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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit

***Sweta Srivastava and Akshay Saxena, applicants
Alex M. Bejian, owner
329 Chestnut Street
Map 46, Parcel 53***

April 28, 2022

Shweta Srivastava and Akshay Saxena, applicants, applied to the Board of Appeals for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to establish CodeWiz Needham, a private school that runs coding and robotics classes for 15 students ages 7 years old to 17 years old with five staff persons and to waive strict adherence to parking and parking design requirements. The property is located at 329 Chestnut Street (the Code Wiz Needham unit has a postal address of 333 Chestnut Street), Needham, MA in the Chestnut Street Business (CSB) District. A public hearing was held remotely on Zoom, Thursday, April 28, 2022 at 7:45 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped February 18, 2022.
- Parking Plan by CodeWiz Needham dated February 17, 2022.
- Plot Plan dated November 7, 2022.
- Letter from Alex M. Bejian dated February 9, 2022.
- Current and Proposed Floor Plan.
- Exterior photos of Building and parking area.
- Lease between Alex Bejian and CodeWiz, dated February 17, 2022.
- Change of Use Plan prepared by Field Resources, Inc. stamped by Bradley Simonelli, Land Surveyor, dated March 11, 2022.
- Email from George Giunta, Jr. dated April 4, 2022.
- Letter from Lee Newman, Director of Planning and Community Development, dated April 19, 2022.
- Email from Dave Roche, Building Commissioner, dated April 15, 2022.
- Email from Thomas A. Ryder, Town Engineer, dated April 20, 2022.

- Email from Tara Gurge, Assistant Public Health Director, April 13, 2022.
- Email from Chief Dennis Condon, Fire Department, dated April 6, 2022.

April 28, 2022

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair; and Howard S. Goldman, Member. Also participating was Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 7:45 p.m. by reading the public notice

George Giunta, Jr., attorney representing the applicants, reported that the applicants are proposing to locate CodWiz Needham at 329 Chestnut Street (mailing address 333 Chestnut Street) a 12,000 square foot commercial property with 80 feet of frontage. The premises is occupied by a two-story commercial building with three commercial units. The first floor, containing 1,600 sf, is occupied by the Bejian Orthodontics, owned by Alex Bejian, the property owner; the second floor, containing 750 sf, is occupied by Strength by Numbers a private tutoring business; and the basement unit, containing 1,500 sf, will be occupied by the applicants.

CodeWiz Needham is a private school that seeks to run coding and robotics classes. CodeWiz is a franchise with locations throughout the country. CodWiz Needham will provide classes for 15 students per session, ages seven to seventeen. The classes are conducted both in person and remotely from 3:00 p.m. to 7:00 pm, Monday through Friday. Classes are 50 minutes long with 10 minute breaks between classes to allow for pick-up and drop-offs. There will be five staff persons on site.

Mr. Giunta noted that the complex has a parking lot for 20 cars. Based on the By-Law, Bejian Othordontics has a parking requirement of 8 spaces; Strength by Numbers has a parking requirement of 3 spaces; and CodeWiz Needham would have a parking requirement of 8 spaces determined by 1 space for each employee (5) and 1 space for every 5 students (3). 19 spaces are required for all current users at the property. With the available 20 spaces on-site, there are enough parking spaces available in the parking lot.

The applicant conducted a parking count. The results of the parking count identified no more than 5 cars parked in the parking lot at any given time period.

Comments received:

- Planning Board noted that the Building Commissioner should be consulted about handicap accessibility for the building and parking.
- Building Department noted that a handicapped (van) space should be marked on site with the required sign per MA AAB; and all pick-up and drop-off of students should be conducted in the parking lot and not in the street and/or right-of-way.
- Engineering Department had no comment or objection.
- Health Department had no comment.
- Fire Department was satisfied with the plan.

There were no comments from the public.

Mr. Giunta responded that the property is not currently handicapped compliant. Based on the cost of renovations for CodeWiz Needham, the project does not meet the minimum cost threshold requiring ADA compliance. He did not have any issue satisfying the Building Commissioner's concerns for a handicapped (van) parking and conducting the pick-up and drop-off on site.

Mr. Schneider conducted a site visit and found the parking lot to be awkward and congested. He wanted to know how the pick-up and drop-off of students was planned. Mr. Giunta said that students would be dropped off on the side parking lot and they will walk down the ramp in front of the building into the basement.

Ms. Srivastava reported that one staff person will stand outside on the main level during the 10-minute gap between classes. Staff will guide the students and regulate incoming and outgoing students.

Mr. Freidenberg asked if there was a back door. Mr. Giunta responded that there is a back door, but students will be limited to the front door.

Mr. Schneider asked that the spaces in the side parking lot be reserved for staff so random people won't back out of those spaces and interfere with the drop-off and pick-up. Ms. Srivastava was agreeable to this.

Mr. Tamkin wondered whether restricting the Special Permit to the applicant and requiring approval of any assignment was warranted. The Board did not feel it was necessary.

Mr. Tamkin moved to grant a Special Permit to allow the establishment of CodeWiz Needham pursuant to Section 3.2.2 for a private school; 3.3.2 for more than one non-residential building or use on a lot; and Section 5.1.3 to waive strict adherence to parking plan and design requirements conditioned on the following:

- the hours of operation shall be Monday-Saturday 8:30 a.m. to 7:30 p.m.;
- school class capacity will be 15 students and 5 staff;
- one handicapped parking space will be delineated with its appropriate signage;
- there will be staff presence standing outside during the pick-up and drop-off period;
- there will be five reserved staff parking spaces on the side of the building;
- no drop-off or pick-off shall be conducted on Chestnut Street; and
- all pick-up and drop-off shall occur in the parking lot.

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

The meeting adjourned at 8:11 p.m.

Findings

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

1. CodeWiz Needham is a private school that seeks to run coding and robotics classes weekday afternoons. The applicant is a franchisee of franchisor, who has locations

throughout the country.

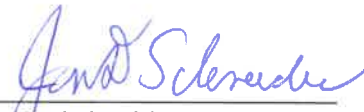
2. CodeWiz Needham will provide classes for 15 students per session, ages seven to seventeen. The in-person classes will be conducted from 3:00 p.m. to 7:00 pm, Monday through Friday. Classes are 50 minutes long with 10 minute breaks between classes to allow for pick-up and drop-offs of students. There will be five staff persons on site.
3. Based on the By-Law, of the current tenants, Bejian Othodontics has a parking requirement of 8 spaces; Strength by Numbers has a parking requirement of 3 spaces; and CodeWiz Needham will have a parking requirement of 8 spaces determined by 1 space for each employee (5) and 1 space for every 5 students (3). 19 spaces are required for all current users at the property and parking lot has 20 parking spaces
4. The School's lease includes the right to park in the parking lot in common with all other tenants. Code WizNeedham's lease shall provide that it shall have five reserved staff parking spaces located on the side of the building.
5. One handicapped parking space will be delineated in the parking lot with appropriate handicap signage.
6. There will be Code WizNeedham staff present and standing outside during all pick-up and drop-off periods and there shall be no drop-off or pick-off of students conducted on Chestnut Street and all pick-ups and drop-offs of students shall occur on site in the parking lot.
7. Code WizNeedham's physical layout and its parking plan are shown on the Parking Plan by CodeWiz Needham dated February 17, 2022, Plot Plan dated November 7, 2022 and Change of Use Plan prepared by Field Resources, Inc. stamped by Bradley Simonelli, Land Surveyor, dated March 11, 2022 all filed with the application (the "Plans").
8. The property's existing parking lot is not in compliance with all requirements for this use under the Bylaw.
9. However, with Code WizNeedham's parking plan, reserved staff parking spaces and its planned procedure for drop-offs and pick-ups, we find that a waiver of any parking requirements is appropriate. The School has been designed and formulated fit into the building and property and the surrounding community and complies with the criteria set forth in Section 7.5.2 of the Zoning By-Law.
10. Code WizNeedham's school as planned is not substantially more detrimental to the neighborhood than the existing use of the building and parking areas and will not derogate from the intent and purpose of the Zoning By-Law.

Decision:

On the basis of the evidence presented at the hearing, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote, grants the applicant a Special Permit under Sections 3.2.2 for a private school use; 3.3.2 for more than one non-residential building or use on a lot; and Section 5.1.3 to waive strict adherence to the off-street parking and design requirements of the By-Law, so as to permit Code Wiz Needham to establish a private school that runs coding and robotics classes, in leased space located on the lower level of the building located at 329 Chestnut Street (postal address of the leased premises is 333 Chestnut Street), Needham, MA in the Chestnut Street Business (CSB) District, all substantially in accordance with the Plans filed with the application, and subject to the following:

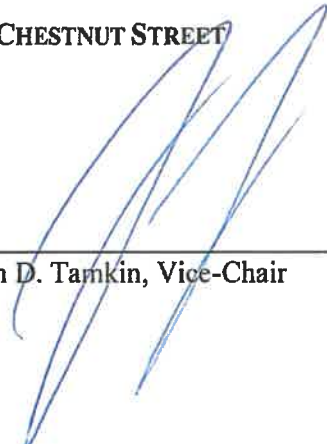
1. There will be a maximum of 15 students enrolled and five staff on site at any time;
2. CodeWiz Needham is an after-school program that will operate from 7:30 a.m. to 7:00 p.m. Monday through Saturday;
3. One handicapped parking space will be delineated in the parking lot with appropriate handicap signage;
4. There will be Code WizNeedham staff present and standing outside during all pick-up and drop-off periods;
5. CodeWiz Needham shall have five reserved staff parking spaces located on the side of the building and its lease for the property shall reflect the same;
6. There shall be no drop-off or pick-off of students conducted on Chestnut Street and all pick-up and drop-off of students shall occur on site in the parking lot; and
7. CodeWiz Needham's physical layout and its drop off, pick up and parking plans shall be conducted solely pursuant to the Plans filed with this application and as required by this Decision and there shall be no modifications without further approval by the Board.

SIGNATORY PAGE - 329 CHESTNUT STREET



Jon D. Schneider, Chair

SIGNATORY PAGE – 329 CHESTNUT STREET



Jonathan D. Tamkin, Vice-Chair

SIGNATORY PAGE – 329 CHESTNUT STREET



Howard D. Goldman, Member