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TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS

Special Permit

Needham ACE, applicant
Christ Episcopal Church, owner
1132 Highland Avenue
Map 226, Parcel 44

January 20, 2022

Needham ACE, applicant, applied to the Board of Appeals for a Special Permit under Sections 3.2.1, 5.1.1. 5.1.1.5 and any other applicable Sections of the Zoning By-Law to establish an after-school, enrichment program for 25 students, kindergarten to 5th grade with two staff persons and to waive strict adherence to parking and parking design requirements. The program will be in operation September through June, 3:00 to 6:00 pm on regular school days and 12:30pm to 6:00pm on early release on Wednesdays. The subject property is located at **1132 Highland Avenue, Needham MA** in the Single Residence B (SRB) District. A public hearing was held remotely on Zoom on Thursday, January 20, 2022, at 7:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped December 15, 2021.
- Parking Plan by Needham Ace, dated December 15, 2021.
- Letter prepared by Woody Hughes, Christ Episcopal Church, dated December 14, 2021.
- Floor Plan, Christ Episcopal Church Space Available for Lease.
- Letter from Lee Newman, Director of Planning and Community Development, dated January 4, 2021.
- Emails from Dave Roche, Building Commissioner, dated January 6 and January 18, 2022.
- Letter from Thomas A. Ryder, Assistant Town Engineer, dated January 5, 2022.
- Email from Chief Dennis Condon, Fire Department, dated December 27, 2021
- Email from Chief John Schlittler, Police Department, dated January 19, 2022.
- Email from Tara Gurge, Assistant Public Health Director, January 4, 2022.

January 20, 2022

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Howard S. Goldman, Member. Also participating was Nik Ligris, newly appointed Associate Member. Mr. Schneider opened the hearing at 7:55 p.m. by reading the public notice.

Gloria Rong, applicant, reported that Needham ACE was proposing an academic focused after-school for K-5th grade, for 25 students. The program will operate from 3:00 p.m. to 6:00 p.m. Monday, Tuesday, Thursday and Friday, and on Wednesdays from 12:30 p.m. to 6:00 p.m. There will be two staff persons. The students will be from the Needham Schools. The applicant will be leasing the lower level of Christ Episcopal Church. The lease includes seven parking spaces in the church owned parking lot across the street on Highland Avenue. The seven spaces comply with the Day-Care Facilities parking requirements of one parking space for every five students, plus one for each employee.

Students will be picked up by car by two staff members from the five Needham public elementary schools. For the drop-off, the cars will park on the side of Rosemary Street and a third staff member will escort the students to the program.

For parent pick-up before 5:30 p.m. parents can use the five public parking spaces along Rosemary Street. They are required to send a text and a staff person will escort the student to the car.

After 5:30 p.m. parents must park in the 20 spaces in the Highland Avenue parking lot. Parents and students are required to use the crosswalk to and from the parking lot. The map of the parking lot and walking route will be in the Parent Handbook. No parking will be allowed at Memorial Park parking lot or along Highland Avenue. Parents will be required to follow the rules. The parking rules and parking plan will be described in the Handbook and will be reviewed at a Parent Orientation meeting.

Mr. Goldman was concerned about the demand for the parking spaces along Rosemary Street during the drop-off period because of the many users in the area. Ms. Rong noted that she conducted a survey of the available parking spaces for a week. During 3:00 p.m. to 3:30 p.m. she observed only one space used at that time.

Mr. Goldman inquired if the space was leased currently. Ms. Rong noted that the space was currently vacant. Mr. Tamkin wondered who was the prior tenant and how long ago did they vacate the space. Ms. Rong noted that Expression was the former childcare program leasing the space. She did not know when they vacated.

Mr. Tamkin inquired if there were available spaces at the Highland Avenue parking lot. Mr. Schneider noted that there are 85 spaces at the lot; 65 spaces are leased by the Town. Twenty are available for the program. Mr. Tamkin shared his experience with team sports dinners and that he found that the parking spaces after 5:00 p.m. are filled. He thought that because of the pandemic it may not be an issue. Mr. Schneider noted that, if the spaces are filled on Rosemary Street, parents will have to use the Highland Avenue parking lot.

Comments received:

- Planning Board had no comment.
- Engineering Department had no comment or objection.
- Building Department noted that pick-up should be from the Highland Avenue parking lot and that parents need to use the crosswalk at the Rosemary Street/Highland Avenue intersection.
- The Fire Department was satisfied with the proposal.
- The Health Department noted that, if food is being served, a Health Division Food Permit Review will be required. Ms. Rong said there will be no food prepared or served. Children will bring their own snacks.
- The Police Department had concerns regarding pick-up on Rosemary Street and that no parking on Memorial Field or on Highland Avenue is allowed. Mr. Schneider was satisfied with the proposed parking plan addressed his concerns; and that the Special Permit can address no parking at Memorial Field parking lot or along Highland Avenue.

Dave Roche, the Building Commissioner, who was present at the meeting on Zoom emphasized the need for parents to use the crosswalk when picking up their student.

Mr. Goldman noted that the applicant was seeking a Special Permit as a private school under 3.2. He thought the presentation was great. He liked the pick-up plan.

Mr. Schneider inquired what parking design waivers were needed at the parking lot. Ms. Rong did not know the design waivers needed. Mr. Schneider suggested that the parking waivers be issued without specification as it is an existing parking lot.

Mr. Tamkin moved that a Special Permit under the Zoning By-Law be granted to establish an after-school, enrichment program for a maximum of 25 students, kindergarten to 5th grade with two staff persons on site at all times and to waive strict adherence to parking design requirements. The program will be in operation 3:00 to 6:00 p.m. on regular school days and 12:30 p.m. to 6:00 p.m. on early release. Parking will be prohibited on Highland Avenue and at the Memorial Field Parking Lot; the program will proceed in accordance with the pick-up plan as described at the hearing; and parents will be required to use the crosswalk on Highland Avenue. The applicant will enforce and monitor the parking restrictions. Mr. Goldman seconded the motion.

Ms. Rong expects to be in operation by the week after the February school vacation.

The meeting adjourned at 8:20 p.m.

Findings:

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

1. Needham ACE has proposed to establish an academic focused after-school program for K-5th grade, for 25 students from the Needham Public Schools in leased space located on

the lower level of Christ Episcopal Church.

2. The Program will operate from 3:00 p.m. to 6:00 p.m. Monday, Tuesday, Thursday and Friday, and on Wednesdays during the Needham Public Schools early release days, from 12:30 p.m. to 6:00 p.m. There will be two Program staff persons on site.
3. The Program's lease from the Church includes seven parking spaces located in the Church's owned parking lot located across the street on Highland Avenue. The parking lot has 20 spaces available for the Church's use in the 85-car parking lot (65 spaces are leased by the Church to the Town of Needham for use of the Needham Public Library). Needham ACE has presented the Board with a letter from Christ Episcopal Church supporting the application and confirming use of the parking lot.
4. Students will be picked up daily by car by the Program's two staff members from the five Needham public elementary schools. For the Program's drop-off, the cars will park on the side of Rosemary Street and a third staff member will escort the students to the program.
5. For parent pick-up before 5:30 p.m. parents can use the five public parking spaces along Rosemary Street. They will be required to send a text and a Program staff person will escort the student to the car.
6. After 5:30 p.m. parents must park in the Church's Highland Avenue parking lot and walk to the school to pick up their children. Parents and students will be required to use the crosswalk to and from the Church parking lot. A map of the parking lot and walking route will be provided in the Program's Parent Handbook.
7. No parking will be allowed at Memorial Park parking lot or along Highland Avenue. All parking rules will be enforced by the Program and parking plan will be described in the Parent Handbook and will be reviewed at a Parent Orientation meeting.
8. The Church building is used for traditional church services and a number of ancillary services and functions. The Program's leased space was formerly used by Expression, a former childcare program, but has been unoccupied for some period of time.
9. The Program's physical layout and its parking plan are shown on a Parking Plan by Needham ACE, dated December 15, 2021, and a Floor Plan entitled "Christ Episcopal Church Space Available for Lease" both filed with the Application (the "Plans").
10. The seven parking spaces located on the Church's parking lot complies with the Day-Care Facilities parking requirements under the By-Law requiring one parking space for every five students, plus one parking space for each employee.
11. The Church's existing Parking Lot is not in compliance with all requirements for this use under the Bylaw.

12. With the combination of Church's parking lot and the general availability of the five public parking spaces on Rosemary Street, and given the customary use of the Church, and a prior tenant operating a similar after school children's program, we find that the parking is adequate. Since there is no expansion of the building and they are using an existing parking lot, a waiver of any parking design requirements is appropriate.
13. The Program has been designed and formulated to fit into the surrounding residential community and complies with the criteria set forth in Section 7.5.2 of the Zoning By-Law.
14. The Program as planned is not substantially more detrimental to the neighborhood than the existing use of the Church building and parking areas and will not derogate from the intent and purpose of the Zoning By-Law.

Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, grants the Applicant a Special Permit under Sections 3.2.1, 5.1.1. 5.1.1.5 and 7.5.2, and waives strict adherence to the off-street parking design requirements of Sections 5.1, so as to permit Needham ACE to establish an academic focused after-school program for kindergarten to 5th grade students, in leased space located on the lower level of Christ Episcopal Church, 1132 Highland Avenue, Needham MA in the Single Residence B (SRB) District, all substantially in accordance with the Plans filed with the application, and subject to the following:

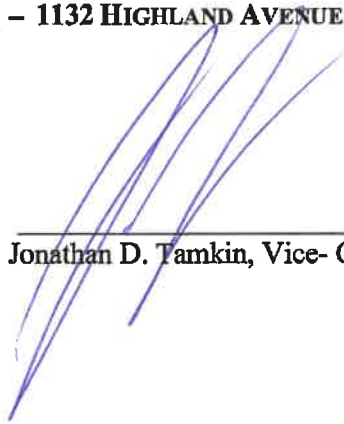
1. There will be a maximum of 25 students enrolled in the Program at any one time.
2. The Program may operate from 3:00 p.m. to 6:00 p.m. Monday, Tuesday, Thursday and Friday, and on Wednesdays during the Needham Public Schools early release days, from 12:30 p.m. to 6:00 p.m. The Program may revise the starting time to the time school ends if the Needham Public schools change the current schedule without further Board approval.
3. There will be no more than two Program staff persons when school is in session. Additional staff may be involved with pick up of students.
4. The pick-up of students may be on Rosemary Street prior to 5:30 pm if there are public parking spaces available. After 5:30 pm and before 5:30 pm if there are no public parking spaces available pick up shall be from the Highland Avenue parking lot. Parents must pick up their children and escort them to the Church parking lot. Parents and students must use the crosswalk at the Rosemary Street/Highland Avenue intersection.
5. There will be no food prepared or served unless the Program obtains required permits from the Health Department. Children may bring their own snacks.
6. The Program's physical layout and its drop off, pick up and parking plans shall be

conducted solely pursuant to the Plans and as required by this Decision and there shall be no modifications without further approval by the Board.

SIGNATORY PAGE - 1132 HIGHLAND AVENUE


Jon D. Schneider, Chair

SIGNATORY PAGE – 1132 HIGHLAND AVENUE



Jonathan D. Tamkin, Vice- Chair

SIGNATORY PAGE – 1132 HIGHLAND AVENUE


Howard S. Goldman, Member