1.4, listed immediately above:

List nonconformities related to lot/structure(s) in application: _____

Date structure(s) on lot constructed (including any additions): TO BE BUILT BEFORE END OF 2021

Date lot created: _____

A certified plot plan, prepared by a registered surveyor, must be attached to this application at time of filing. An application will be returned if a copy of the plot plan is not attached to the application.

•Applications for Comprehensive permits under M.G.L. Ch. 40B require a copy of plot plan.

Please feel free to attach any additional information/photos relative to the application.

Additional information may be requested by the Board at any time during the application or hearing process.

A hearing before the Board of Appeals, with reference to the above noted application or appeal, is requested by

Signed Andrew McKinney

Title OWNER 5/24/21

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

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Assessor's Map & Parcel No. 123 LOT 30

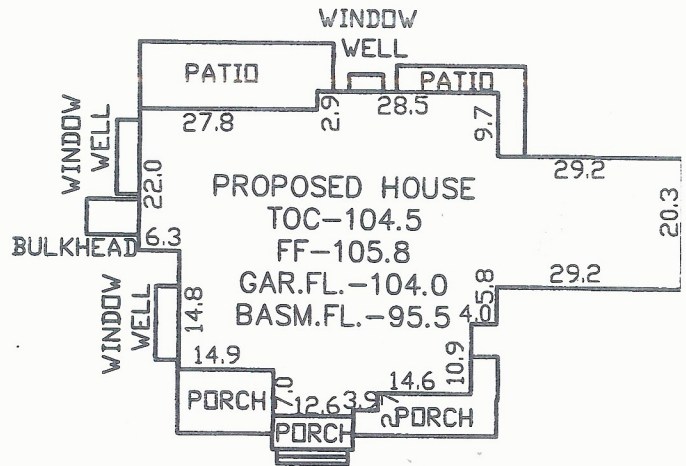
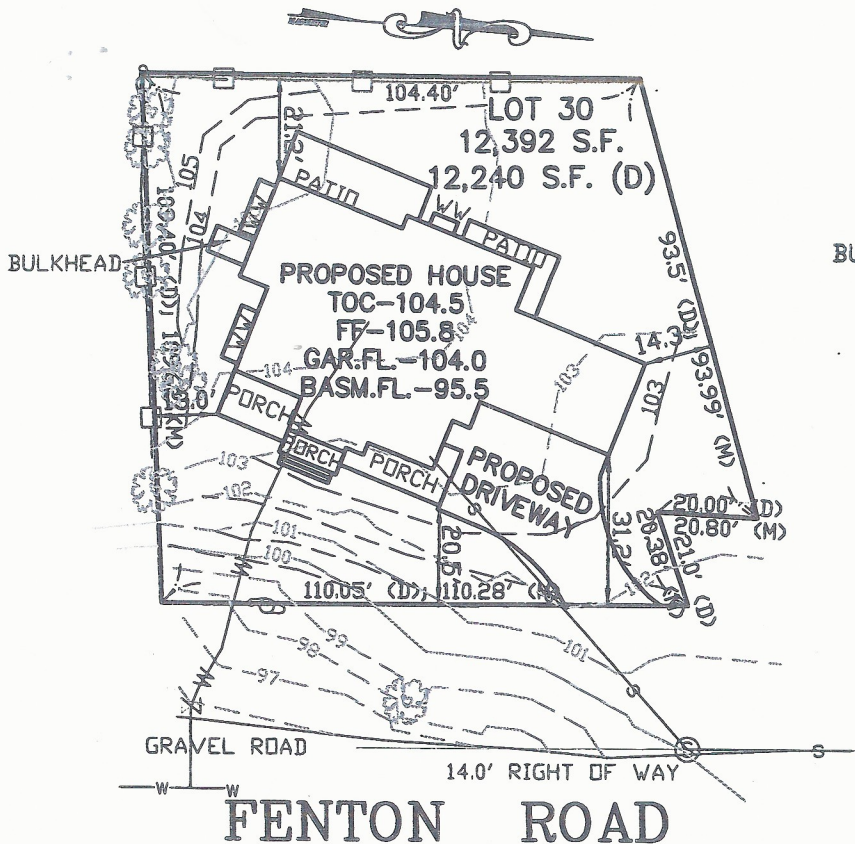
Building Permit No. _____ At No. 33 FENTON ROAD

Lot Area 12,240 S.F. Zoning District SRB

Owner _____ Builder _____

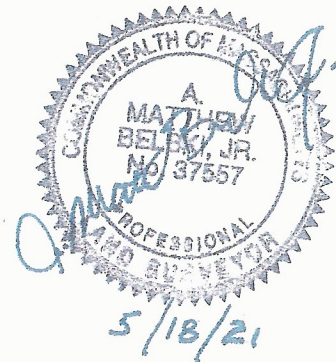
PROPOSED PLOT PLAN

40' Scale



SCALE: 1"=30'

LOT COVERAGE=24.2%
OPEN SPACE=64.8%
HEIGHT OF HOUSE 33.5'
FROM AVERAGE GRADE
TO THE RIDGE OF ROOF



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 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 streetline 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 unsewered area.

(*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 16 day of MAY 20 21.

Name A. MATTHEW BELSKI, JR. Registered Land Surveyor No. 37557

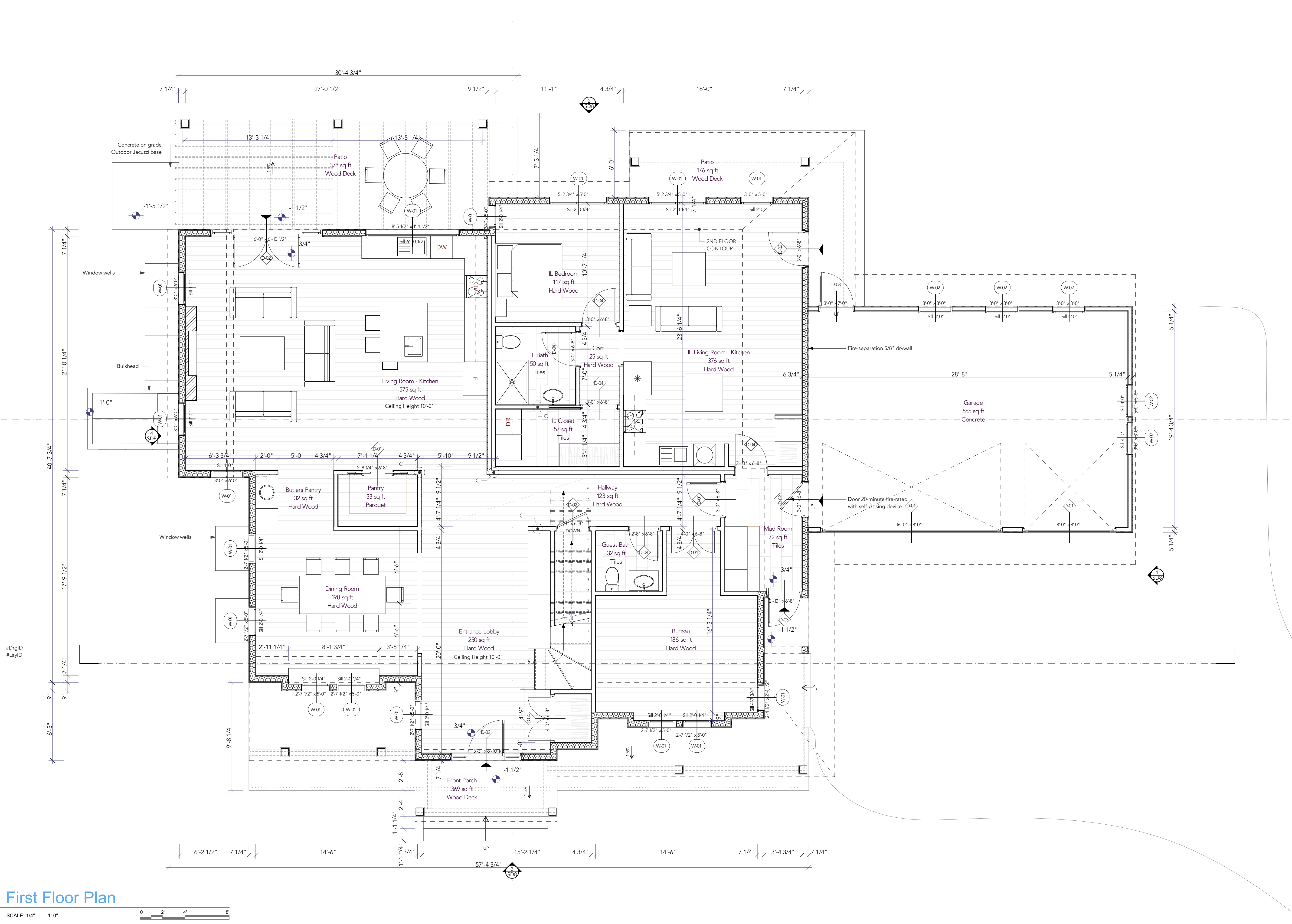
Address 35 MAPLE ST. City W. NEWBURY State MA Zip _____ Tel. No. (978) 363-8130

Approved _____ Director of Public Works

Date _____

Approved _____ Building Inspector

Date _____



Family House

33 Fenton Rd, Needham, MA
02494

Project Number: RN-2021-01

Drawings and Specifications as instruments of service are and shall remain the property of the Architect. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Architect.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Architect will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Contact Company

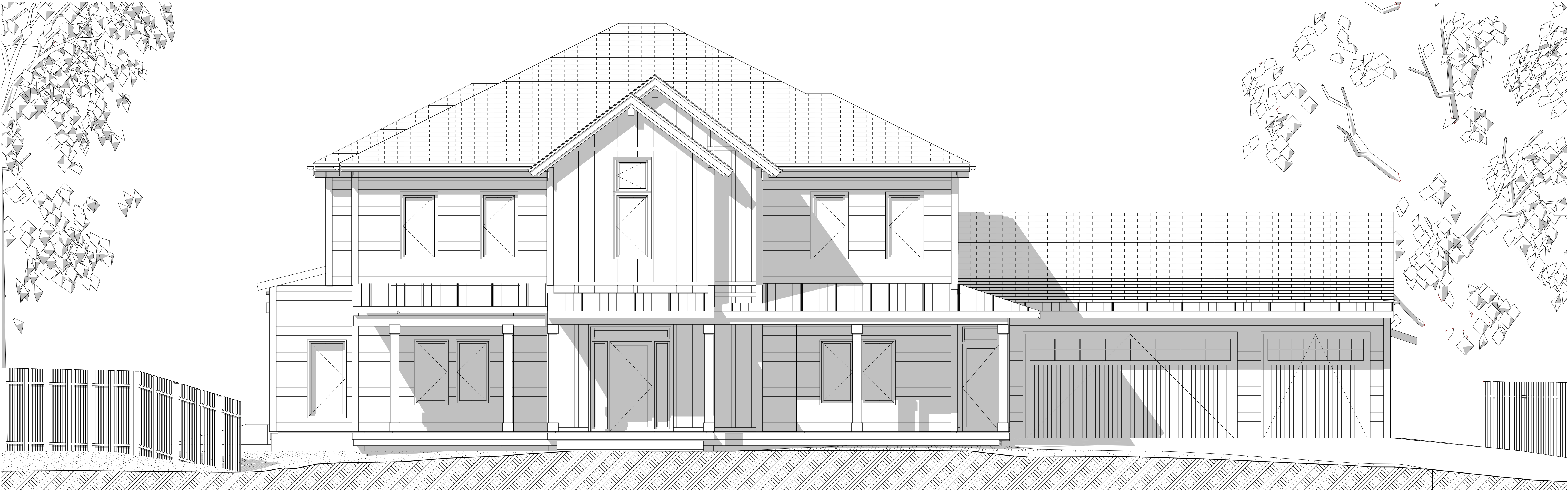
NOT FOR
REGULATORY
APPROVAL,
PERMITTING, OR
CONSTRUCTION

ISSUED:

3/26/2021 (Issue to SE)

First Floor
Plan

A-102



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



2 South Elevation
SCALE: 1/4" = 1'-0"

Family House

33 Fenton Rd, Needham, MA
02494

Project Number: RN-2021-01

Drawings and Specifications as instruments of service are and shall remain the property of the Architect. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Architect.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Architect will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

© Contact Company

NOT FOR
REGULATORY
APPROVAL,
PERMITTING, OR
CONSTRUCTION

ISSUED:

3/26/2021 (Issue to SE)

Exterior Elevations

A-201



**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

APPLICATION FOR HEARING

2021 MAY 24 PM 2:00

IT IS STRONGLY RECOMMENDED THAT APPLICANTS CONSULT WITH THE BUILDING INSPECTOR PRIOR TO FILING THIS APPLICATION.

Note: Application must be complete, with certified plot plan attached, and application fee included, or application will not be accepted.

Date: May 24, 2021

Name of Applicant or Appellant: Karen E. Han

Address: 34 Grosvenor Rd. Needham MA 02492

E-mail address: kehan94@yahoo.com

Daytime telephone: 415-568-5184

Cell phone: 415-568-5184

Additional contact information, (ie: contractor ☒, architect ☒, builder ☐, attorney ☐):

Jeremy Ballarino (contractor) jeremy@ballarinocorp.com 508-509-2992

Susan Koslow (architect) susankoslow.architecture@gmail.com 617-312-8545

Address/Location of Property 34 Grosvenor Rd. Needham, MA 02492

Assessor map/parcel number Parcel Id: 014-046-000 Book: 29090 Page: 0260 Lot 6

Zone of property: Single Residence B

Is property within 100 feet of wetlands, 200 ft. of stream or in flood plain? ☐ Yes ☒ no

Applicant is: ☒ owner ☐ tenant ☐ prospective tenant ☐ licensee ☐ prospective purchaser

Type of Permit requested: ☒ residential or ☐ commercial

If residential renovation, will renovation constitute "new construction"? ☐ yes ☒ no

If commercial, please consult with building inspector regarding parking issues

Select one: ☒ Special Permit ☐ Variance ☐ Comprehensive Permit, M.G. L Ch. 40B
☐ Amendment ☐ Appeal Building Inspector Decision*

*(For an appeal from decision of Building Inspector, attach copy of the decision or other written notice received from the Building Inspector.)

Existing Conditions: Primary home and detached garage built in 1947-48 is lawfully pre-existing, non-conforming due to the less than required side setbacks. Frontage is 75 feet.
There is no sheltered entry to the home at either the front or the rear, nor from the garage, making it hazardous when rain, ice, snow is present. There is no ground level entry to the home, entry requires exterior stairs, which is a safety concern for older and disabled guests, and as we age. Both entryways to the home are very small and narrow, which is also a safety concern as we age.

Statement of relief sought: The proposed attachment of the pre-existing non-conforming detached garage to the original main home results in a non-conformity of the left (east) main home side setback due to the side setback of the original garage of 10.3 feet, less than the required 12 feet to conform. The proposed new roof behind the existing garage will be set back by 12 feet from the side property line, and is otherwise consistent with 7.5.2.1. The proposed changes are designed in a manner compatible with the existing natural features of the site and characteristics of the surrounding area. We believe that the proposed changes do not increase the currently existing non-conformity, and since it cannot be seen from the front of the property, it is not substantially detrimental to the neighborhood. Additionally, this relief would allow us to not have to demolish 1.7 feet (linear) of the original garage wall to increase the side setback to conformity.

Applicable Section(s) of Zoning By-Law: 1.4.6, 4.2.1 (e), 7.5.2 and any other applicable Sections of the By-Law

If application under Zoning Section 1.4, listed immediately above:

List nonconformities related to lot/structure(s) in application: _____

Current side setback for the existing original garage is non-conforming at 10.3 feet.

Date structure(s) on lot constructed (including any additions): _____

Original home and two car garage: 1947. Addition to Kitchen and bulkhead: 1959.

Date lot created: _____

Per Norfolk Registry of deeds: 1938 (Book 2175 as Plans 128A and 128B

A certified plot plan, prepared by a registered surveyor, must be attached to this application at time of filing. An application will be returned if a copy of the plot plan is not attached to the application.

•Applications for Comprehensive permits under M.G.L. Ch. 40B require a copy of plot plan.

Please feel free to attach any additional information/photos relative to the application.

Additional information may be requested by the Board at any time during the application or hearing process.

A hearing before the Board of Appeals, with reference to the above noted application or appeal, is requested by

Signed Karen E Han

Title Homeowner

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

NEEDHAM TOWN CLERK
NEEDHAM, MA 02492

2021 MAY 27 PM 12:18

May 26, 2021

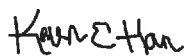
**Amendment to the Board of Appeals Application for Hearing, concerning 34 Grosvenor Rd.
submitted on May 24, 2021.**

Dear Town of Needham Massachusetts Zoning Board of Appeals,

Please consider the following amendment to the Statement of Relief section for the application for a Special Permit for 34 Grosvenor Rd. The Statement of Relief sought should read:

Statement of relief sought: is to seek a Special Permit under Sections 1.4.6, 4.2.1, 7.5.2 and any other applicable Sections of the By-Law to allow the change, extension, alteration, and enlargement to a lawful, pre-existing, non-conforming building associated with the addition of a mudroom and covered back patio connecting to a detached two car garage located at 34 Grosvenor Road.

Regards,



Karen E. Han
Homeowner

415-568-5184



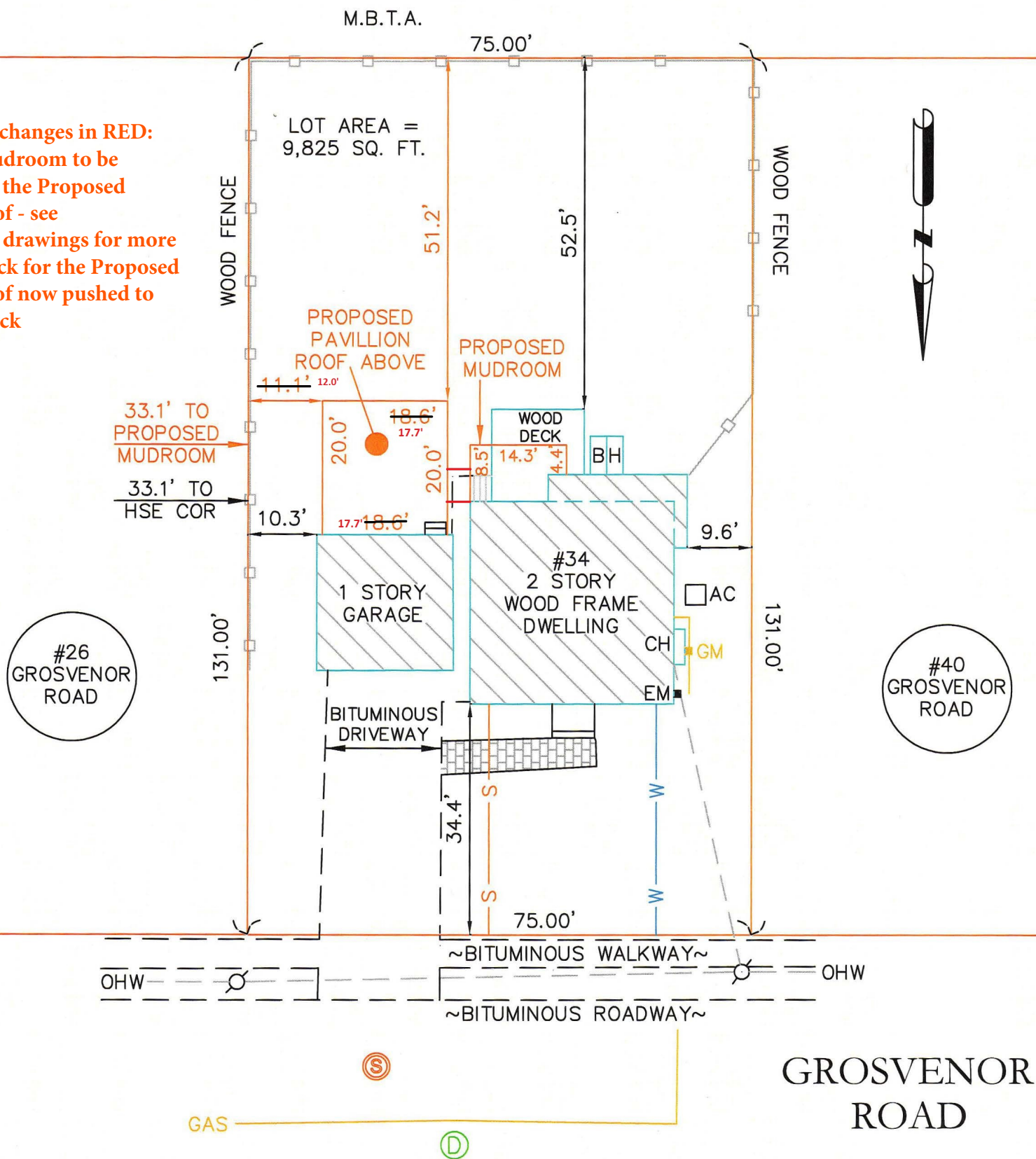
Kehan94@yahoo.com



34 Grosvenor Rd. Needham, MA 02492



Homeowner changes in RED:
Proposed Mudroom to be
connected to the Proposed
Pavillion Roof - see
architectural drawings for more
detail. Setback for the Proposed
Pavillion Roof now pushed to
12' side setback



NOTES:

ALL OFFSETS & DIMENSIONS
ARE TO THE SIDING UNLESS
OTHERWISE NOTED.

SEWER AND WATER LINES ARE
PER TOWN D.P.W. RECORDS.

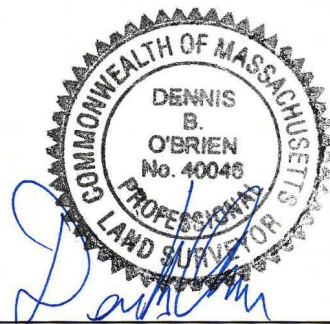
THE EXISTING WOOD DECK
IS TO BE REMOVED.

CH=CHIMNEY
BH=BULKHEAD
GM=GAS METER
AC=AIR CONDITIONING
EM=ELECTRIC METER
OHW=OVERHEAD WIRES

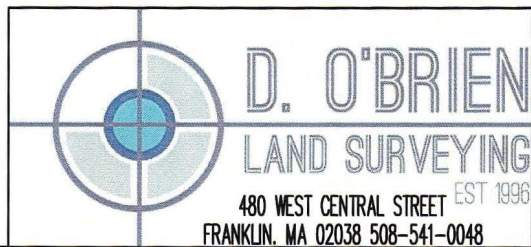
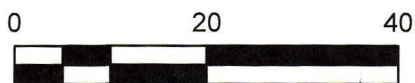
EXISTING LOT COVERAGE = (14.5%) 1,426.2 S.F.
EXISTING OPEN SPACE = (73.9%) 7,266.2 S.F.
PROPOSED LOT COVERAGE = (19.4%) 1,907.9 S.F.
PROPOSED OPEN SPACE = (70.7%) 6,952.5 S.F.

LEGEND:

- D = DRAIN MANHOLE
S = SEWER MANHOLE
U = UTILITY POLE



Dennis O'Brien P.L.S.



PLAN SHOWING PROPOSED MUDROOM &
PAVILLION - 34 GROSVENOR ROAD
NEEDHAM, MA NORFOLK COUNTY

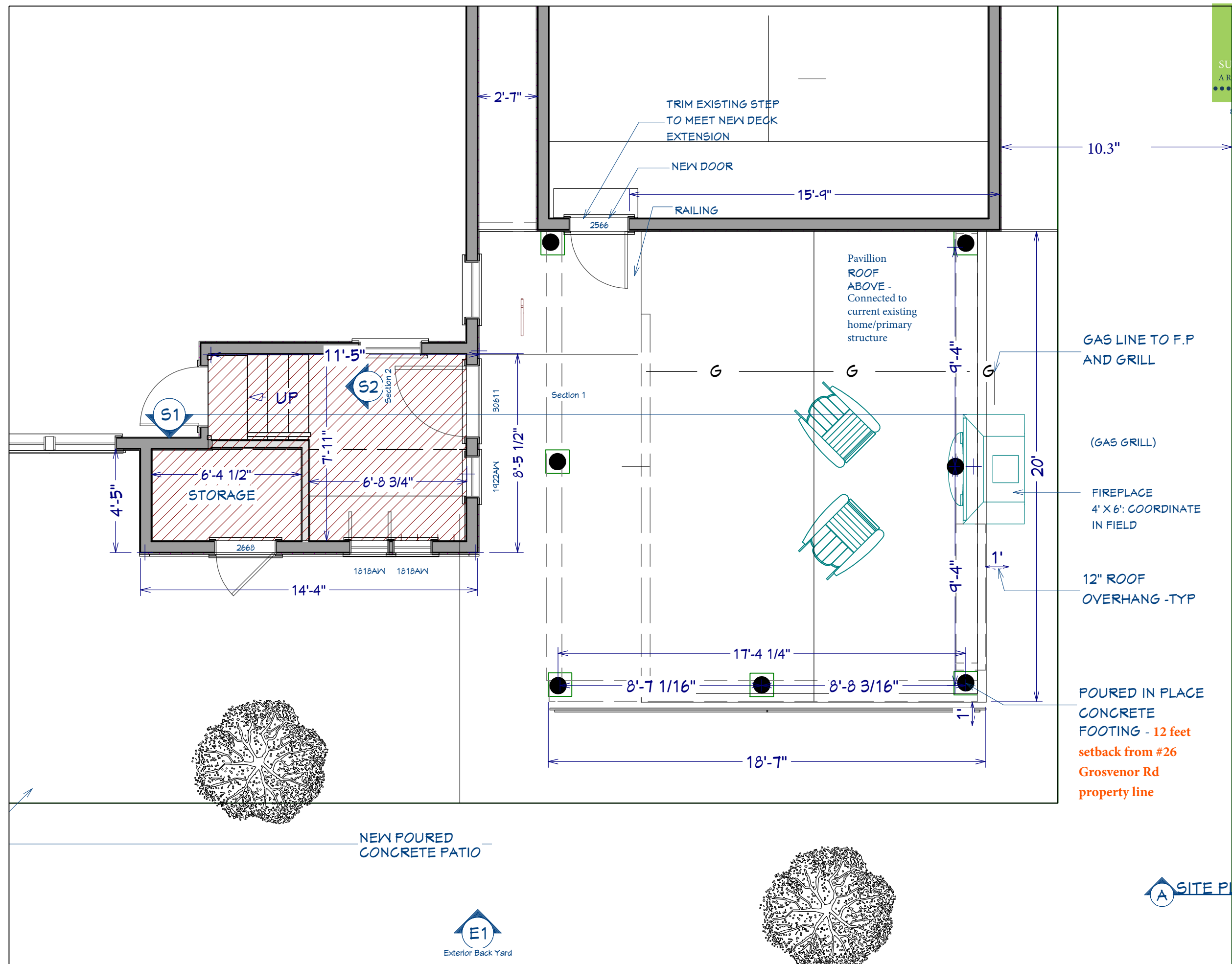
SCALE:
1:20

DATE:
2/10/2021

REVISED:

DRAWN BY:
W.M.N.

CHECKED BY:
D.O.



SUSAN KOSLOW
ARCHITECTURE

34 ELMWOOD RD
NEEDHAM, MA
02492
617-312-8545

SHEET NUMBER 1	REVISION #:
SITE PLAN	
HAN RESIDENCE 34 GROSVENOR RD. NEEDHAM, MA	
DRAWN BY: SUSAN KOSLOW DATE: OCTOBER 27, 2020	

SUSAN KOSLOW
ARCHITECTURE

84 ELMWOOD RD
NEEDHAM, MA
02492
617-312-8545

SHEET NUMBER

2

REVISION #:

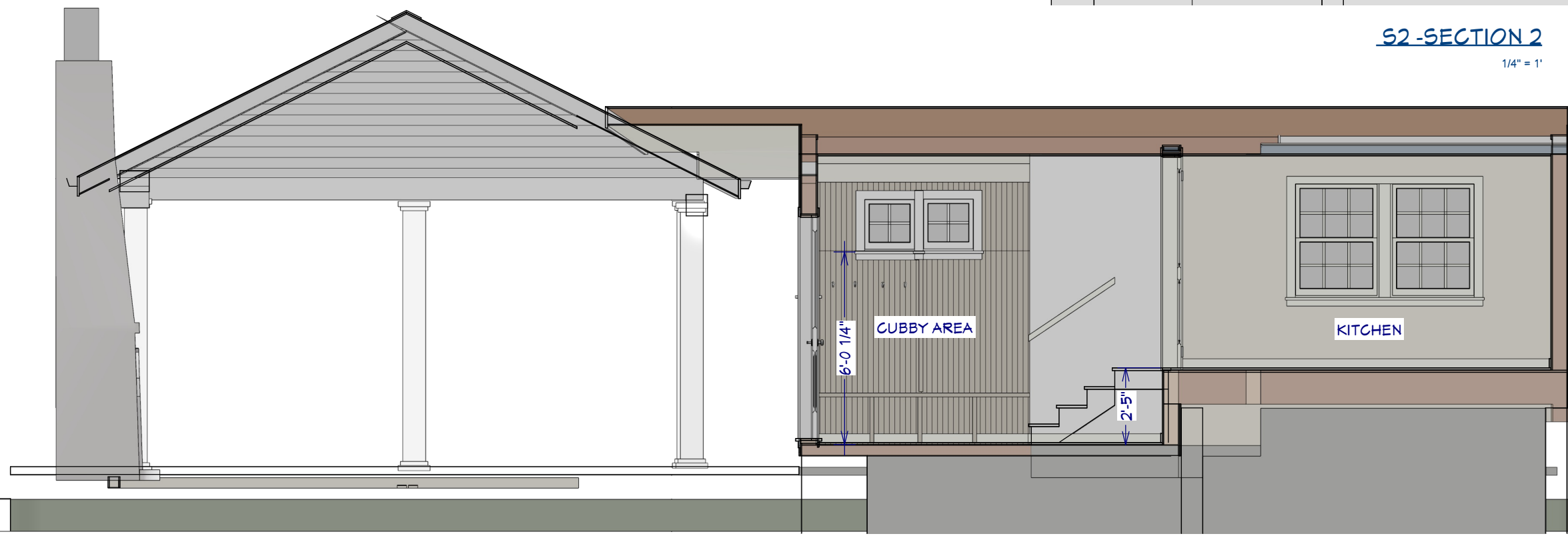
ELEVATION

DATE: OCTOBER 27, 2020

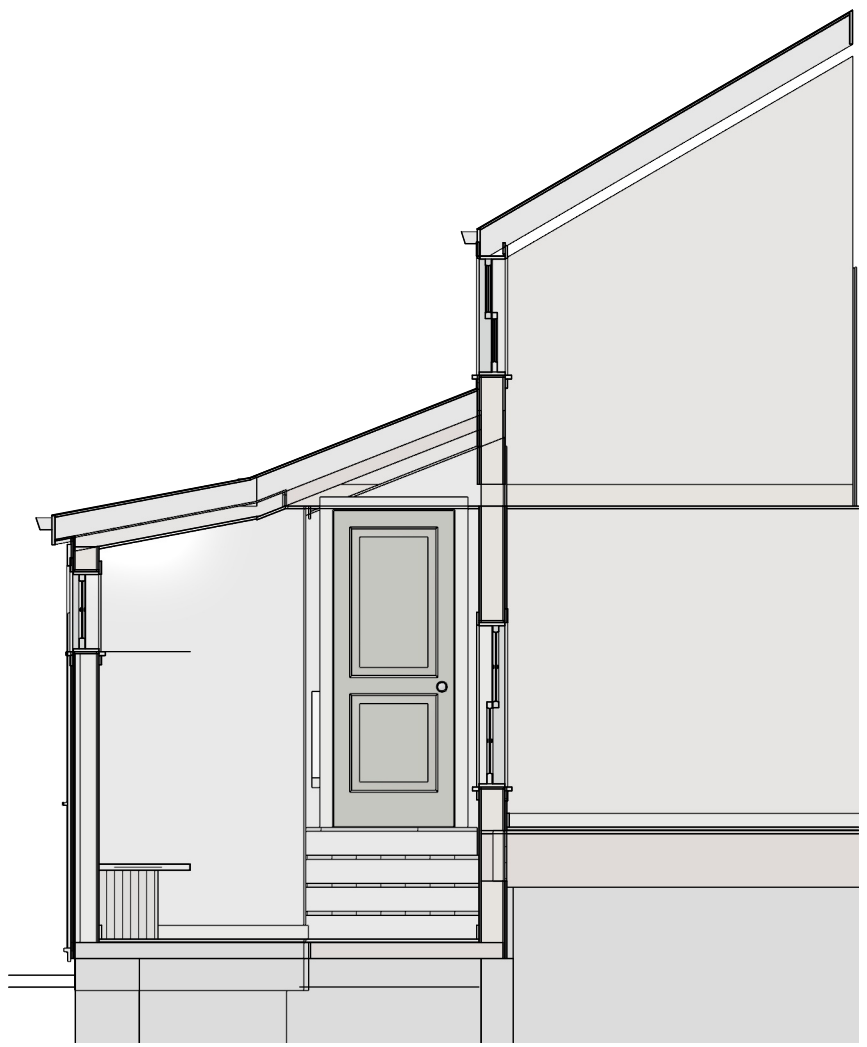
DRAWN BY: SUSAN KOSLOW

HAN RESIDENCE
34 GROSVENOR RD. NEEDHAM, MA



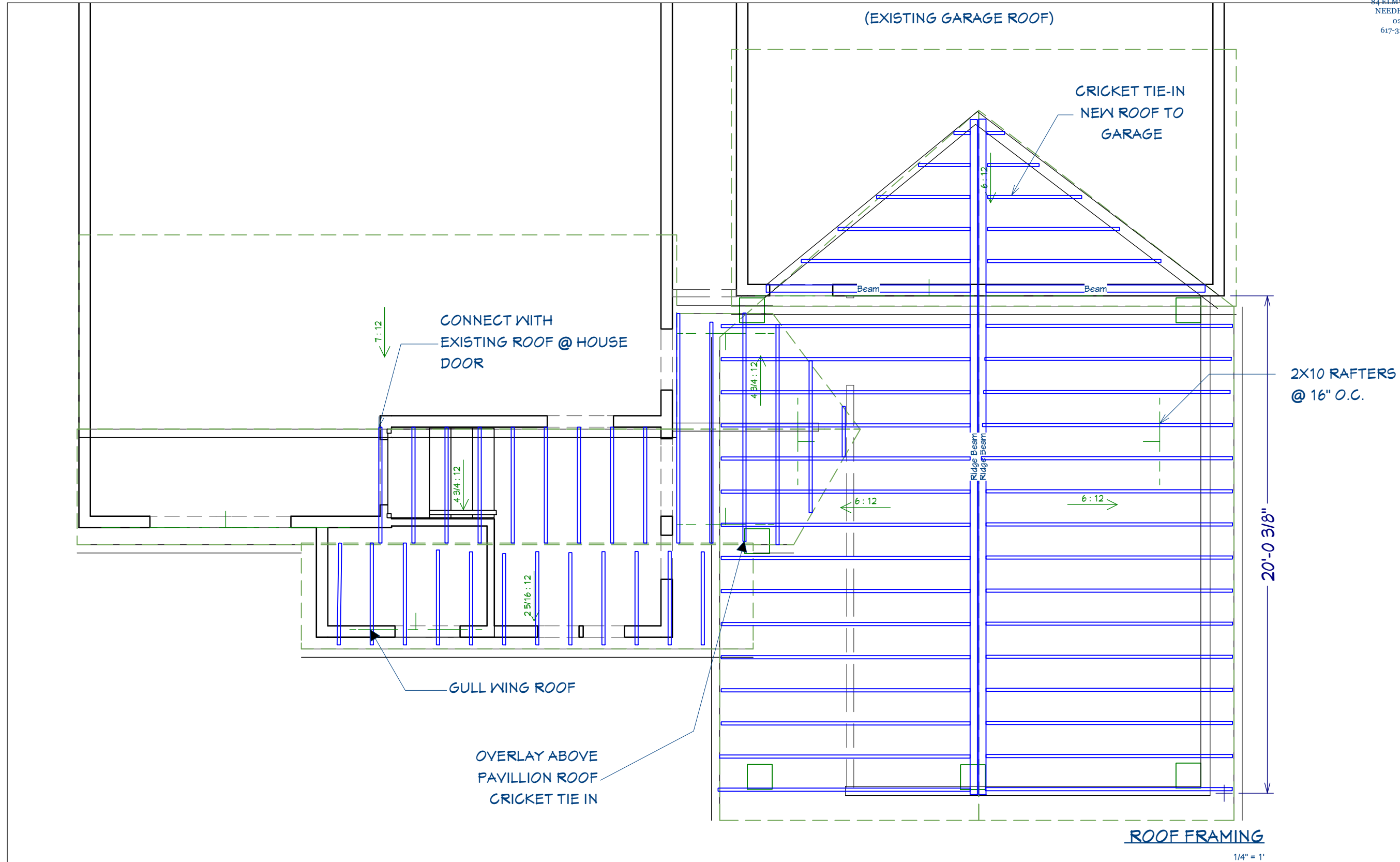


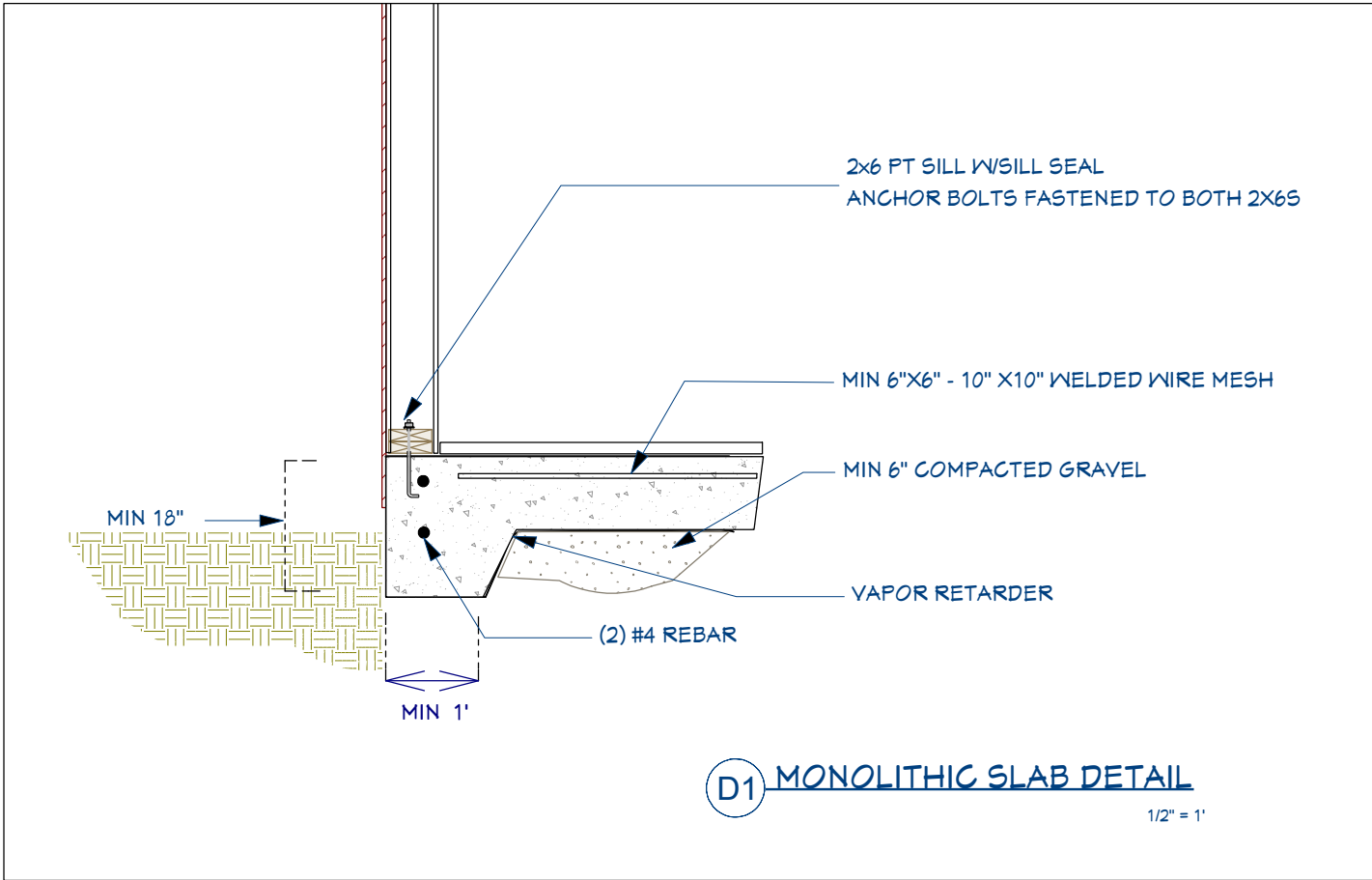
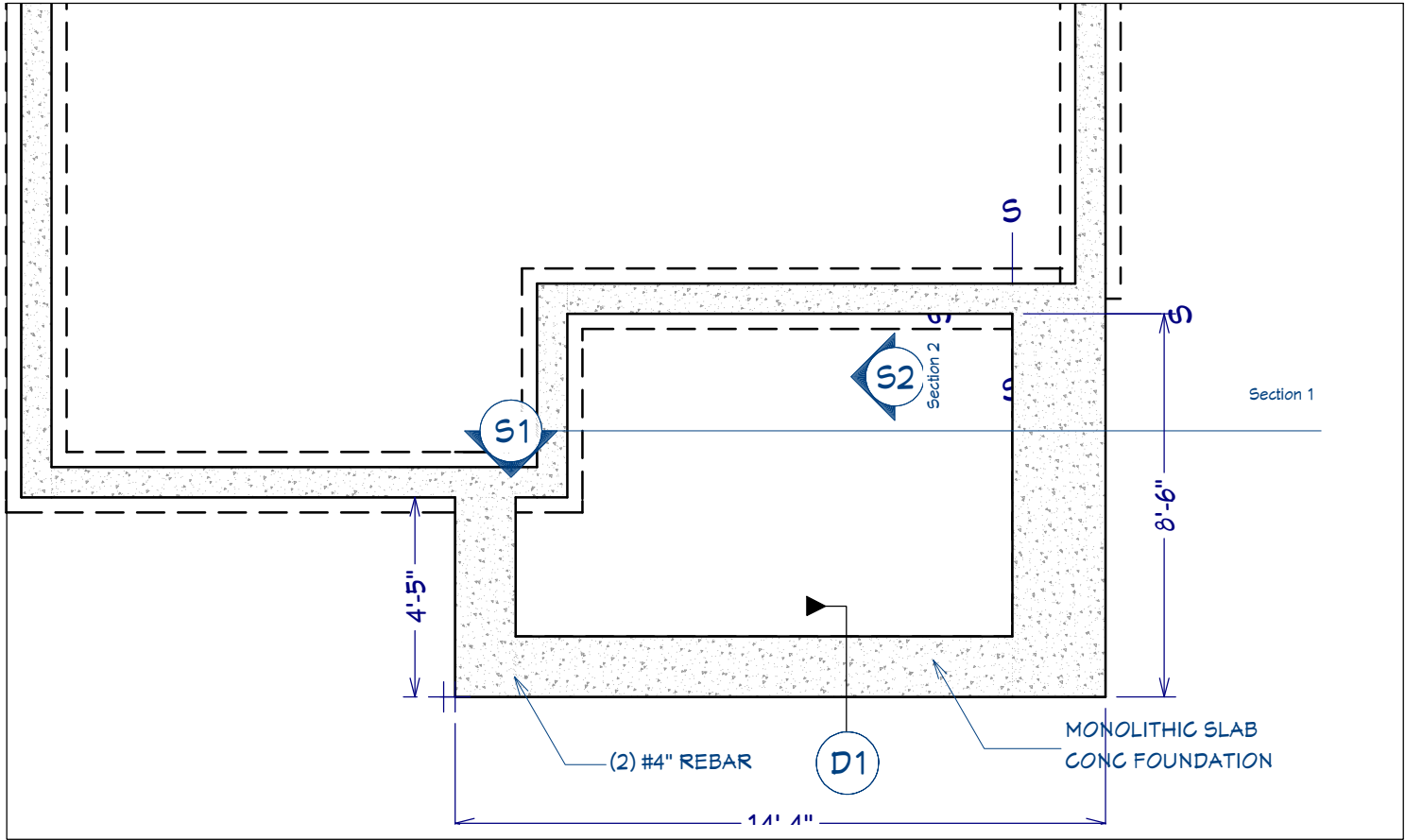
S2-SECTION 2
1/4" = 1'



SUSAN KOSLOW
ARCHITECTURE
.....
84 ELMWOOD RD
NEEDHAM, MA
02492
617-312-8545

SHEET NUMBER		3		REVISION #:			
SECTIONS							
HAN RESIDENCE		DATE: OCTOBER 27, 2020					
34 GROSVENOR RD. NEEDHAM, MA		DRAWN BY: SUSAN KOSLOW					





SUSAN KOSLOW
ARCHITECTURE
.....

84 ELMWOOD RD
NEEDHAM, MA
02492
617-312-8545

SHEET NUMBER
5
REVISION #:

FOUNDATION
DRAWN BY: SUSAN KOSLOW
DATE: OCTOBER 27, 2020

HAN RESIDENCE
34 GROSVENOR RD. NEEDHAM, MA

PT. NO. 6844 FEE \$7.00 DATE Feb. 24, 1947

LOCUS 34 Grosvenor Road

BLDG. S. F. - 2 car garage NO. RMS ---

OWNER J. M. Portmore VALUE \$7,000.

BLDR. J. M. Portmore FEE

ELECT. PT. NO.

PLBR. PT. NO.

GAS FTR. PT. NO.

SEPTIC TANK Cesspool SEWER

HEAT GRADES

COMPLETE

OCC. PT

TOWN OF NEEDHAM
INSPECTION DEPARTMENT

WHDX C68-0106

Building Inspection Department

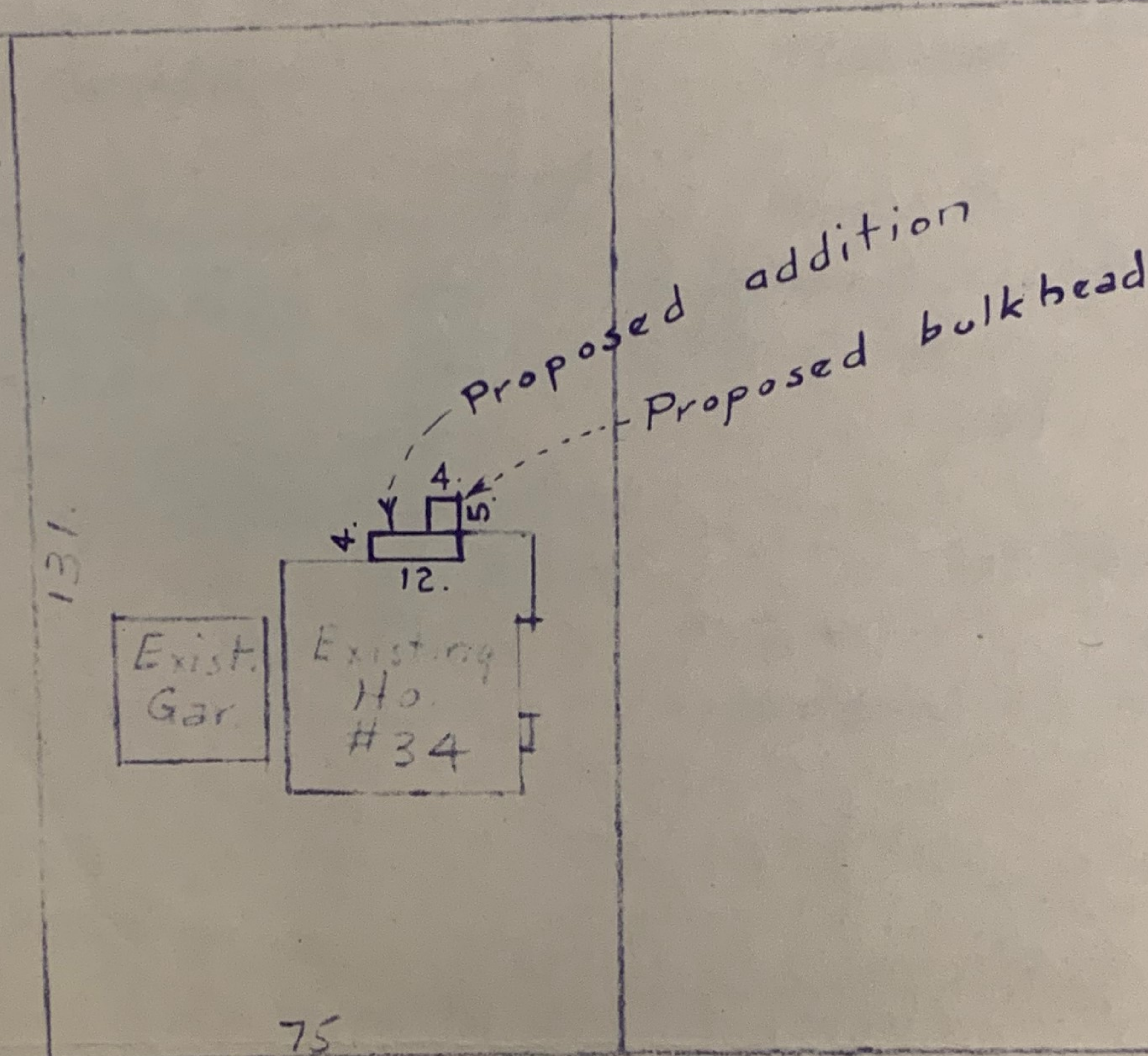
Sewer ☐
Water ☐
Drain ☐

Building Permit No. **3357** At No. **34 Grosvenor Rd.**
Area **Addition to house** Setback of adjacent buildings
Owner **Charles F. Yardley** Builder **Walter Sims**

PLOT PLAN

To be drawn according to specifications set forth in Section 25, Zoning By-Laws of the Town of Needham.

Railroad



to Greendale Ave

Grosvenor Rd.

I hereby certify that the existing and approved street grades, existing sewers, drains, gas and water mains are accurately shown on this plan and that the lot corners, dimensions, side line offsets and setback distances allowing for overhangs, elevation of the top of the foundation and garage floor, and elevations at lot corners on street line for grading along lot line bordering the street are correct as indicated on this plan and will conform to the completed construction.

The above is subscribed to and executed by me this **8** day of **Sept.** 19**59**

F. L. Cheney Civil Engineer or Surveyor

Approved in accordance with Sec. 4ai of the Building By-Laws

9/10/59
Date

[Signature]

Supt. of Public Works

Occupancy permit will not be issued until the conditions as to lines and grades and drainage facilities have been complied with.

NB 3975

141 ~~St~~ - Portmore





RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2021 MAY 25 PM 4:29

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

APPLICATION FOR HEARING

IT IS STRONGLY RECOMMENDED THAT APPLICANTS CONSULT WITH THE BUILDING INSPECTOR PRIOR TO FILING THIS APPLICATION.

Note: Application must be complete, with certified plot plan attached, and application fee included, or application will not be accepted.

Date: 5/20/2021

Name of Applicant or Appellant: No No Song, LLC, a Massachusetts limited liability company

Address: 160 Middlesex Turnpike Bedford, MA 01730

E-mail address: RAM@fwwebb.com

Daytime telephone: 781-272-6600

Cell phone: _____

Additional contact information, (ie: contractor ☒, architect ☐, builder ☐, attorney ☐):

Green Leaf Construction - Jami Anderson janderson@greenleafcm.com

978-793-3699

Address/Location of Property 68 Highland Ave Needham Heights, MA 02494

Assessor map/parcel number 199/073.0-0022-0000.0

Zone of property: Highland Commercial - 128

Is property within 100 feet of wetlands, 200 ft. of stream or in flood plain? ☐ Yes ☒ no

Applicant is: ☒ owner ☐ tenant ☐ prospective tenant ☐ licensee ☐ prospective purchaser

Type of Permit requested: ☐ residential or ☒ commercial

If residential renovation, will renovation constitute "new construction"? ☐ yes ☐ no

If commercial, please consult with building inspector regarding parking issues

Select one: ☒ Special Permit ☐ Variance ☐ Comprehensive Permit, M.G. L Ch. 40B

☐ Amendment ☐ Appeal Building Inspector Decision*

*(For an appeal from decision of Building Inspector, attach copy of the decision or other written notice received from the Building Inspector.)

Existing Conditions: A 12,692 square foot lot containing a retail building with approximately 4,756 square feet on the first floor
level and 4,631 square feet in a basement level with 18 parking spaces including 1 handicap accessible space, 6 tandem spaces,
and a loading zone and dumpster.

Statement of relief sought: Waiver of strict adherence to the parking requirements and design requirements set forth in
Section 5.1.2 and 5.1.3 of the Zoning By-law by special permit as provided by Section 5.1.1.5 of the Zoning By-law;
Alternatively, alteration of a lawfully pre-existing non-conforming parking lot by special permit as provided by Section 1.4.6 of the
Zoning By-law.

Applicable Section(s) of Zoning By-Law: Sections 5.1.1.5; 5.1.2; 5.1.3. Alternatively, Sections 1.4.6; 7.5.2.

If application under Zoning Section 1.4, listed immediately above:

List nonconformities related to lot/structure(s) in application: parking lot design and number of spaces

Date structure(s) on lot constructed (including any additions): 1958

Date lot created:

1901

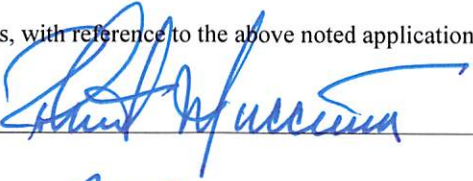
A certified plot plan, prepared by a registered surveyor, must be attached to this application at time of filing. An application will be returned if a copy of the plot plan is not attached to the application.

•Applications for Comprehensive permits under M.G.L. Ch. 40B require a copy of plot plan.

Please feel free to attach any additional information/photos relative to the application.

Additional information may be requested by the Board at any time during the application or hearing process.

A hearing before the Board of Appeals, with reference to the above noted application or appeal, is requested by

Signed 

Title COO

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

Daphne Collins

From: Jami Anderson <JAnderson@greenleafcm.com>
Sent: Wednesday, May 26, 2021 3:39 PM
To: Daphne Collins
Cc: Paul L. Feldman; Andy McBeth; David Roche
Subject: 68 Highland Ave - Project Description

Daphne,

Thanks for your call, to help with the time sensitive project notification form that you are working on, see the project description below:

It is a renovation of the existing 4,700 sf 1st floor space to become the new location for Frank Webb Home. This updated Showroom will showcase a variety of bath, kitchen and lighting fixtures. The showroom will include working displays that allow you to experience and compare a variety of products in action and also non-working displays that allow you to see the range of products that are available to purchase. There will be new mechanical equipment, storage and an employee only area at the basement level. Frank Webb Home currently resides at 100 Highland Ave. in Needham and intends to move to the new space at 68 Highland Ave. once the renovation is complete.

Please confirm receipt.

Thanks,

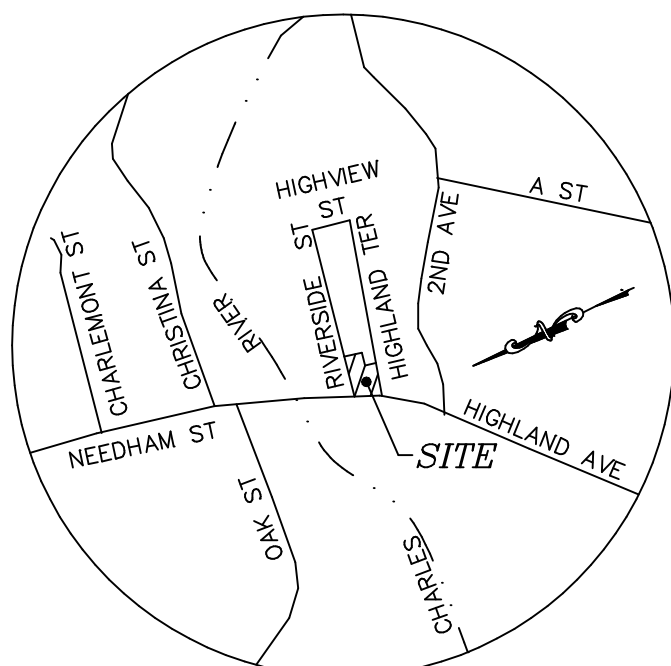
Jami Anderson
Project Manager
Green Leaf Construction
98 Adams Street, Suite 105
Leominster, MA 01453

Office: 978-401-2053
Mobile: 978-793-3699
janderson@greenleafcm.com

GREEN LEAF
CONSTRUCTION

LEGEND

SB	STONE BOUND
CB	CATCH BASIN
C	COLUMN
SMH	SEWER MANHOLE
DMH	DRAIN MANHOLE
GM	GAS METER
EM	ELECTRIC METER
GG	GAS GATE
ICV	IRRIGATION CONTROL VALVE
MW	MONITORING WELL
10"O	OAK TREE
8"DO	DEAD OAK TREE
UP	UTILITY POLE
—OHW—	OVERHEAD WIRE
—□—□—	WOOD STOCKAGE FENCE
—D—	DRAIN PIPELINE
—S—	SEWER PIPELINE
—W—	WATER PIPELINE
—G—	GAS CONDUIT
—GS—	GAS SERVICE
—100—	CONTOUR ELEVATION
BIT. CONC.	BITUMINOUS CONCRETE PAVEMENT
X 100.10	SPOT ELEVATION
CEM. CONC.	CEMENT CONCRETE
FND.	FOUND
(TYP)	TYPICAL
N/F	NOW OR FORMERLY
M&P	MULCH AND PLANTINGS
AC	AIR CONDITIONER
CCW	CEMENT CONCRETE WALK
WP	WARNING PLATE
WCR	WHEEL CHAIR RAMP
GL	GUTTER LINE
GC	GRANITE CURB
CCP	CEMENT CONCRETE PAD
REC.	RECORD



VICINITY MAP
NOT TO SCALE

NOTES

1. NO ZONING REPORT WAS PROVIDED TO THE SURVEYOR BY THE CLIENT ON THE SUBJECT PROPERTY AT THE TIME OF SURVEY.
2. TOTAL PARKING SPACES = 18 (INCLUDES 1 HANDICAPPED).
3. THE BEARING BASE IS FROM REGISTRY OF DEEDS PLAN BOOK 689 PAGE 61 N.C.R.D.
4. NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
5. NO OBSERVABLE EVIDENCE OF CHANGES IN STREET RIGHT OF WAY LINES COMPLETED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION AND NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
6. PROPERTY HAS DIRECT PHYSICAL ACCESS TO HIGHLAND TERRACE AND RIVERSIDE STREET, ALL ARE PUBLIC RIGHT OF WAYS.
7. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES, AND ENCROACHMENTS; ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
8. THERE IS NO VISIBLE EVIDENCE OF CEMETERIES ON THE SUBJECT PROPERTY AT THE TIME OF SURVEY.
9. THE TITLE DESCRIPTION AND SCHEDULE B ITEMS HEREON ARE FROM FIRST LAND TITLE COMPANY TITLE COMMITMENT NO. c21017 DATED JANUARY 21, 2021.
10. THERE IS NO VISIBLE EVIDENCE OF WETLAND FIELD MARKERS ON THE SUBJECT PROPERTY AT THE TIME OF SURVEY AND NO WETLAND REPORT WAS PROVIDED TO THE SURVEYOR BY THE CLIENT.
11. THERE ARE NO OBSERVABLE PARTY WALLS.
12. DATUM BASE NAVD 88 ESTABLISHED BY G.P.S., BENCHMARK IS SURVEY NAIL LOCATED OFF RIVERSIDE STREET, ON THE SUBJECT PROPERTY. ELEVATION=99.00'

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 25021C0037E, EFFECTIVE DATE JULY 17, 2012. EXACT DESIGNATION CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE.

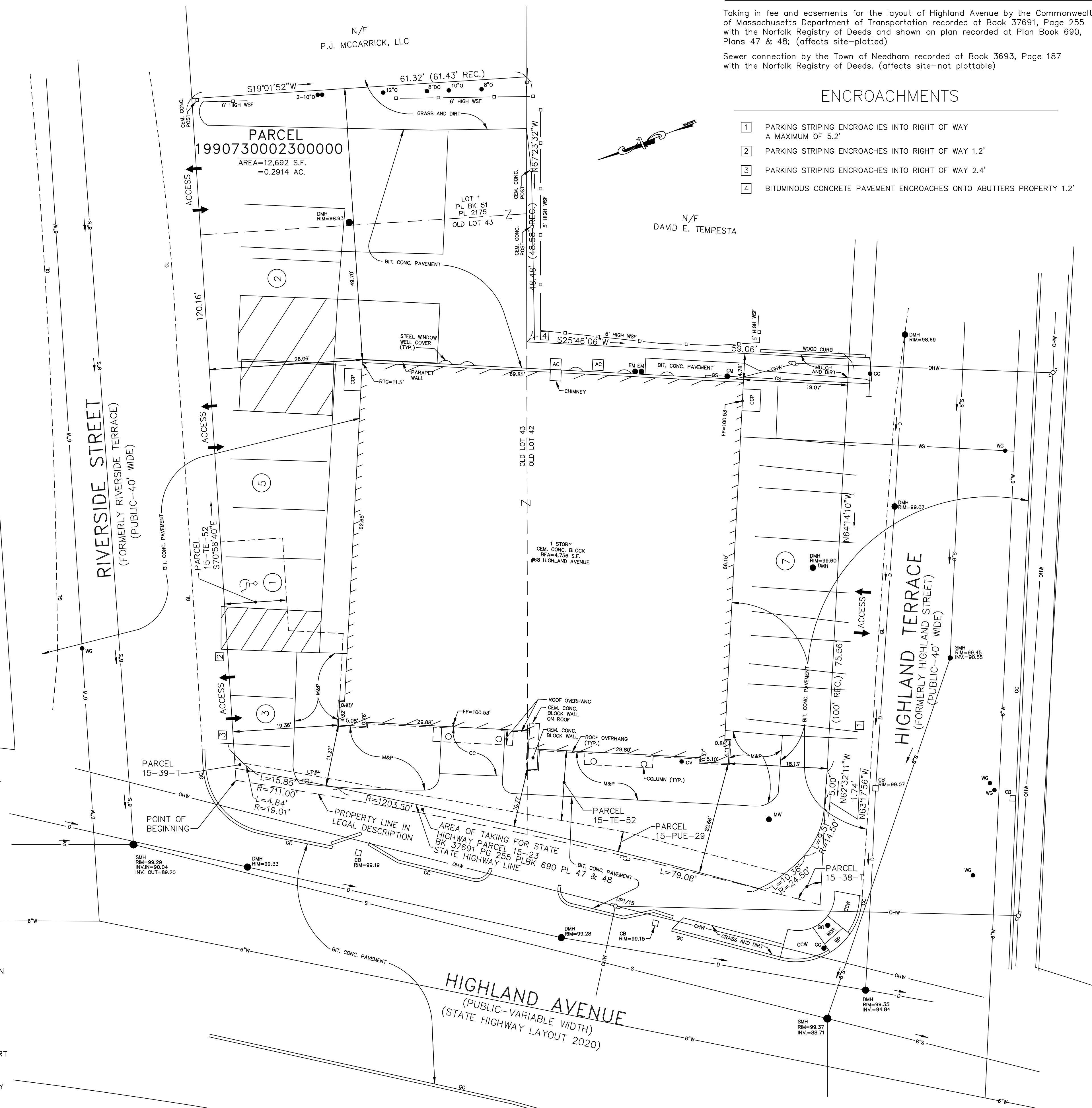
SCHEDULE B-SECTION 2

Taking in fee and easements for the layout of Highland Avenue by the Commonwealth of Massachusetts Department of Transportation recorded at Book 37691, Page 255 with the Norfolk Registry of Deeds and shown on plan recorded at Plan Book 690, Plans 47 & 48; (affects site-not-plotted)

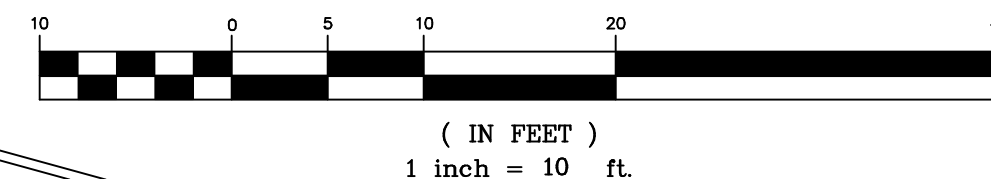
Sewer connection by the Town of Needham recorded at Book 3693, Page 187 with the Norfolk Registry of Deeds. (affects site-not-plottable)

ENCROACHMENTS

1. PARKING STRIPING ENCROACHES INTO RIGHT OF WAY A MAXIMUM OF 5.2'
2. PARKING STRIPING ENCROACHES INTO RIGHT OF WAY 1.2'
3. PARKING STRIPING ENCROACHES INTO RIGHT OF WAY 2.4'
4. BITUMINOUS CONCRETE PAVEMENT ENCROACHES ONTO ABUTTERS PROPERTY 1.2'



GRAPHIC SCALE



LEGAL DESCRIPTION

A certain parcel of land, with the buildings thereon now known and numbered as 68 Highland Avenue in Needham in said County of Norfolk, more particularly bounded and described as follows:

Beginning at a point at the Northwesterly corner of the described property at the Southerly side of Riverside Street and Easterly side of Highland Avenue;

THENCE in an Easterly direction along the Southerly side of Riverside Street, one hundred and twenty-five (125) feet;

THENCE in a Southwesterly direction, sixty-one and 43/100 (61.43) feet;

THENCE in a Westerly direction, forty-eight and 58/100 (48.58) feet;

THENCE in a Southwesterly direction, fifty-nine and 06/100 (59.06) feet to the Northerly side of Highland Terrace, sometimes called street;

THENCE in a Northwesterly direction along the Northerly side of Highland Terrace, one hundred (100) feet;

THENCE in a Northeasterly direction along the Easterly side of Highland Avenue, one hundred nine and 47/100 (109.47) feet to the point of beginning.

Being Lots 42 and 43 as shown on "Plan of Lots in Needham, Mass.", C.H. Wood & Co., Surveyors, dated April 6, 1901, and Lot 1 on a plan of house lots entitled, "Hood Park, Needham, W.A. Mason & Son, Surveyor, dated May 1910", duly recorded with Norfolk Deeds, Plan Book 96, Plan 4685, and Plan Book 57, Plan 2715, respectively.

The property described above is the same property described in Catic Title Insurance Company Title Commitment No. OP dated June 17, 2006.

ALTA / NSPS LAND TITLE SURVEY

#68 HIGHLAND AVENUE
TOWN OF NEEDHAM
COUNTY OF NORFOLK
COMMONWEALTH OF MASSACHUSETTS

Surveyor's Certificate

To: No No Song, LLC, F.W. Webb Company and CATIC

This is to certify that this map or plot and the survey on which it is based were made in accordance with the "2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys," jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 7a, 7b1, 7b2, 7c, 8, 9, 10a, 10b, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 of Table A thereof. The field work was completed on March 4, 2021.



STEPHEN E. STAPINSKI, R.L.S.

3/29/21

DATE

Stephen E. Stapinski
Professional Land Surveyor
Registered Surveyor No. 29876
In the Commonwealth of Massachusetts
Date of Survey: March 4, 2021
Date of Last Revision: March 29, 2021

ADDRESS: 68 HIGHLAND AVENUE, NEEDHAM, NORFOLK COUNTY MASSACHUSETTS

SCALE: 1" = 10' DATE: 3/29/21 SHEET 1 OF 1

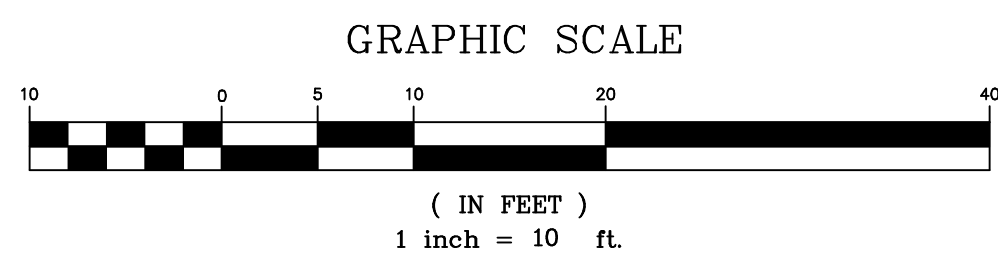
MERRIMACK ENGINEERING SERVICES

66 PARK STREET
ANDOVER, MASSACHUSETTS 01810
TEL.: (978) 475-3555 FAX: (978) 475-1448
EMAIL: MERRENG@AOL.COM

1. UTILITIES SHOWN HAVE BEEN COMPILED BASED ON EXISTING PLANS AND RECORDS. ACCURACY, LOCATIONS AND COMPLETENESS IS NOT GUARANTEED TO BE CORRECT. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ASCERTAIN THE LOCATION AND ELEVATION OF ALL UTILITIES WHICH MAY AFFECT THE WORK. CALL, TOLL-FREE, THE DIG SAFE CALL CENTER AT 1-888-DIG-SAFE SEVENTY-TWO HOURS PRIOR TO EXCAVATION.
2. ALL EXISTING UTILITY GATE BOXES, MANHOLE FRAMES AND COVERS, CATCH BASIN FRAMES AND GRATES AND OTHER CASTINGS TO BE RETAINED SHALL BE ADJUSTED TO LINE AND/OR GRADE. ANY WORK REQUIRED ON ELECTRIC, GAS, CABLE T.V. OR TELEPHONE STRUCTURES AND LINES SHALL BE CARRIED OUT BY THE CONTRACTOR, WITH PROPER AUTHORIZATION FROM THE UTILITY COMPANIES.
3. OFFSITE CATCH BASINS DAMAGED OR FILLED WITH SEDIMENT OR DEBRIS DURING THE CONSTRUCTION PROCESS SHALL BE CLEANED, FLUSHED AND/OR REPLACED AT THE CONTRACTOR'S EXPENSE AT THE CONCLUSION OF THE WORK. THE CONTRACTOR SHALL INSTALL IN EACH CATCH BASIN WITHIN 100' OF THE SITE FILTER FABRIC UNDER THE GRADE OF THE STRUCTURE OR A SILT SACK PRIOR TO EXCAVATION WORK.
4. PUBLIC OR PRIVATE PROPERTIES, BEFORE THE WORK LIMITS, SUCH AS MAIL BOXES, SIDEWALKS, SHOPS, FENCES, STREET SIGNS, ETC. DAMAGED OR DISTURBED SHALL BE FIXED OR REPLACED AT THE CONTRACTOR'S EXPENSE, AS DIRECTED BY THE ENGINEER.
5. IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE ADJACENT TO EXISTING BITUMINOUS CONCRETE, THE VERTICAL FACE SHALL BE CLEANED AND COATED WITH BITUMEN FOR TACK COAT.
6. BEFORE ANY DRAINAGE STRUCTURES ARE CONSTRUCTED OR CONNECTIONS ARE MADE, THE CONTRACTOR SHALL DETERMINE THE ACTUAL LOCATION OF SUBSURFACE STRUCTURES AND DRAINAGE INVERTS TO AVOID CONFLICTS WITH UTILITIES, UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
7. NO FILL CONTAINING HAZARDOUS MATERIAL SHALL BE USED ON THIS SITE. FILL SHALL BE CLEAN AND SHALL CONTAIN NO TRASH, REFUSE, RUBBISH OR DEBRIS.
8. ALL DEMOLITION ITEMS/DEBRIS WITHIN LIMIT OF WORK TO BE REMOVED, SHALL BE DISPOSED OF IN AN APPROVED LANDFILL.
9. ALL NON PAVED DISTURBED AREAS TO BE 4" LOAM AND SEED.



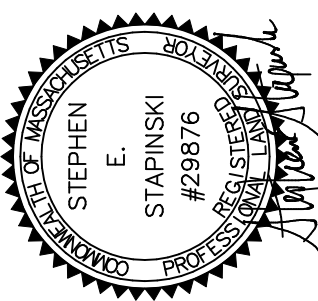
- | | | |
|---|------------|------------------------------|
| □ | SB | STONE BOUND |
| □ | CB | CATCH BASIN |
| □ | C | COLUMN |
| ● | SMH | SEWER MANHOLE |
| ● | DMH | DRAIN MANHOLE |
| ● | CM | GAS METER |
| ● | EM | ELECTRIC METER |
| ● | CG | GAS GATE |
| ● | ICV | IRRIGATION CONTROL VALVE |
| ● | MW | MONITORING WELL |
| ● | 10"O | OAK TREE |
| ● | 8"DO | DEAD OAK TREE |
| U | UP | UTILITY POLE |
| — | OHW — | OVERHEAD WIRE |
| — | □ — □ — | WOOD STOCKADE FENCE |
| — | X — X — | CEDAR FENCE |
| — | D — | DRAIN PIPELINE |
| — | S — | SEWER PIPELINE |
| — | W — | WATER PIPELINE |
| — | -100- — | CONTOUR ELEVATION |
| | BIT. CONC. | BITUMINOUS CONCRETE PAVEMENT |
| | X 100.10 | SPOT ELEVATION |
| | CEM. CONC. | CEMENT CONCRETE |
| | FND. | FOUND |
| | (TYP) | TYPICAL |
| | N/F | NOW OR FORMERLY |
| | M&P | MULCH AND PLANTINGS |
| | AC | AIR CONDITIONER |
| | CCW | CEMENT CONCRETE WALK |
| | WP | WARNING PLATE |
| | WCR | WHEEL CHAIR RAMP |
| | GL | GUTTER LINE |
| | CC | GRANITE CURB |
| | GP | CEMENT CONCRETE PAD |
| | REC. | RECORD |
| | HC | HANDICAP |
| | PROP. | PROPOSED |
| | EXIST. | EXISTING |



ZONE DISTRICT: HIGHLAND COMMERCIAL 128
USE: BATHROOM/PLUMBING SHOWROOM

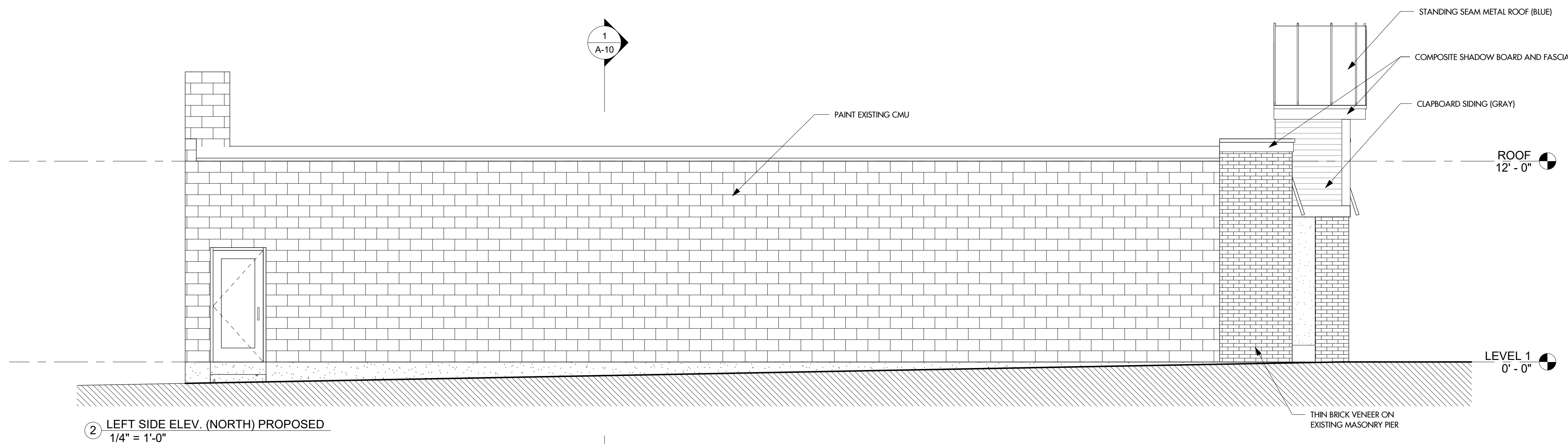
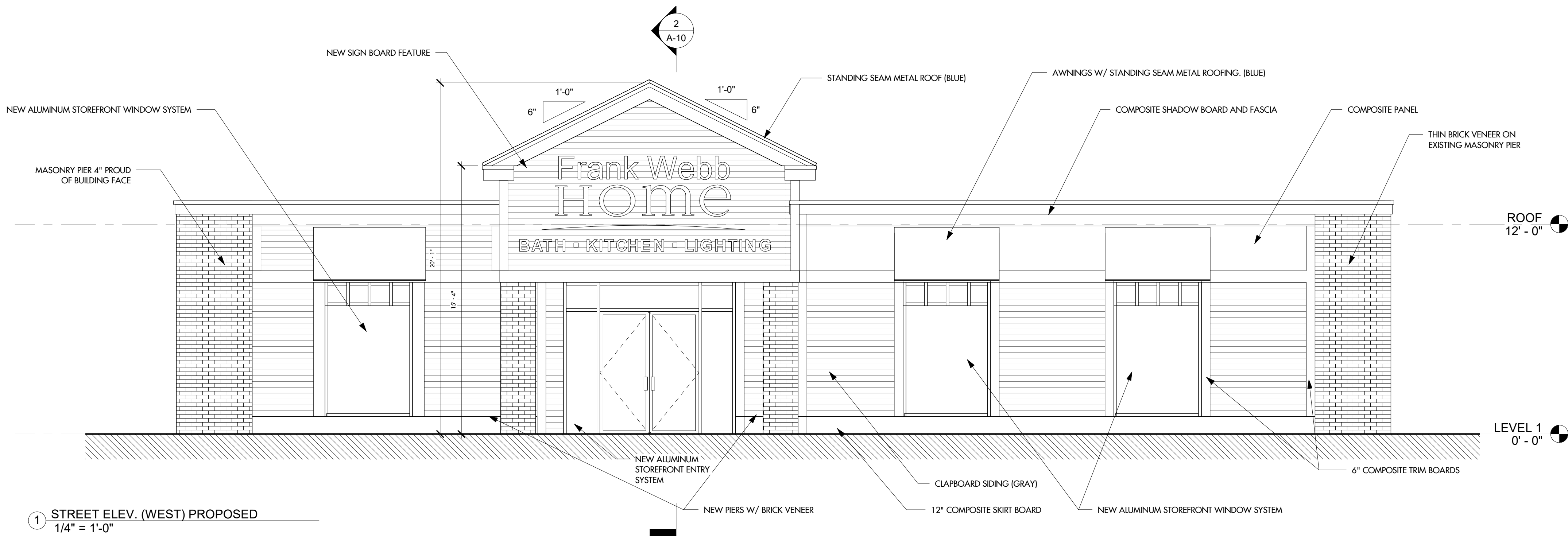
ITEM	REQUIRED	EXISTING	PROPOSED
LOT AREA	15,000 S.F.	12,692 S.F.	N/C
LOT FRONTAGE	100'	102.54'	N/C
MINIMUM LOT SETBACKS:			
FRONT	5'	10.77'	N/C
SIDE	10'	18.13'/19.36'	N/C
REAR	10'	4.78'	N/C
BUILDING HEIGHT	54'	11.5'	N/C
LOT COVERAGE	80%	62.53%	N/C
PARKING: RETAIL 1 SP/300 S.F.	(1ST FL.) RETAIL 4,756 S.F./300=16 SP		
OFFICE 1 SP/300 S.F.	(BSMT.) OFFICE 1,287 S.F./300=4 SP		
STORAGE 1 SP/850 S.F.	(BSMT.) STORAGE 3,344 S.F./850=4 SP	17 REGULAR 1 HANDICAP	15 REGULAR 1 HANDICAP
	TOTAL=24 SP	18 TOTAL	16 TOTAL

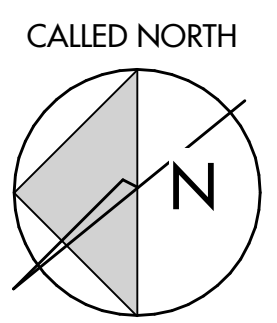
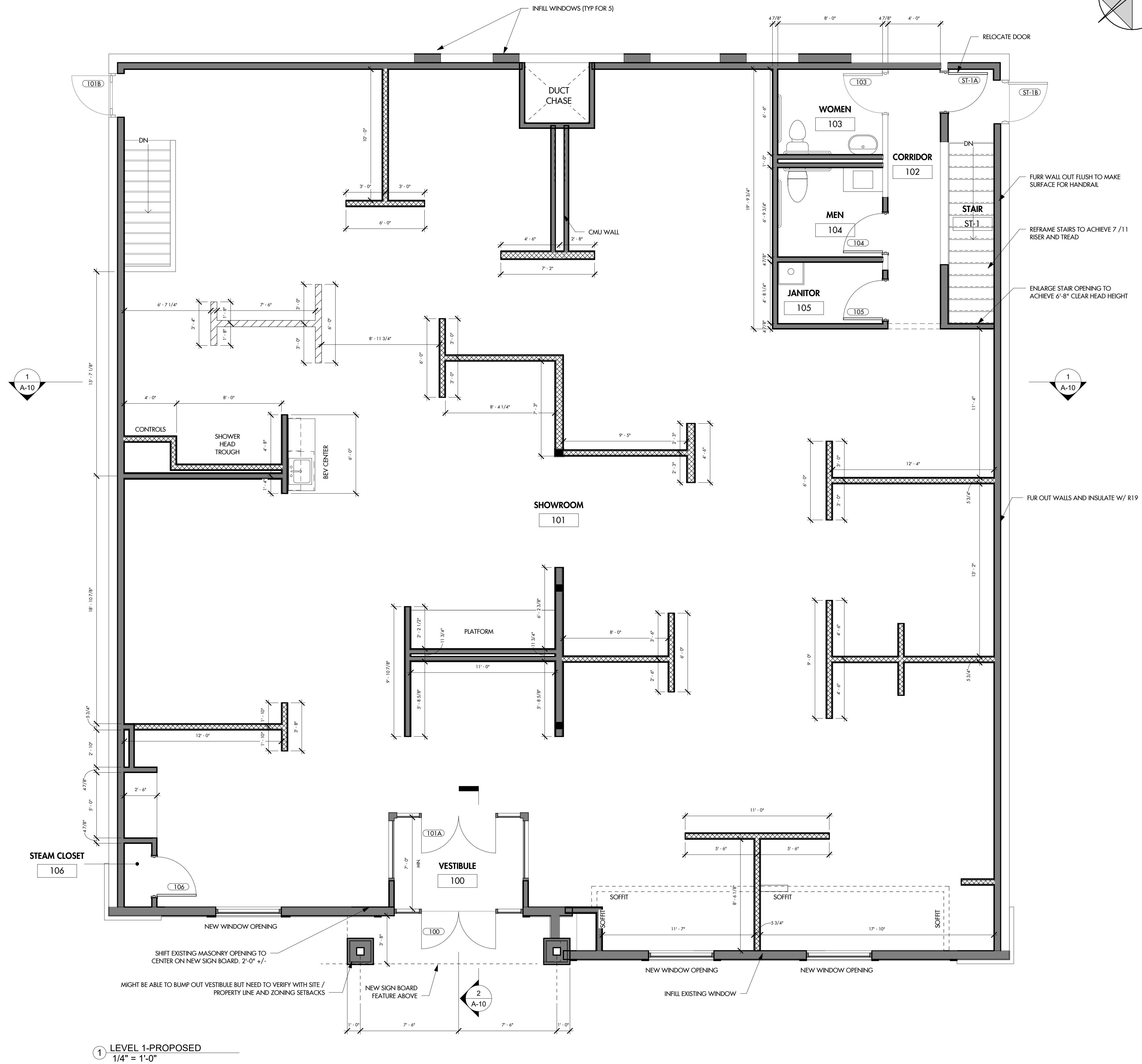
MERRIMACK ENGINEERING SERVICES
66 PARK STREET
ANDOVER, MASSACHUSETTS 01810
PHONE: (978) 475-3555 FAX: (978) 475-1448
EMAIL: MERRENG@AOL.COM

[illegible]

*F. W. WEBB SHOWROOM
NEEDHAM, MA
EXISTING CONDITIONS
AND
SITE PLAN*

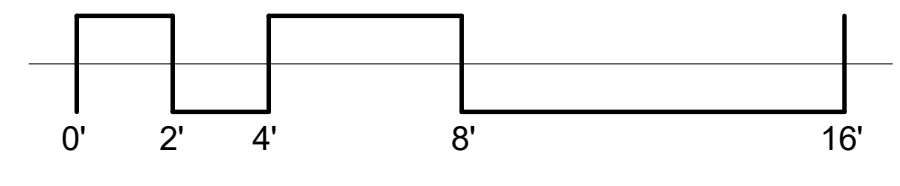
SHEET 1 OF 1



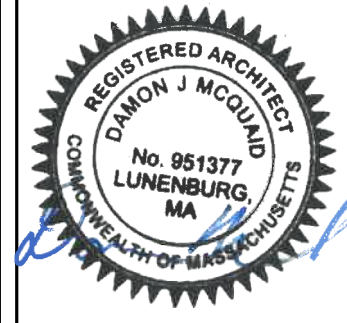


FLOOR PLAN LEGEND			
	EXISTING WALLS		SPOT ELEVATION
	HALF VIGNETTE WALL (4')		REFER TO DETAIL SHEETS FOR ASSEMBLY TYPE
	FULL VIGNETTE WALL (8')	Room name	ROOM NAME AND NUMBER
	FULL WALL TO ABOVE CEILING	101	
	SOFFIT ABOVE		REVISION
	DOOR & DOOR TAG		BUILDING SECTION NUMBER AND SHEET
	WINDOW & WINDOW TAG		WALL SECTION NUMBER AND SHEET

1 LEVEL 1-PROPOSED
1/4" = 1'-0"



Damon McQuaid
Architect
Architecture - Interiors - Land Planning
Terr. Lunenburg, MA 01462
49 Brookview
dm@dmquaidarchitect.com
978-340-5922



GREEN LEAF
CLASH CONSULTANTS
100 Adams Street, Suite 105
Lynn, MA 01901
www.greenleafclash.com

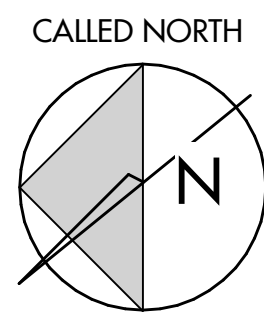
FWW. NEEDHAM
66 Highland Ave, Needham Heights, MA

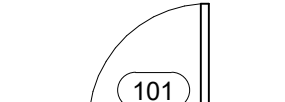
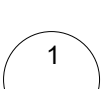
prepared for: GREEN LEAF CONSTRUCTION
Location: 99 ADAMS STREET SUITE 105 LYNN, MA 01901
Title: FLOOR PLAN-LEVEL 1

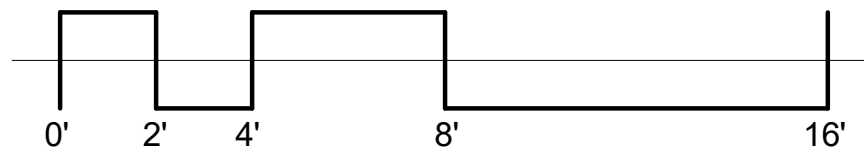
DMA 2020
ALL PLANS, SPECIFICATIONS AND IDEAS ARE THE PROPERTY OF DMA. RIGHTS OF USE ARE CONDITIONAL AND ARE GRANTED UNDER FULL COMPENSATION AND LIMITED TO A ONE-TIME USE TO CONSTRUCT A SINGLE PROJECT ON THE SITE SO INDICATED. USE OF THE WORK AND ANY DERIVATIVE WORK COVERED UNDER THIS COPYRIGHT FOR OTHER PROJECTS IS PROHIBITED. THE USE OR REPRODUCTION OF THESE PLANS FOR ANY OTHER CONSTRUCTION OR PERMIT APPLICATION IS STRICTLY PROHIBITED WITHOUT PRIOR WRITTEN PERMISSION OF DMA.

Mark	Date
Revisions	
Date	2021-05-19
Scale	1/4" = 1'-0"
Job No.	210108
Sheet No.	

A-5b



	EXISTING WALLS		SPOT ELEVATION
	HAIF VIGNETTE WALL (A')		REFER TO DETAIL SHEET FOR ASSEMBLY TYPE
	"FULL" VIGNETTE WALL (B')		
	FULL WALL TO ABOVE CEILING	Room name	ROOM NAME AND NUMBER
			
	SOFFIT ABOVE		REVISION
	DOOR & DOOR TAG		BUILDING SECTION NUMBER AND SHEET
	WINDOW & WINDOW TAG		WALL SECTION NUMBER AND SHEET



GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

May 18, 2021

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: Adam Jacob Pase and Liat Rosen
68 Wilshire Park, Needham, MA
Variance / Special Permit Request

Dear Mrs. Collins,

Please be advised that I represent Adam Jacob Pase and Liat Rosen (hereinafter, jointly, the "Applicant") relative to their property at 68 Wilshire Park, Needham, MA (the "Premises"). In connection therewith, submitted herewith pursuant to the Covid-19 virtual application procedure, please find the following:

1. A Completed Application for Hearing
2. One copy of architectural plans titled "The Pase Residence, Additions & Alterations, 68 Wilshire Park, Needham", dated February 25, 2021, revised February 26, 2021, consisting of 15 pages;
3. One copy of Proposed Additions Plot Plan, dated May 14, 2021, prepared by Christopher C. Charlton, RLS; and
5. Check no. 216 in the amount of \$600 for the applicable filing fee (\$200 each for variance, special permit and interpretation / amendment).

The Premises is identified as Parcel 47 on Town of Needham Assessor's Map No. 31 and is located in the Single Residence B (SRB) Zoning District. It is occupied by an existing single family residential dwelling, which is the subject of a prior variance, dated June 27, 1984, filed with the Town Clerk on July 25, 1984, issued to Carolyn J. Walsh. That variance granted relief from the side yard setback for an addition on the left side of the house, based on the steep slope immediately to the rear. The house also features a deck off the right rear corner, which includes a landing and stairs that are located within the required setback area and are therefore non-conforming.

The Applicant, who lives at the property, desires to make several changes to the existing house. First, they desire to alter and expand the second story above the portion of the house that was authorized by the variance in 1984. This will require an interpretation of the variance that the proposed second story, as altered, is within the relief that was previously granted.

Second, they desire to construct an addition at the right rear corner of the house, in the same general area as the existing deck. This proposed addition will intrude into the setback area, but no closer than the current landing and steps. As a result, a special permit and a finding are required to change, alter, and enlarge a non-conforming structure.

Third, and last, they desire to construct a new deck, off the back right corner of the house. The proposed deck, which wraps around the house, is located partially within the setback area and therefore requires a new variance.

Please schedule this matter for the next available hearing of the Board, whether in person or via Zoom or other electronic format. In the meantime, 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. Please also note that I have spoken with the Building Commissioner relative to the application.

Your courtesy and attention are appreciated.

Sincerely,

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

George Giunta, Jr.



TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS

APPLICATION FOR HEARING

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2021 MAY 18 PM 1:29

IT IS STRONGLY RECOMMENDED THAT APPLICANTS CONSULT WITH THE BUILDING INSPECTOR PRIOR TO FILING THIS APPLICATION.

Note: Application must be complete, with certified plot plan attached, and application fee included, or application will not be accepted.

Date: May 18, 2021

Name of Applicant or Appellant Adam Jacob Pase and Liat Rosen

Address: 68 Wilshire Park, Needham, MA 02942

(Optional) E-mail address: adam.pase@gmail.com

Daytime telephone: 202-420-8076

(Optional) Cell phone: same as above

(Optional) additional contact information, (ie: ☐ contractor ☐ architect, ☐ builder or ☒ attorney):

George Giunta, Jr., Esq. – 281 Chestnut Street, Needham, MA 02492

781-449-4520

Address/Location of Property 68 Wilshire Park, Needham, MA

Assessor Map / Parcel Number Map 31, Parcel 47

Zone for property: Single Residence B (SRB)

Is property within 100 feet of wetlands, 200 ft. of stream or in flood plain? ☒ Yes ☐ No

Applicant is ☒ owner, ☐ tenant, ☐ prospective tenant, ☐ licensee ☐ prospective purchaser

Type of Permit requested: ☒ residential or ☐ commercial

If residential renovation, will renovation constitute "new construction"? ☐ yes ☒ no

If commercial, please consult with building inspector regarding parking issues

Select one: ☒ Special Permit ☒ Variance ☐ Comprehensive Permit, M.G. L Ch. 40B

☐ Amendment ☐ Appeal Building Inspector Decision*

*(For an appeal from decision of Building Inspector, attach copy of the decision or other written notice received from the Building Inspector.)

Statement of relief sought:

Statement of relief sought:

1. Variance, pursuant to Section 7.5.3 and / or M.G.L. c. 40A, Section 10, from applicable minimum side yard setback requirement of Section 4.2.1 of the Zoning By-Law;
2. Special permit pursuant to Section 1.4.6 of the Zoning By-Law, and a finding pursuant to M.G.L. c.40A, Section 6, for the change, extension, alteration, and enlargement of a lawful, pre-existing, non-conforming structure,
3. Interpretation / amendment of prior variance, dated June 27, 1984, filed with the Town Clerk on July 25, 1984, issued to Carolyn J. Walsh; and
4. All other relief that is or may be necessary and proper to permit the construction of additions and a new deck, to the existing single-family dwelling at the Premises.

Applicable Section (s) of Zoning By-Law 1.4.6, 4.2.1, 7.5.2, 7.5.3 and any other applicable Section or By-Law

If application under Zoning Section 1.4, listed immediately above
List nonconformities related to lot/structure(s) in application:

Less than required setback (Existing deck landing and steps are located 7.8' from sideline);

Date structure(s) on lot constructed (including any additions):

House Built - 1928 (Assessor's)
Additions and Deck Constructed - 1984

Date lot created:

1962

Additional information may be requested by the Board at any time during the application or hearing process.

A hearing before the Board of Appeals, with reference to the above noted application or appeal, is requested by

Adam Jacob Pase and Liat Rosen
By their attorney,



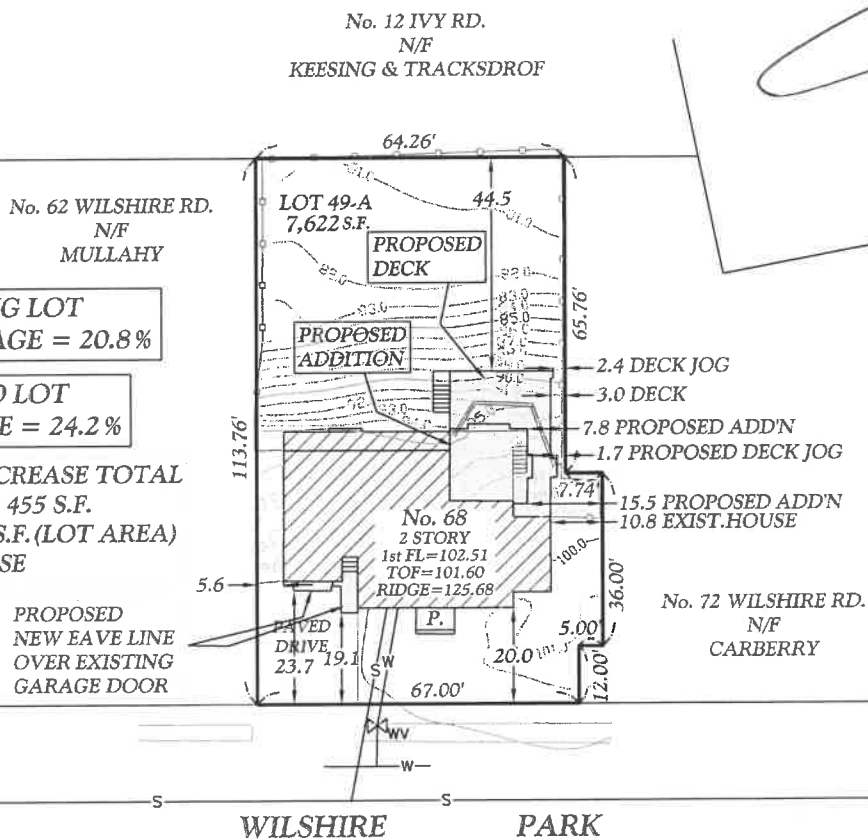
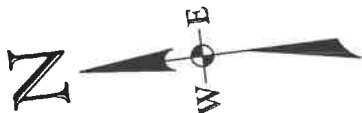
Signed _____

George Giunta, Jr., Esq.
281 Chestnut Street
Needham, MA 02492
Tel: 781-449-4520
Email: george.giuntajr@needhamlaw.net

Building Inspection Department

Building Permit No.		Zoning District	SR-B
Lot Area	7,622 S.F.	Address	No. 68 WILSHIRE PARK
Owner	PASE & ROSEN	Builder	BALLAST CONSTR.

40' Scale



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

(*Accessory structures may require a separate building permit — See Building Code)

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

The above is subscribed to and executed by me this 14th day of MAY 20 21

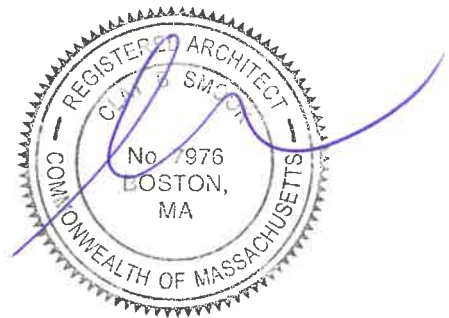
Name CHRISTOPHER C. CHARLTON Registered Land Surveyor No. 48649
Address 105 BEAVER STREET City FRANKLIN State MA Zip 02038 Tel. No. (508) 528-2528

Approved _____ Director of Public Works Date _____

Approved _____ Building Inspector Date _____

THE PASE RESIDENCE
Additions & Alterations

68 Wilshire Park, Needham
February 25, 2021
(Revised February 26, 2021)



Foundations

Assume 10" continuous concrete wall on 24" wide x 12" high footings with #5 rebar top and bottom; Two inches concrete slab in crawl space.

Framing

Framing in general will be a combination of engineered wood lumber products, conventional framing and trusses (Final design as per structural engineer)

Floor Framing

Wood I-beams 16 inches on- center with 3/4 "Advantek" roof/sub floor – glue and screwed.

Roof

Conventionally Framed self supporting ridge (may also be truss framed)

Interior Walls

2x4 stud construction at 16" oc. (Rock wool insulation between all bedrooms/baths)

Exterior Wall

2x6 stud construction at 16" oc with Advantek, " under "Hardie" Cement siding (clapboard or panel – see elevations)

Insulation

Full thick fiberglass insulation with kraft paper vapor barrier on winter warm side

Sloped Roof

Advantek, ice and water shield bottom three feet. Assume Architectural Grade Asphalt Shingles

Windows

Harvey or Equal - paint interior and clad exterior

Decking/Terrace

Synthetic Decking – provide allowance - stainless steel screws for fastening

Interior Finish

1/2 inch blue board typical throughout with skim coat plaster (Walls and Ceilings throughout). Provide an allowance for Faux wood beams in Great Room Ceiling spaced six foot on center.

Floor Finish

3 1/2" T & Groove Oak Flooring as selected by Owner in all rooms except bathrooms (Provide allowance for tile in Bathrooms)

Electrical

Assume recessed cans in all public rooms. And provide allowance for fixture in all bedrooms and bathes. (Interior and Exterior outlets as per code). Provide Allowances

Plumbing

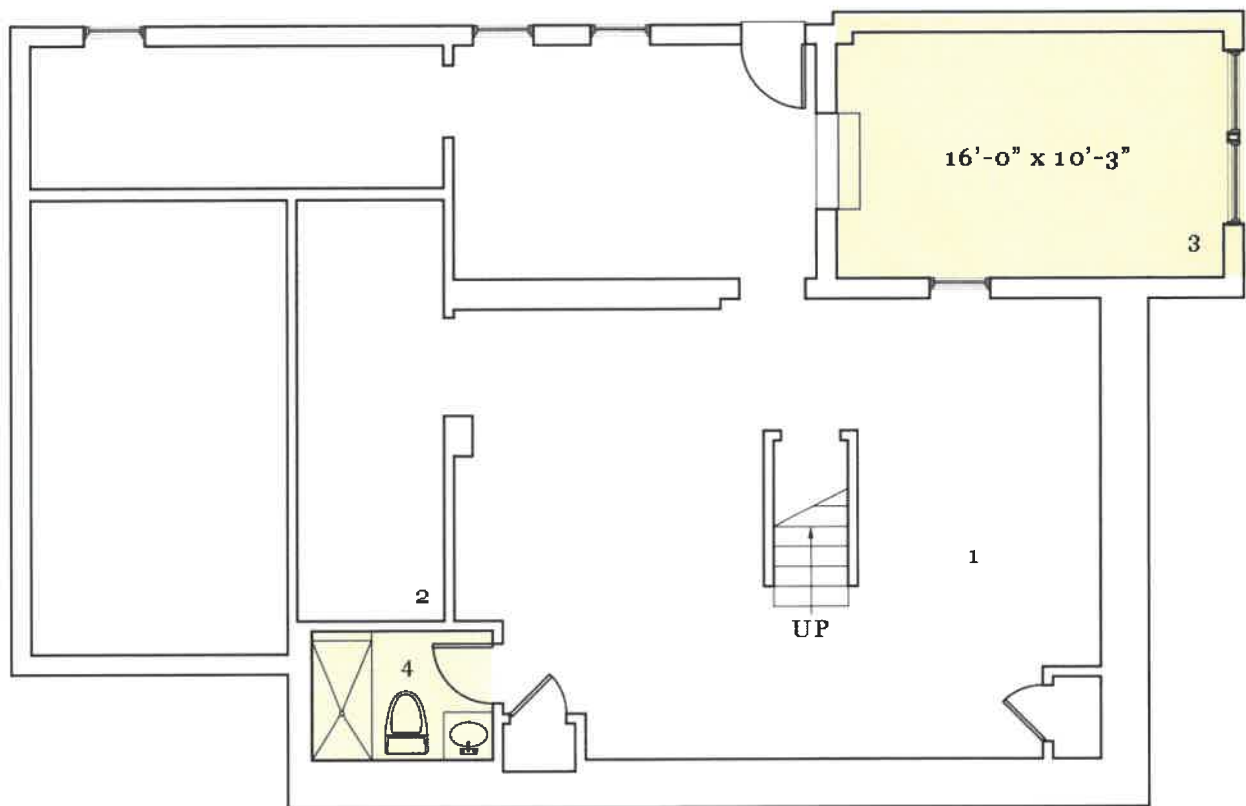
As per code. Provide one exterior hose bibbs

HVAC/ Kitchen and Bath

Kitchen, Laundry and Bath Fixtures and Finishes
Fixture and finish as selected by Owner – provide allowance

**Additions & Alterations**

68 Wilshire Park, Needham
February 25, 2021



- 1 EXISTING BASEMENT
- 2 MECHANICAL
- 3 FITNESS
- 4 BATHROOM

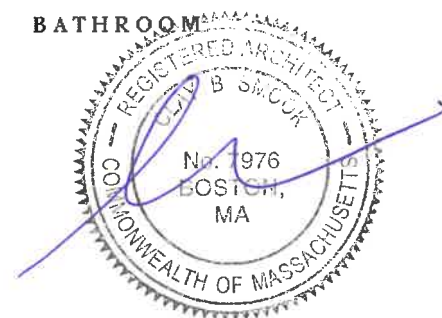
BASEMENT FLOOR PLAN

Scale: 1/8" = 1'-0"

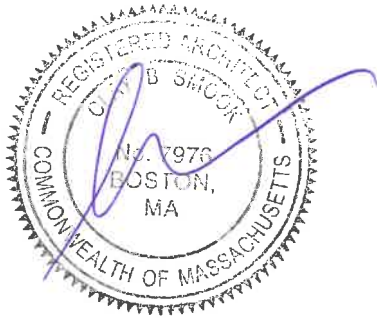
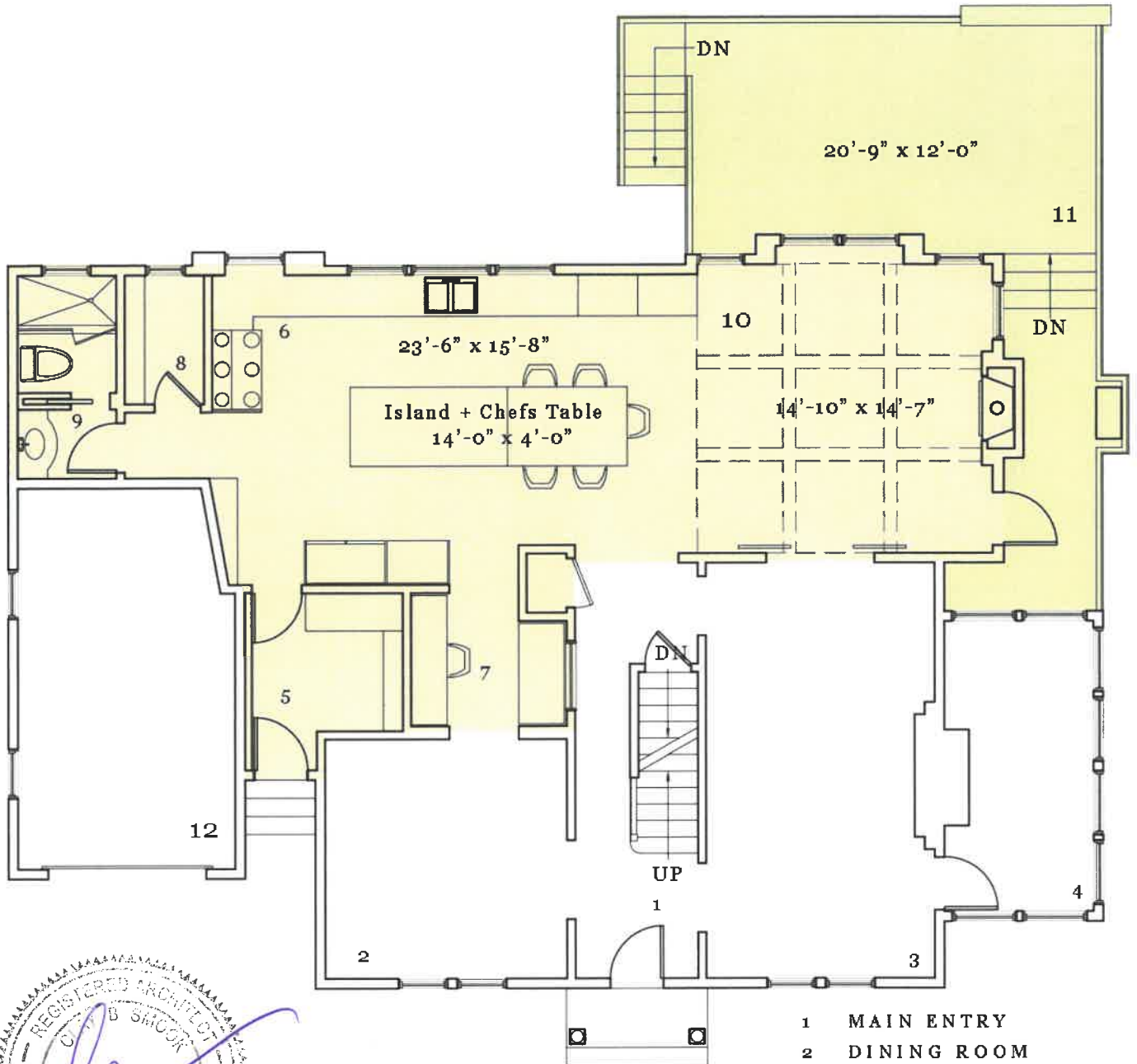
Additions & Alterations

68 Wilshire Park, Needham
February 25, 2021

PREFERRED SCHEME



SMOOK ARCHITECTURE



- 1 MAIN ENTRY
- 2 DINING ROOM
- 3 LIVING ROOM
- 4 SUN ROOM
- 5 MUDROOM
- 6 KITCHEN
- 7 DESK/ KIDS WORK STATION
- 8 PANTRY
- 9 BATHROOM
- 10 FAMILY ROOM
- 11 DECK
- 12 GARAGE

FIRST FLOOR PLAN

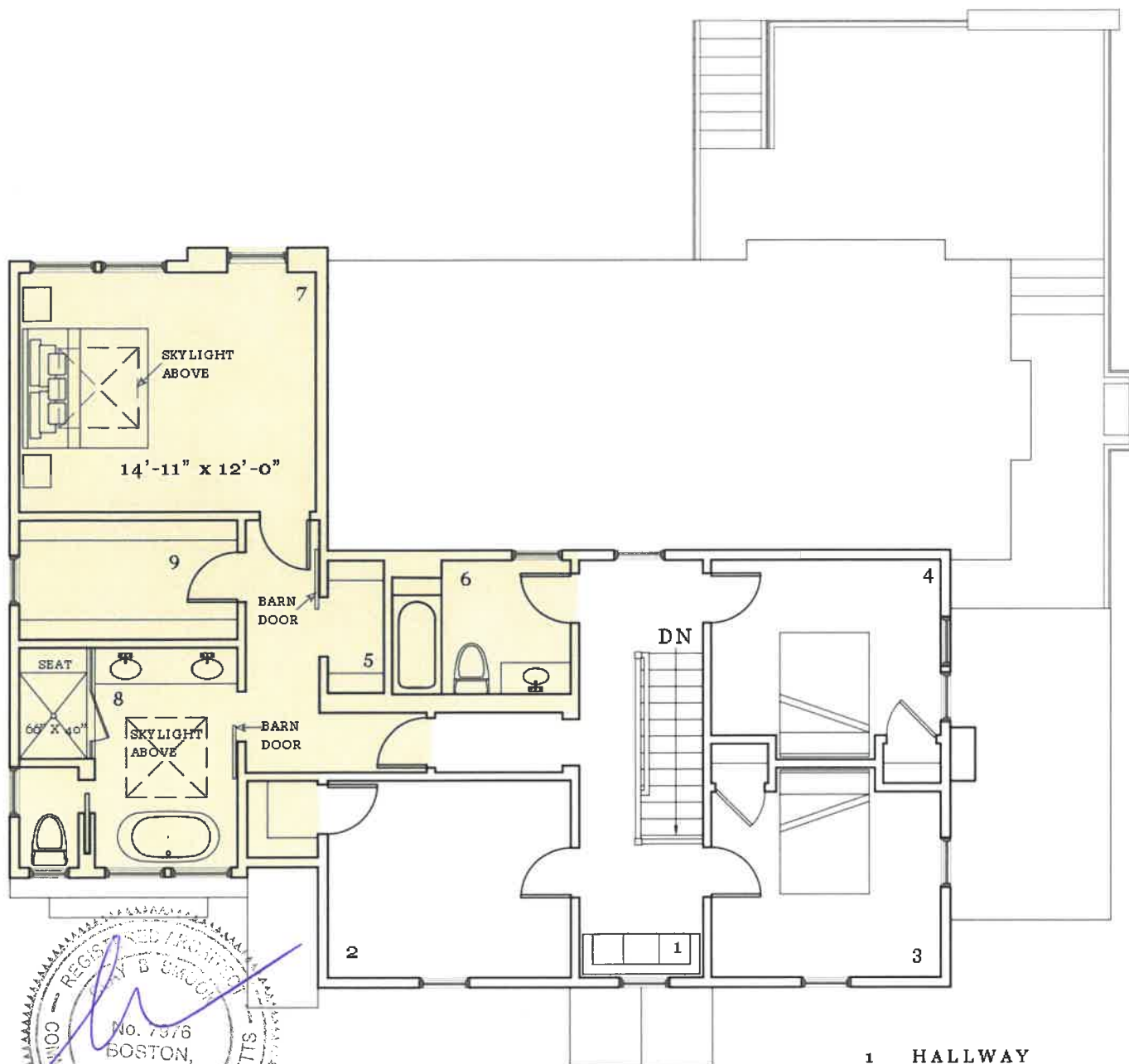
Scale: 1/8" = 1'-0"

Additions & Alterations

68 Wilshire Park, Needham
February 25, 2021

PREFERRED SCHEME





- 1 HALLWAY
- 2 BEDROOM 1
- 3 BEDROOM 2
- 4 BEDROOM 3
- 5 WALK-IN CLOSET
- 6 BATHROOM
- 7 MASTER BEDROOM
- 8 MASTER BATHROOM
- 9 WALK-IN CLOSET

SECOND FLOOR PLAN

Scale: 1/8" = 1'-0"

Additions & Alterations

68 Wilshire Park, Needham
February 25, 2021

PREFERRED SCHEME



FRONT ELEVATION



LEFT SIDE ELEVATION

PREFERRED SCHEME

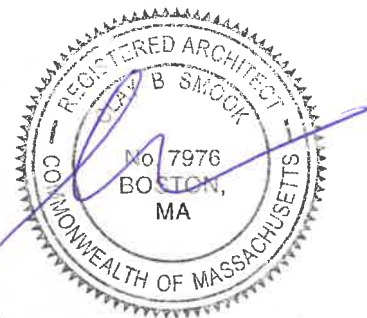
Additions & Alterations

68 Wilshire Park, Needham
February 25, 2021

SMOOK ARCHITECTURE



REAR ELEVATION



RIGHT SIDE ELEVATION

Additions & Alterations

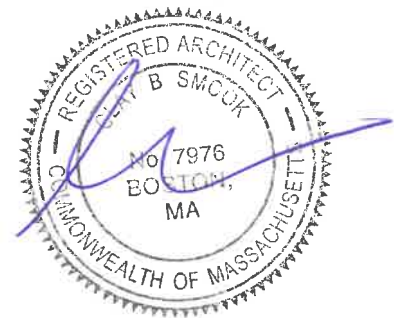
68 Wilshire Park, Needham
February 25, 2021

PREFERRED SCHEME





PERSPECTIVE 1



Additions & Alterations

68 Wilshire Park, Needham
February 25, 2021

PREFERRED SCHEME





PERSPECTIVE 2



Additions & Alterations

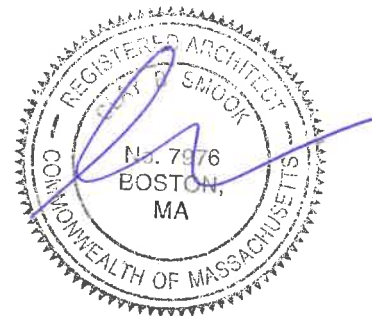
68 Wilshire Park, Needham
February 25, 2021

PREFERRED SCHEME





PERSPECTIVE 3

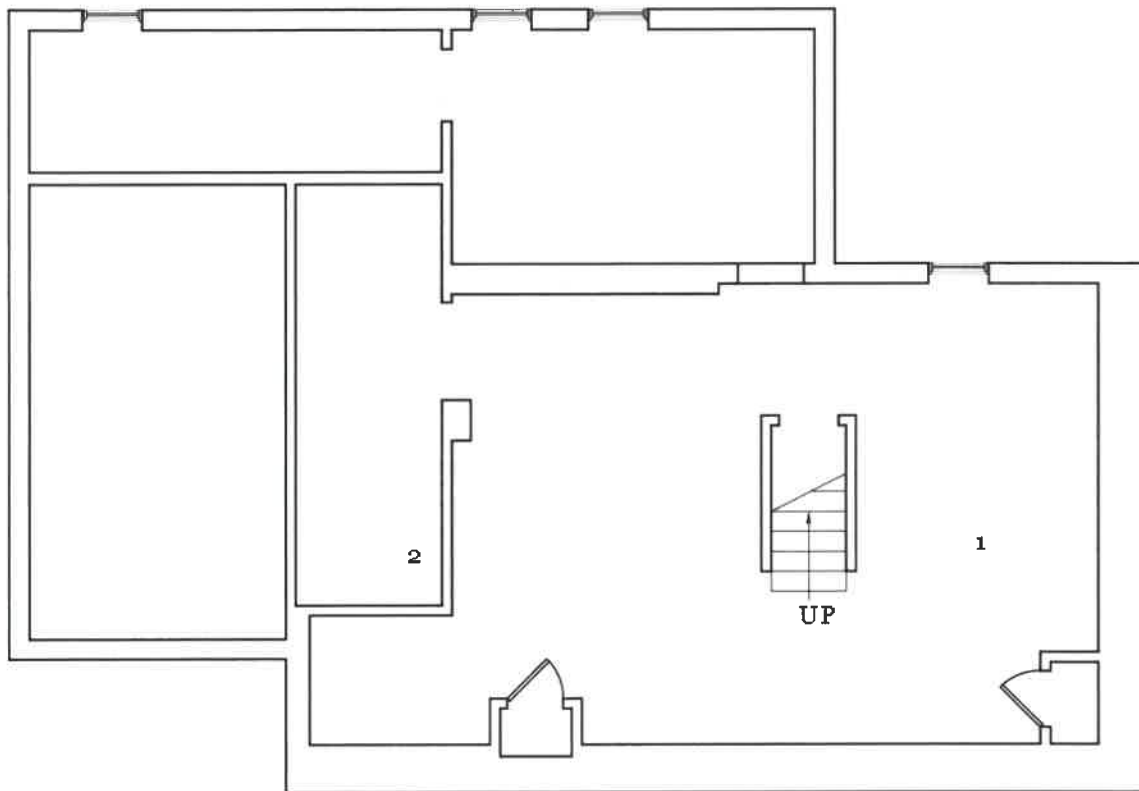


Additions & Alterations

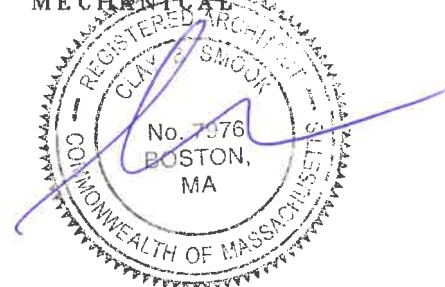
68 Wilshire Park, Needham
February 25, 2021

PREFERRED SCHEME





- 1 EXISTING BASEMENT
- 2 MECHANICAL



BASEMENT FLOOR PLAN

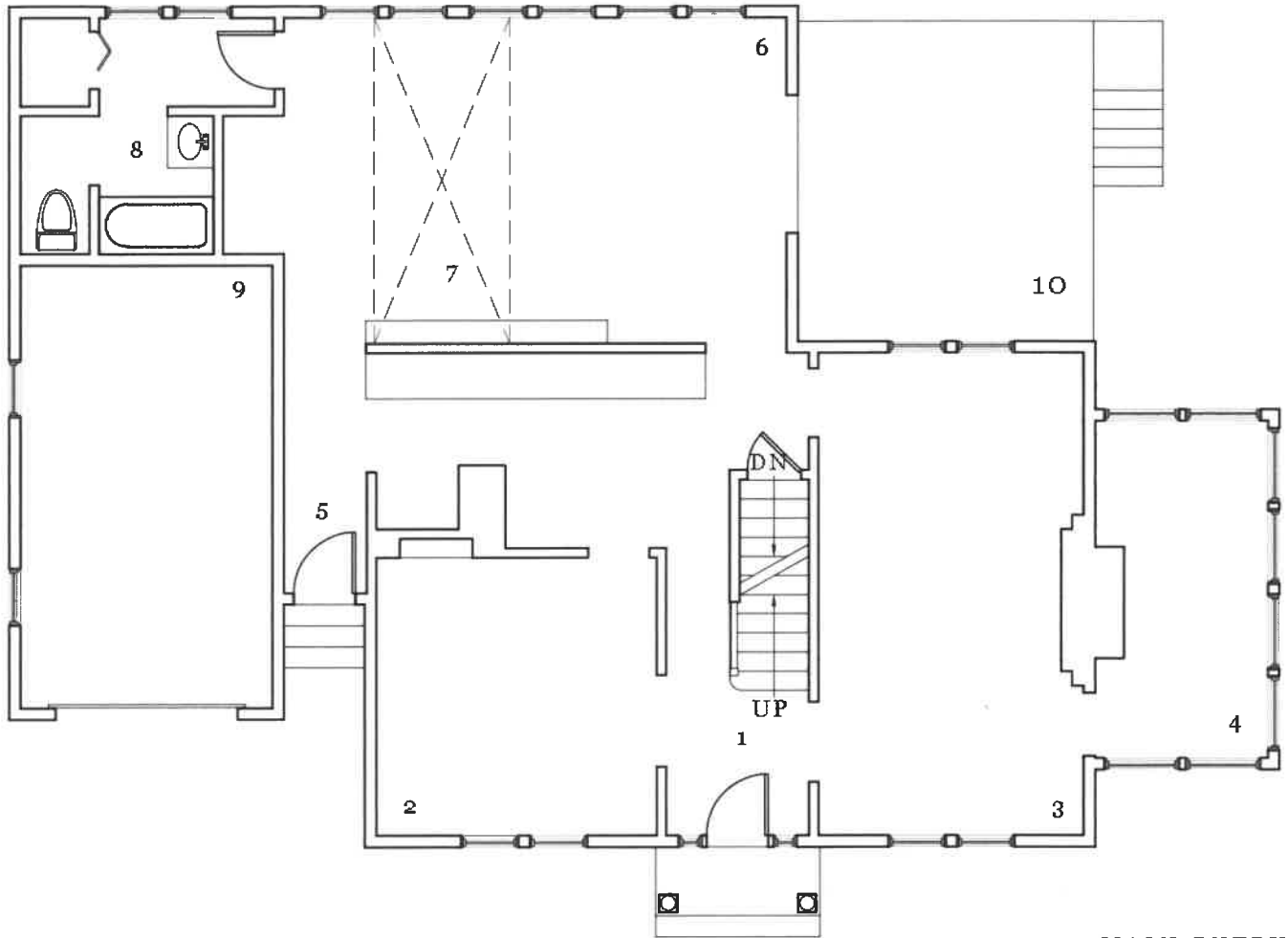
Scale: 1/8" = 1'-0"

Additions & Alterations

68 Wilshire Park, Needham
February 25, 2021

EXISTING





- 1 MAIN ENTRY
- 2 DINING ROOM
- 3 LIVING ROOM
- 4 SUN ROOM
- 5 SIDE ENTRY
- 6 KITCHEN
- 7 OPEN TO ABOVE
- 8 BATHROOM
- 9 GARAGE
- 10 DECK



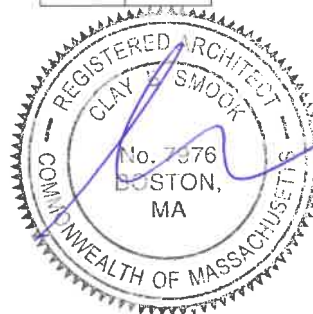
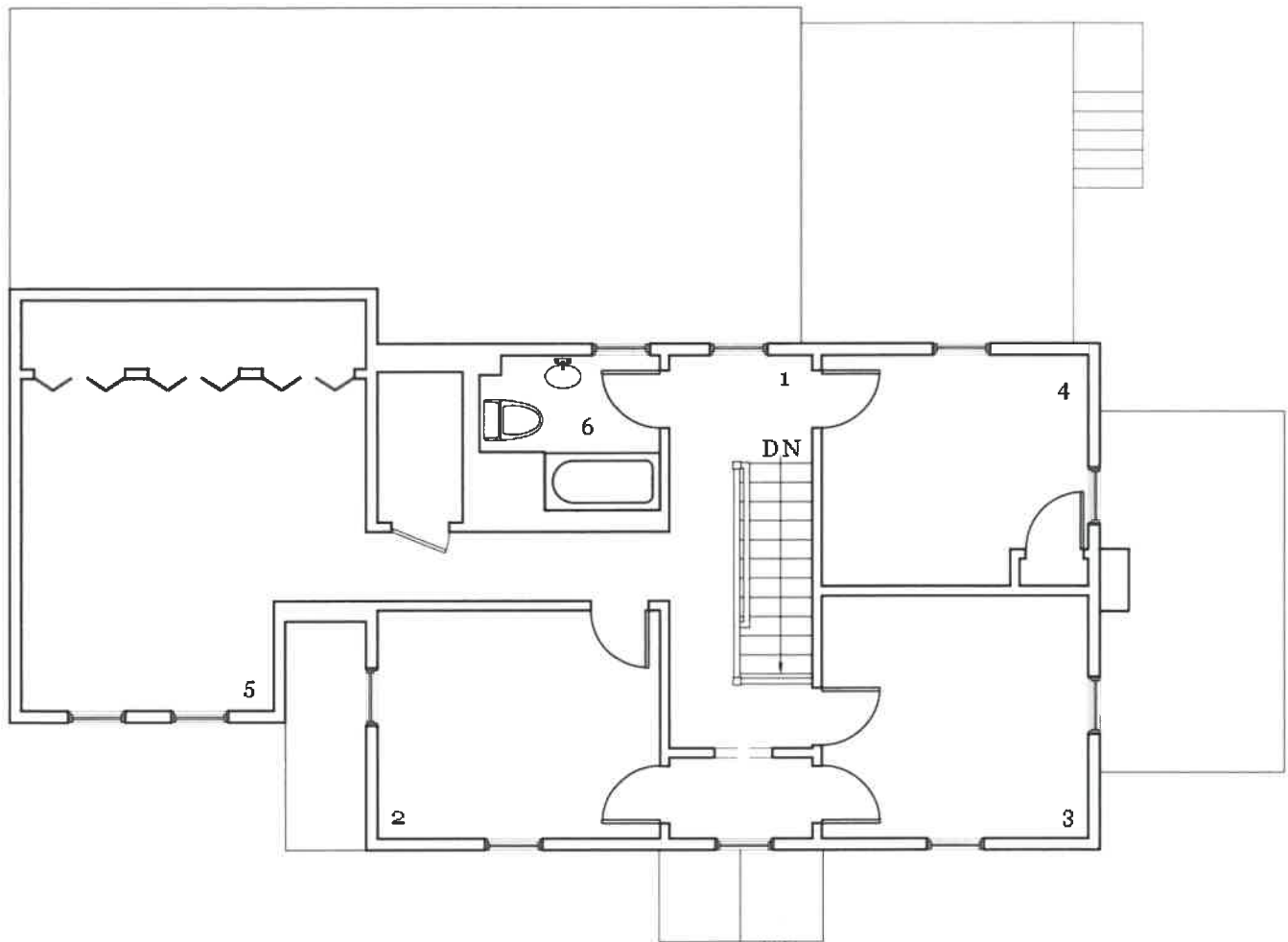
FIRST FLOOR PLAN

Scale: 1/8" = 1'-0"

Additions & Alterations

68 Wilshire Park, Needham
February 25, 2021

EXISTING



- 1 HALLWAY
- 2 BEDROOM 1
- 3 BEDROOM 2
- 4 BEDROOM 3
- 5 BEDROOM 4
- 6 BATHROOM

SECOND FLOOR PLAN

Scale: 1/8" = 1'-0"

Additions & Alterations

68 Wilshire Park, Needham
February 25, 2021

EXISTING





FRONT ELEVATION

Scale: $1/8" = 1'-0"$



RIGHT SIDE ELEVATION

Scale: $1/8" = 1'-0"$

Additions & Alterations

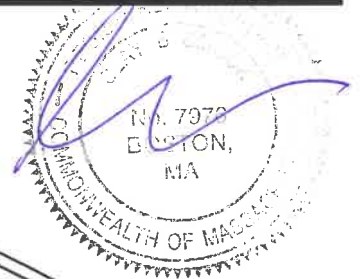
68 Wilshire Park, Needham
February 25, 2021

EXISTING



REAR ELEVATION

Scale: 1/8" = 1'-0"



LEFT SIDE ELEVATION

Scale: 1/8" = 1'-0"

Additions & Alterations

68 Wilshire Park, Needham
February 25, 2021

EXISTING





TOWN OF NEEDHAM

MASSACHUSETTS
BOARD OF APPEALS

RECEIVED
TOWN CLERK
NEEDHAM

'84 MAY 25 A9:18

APPLICATION FOR HEARING

Date: 5/25/84

Name of Applicant or Appellant CAROLYN J. WALSH

Address 68 WILSHIRE PARK, NEEDHAM

Location of property SAME

Applicant is OWNER

(owner, tenant, licensee, prospective purchaser)

Nature of application or appeal:

PETITION FOR VARIANCE SO THAT GARAGE ADDITION
MAY BE BUILT CLOSER TO LOT LINE THAN ALLOWED BY
LAW (4.3.3). ALSO EXPANSION TO INCLUDE BATHROOM AND
INCREASE IN SIZE OF KITCHEN; ADDITION WILL INCLUDE
ROOM OVER GARAGE.

DUE TO CONTOUR OF LAND, CANNOT EXPAND TO THE
REAR OF THE HOUSE.

Applicable section of Building, Zoning By-Law 6.5.1 AND 4.3.3

Date of denial by Building Inspector — Planning Board 5/25/84

I hereby request a hearing before the Board of Appeals with reference to the above noted applica-
tion or appeal.

Signed

Carolyn J. Walsh

Signed

Title:

Received from above applicant, the sum of \$_____ to apply against advertising costs.

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

84 MAY 25 A9:18

Sewer ☐

Water ☐

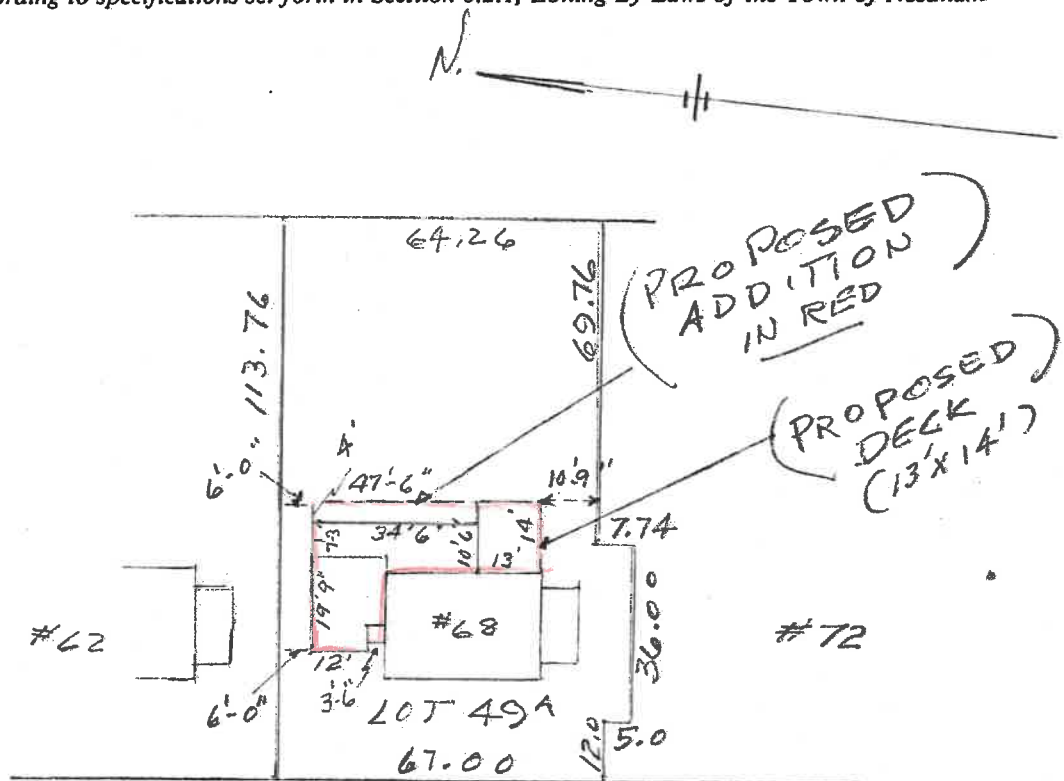
Drain ☐

Building Permit No. _____ At No. 68 WILSHIRE PARK
Lot Area 7622 SF Zone Setback (20') PROPOSED ADDITION
Owner CAROLYN WALSH Builder HENRY HEALD

PLOT PLAN

40' Scale

To be drawn according to specifications set forth in Section 6.2.1, Zoning By-Laws of the Town of Needham



I hereby certify that the existing and approved street grades, existing sewers, drains, gas lines, water mains, other Public Utilities, driveways, Flood Plain and Wetland Areas are accurately shown on this plan and that the dimensions, side line offsets and setback distances (allowing for overhangs), elevation of the top of the foundation and garage floor and elevations at lot corners on street line for grading along lot line bordering the street are correct as indicated on this plan.

The above is subscribed to and executed by me this 21st day of MAY 19 84

Carmelo Trayotti Civil Engineer or Surveyor

Approved _____ Supt. of Public Works Date _____

Approved _____ Building Inspector Date _____

Permit will not be issued until the conditions as to lines and grades and drainage facilities have been fully complied with

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Sewer ☐

Water ☐

Drain ☐

Building Permit No. _____ At No. 68 WILSHIRE PARK

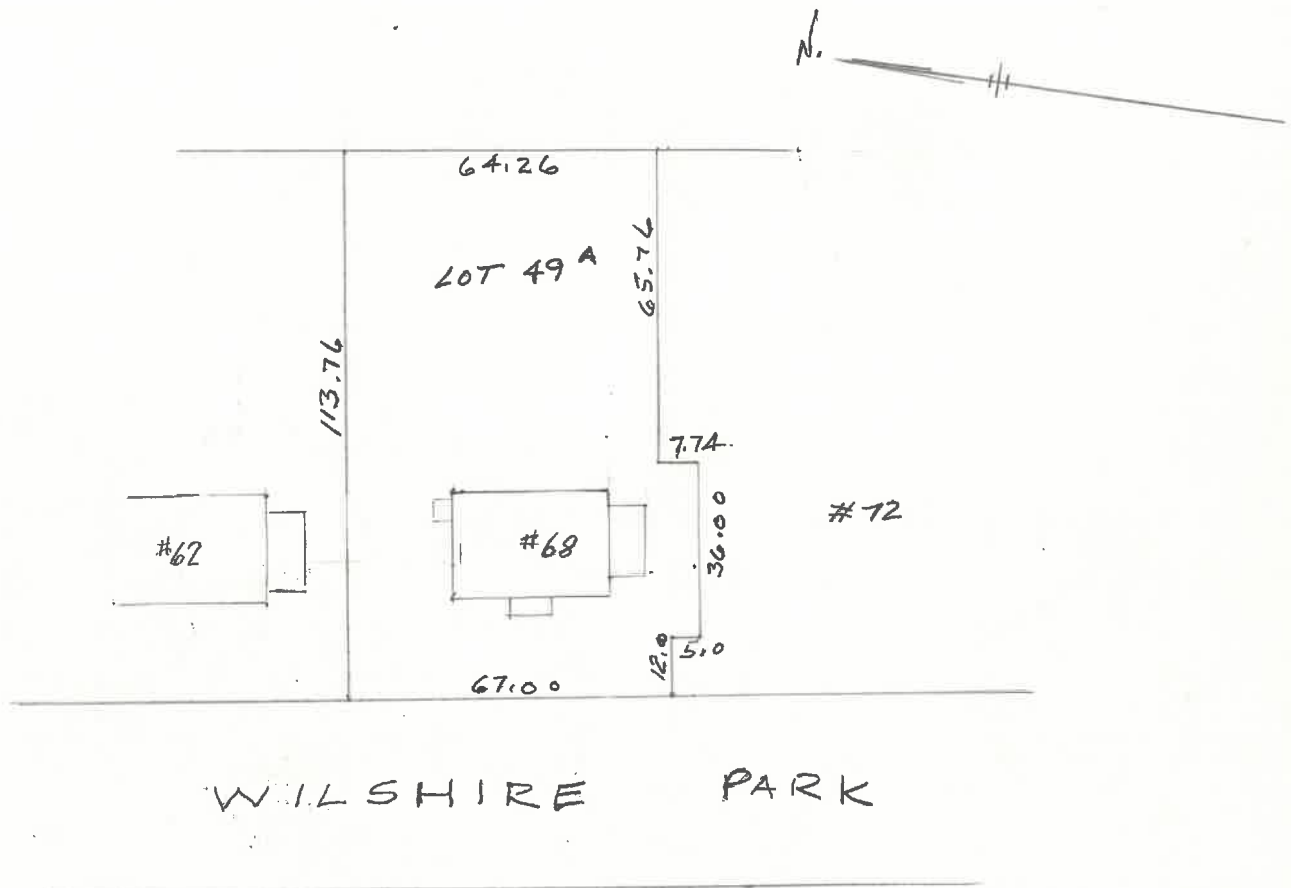
Lot Area 7622 S.F. Zone Setback (20') PROPOSED ADDITION

Owner CAROLYN J. WALSH Builder _____

PLOT PLAN

40' Scale

To be drawn according to specifications set forth in Section 6.2.1, Zoning By-Laws of the Town of Needham



I hereby certify that the existing and approved street grades, existing sewers, drains, gas lines, water mains, other Public Utilities, driveways, Flood Plain and Wetland Areas are accurately shown on this plan and that the dimensions, side line offsets and setback distances (allowing for overhangs), elevation of the top of the foundation and garage floor and elevations at lot corners on street line for grading along lot line bordering the street are correct as indicated on this plan.

The above is subscribed to and executed by me this _____ day of _____ 19 _____

Civil Engineer or Surveyor

Approved _____ Supt. of Public Works Date _____

Approved _____ Building Inspector Date _____

Occupancy permit will not be issued until the conditions as to lines and grades and drainage facilities have been fully complied with.

RECEIVED
TOWN CLERK
NEEDHAM

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
JUNE 27, 1984

'84 JUL 25 P5 50

CAROLYN J. WALSH

Upon the application of Carolyn J. Walsh, 68 Wilshire Park, Needham, Massachusetts, owner, to the Board of Appeals for a variance from Section 4.3.3 of the Zoning By-law to construct an addition at 68 Wilshire Park which will encroach into the minimum side yard setback requirement, a public hearing was held on Wednesday, June 27, 1984 in the evening at the Needham Town Hall pursuant to notice thereof published in a local newspaper and mailed to all interested parties.

Chairman Henkoff requested associate member William Tedoldi to serve in place of member Alexander Zaleski who was absent.

Ms. Walsh explained that she would like to add a two-story addition to the dwelling which will include an enlargement of the kitchen, a full downstairs bath, deck and a single garage. She stated that the property has a steep drop-off to the rear, approximately 9-10 feet, which makes the rear portion unsuitable for a detached garage. The garage will be 12 feet wide plus a half-foot overhang, thereby, encroaching into the side yard 4.5 feet. The face of the proposed addition, therefore, would be 6 feet from the side lot line. Ms. Walsh stated that this is the only site for the garage in view of the interior arrangement of the dwelling.

No one appeared in favor of the application. Ed and Virginia Mullahy, 62 Wilshire Park, voiced concerns they had that the air and light would be greatly affected on the second story of their home because this addition would be close to their property line. A letter from the Planning Board stated that it makes no comment on this application. The hearing closed at 8:15 p.m.

Decision

The Board has considered the evidence presented at the hearing on the application by Carolyn J. Walsh for a variance from the provisions of Section 4.3.3 of the Zoning By-law in order to construct an addition to the house at 68 Wilshire Park which will encroach into the 10 feet minimum side yard setback.

TOWN OF NEEDHAM
BOARD OF APPEALS
NOTICE OF
HEARING

Public notice is hereby given that Carolyn J. Walsh, 68 Wilshire Park, Needham, MA, owner, has made application to the Board of Appeals for a variance from Section 4.3.3 of the Zoning By-law to construct an addition at 68 Wilshire Park which will encroach into the minimum side yard setback regulation.

Upon said application, a public hearing will be held at the Town Hall, Needham, MA on Wednesday, June 27, 1984 in the evening at 7:50 p.m. at which time and place all persons interested may appear and be heard.
(DT)Jul11,18

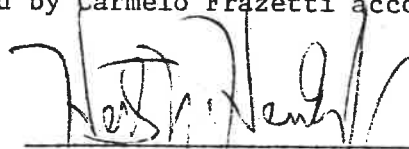
After due deliberation the Board makes the following findings:

1. The subject lot is generally long and narrow with only minimum distance to each side line.
2. The lot has a severe slope immediately to the rear of the existing dwelling thereby limiting the portion of the house to which the proposed garage addition can be attached.

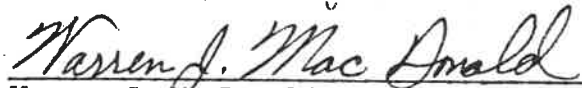
3. The physical characteristics of the lot and the dwelling and its location thereon and the internal configuration of the house create a hardship in providing a feasible practical and economic addition to the dwelling within the dimensional requirements of the Zoning By-law.

The Board concludes that as a result of circumstances relating to the topography of the lot and the location of the structure which do not generally affect the zoning district, a literal enforcement of the side line setback requirements of Section 4.3.3 of the Zoning By-law would involve substantial hardship 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 this By-law.

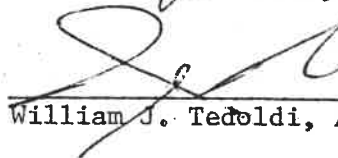
Therefore, by unanimous vote the Board grants a variance to allow an encroachment on the minimum 10 feet side line setback requirement contained in Section 4.3.3 of the Zoning By-law to permit the construction of the proposed addition to the house on 68 Wilshire Park substantially as shown on the plan dated May 21, 1984 prepared by Carmelo Frazetti accompanying the application.



Hertz N. Henkoff, Chairman



Warren J. MacDonald, Member



William J. Tedoldi, Associate Member

Daphne Collins

From: George Giunta Jr <george.giuntajr@needhamlaw.net>
Sent: Tuesday, June 8, 2021 3:42 PM
To: Daphne Collins
Subject: ZBA - 68 Wilshire Park, Needham
Attachments: 68 Wilshire Park ZBA Memo.pdf; 68 Wilshire Park Needham Presentation June 7, 2021.pdf; 68 Wilshire Park NEEDHAM PLOT PLAN 6-4-21 deck update.pdf; F.A.R. calculations.52821.pdf

Good afternoon Daphne,

Attached hereto please find my memo along with revised plot plan and architectural plans for 68 Wilshire Park as well as letter relative to FAR calculation.

The revisions to the plans include the following:

1. The deck that was previously proposed for the right side has been relocated to the center rear so that it now complies with setback requirements and no longer requires a variance; and
2. The fireplace in the middle of the proposed addition has been shifted so that it no longer protrudes beyond the outside wall of the addition. As a result, no part of the addition extends closer to the lot line than the existing land and stairs attached to the existing deck.

Please let me know if you receive any comments or inquiries from the public, as well as from Town departments.

Regards,
George

George Giunta Jr, Esq.
281 Chestnut Street
Needham, MA 02492
Tel: 781.449.4520
Fax: 781.465.6059
george.giuntajr@needhamlaw.net

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

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

June 8, 2021

MEMORANDUM IN SUPPORT OF
APPLICATION OF
ADAM JACOB PASE and LIAT ROSEN
68 Wilshire Park, Needham, MA

The applicants, Adam Jacob Pase and Liat Rosen (hereinafter, interchangeably, the “Applicants” and “Pase and Rosen”), have made application for interpretation / amendment of Variance dated June 27, 1984, issued to Carolyn J. Walsh, authorizing encroachment into the side yard setback at 68 Wilshire Park (hereinafter the “Premises”), Special Permit pursuant to Section 1.4.6 of the Zoning By-Law, and a finding pursuant to M.G.L. c.40A, Section 6, for the change, extension, alteration and enlargement of a lawful, pre-existing, non-conforming structure, and a Variance, pursuant to Section 7.5.3 of the Zoning By-Law and M.G.L. c.40A, Section 10, from applicable minimum side yard setback requirements, as well as any and all other relief necessary and appropriate to permit the proposed renovation and expansion of the existing single family dwelling at the Premises, as shown on the plans submitted with the application and modified by the plans submitted with this Memorandum.

I. BACKGROUND

The Premises is shown as parcel 47 on sheet 31 of the Assessor’s Map for the Town of Needham. It consists of approximately 7,622 square feet of land, with approximately 67 feet of frontage on Wilshire Park. The Premises is currently occupied by a two story, single-family residential dwelling. According to the records of the Assessor’s Department, the house was originally constructed in 1928.¹ It was expanded in 1984, through the construction of an attached garage, with a bedroom above, an addition off the back and a deck off the right rear corner.² Because the attached garage and upstairs living space encroached into the side yard setback, the expansion required a variance, dated June 27, 1984, issued to Carolyn J. Walsh.³

¹ See Exhibit A, Assessor’s Information, attached hereto.

² See Exhibit B, Building Permit, attached hereto.

³ See Exhibit C, Decision, attached hereto.

II. PROPOSED ALTERATIONS & RELIEF REQUIRED

Pase and Rosen, who acquired the Premises in June, 2020 and currently live there, desire to further expand the house to better accommodate their family. In connection therewith, they propose to expand the living space above the garage on the left side of the house, to construct an addition off the rear right corner, and to demolish and rebuild the deck in a different location and configuration. As a result, as of the time of filing the Application, the work required three different forms of zoning relief: an interpretation or amendment of the 1984 Variance, a Special Permit, and a new Variance. However, the Applicants have since revised the proposed work, as shown on the plans submitted with this Memorandum. In particular, they have changed the location of the proposed new deck such that it is no longer within the side setback area, and have modified the fireplace in the proposed addition such that it no longer protrudes beyond the outside wall. As a result, the new variance should no longer be required.

However, because the garage on the left side of the house and the living space above were authorized by the 1984 variance, the further expansion of the second floor living space above the garage still requires either an amendment to that variance or an interpretation that the work is within the scope of the prior approval. In addition, the proposed addition off the right rear corner of the house, which is no closer to the right-side property line than the existing steps and landing off the deck, still requires a special permit for the alteration, expansion, change and enlargement of a non-confirming structure.

III. LAW

Massachusetts General Laws, c.40A, Section 10, provides that variances may be granted when,

owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

The foregoing criteria are mirrored in Section 7.5.3 of the Needham Zoning By-Law.⁴

⁴ That Section authorizes the Board to grant a variance where, “owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the By-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be

Section 1.1 of the By-Law states that is the intent and 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 throughout the Town and to preserve and increase amenities under the provisions of General Laws, Chapter 40A.

Section 1.4.6 of the Zoning By-Law provides that

a lawful pre-existing non-conforming use may be changed or extended, and a non-conforming building may be structurally altered, enlarged, or reconstructed only pursuant to a special permit issued by the Board of Appeals pursuant to Section 7.5.2. No such permit shall be issued except in accordance with the requirements of Section 7.5.2 nor unless the Board shall determine that such change, extension, alteration, enlargement, or reconstruction would not be substantially more detrimental to the neighborhood than using the existing non-conforming use or structure. The issuance of a special permit hereunder shall not authorize the violation of any dimensional, parking or intensity regulation with which the structure or use was theretofore in conformity.

And M.G.L. c.40A, Section 6, provides, in pertinent part, that:

Except as hereinafter provided, a zoning ordinance or by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing 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 *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 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 use to the neighborhood.* (emphasis added)

granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-Law”.

Massachusetts General Laws, Chapter 40A, Section 9 states as follows:

Special Permits may be issued only for uses that are in harmony with the general purpose and intent of the ordinances of the by-law, and shall be subject to general or specific provisions set forth therein; and that such permits may also impose conditions, safeguards, and limitations on time and use.

Finally, Massachusetts General Laws, Chapter 40A, Section 7 provides, 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 . . . 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.

IV. ANALYSIS / ARGUMENT

A. Left Side – Second Floor Living Space

The existing house is set back only 5.6' from the left side property line. This encroachment into the setback area was authorized by variance in 1984. Pursuant to that variance, an attached garage with living space above was permitted. While the variance runs with the land, the structure authorized thereunder technically does not constitute a lawful, pre-existing, non-conforming use, as defined by the By-Law. As a result, the standard test for change, expansion, alteration and enlargement of non-conformities would not apply. However, in three prior applications concerning reconstruction of non-conforming two-family dwellings, the Board applied a similar standard to whether or not plan substitution was appropriate pursuant to prior variances.⁵ In particular, in those cases, the Board found that the new construction would be “less detrimental to the neighborhood than the existing . . . dwelling and use, and the reconstruction is consistent with the use Variance that runs with the land, will not overburden the Variance and is in harmony with the general purposes and intent of the By-law”.

The Applicant assert both that the same test should be applied in this case and that the proposed expansion of the second floor living space above the garage meets such test. The proposed work consists primarily of adding dormers to the front and back side of the existing living space. While this will enlarge that space somewhat, the expansion is within the footprint of

⁵ Namely, 114 Hillside Avenue (2016), 70-72 Marshall Street (2008) and 460 Central Avenue (2021).

the garage that was approved by the 1984 Variance and will not encroach into the side yard setback any more than the existing structure. As a result, the Applicant assert that it is a minimal change, within the “box” approved by the 1984 Variance and in keeping with the spirit of what was approved in connection therewith.

B. Right Rear Corner – Proposed New Addition

In 1984, at the same time as the construction of the attached garage and second floor living space authorized by the variance discussed above, a deck was added to the house in the right rear corner.⁶ At that time, the required setback was 10 feet. However, the setback has since been changed to 12 feet, as set forth at Section 4.2.1, footnote (e).⁷ As a result, the deck is now lawful, pre-existing, non-conforming. Moreover, the deck is served by a landing and stairs on the right side, which were not shown on the plot plan in 1984, but nevertheless appear to be of the same age and construction as the deck itself.⁸ The landing and stairs further encroach into the setback area on the right side, such that the setback is only 7.8 feet. While the landing and stairs may not have been explicitly authorized by building permit in 1984, by all accounts, they have been in existence for well more than 10 years, without any apparent notice of an alleged violation. As a result, pursuant to M.G.L. c40A, Section 7, as revised, the landing and stairs, and the house to which they are structurally connected, are now deemed, for zoning purposes, to be legally non-conforming subject to both M.G.L. c.40A, Section 6 and Section 1.4.6 of the Needham Zoning By-Law.

The Applicants propose to replace the existing deck, landing and stairs with a new addition, of substantially the same size, no closer to the side property line than the existing landing and stairs. Whereas the current encroachment of the existing deck, landing and stairs renders the house pre-existing, non-conforming, a special permit pursuant to Section 1.4.6 of the Zoning By-Law and a finding pursuant to M.G.L. c40A, Section 6 are required for the proposed alteration. Pursuant to both the By-Law and the Statute, in order for a special permit to issue, the Board must determine that the proposed addition would not be *substantially* more detrimental to

⁶ See Exhibit D, Plot Plan, attached hereto.

⁷ While footnote (f) allows for alterations and changes up to 10 feet from the side line by right, the applicable set back remains 12 feet.

⁸ The landing and stairs are visible on both the plot plan submitted with the Application and the revision submitted herewith.

the neighborhood than the existing deck, landing and stairs, and any special permit issued cannot allow the violation of any regulation with which the Premises or house was previously in conformity.

The Applicants assert that the proposed addition will not be more detrimental in any material way, and especially not in any substantial way. By replacing outdoor living space with indoor living space, noise and other, similar impacts to the adjacent property should be reduced. Moreover, because of the odd jog in the property line on the right side, the amount of encroachment is only approximately 18 square feet; a somewhat minor encroachment, not likely to cause substantial greater detriment than the existing deck, landing and stairs.⁹ Finally, whereas the proposed addition is no closer to the property line than the existing landing and stairs, there is no new or additional violation of any dimensional requirement.

Notwithstanding the foregoing, even if the existing deck, landing and stairs were conforming, there are grounds to support the grant of a variance for the proposed addition. First, as the Board found in 1984, “the lot has a severe slope immediately to the rear of the existing dwelling”. Second, while not the most unusual, the Premises is of an unusual shape, with the rectangular “bump-out” on the right side, not generally found in the SRB Zoning District. Third, between the shape of the lot and the location and severity of the slope, there is no other suitable location for an addition without having to undertake extraordinary construction at substantial additional cost. Finally, as mentioned above, the amount of encroachment is fairly minimal, at approximately 2.2 feet, and a total area of less than 18 square feet.

V. Conclusion

Pase and Rosen are seeking to make changes to their house to accommodate their family. The first of those changes is the slight expansion of the second floor living area, above the existing garage through the construction of front and rear dormers. The second of those changes is the construction of a modest addition off the right rear corner of the house, in nearly the same exact location as the existing deck, landing and stairs. And, while the Applicants originally proposed a deck along the right side of the house, in close proximity to the property line, they are now proposing a deck to the rear of the house, fully compliant with setback requirements.

⁹ This is calculated as follows: 2.2’ encroachment into the setback x approximate 8’ length of encroachment = 17.6 square feet, total encroachment.

While the proposed changes require zoning relief, in the nature of an amendment / interpretation for the work on the left side and a special permit for the work on the right side, the proposed changes are in keeping with the existing dwelling and should not be any more detrimental, let alone substantially more detrimental. Therefore, the Applicants assert that the issuance of the necessary zoning relief is proper and appropriate, and requests that same be granted.

Respectfully submitted,
Adam Jacob Pase and Liat Rosen
by their attorney,



George Giunta, Jr., Esq.
281 Chestnut Street
Needham, Massachusetts 02492
781-449-4520
george.giuntajr@needhamlaw.net

EXHIBIT A

Assessor Information

PARID: 1990310004700000 MUNICIPALITY: NEEDHAM LUC: 101
MABRY, GEORGE ROBERT III & 68 WILSHIRE PK PARCEL YEAR: 2021

Property Information

Property Location: 68 WILSHIRE PK
Class: R-RESIDENTIAL
Use Code (LUC): 101-SINGLE FAMILY RESIDENCE
District: MA199 - NEEDHAM
Deeded Acres: .1700
Square Feet: 7,405

Owner

Owner	Co-Owner	City	Address	State	Zip Code	Deed Book/Page
MABRY, GEORGE ROBERT III &	MABRY, KRISTEN LENNON	NEEDHAM	68 WILSHIRE PK	MA	02492	32695/278

Sales

Sale Date (D/M/Y)	Book/Page	Sale Price	Grantee:	Grantor:
29-06-2020	38032-343	\$1,175,000	PASE, ADAM JACOB &	MABRY, GEORGE ROBERT III &
14-11-2014	32695-278	\$875,000	MABRY, GEORGE ROBERT III &	GALLO & ABBOTT
21-09-2009	27075-327	\$740,000	GALLO, JOHN L &	EASON
25-07-2000	14296-215	\$549,900	EASON, ROBERT N. &	BEZAHLER
25-07-2000	14296-215	\$549,900	EASON, ROBERT N.	BEZAHLER
16-05-1994	10514-353	\$325,000	BEZAHLER, ALAIN R. &	WALSH

Owner History

1 of 20

Tax Year: 2021
Owner: MABRY, GEORGE ROBERT III &
Co-Owner: MABRY, KRISTEN LENNON
City: NEEDHAM
Address: 68 WILSHIRE PK
State: MA
Zip Code: 02492
Deed Book/Page: 32695/278

Land

Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CHGIS %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Market Value	Assessed Value
1	S-SQUARE FOOT P-PRIMARY	101-SINGLE FAMILY	RESIDENCE	7,622	.18	N						53	521,301	
Total:													0	521,301

PARID: 1990310004700000 MUNICIPALITY: NEEDHAM LUC: 101
MABRY, GEORGE ROBERT III & 68 WILSHIRE PK PARCEL YEAR: 2021

Residential Card Summary

Card/Building: 1
Stories: 2
Condition: 3 - GOOD
Grade: B - GOOD
CDU: GD - GOOD
Exterior Wall: WS - WOOD-SHN-SHK
Style: CL - COLONIAL
Year Built: 1928
Effective Year: 1998
Square Feet of Living Area: 2314
Total Rooms: 8
Bedrooms: 4
Full Baths: 2
Half Baths: 0
Additional Fixtures: 1
Roofing Material: AS - ASPHALT-SHNG
Heating: D - HOT WATER
Fuel Type: O - OIL
Dwelling Value: \$370,600

Sections

Card #	Addition #	Lower	First	Second	Third	Area	RCNLD
1	0					704	0
1	1	B	FM			480	50900
1	2		FM			96	8300
1	3		FM	FU		45	6300
1	4		G	FU		240	23200
1	5		P			32	1900
1	6		P			15	1100
1	7		W			182	4100

EXHIBIT B
Building Permit

TOWN OF



NEEDHAM

Application for Permit to Alter, Repair or Add
(SEPARATE APPLICATION REQUIRED FOR EVERY BUILDING)

Needham, Mass. Aug. 21 1984
Permit No. _____

TO THE INSPECTOR OF BUILDINGS:

DETAILS OF EXISTING BUILDINGS

The undersigned hereby applies for a permit to build according to the following specifications:

1. Location of Building 68 WILSHIRE PARK Zoning District _____
 2. PRESENT OWNER Carolyn W. H. S. Address 68 WILSHIRE PARK
 3. How is the Building occupied? RESIDENTIAL
 4. For what purpose built? _____
 5. If a dwelling, occupied by how many families? ONE
 6. Size of Building: Area _____ Front _____ Right _____ Left _____ Rear _____
 7. Height of Building in feet _____ No. of Stories _____
 8. Existing roof construction _____ No. of Layers _____
 9. Material of foundation wall _____ Thickness _____
 10. Existing floor construction _____
 11. Existing wall construction _____
 12. New Work _____
 - Girts _____
 - Sills 4x6
 - Floor Joists: Size 2x8 Span 10' Spacing 16" O.C.
 - Ceiling Joists: Size 2x6 Span 14' Spacing 16" O.C.
 - Rafters: Size 2x6 Span 14' Spacing 16" O.C.
 - Sub Floor 1/2" Ply Sub Sheathing 1/2" Ply
 13. Size of extension: Area 216 Length 34 Width 17 Height in feet 20
 14. No. of stories 2 Type of roof PITCH Material of roofing Asphalt
 15. Class of Construction _____ Material of Foundation _____
 16. Proposed occupancy use _____
 17. Is any part of Lot in Flood Plain District? NO (See Zoning By-Law)
 18. Full estimated value of all new work \$ 32,000-
 19. Plans drawn by DANIEL WILSON
 20. Contractor HENRY HEALD
- Brief description of work to be performed: ADD FAMILY ROOM ON BACK OF HOUSE WITH BACK PORCH, AND ONE CAR GARAGE ON SIDE OF HOUSE WITH BEDROOM OVER.

Applicant will insert all pertinent information called for above, describing the proposed work in detail, including but not limited to the following: Location, Sizes, Materials Design (with computation when required), Type of Roof, previous and proposed occupancy or use.

NOTE: Building plans including floor framing and elevations must be submitted in duplicate. (reversed plans or improper plans will not be accepted).

Plot Plans are required whenever the work consists of an addition.

In addition to the foregoing statements this construction shall be performed under the building and Zoning By-Laws of the Town of Needham and the applicable laws of the Commonwealth of Massachusetts. It shall not be lawful to start construction before the foundation permit is issued by the Building Inspector. Superstructure shall not be started until the Building Permit Card has been issued and properly posted on the premises as required by law. NOTE: The Building Permit will become the Use and Occupancy Permit when the building is approved after completion.

THE ABOVE ANSWERS ARE TRUE AND CORRECT AND THIS APPLICATION
IS SIGNED UNDER THE PENALTIES OF PERJURY.

REQUIRED _____ FURNISHED _____
YES \$1000 BOND YES
NO ST. OCC. PERMIT _____
YES SURVEY RECORD 9/23/84 _____

Signature of Owner John J. Schall
(or authorized agent)
Address 65 BROAD ST. 7th Fl.
Telephone No. 444-5782

John J. Schall

John J. Schall

EXHIBIT C
Decision
P1 of 2

RECEIVED
TOWN HALL
NEEDHAM

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
JUNE 27, 1984

84 JUL 25 P5 50

CAROLYN J. WALSH

Upon the application of Carolyn J. Walsh, 68 Wilshire Park, Needham, Massachusetts, owner, to the Board of Appeals for a variance from Section 4.3.3 of the Zoning By-law to construct an addition at 68 Wilshire Park which will encroach into the minimum side yard setback requirement, a public hearing was held on Wednesday, June 27, 1984 in the evening at the Needham Town Hall pursuant to notice thereof published in a local newspaper and mailed to all interested parties.

Chairman Henkoff requested associate member William Tedoldi to serve in place of member Alexander Zaleski who was absent.

Ms. Walsh explained that she would like to add a two-story addition to the dwelling which will include an enlargement of the kitchen, a full downstairs bath, deck and a single garage. She stated that the property has a steep drop-off to the rear, approximately 9-10 feet, which makes the rear portion unsuitable for a detached garage. The garage will be 12 feet wide plus a half-foot overhang, thereby, encroaching into the side yard 4.5 feet. The face of the proposed addition, therefore, would be 6 feet from the side lot line. Ms. Walsh stated that this is the only site for the garage in view of the interior arrangement of the dwelling.

No one appeared in favor of the application. Ed and Virginia Mullahy, 62 Wilshire Park, voiced concerns they had that the air and light would be greatly affected on the second story of their home because this addition would be close to their property line. A letter from the Planning Board stated that it makes no comment on this application. The hearing closed at 8:15 p.m.

Decision

The Board has considered the evidence presented at the hearing on the application by Carolyn J. Walsh for a variance from the provisions of Section 4.3.3 of the Zoning By-law in order to construct an addition to the house at 68 Wilshire Park which will encroach into the 10 foot minimum side yard setback.

TOWN OF NEEDHAM
BOARD OF APPEALS
NOTICE OF
HEARING

Public notice is hereby given that Carolyn J. Walsh, 68 Wilshire Park, Needham, MA, owner, has made application to the Board of Appeals for a variance from Section 4.3.3 of the Zoning By-law to construct an addition at 68 Wilshire Park which will encroach into the minimum side yard setback regulation.

Upon said application, a public hearing will be held at the Town Hall, Needham, MA on Wednesday, June 27, 1984 in the evening at 7:30 p.m. at which time and place all persons interested may appear and be heard.
(DT)Jul11,84

After due deliberation the Board makes the following findings:

1. The subject lot is generally long and narrow with only minimum distance to each side line.
2. The lot has a severe slope immediately to the rear of the existing dwelling thereby limiting the portion of the house to which the proposed garage addition can be attached.

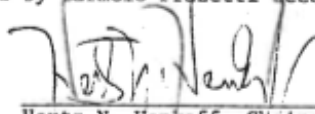
EXHIBIT C
Decision
P2 of 2

Walsh
Page 2
6/27/84

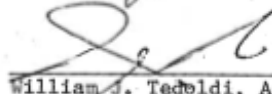
3. The physical characteristics of the lot and the dwelling and its location thereon and the internal configuration of the house create a hardship in providing a feasible practical and economic addition to the dwelling within the dimensional requirements of the Zoning By-law.

The Board concludes that as a result of circumstances relating to the topography of the lot and the location of the structure which do not generally affect the zoning district, a literal enforcement of the side line setback requirements of Section 4.3.3 of the Zoning By-law would involve substantial hardship 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 this By-law.

Therefore, by unanimous vote the Board grants a variance to allow an encroachment on the minimum 10 feet side line setback requirement contained in Section 4.3.3 of the Zoning By-law to permit the construction of the proposed addition to the house on 68 Wilshire Park substantially as shown on the plan dated May 21, 1984 prepared by Carmelo Frazetti accompanying the application.


Hertz N. Henkoff, Chairman


Warren J. MacDonald, Member


William J. Tedoldi, Associate Member

Plot Plan (1984)

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Sewer ☐

Water ☐

Drain ☐

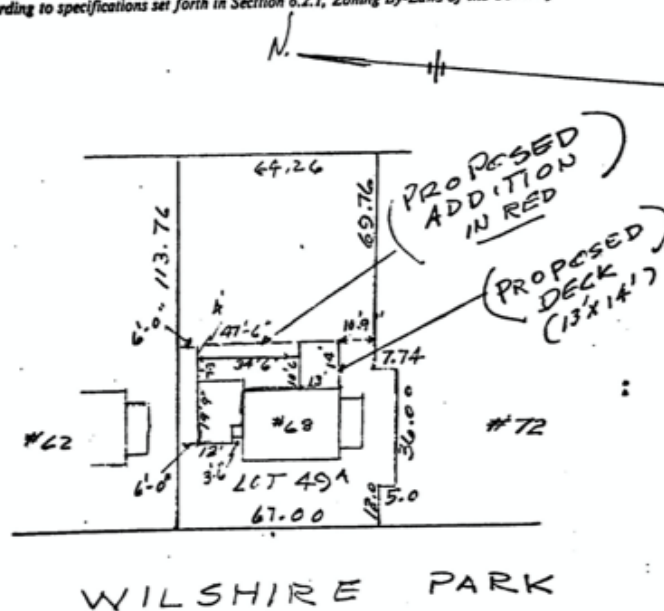
Building Permit No. 10461 At No. 68 WILSHIRE PARK

Building Permit No. 1046 At No. 88
Lot Area 7622 SF Zone Setback (20') PROPOSED ADDITION

Owner CAROLYN WALSH Builder HENRY HEALD

PLOT PLAN
40' Scale

To be drawn according to specifications set forth in Section 6.2.1, Zoning By-Laws of the Town of Needham



I hereby certify that the existing and approved street grades, existing sewers, drains, gas lines, water mains, other Public Utilities, driveways, Flood Plain and Wetland Areas are accurately shown on this plan and that the dimensions, side line offsets and setback distances (allowing for overhangs), elevation of the top of the foundation and garage floor and elevations at lot corners on street line for grading along lot line bordering the street are correct as indicated on this plan.

The above is subscribed to and executed by me this 21st day of MAY 19 84

The above is subscribed to and executed by _____ Civil Engineer or Surveyor

Approved Robert A. MacKenzie Supt. of Public Works

Approved _____ Building Inspector

Date 8/21/87Date 8/1/87

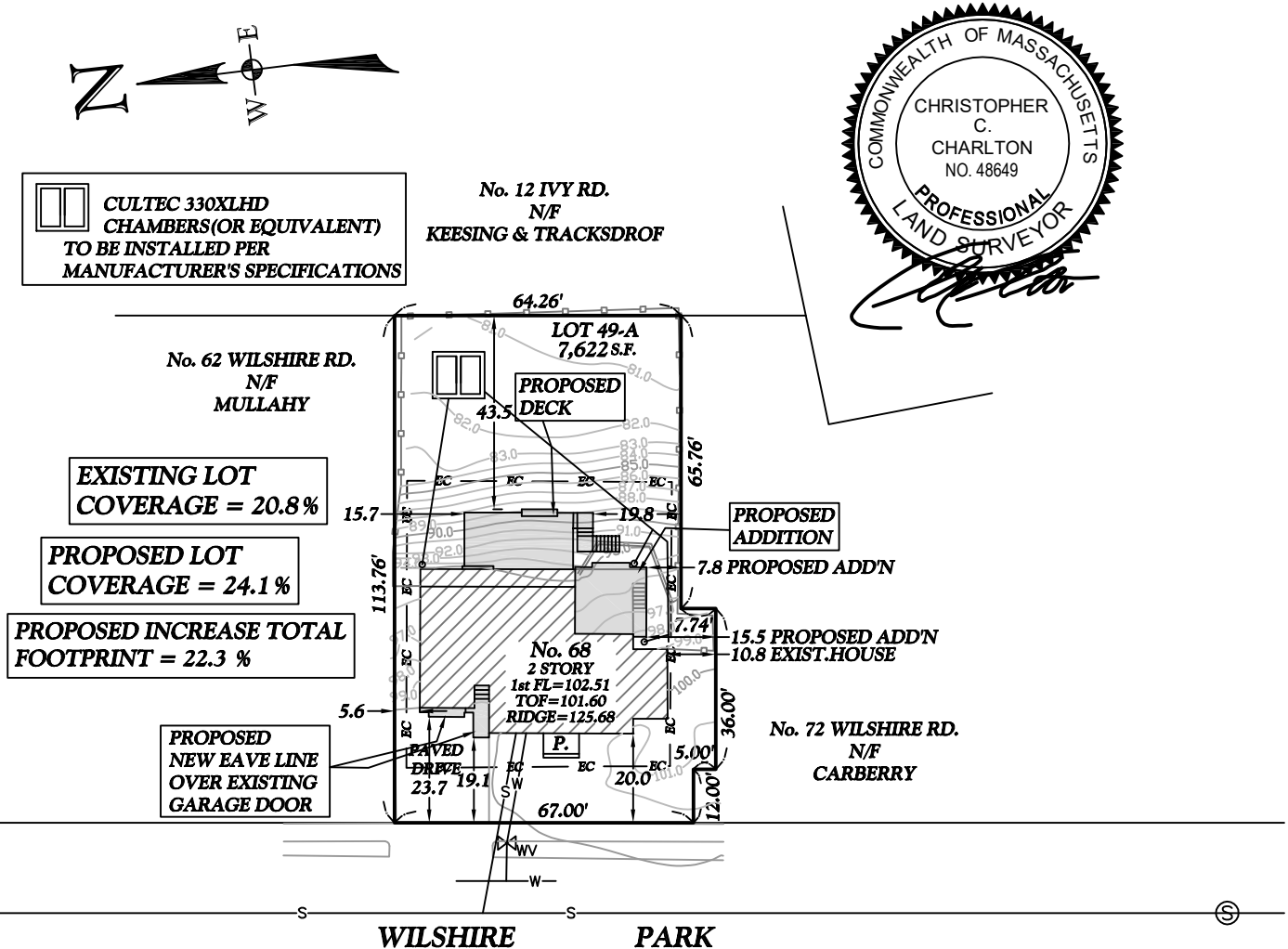
TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Assessor's Map & Parcel No. MAP NO. 31, PARCEL 47

Building Permit No. _____ Zoning District SR-B
Lot Area 7,622 S.F. Address No. 68 WILSHIRE PARK
Owner PASE & ROSEN Builder BALLAST CONSTR.

PROPOSED ADDITIONS PLOT PLAN 40' Scale



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

(*Accessory structures may require a separate building permit — See Building Code)

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

The above is subscribed to and executed by me this 4th day of JUNE 20 21.

Name CHRISTOPHER C. CHARLTON Registered Land Surveyor No. 48649

Address 105 BEAVER STREET City FRANKLIN State MA Zip 02038 Tel. No. (508) 528-2528

Approved _____ Director of Public Works Date _____

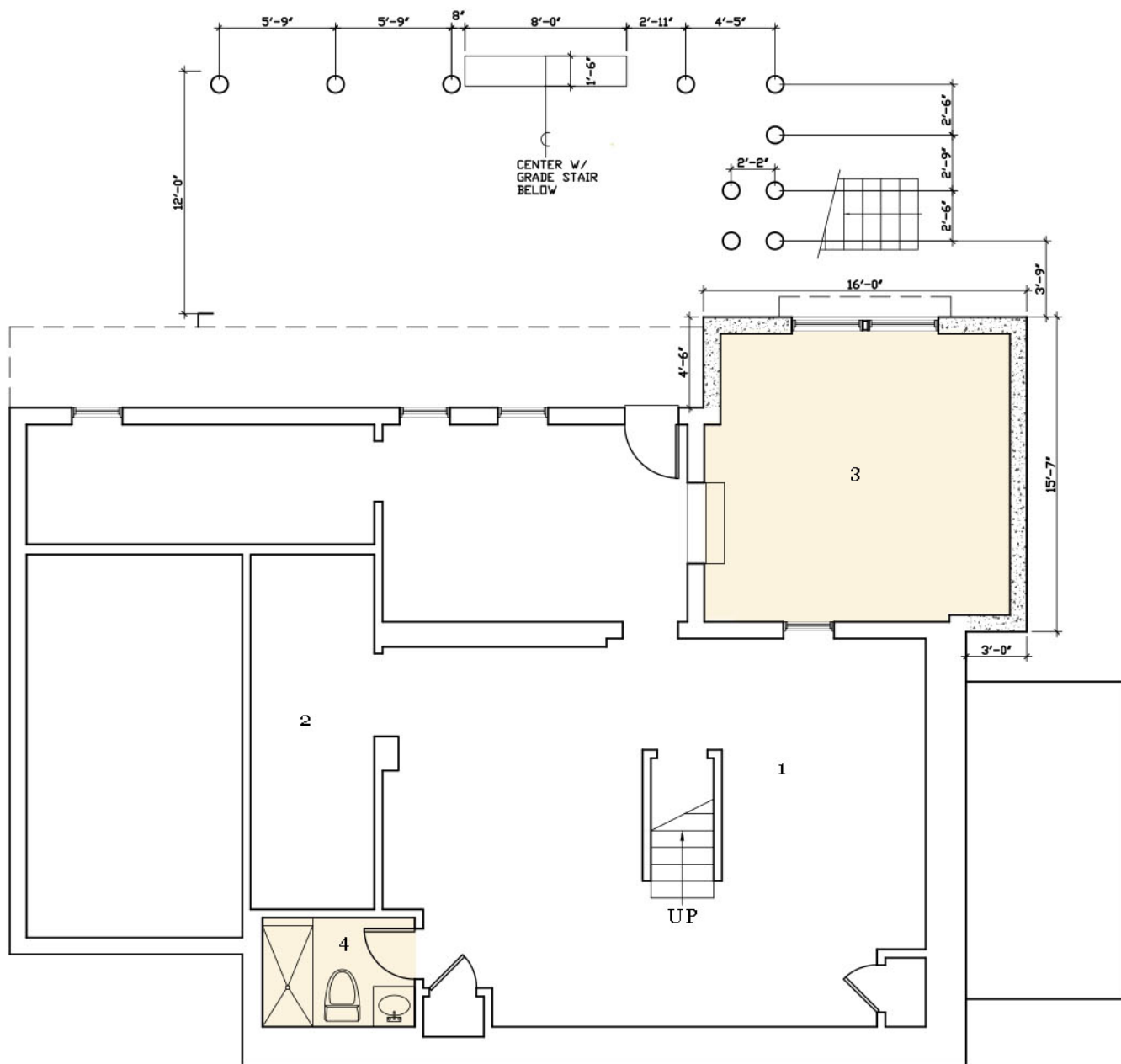
Approved _____ Building Inspector Date _____

THE PASE RESIDENCE
Additions & Alterations

68 Wilshire Park, Needham

June 7, 2021





BASEMENT FLOOR PLAN

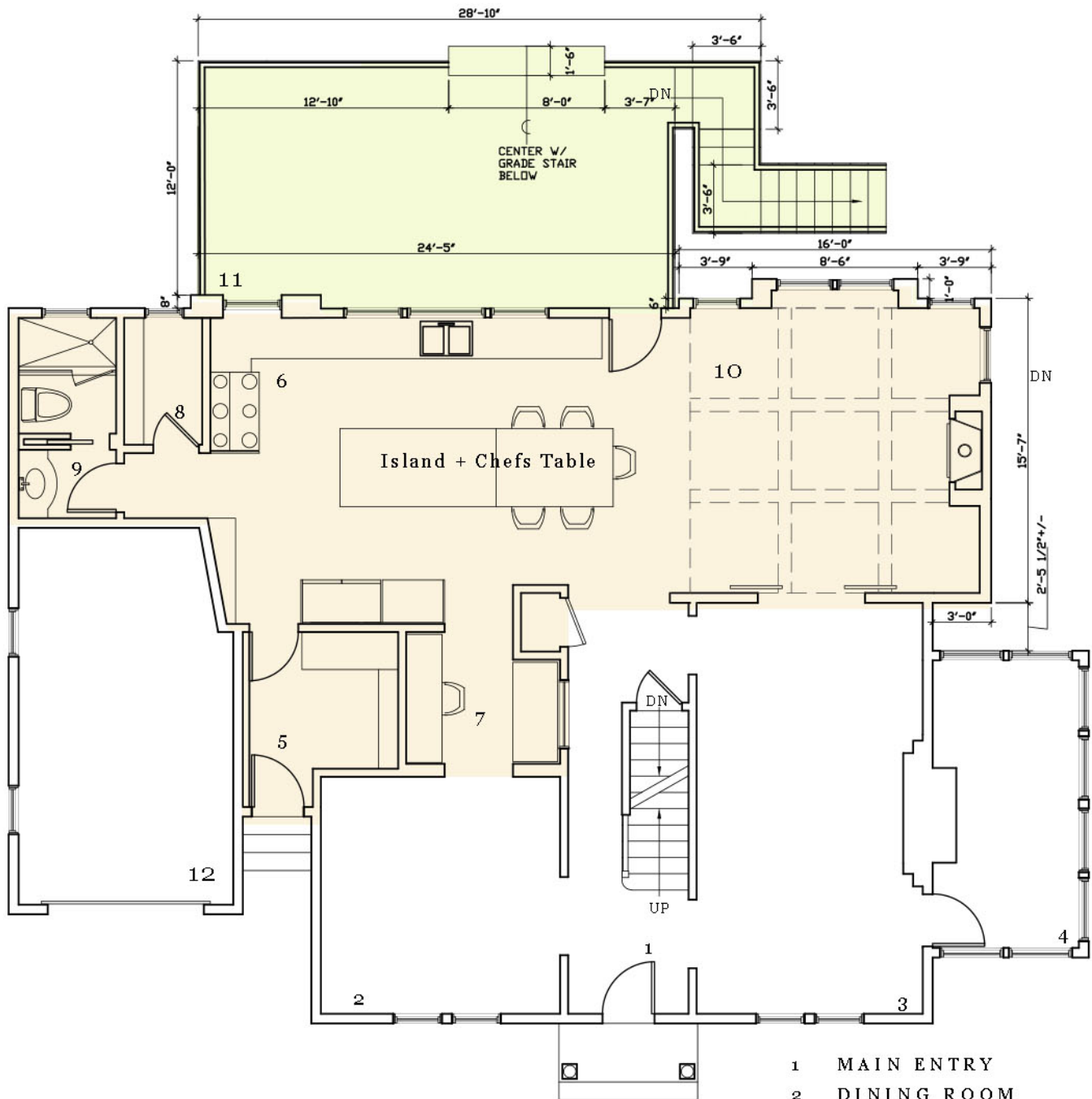
Scale: 1/8" = 1'-0"

- 1 EXISTING BASEMENT
- 2 MECHANICAL
- 3 FITNESS
- 4 BATHROOM



Additions & Alterations

68 Wilshire Park, Needham
June 7, 2021



FIRST FLOOR PLAN

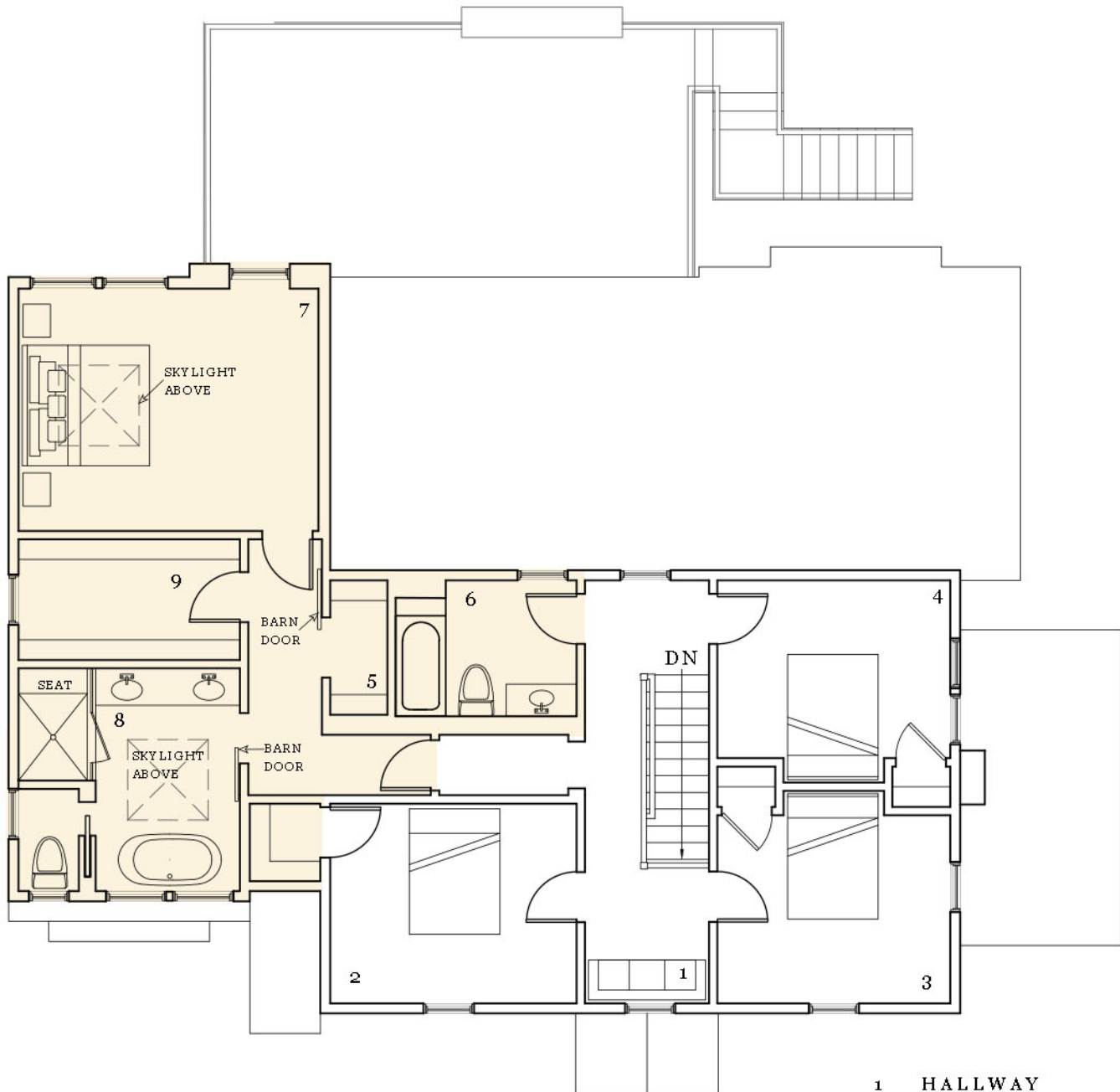
Scale: 1/8" = 1'-0"

- 1 MAIN ENTRY
- 2 DINING ROOM
- 3 LIVING ROOM
- 4 SUN ROOM
- 5 MUDROOM
- 6 KITCHEN
- 7 DESK/ KIDS WORK STATION
- 8 PANTRY
- 9 BATHROOM
- 10 FAMILY ROOM
- 11 DECK
- 12 GARAGE

Additions & Alterations

68 Wilshire Park, Needham
June 7, 2021





SECOND FLOOR PLAN

Scale: 1/8" = 1'-0"

- 1 HALLWAY
- 2 BEDROOM 1
- 3 BEDROOM 2
- 4 BEDROOM 3
- 5 WALK-IN CLOSET
- 6 BATHROOM
- 7 MASTER BEDROOM
- 8 MASTER BATHROOM
- 9 WALK-IN CLOSET

Additions & Alterations

68 Wilshire Park, Needham
June 7, 2021





FRONT ELEVATION



LEFT SIDE ELEVATION



Additions & Alterations

68 Wilshire Park, Needham
June 7, 2021





REAR ELEVATION



RIGHT SIDE ELEVATION

Additions & Alterations

68 Wilshire Park, Needham
June 7, 2021

SMOOK ARCHITECTURE





PERSPECTIVE 1



Additions & Alterations
68 Wilshire Park, Needham
June 7, 2021

SMOOK ARCHITECTURE



PERSPECTIVE 2



Additions & Alterations

68 Wilshire Park, Needham
June 7, 2021

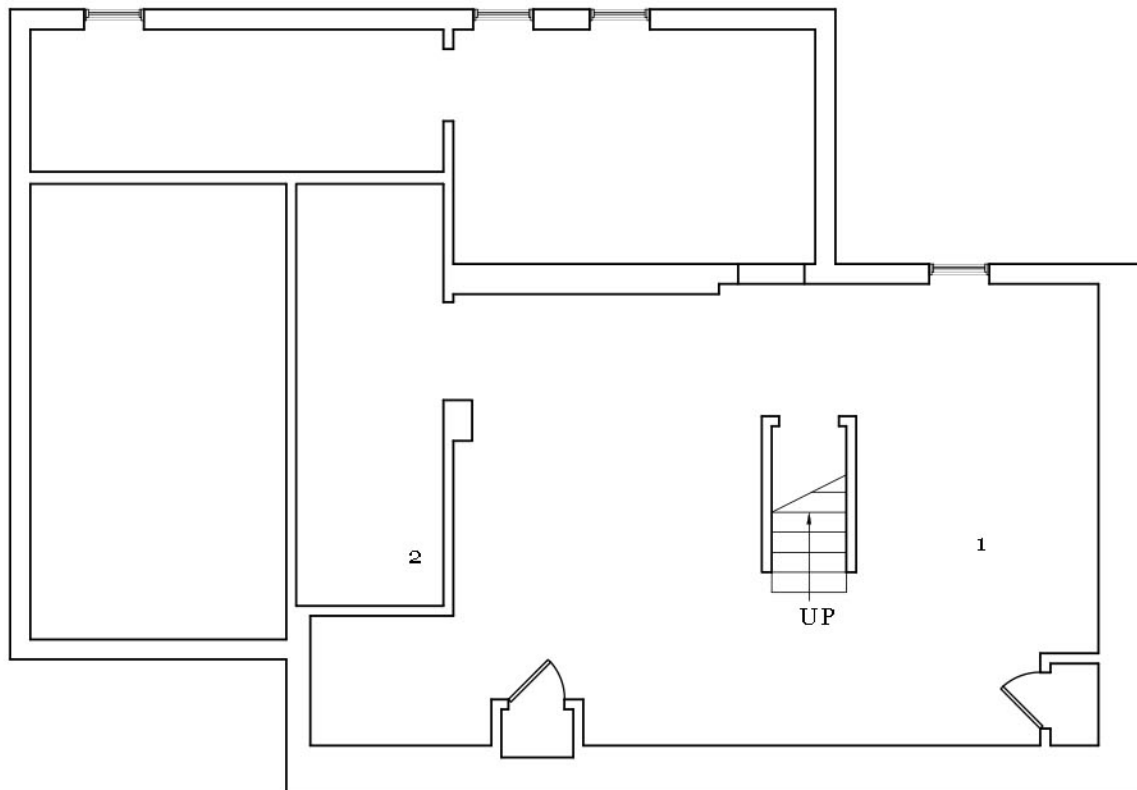


PERSPECTIVE 3



Additions & Alterations
68 Wilshire Park, Needham
June 7, 2021

SMOOK ARCHITECTURE



BASEMENT FLOOR PLAN

Scale: 1/8" = 1'-0"

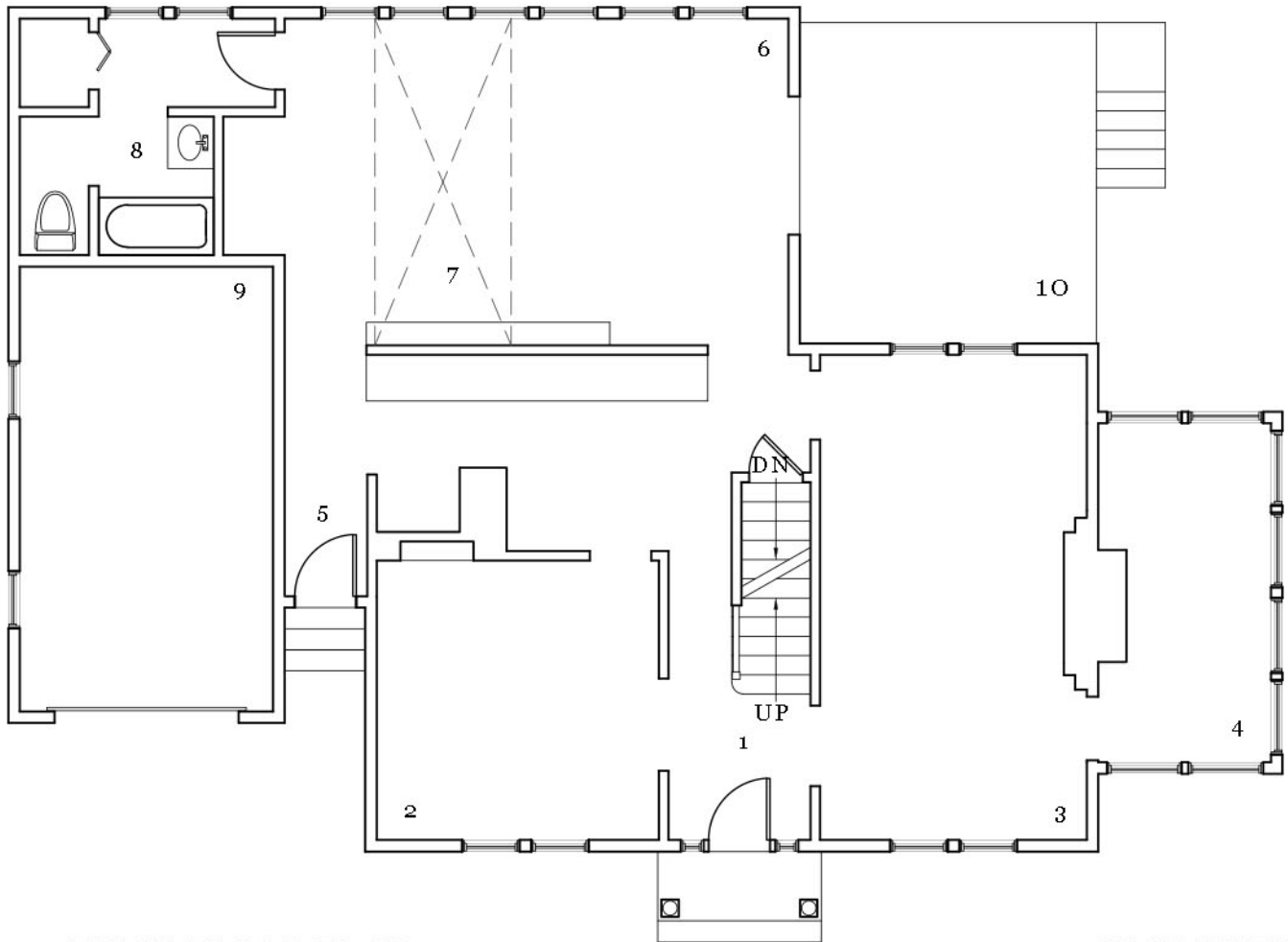
- 1 EXISTING BASEMENT
- 2 MECHANICAL



EXISTING

Additions & Alterations

68 Wilshire Park, Needham
June 7, 2021



FIRST FLOOR PLAN

Scale: 1/8" = 1'-0"

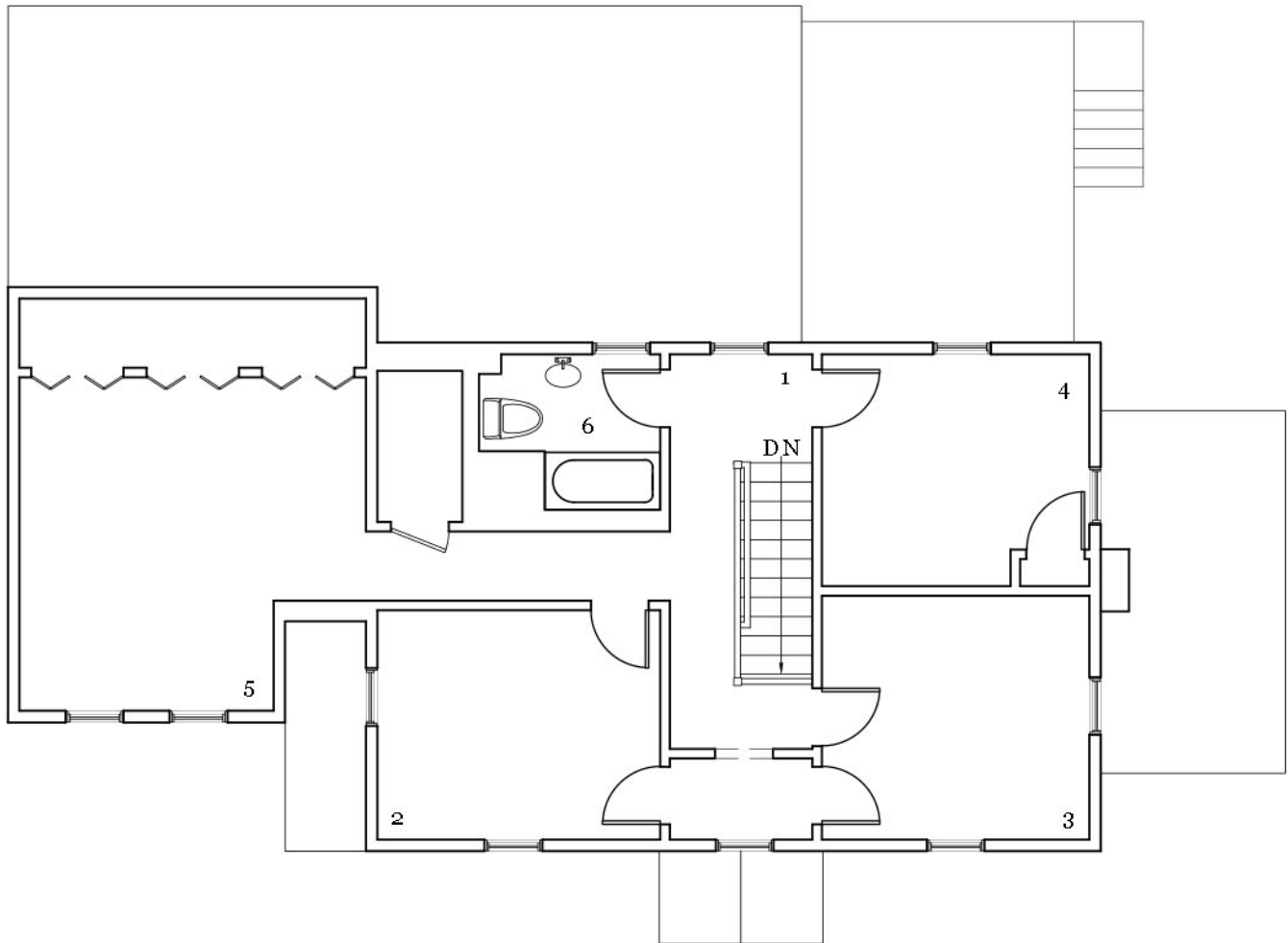
- 1 MAIN ENTRY
- 2 DINING ROOM
- 3 LIVING ROOM
- 4 SUN ROOM
- 5 SIDE ENTRY
- 6 KITCHEN
- 7 OPEN TO ABOVE
- 8 BATHROOM
- 9 GARAGE
- 10 DECK



Additions & Alterations

68 Wilshire Park, Needham
June 7, 2021

EXISTING



SECOND FLOOR PLAN

Scale: 1/8" = 1'-0"

- 1 HALLWAY
- 2 BEDROOM 1
- 3 BEDROOM 2
- 4 BEDROOM 3
- 5 BEDROOM 4
- 6 BATHROOM



additions & Alterations

68 Wilshire Park, Needham
June 7, 2021

EXISTING



FRONT ELEVATION

Scale: 1/8" = 1'-0"



ELEVATION



EXISTING

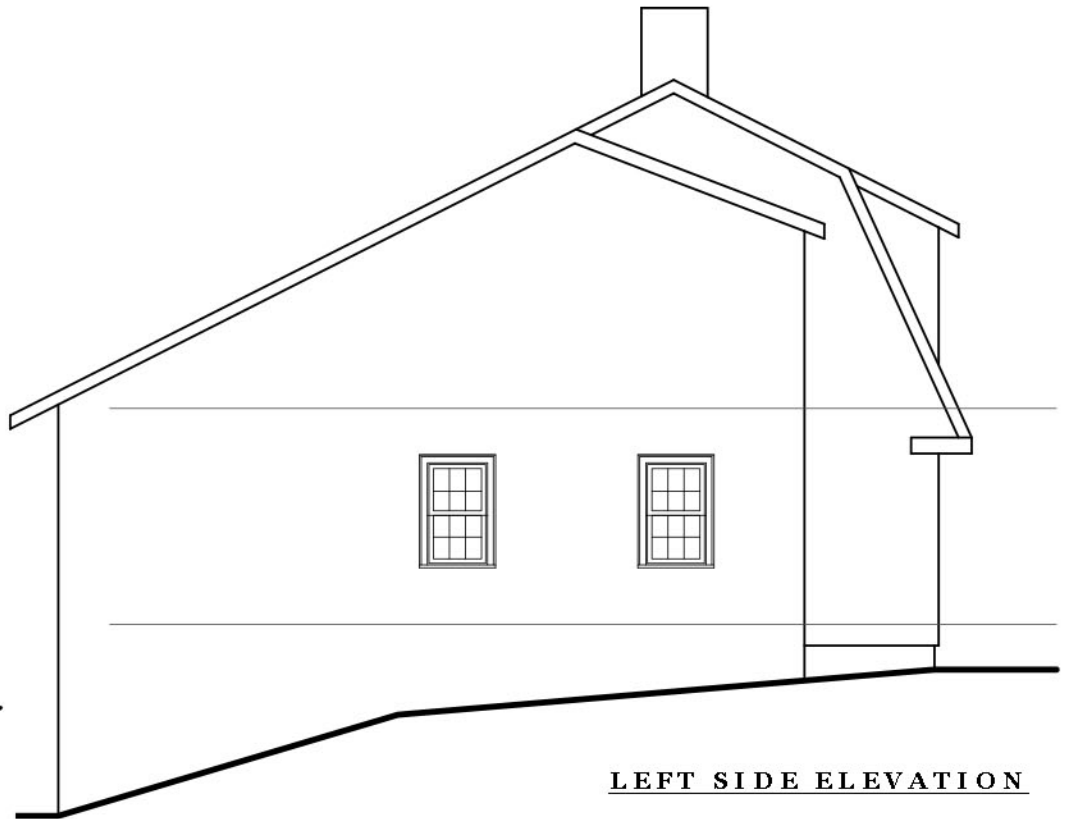
Additions & Alterations

68 Wilshire Park, Needham
June 7, 2021



REAR ELEVATION

Scale: 1/8" = 1'-0"



LEFT SIDE ELEVATION

Scale: 1/8" = 1'-0"

Additions & Alterations

68 Wilshire Park, Needham
June 7, 2021



EXISTING



May 28, 2021

**68 Wilshire Park
Needham, MA**

Floor Area Ratio Calculations

EXISTING:

First Floor	1,566 SF
Second Floor	<u>979 SF</u>
TOTAL	2,545 SF

Site area 7,622 SF

F.A.R. $2,545/7,266 = 0.35$

PROPOSED:

First Floor	1,592 SF
Second Floor	<u>1,193 SF</u>
TOTAL	2,785 SF

Site area 7,622 SF

F.A.R. $2,785/7,266 = 0.38$

Max allowable F.A.R. = 0.38

Demolition Certification

This Architect certifies that zero square feet of the Existing Building Shell will be demolished as part of the proposed improvements at 68 Wilshire Park Needham, MA



NEEDHAM PLANNING BOARD MINUTES

March 16, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Jeanne McKnight, Chairman, on Tuesday, March 16, 2021, at 7:15 p.m. with Messrs. Alpert, Jacobs, Owens and Block, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Ms. McKnight took a roll call attendance of the Board members and staff. She noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. She reviewed the rules of conduct for zoom meetings. She noted this meeting includes a public hearing and there will be an opportunity for public comment. If any votes are taken at the meeting the vote will be conducted by roll call.

Board of Appeals – March 18, 2021

Allen Douglas and Christine Lachkey – 238 Highland Avenue

Ms. McKnight stated this is the Montessori School. They want to take over the vacant space next door and increase students and staff. There will be improvements in 2 parking areas. There will be a decrease in the number of parking spaces.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: "No comment."

Melissa Gale/The Cookie Monstah Company – 1257 Highland Avenue

Ms. McKnight noted Stacy's closed recently and Cookie Monstah wants to go in. There is a request for a waiver of parking.

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: "No comment."

Upon a motion made by Mr. Alpert, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to automatically continue the meeting to 3/23/21 at 7:00 p.m. with the same zoom ID number if any technical difficulties arise that keep the Planning Board from continuing this meeting tonight and authorize the Vice-Chairman to continue the meeting if the Chairman has technical difficulties.

Public Hearing:

7:30 p.m. -- Article 1: Amend Zoning By-Law --Highway Commercial 1 Zoning District **Article 2: Amend Zoning By-Law – Highway Commercial 1 Zoning District Schedule of** **Permitted Special Permit Uses** **Article 3: Amend Zoning By-Law – Map Change to Highway Commercial 1**

Ms. McKnight noted this will create a new zone called Highway Commercial 1 Zoning District. It will place the Muzi property and Channel 5 property in this new district.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

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

Ms. McKnight turned the hearing over to Mr. Block. Mr. Block stated this is a revised proposal. It is approximately 15 acres in the Industrial District area. The district includes Muzi Ford and Channel 5. The new district is bounded by 128 to the east, Highland Avenue to the south, Gould Street to the west and the MBTA right-of-way to the north.

Natasha Espada, of Studio ENEE, consultant to the Planning Board, stated she looked at how to continue the commercial corridor into this site. The corner of the site is flat but goes to a big slope down in the back. She looked at the density of the town and the corridor, which runs from Chestnut Street to Newton. All the buildings are similar in size at 2½ to 3 stories and larger across the highway. This would create a continuity of the street. She showed the train and bus lines and noted there is no public transportation at this site.

Mr. Block stated they looked at the underutilized site. The goal is to unlock a higher and better use that makes a stronger contribution to the town while respecting an area that abuts residential. He noted there was a previous zoning proposal that went to Town Meeting in October 2019. The proposal passed by a majority but failed to pass by a super majority to affect the change. He stated the Needham Heights Neighborhood Association had a community meeting, and a working group was created that consisted of members of the Finance Committee, the Select Board and the Planning Board. The proposal was revised based on feedback given. Three changes were made that reduced the scope and scale of the development, reduced the maximum heights and added a multi-family residential development option ~~was included~~.

Mr. Block showed the uses allowed by right and by special permit. Those uses will continue to be allowed. He noted the red text shows currently-allowed uses not carried forward into the new proposal, the green text shows new uses proposed in the 2019 proposal and the pink text shows the new uses now proposed. He noted the size of retail has been reduced to 5,750 feet by right and 10,000 square feet by special permit. Retail will serve as amenities for the immediate residents and occupants of the buildings. There will be a maximum of 240 residential units with a minimum of 40% and a maximum of 70% of 1-bed~~room~~ units. There will be 12½% affordable units.

~~He~~ Mr. Block highlighted the dimensional changes between the 2019 proposal and the current proposal.

~~Mr. Block~~ He noted the 2019 proposal had an FAR of 1.75 by special permit. That FAR has been reduced to 1.35 based on feedback received. The maximum height proposed in 2019 was 70 feet or 5 stories by right and 6 stories by special permit. The new proposal has reduced the height to 56 feet with a maximum 4 stories by right and 70 feet maximum by special permit. He ~~summarized~~reviewed the proposed dimensional requirements for height and FAR. The FAR is 1.0 by right and 1.35 by special permit with a 35-foot maximum height by right and 48-foot maximum height by special permit.

Mr. Block noted with the current zoning there is no minimum open space requirement and no rear setback requirement for parking garages. The new proposal has a 20% minimum open space requirement and a setback for parking garages. He explained the developer must ~~obtain~~submit a Site Plan Special Permit for any building greater than 10,000 square feet. This ensures the Planning Board has control. While a Site Plan Special Permit project cannot be denied, the Planning Board can impose reasonable terms and conditions. If the developer applies for a Special Permit for use the Planning Board has much greater discretion to alter or even deny. The Planning Board will post a notice and give notice to abutters. He explained the process of the public hearing.

Ms. Espada showed sample site plans. She then showed the existing 3-story building on the Channel 5 site and the 2-story building on the Muzi site. She created and showed examples of a 1.0 FAR as of right and a 1.35 FAR by special permit with a single building and multiple buildings. 20% of the site is shown as green space and she showed the current curb cuts, which will remain. She showed views from all angles. She pointed out the 20-foot buffer around the entire site with landscaping for all the options. Ms. Espada discussed the special permit zoning and showed options with single and multiple buildings. The parking and building setback is 200 feet from Gould and Highland with landscaping all around.

Rebeca Brown, of Greenman Pederson, Inc., evaluated the maximum traffic impacts that could result with a 1.35 FAR and any traffic mitigations that would be required. She noted the study area and the intersection closest to the site that would be impacted. She stated the developer would be required to do a traffic analysis once there is a project for this site. A considerable amount of data was already collected prior to Covid 19. A 2015 study was done by BETA for rezoning of this site previously. A 2019 post construction traffic study was done for the 128 Add-A-Lane project which included Gould Street and Highland Avenue. She noted the traffic volume decreased 13 to 15% post construction. During construction, Exits 18 to 20 were under construction and one ramp was closed. There was a detour from Hunting to Highland during~~for~~ the 2015 study. There was a decrease in traffic once the construction was completed with a 43% drop in traffic on Hunting Road. Traffic increased 7 to 11% in this area post construction.

Ms. Brown stated she used the 2015 data for areas where there was no 2019 information, ~~for~~ as it represented a worst-case scenario. She grew out to a 10-year condition using a 1% growth rate. She looked at the volume prior to the start of Add-A-Lane and compared it to the 2019 data collected prior to Covid. She also looked at a worst-case scenario for most traffic trip generation. She showed existing trips, proposed trips and the net increase using a worst-case scenario. She did not include pedestrians or bicyclists. She also looked at traffic management. Ms. McKnight stated residential is included in the mix of uses and asked if that makes it better or worse. Ms. Brown stated she had been asked to look at that with 240 residences. There is a significant drop in total trips generated. The a.m. and p.m. trips are revised and it actually helps to even out traffic. She looked at journey to work trips, existing travel patterns and building density. All 3 models have similar trip generations. There is about 40% of traffic using residential streets and there is 60% to and from the highway. Ms. Brown described the study area intersections with 2030 level of services, no build versus build. The Central Avenue at Gould intersection is a level of service F now. Any increase in traffic would make it worse. That intersection is already being prioritized for improvements by the town. She focused on the 2 site drives and the Highland and Hunting intersection that would be level E or F. Both are being looked at by Mass DOT.

Ms. Brown looked at mitigations that would be required. The 2 site drives would need to be widened for 2 lanes each side. A traffic signal would be needed at the farther drive. Gould Street would need to be widened from the site drives to Highland Avenue. There would be 2 left turns, a dedicated through lane and a right turn lane. Highland Avenue would need to be widened for an exclusive right lane and a dedicated right lane to the site drives. There would be dedicated left turns to each of the 2 site drives. There are no proposed off-site property takings on Hunting or Highland. The widening would be into the site so it would be a taking from the property itself and would not push the setbacks into the site UNCLEAR. This would require a signal easement on Gould Street. She showed the impacts on the area. She noted, with improvements, all study area intersections return to Level E or better, ~~noting that~~ ~~this~~ includes a worst-case scenario with a greater mix of uses.

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Select Board Member Marianne Cooley discussed the fiscal impact. She noted they listened to the townspeople who want a gateway and do not want a warehouse. This is a change and change is difficult. She stated they are all there to help and do the best by Needham. She showed the fiscal impact with the assessed value and the net revenue change. She noted the net tax revenue would be \$78.5 million for use by the town, with no residential use. There would be a \$52 million net change with mixed multi-use ~~and including~~ residential.

Mr. Block stated, on a procedural note, the zoning proposal will appear at Town Meeting with 2 Articles. There will be one main article and the other is a map change. There will need to be a 2/3 majority vote to adopt. The Board has listened to constructive feedback, reduced the size of retail, reduced the scale and scope of development, reduced maximum heights and included multi-family residential use. Traffic mitigations are possible and can improve the flow of traffic. Mr. Block noted the net revenue annually will alleviate a significant tax burden for taxpayers. He then opened the meeting for public comments. He stated each person would have 2 minutes for comments.

Barry Pollack noted traffic data and property takings. He stated there is a petition with 650 signatures objecting to this. He noted an email from Planning Director Lee Newman to Town Engineer Anthony DelGaizo, dated 1/20/20, regarding traffic counts only being good for 5 years and the information needing to be updated. Covid created an opportunity to use the 2015 data. He stated the presentation November 18, 2020 noted Levels D and F services and

what could be done. Gould and Central Level E would require adding a lane on Gould with 100 feet of lane. The greatest need is Hunting northbound lane, which would need property takings on both sides. Select Board Member Matt Borrelli did not think this was ready in 2020. Mr. Block noted Mr. Pollack had used his time and he will go back to him if there is time at the end.

Leigh Doukas stated she is not representing any group she is part of. Her opinions are her own. The FAR-~~use~~ was increased by 50%. All other districts with commercial use abut residential with a 50-foot setback and a 25-foot landscape buffer requirement. That should be the minimum allowed in this case. The traffic report does not talk about impacts on ~~as-of-~~right property. There will be a tremendous amount of additional cars. This will impact residents of the area and the values of those properties. She has no issue with a maximum 42-foot height closest to Highland and Gould.

Monty Krieger, of 33 Woodbine Circle, stated the data shows Highland and Hunting traffic will be worsening. There is a substantial amount of increased funds, ~~but-~~ ~~What~~ what would it cost to increase homeowners' taxes rather than live with greater traffic?

Susan Nissen, of Homesy Lane, asked Mr. Block to share the official position of the Needham Heights Neighborhood Association. Mr. Block stated this is not a forum for any private organization. The questions should be related to the zoning change only.

Joan Berlin, of Parker Road, noted the traffic projections and asked what projects GPI has worked on, were the projections accurate and for how long. She feels there should be greater impact. She asked if Ms. Brown has gone back to see if her projections were correct. Ms. Brown stated she very often has to go back. Almost always on larger projects a requirement is a post occupancy monitoring study, which includes traffic counts at the development and in surrounding areas.

Artie Crocker stated the question is how large not if. All buildings leading up to the intersections are not as large as what is proposed. This is not the other side of 128. The 2 sides are quite different. He stated the townspeople were shown something for the Hartney Greymont site but it was not accurate and was not true. This case is accurate but what was shown was not 35 feet high on Gould and Highland. Wingate is 20 feet high in the flat section and is further away from Gould than this would be. He feels things should be put into perspective. The Board needs to remember the worst-case scenario and show it. He feels there is no need to go to this size to get similar tax revenue. He feels it should be pushed back 100 feet and then go to the 35 feet. Needham is not a city and should not gear zoning to make it a city. He feels the town can do better than what we are doing.

Ben Daniels, of 5 Sachem Road, is directly across Highland Avenue from Muzi. He is disappointed this is back again. He feels it is premature to change the zoning without a proposal in front of them. The townspeople are being scared with hypothetical warehouses and junk yards. The Board should wait until a real project comes along like Newton. This benefits the Muzi family. He was told there was no correspondence with the Muzi family but there was. Why should the public believe what we are hearing? Ms. McKnight stated Mr. Daniels comments were out of order. The focus needs to be on zoning.

Dan Goodman, of 807 Great Plain Avenue, stated it was obvious the Planning Board put a lot of research and thought into the proposal and took comments into consideration. He is impressed with the proposal and pleased with the housing inclusion. The size is well within reason and fits in with the surrounding area. He will be excited to see this rather than what is there today. He is in favor.

Jane Volder, of 133 Brookside Road, is concerned with the traffic report. All the development going in on Needham Street in Newton would impact traffic in the future. Also, traffic does not look at the trickle effect down Central Avenue and other roads. She is concerned with the cost of mitigations. Is that paid for by the town? Mr. Block noted mitigations are paid for by the developer. Ms. Volder stated the green space only looked like 20 feet off the street border. Taxes have gone up every year. She is concerned about the continual increases in real estate taxes.

Peter Schuller stated this is premature and not a developer's plan. There is inadequate data. He yielded the rest of his time to Mr. Pollack. Steve Deroian, of Lindberg Avenue, stated this is premature. He yielded his time to Mr. Pollack. Tom Shockett, of 174 Evelyn Road, stated when traffic was diverted for Add-A-Lane people found all ways to get around. People would go through their neighborhood. Ten thousand cars a day will go through their neighborhood. He was told that Muzi spoke with the Board. That was a matter of public record and not an accusation. He ceded the rest of his time to Mr. Pollack.

Chris Lalond, of Bennington Street, feels this proposal dangerously opens the door for other property owners. He yields the rest of his time to Mr. Pollack. Alex Puzikov agreed with all the previous speakers. There is overcommercialization of the property and would allow larger buildings to be built. Twenty feet is a very small setback and there is a lot of traffic currently. He yields the rest of his time to Mr. Pollack. Nicky Pollack, of 15 Pandolf Lane, asked how many people were on this [Zoom hearing](#) call and asked if this would be made public. Mr. Block stated there were 197 people on the call. Ms. Pollack stated in 10 days there were 650 people who signed a petition. This is premature and should be 3 stories. She asked if the Board was considering the options and the scaled down proposal. Mr. Block stated the Board is looking at everything.

Nancy Greenwald, of 615 Highland Avenue, feels her property will go down in value. The project is too large and the town should wait for a developer with a project. She gave the rest of her time to Mr. Pollack. Justin Oriel, of 47 Lee Road, agrees with Mr. Crocker, Mr. Pollack and Mr. Daniels. He deferred the rest of his time to Mr. Pollack.

Andy May, of 32 Lee Road, asked if any analysis has been done on the impact on residential streets. Ms. McKnight noted that Ms. Brown had stated when there is a development proposal in front of us there would be further traffic analysis done and it will include surrounding streets. Mr. May asked if any analysis was done to determine property values of things this size and the impact on abutters. He asked what would happen with Mills Field. He feels there is not enough green in the project. He appreciates the project was scaled back but this is unsightly and should go back further.

Yulia Marie, of 93 Hillside Avenue, noted the impact on schools. The schools did not take into account the housing on the other side of 128. She asked how this will impact the schools. Selectwoman Cooley stated the expected number of children would be 28 for a 1.0 FAR and 38 for a 1.35 FAR. This number of children could be accommodated as they would be spread across all grades. Ms. Marie noted class sizes are larger than surrounding towns.

Glen Mulno, of 40 Morton Street, does not think the traffic study has taken into account Newton on the other side of the bridge. This should be taken into account. He commented he is confused. The zoning was going to include housing but not require the developer to add it. Mr. Block stated it is up to the developer to decide. Developers are not required to do anything but may choose to do office, mixed use or housing. Mr. Mulno asked why come up with a plan to appease the Muzi family without an actual plan.

Mike Michaud, of Daley Street, stated he lives off St. Mary Street and is new to town. He asked why this area was not involved in the traffic study. Oscar Mertz, of 67 Rybury Hillway, thanked all for their participation. He stated the idea of doing this zoning is critical to make a lot happen. Housing is not available in the current zoning and it is important to change that. He looks forward to a transparent process.

Ellen Finn, of Greendale Avenue, wants the Board to think about green spaces. The townspeople have asked for home grown organic but are being offered strip malls and research and development but not hockey rinks and green spaces. It is not a livable community. There needs to be outside the box thinking. This is an opportunity for a developer to make money. There has been 8 years of constant construction in their neighborhood. This is creating greed opportunity investments. She asked how the community can buy this property and engage abutters. She feels what was a good community is being destroyed.

Mr. Block invited all to send comments to the Planning Board. All comments will be considered up until and through 5:00 p.m. Thursday. He stated the Board has received good feedback tonight and from the 2/3/21 community meeting. He thanked all and asked members of the public to send comments to

planning@needhamma.gov. He noted the presentation and related materials will be posted on the website. The Planning Board intends to vote on 3/23/21.

Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: to close the hearing with the exception of receiving written communication until Thursday, 5/18/21, at 5:00 p.m.

Report of the Planning Director and Board members.

Ms. Newman noted she met with the representatives of the 128 Business Council that runs the shuttle service of the New England Business Center. There were 9 properties that participated in the shuttle. The Board imposed conditions on some projects. Three projects, with 2 owners, have dropped out of participation. She asked what kind of action the Board wants to take to enforce action as they are not complying with the permits. Ms. McKnight stated the ridership has gone down but the provider has allowed for that. Ms. Newman stated the operational costs have gone down and the costs have been shifted onto the remainder of the other participants. This has been a benefit to the town and is in jeopardy. She noted the question is if the Board is going to enforce the condition that the businesses need to supply shuttle service. Ms. McKnight suggested sending a demand letter if there is a violation. She wants to see compliance. Mr. Jacobs agreed but would also like the proponents to come before the Board to explain what is going on. Ms. Newman will reach out to the 2 property owners to come before the Board on 4/6/21. Mr. Alpert suggested the second meeting in April when Ms. Espada is on the Board.

Upon a motion made by Mr. Owens, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

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

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Paul Alpert, Vice-Chairman and Clerk