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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit

***Scalliwags, LLC, applicant
1346 South Street
Map 209, Parcel 5***

April 28, 2022

Scalliwags, LLC, applicant, applied to the Board of Appeals for a Special Permit under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Section of the By-Law to waive strict adherence to parking and parking design requirements. This Special Permit is associated with the planned increase in enrollment over current levels at Scalliwags, a childcare facility. The property is located at 1346 South Street, Needham, MA in the Rural Residence-Conservation (RRC) District, and the Neighborhood Business (NBD) District. A public hearing was held remotely on Zoom, on Thursday, April 28, 2022 at 8:00 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped April 4, 2022.
- Letter prepared by George Giunta Jr. dated April 4, 2022.
- Memorandum of Support prepared by George Giunta, Jr., dated April 15, 2022.
- Final As Built Plan prepared by Christopher C. Charlton, Professional Land Surveyor, stamped and dated December 22, 2021.
- Plans EX102, A101-102 prepared by Duckham Architecture & Interiors, stamped by Kenton L. Duckham, Registered Architect dated November 1, 2021
- 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 15, 2022.
- Email from Chief Dennis Condon, Fire Department, dated April 8, 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 8:11 p.m. by reading the public notice

George Giunta, Jr., attorney representing the applicants, reported that the property is located in two zoning districts: the Neighborhood Business (NB) district and the Rural Residence Conservation (RRC) district. The majority of the property is located in the NB district. The property consists of 8,896 square feet of land with 78.7 feet of frontage. The premises are occupied by a one-story building with a detached garage built in 1965. In June of 2021 Scalliwags, a childcare program for infants to 3 year olds, occupied the building. The program current serves 25 children with six staff members. Based on the size and use, the program was permitted by-right.

The program plans to expand to 32 children with eight staff members. This increase in enrollment will increase the parking requirement under the By-law which means that the applicant needs relief as to the number of spaces and design of the spaces.

The current enrollment requires 11 spaces based on a calculation of five spaces for 25 students (one space per five students) and six spaces for staff (one space per one staff). The increased enrollment will require a total of 15 spaces: seven spaces for 32 students and eight spaces for staff.

There are a total of 11 spaces on site: five in front of the building, four tandem spaces in the driveway in front of the detached garage, and two in the garage. Because of the layout of South Street there is room to fit an additional two tandem spaces in front of the garage for a total of 13 spaces. A waiver for two spaces is required.

The parking lot was created before 1980 and prior to the adoption of off-street parking. It does not comply with current parking design requirements. A parking design waiver is required.

Because the children who attend Salliwags are dropped-off and picked-up, the spaces for parents are occupied on a temporary, short-term basis. Five spaces in front of the building are available for pick-up and drop-off. Mr. Schneider noted that the lot was congested. Lorraine Cronin, the property owner and manager of Scalliwags, responded that the drop-off and pick-up is staggered. The turn-around time for drop-off and pick-up is two minutes. In addition, not all staff drive. To date the lot has worked and there has been no issues.

Comments received:

- Planning Board made no comment.
- Building Department noted that all pick-up and drop-off of students should be conducted on site and not on the street.
- Engineering Department had no comment or objection.
- Health Department indicated that the property is serviced by a private septic system and a must be assessed by a professional septic system design engineer to determine if the system is adequate for the increased enrollment and a letter signed and dated on letterhead regarding the status of the system by the engineer must be submitted. In

addition, a Home on a Septic System application is required.

- Fire Department had no concerns.

Mr. Giunta responded that the septic system will be reviewed to determine the adequacy to handle the increase in enrollment... Mr. Schneider noted that approval of the septic system by the Health Department would be a condition.

Ron Anderson, 1360 South Street, is the closest abutting neighbor. He found Scalliwags to be an excellent neighbor. He was supportive of the program. He had no issues with the school or any concerns about the traffic or activities on site. He found the staff and parents to be courteous.

Mr. Goldman was supportive of granting a special permit. Mr. Goldman inquired if the hours of operation should be considered. Mr. Schneider was not sure it had an impact on the parking number and parking design waivers as the use is allowed of right. Mr. Tamkin felt the issue was the pick-up and drop-off logistics in a residential area and that the hours of operation could be addressed broadly to give the program flexibility. Mr. Schneider would like to see the parking spaces in front of the building left open for pick-up and drop-off and that staff park in the other spaces. The applicant was agreeable to such a condition.

Mr. Goldman moved Special Permit under Sections 5.1.1.5, 5.1.2, and 5.1.3 of the By-Law to waive strict adherence to the number of parking spaces and parking design requirements for the childcare facility located at 1346 South Street with the following conditions:

- there will be five spaces in the front of the building on-site designated for student pick-up and drop-off;
- all pick-up and drop-off shall occur in the parking lot and not in the private way that abuts South Street;
- the applicant seek approval from the Health Department regarding the septic system and that it be properly designed;
- that student enrollment not exceed 32 students at any one time; and
- that staffing not exceed eight at any one time.

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

The hearing adjourned at 8:30 p.m.

Findings

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

1. The premises is an 8,896 square foot parcel improved with a one story building, detached garage and an off street parking area. A majority of the parcel(including the buildings) is located in the Neighborhood Business District with a small rear portion in the Rural Residence Conservation District.
2. Since June 2021 the property has been used by the applicant as a childcare facility. The

use is permitted in the District.

3. Current enrollment is limited to 25 children and 6 staff. The applicant proposes to increase enrollment to 32 children and increase staff to 8 people.
4. Current enrollment and staffing require 11 parking spaces under the By-Law. There are 11 spaces on site including five in front of the building, four tandem spaces in front of the garage and two spaces in the garage. The applicant believes that two additional spaces can be added in front of the garage bringing the total to 13 spaces. The increased enrollment and staffing will require 15 spaces based upon one space for every five children and one space for every staff member. The applicant seeks a waiver of the required number of spaces. The applicant believes that the parking is sufficient because a) spaces used by parents are occupied for a short time as they drop off or pick up children, and b) not all staff members leave a car on the premises...
5. The increase in the number of spaces triggers a requirement to comply with the design requirements of By-Law.
6. Given that there is no permanent parking by students, there is a sufficient number of parking spaces and a waiver under Section 5.1.1.3 as to the required number of spaces is appropriate. Since the applicant cannot comply with design requirements without eliminating some or all of the parking spaces and there is no increase in the size of the existing building, special circumstances exist that support waiving the design requirements. Waivers are consistent with the criteria in Section 7.5.2.

Decision:

On the basis of the evidence presented at the hearing and 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 Section 5.1.1.5 of the By-Law waiving compliance with the required number of spaces under Section 5.1.2 and the design requirements of Section 5.1.3, subject to the following condition:

1. Applicant will mark two additional spaces in the parking area increasing the total number of spaces to 13;
2. Applicant will not allow staff to park in the five spaces in front of the building and will keep the five spaces available for drop off and pick of children;
3. All pick up and drop off of students will be from the five spaces in front of the building and will not be done from any street;
4. Student enrollment shall not exceed 32 at any time;
5. Staff shall not exceed 8 at any time;

6. Applicant must obtain approval from the Health Department as to the adequacy of the septic system.

SIGNATORY PAGE - 1326 SOUTH STREET



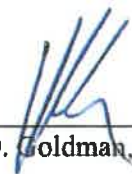
Jon D. Schneider, Chair

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Jonathan D. Tamkin, Vice-Chair

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Howard D. Goldman, Member