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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Amendment to Special Permit

***Temple Beth Shalom and Davenport Holding Properties, Inc, applicants
670 Highland Avenue,
28 Greendale Avenue, and 284 Webster Street
Map 71, Parcels 46, 47, 50***

May 19, 2022

Temple Beth Shalom and Davenport Holding Properties, Inc., applicants, applied to the Board of Appeals for an Special Permit Amendment under Sections 1.4.2, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to provide relief for the following: a) an extension of the 2015 Special Permit to expand the parking lot due to the acquisition of the properties at 284 Webster Street and 28 Greendale Avenue; b) a waiver of strict adherence to the parking space and parking design requirements; and c) the continuance of pre-existing nonconforming buildings and structures, and uses thereon. This request is associated with the demolition of the existing house and garage at 284 Webster Street and the construction of a parking lot connected to the existing Temple driveway and main parking lot; and the renovations of the house and garage at 28 Greendale Avenue for use as additional classroom space. The property is located at 670 Highland Avenue, 284 Webster Street, and 28 Greendale Avenue, Needham, MA in the Single Residence B (SRB) District. A public hearing was held remotely on Zoom, on Thursday, May 19, 2022 at 8:00 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped April 25, 2022.
- Letter from Robert T. Smart, Jr. dated April 25, 2022.
- Zoning Letter from Robert T. Smart, Jr. dated April 22, 2022.
- Plans prepared by Kelly Engineering, Sheets 1-3, stamped by David Noel Kelly, Professional Engineer dated April 22, 2022.
- 670 Highland Avenue – Special Permit – April 30, 2015.
- Letter from Jillian Erdos, Project Manager, Temple Beth Shalom, April 22, 2022.
- Parking Requirement Charts, April 22, 2022.
- Letter from Scott W. Thornton, P.E., Principal, Vanasse & Associates, Inc, April 21, 2022.

- Existing Tree Location Exhibit, prepared by Kelly Engineering Group, May 6, 2022.
- Disclosure of Appearance of Conflict of Interest – Howard Goldman, May 10, 2022.
- Disclosure of Appearance of Conflict of Interest – Peter Friedenberg, May 12, 2022.
- Email from Dave Roche, Building Commissioner, dated May 6, 2022.
- Letter from Thomas A. Ryder, Assistant Town Engineer, dated May 10, 2022.
- Email from Thomas A. Ryder, Town Engineer, dated May 12, 2022.
- Email from Tara Gurge, Assistant Public Health Director, May 10, 2022.
- Email from Chief Dennis Condon, Fire Department, dated May 2, 2022.
- Email from Chief John Schlittler, Police Department, dated May 10, 2022.
- Email from Harding Ounanian, Jr., May 18, 2022.
- Letter from Dan and Gale Endyke, May 3, 2022.
- Letter from Steven and Kathleen Sussman, May 18, 2022.
- Email from Matt Scheufelle, May 18, 2022.
- Letter from Ashly E. Scheufele and Russell J. Smith, May 18, 2022
- Email with photo attachments from Holly Charbonnier, May 18, 2022.
- Public On-line Submittal from Ken Lundberg, June 4, 2022.
- Letter from Robert T. Smart, Jr., May 16, 2022.
- Preliminary Planting Plan L-1 prepared by Hammer & Walsh Design, Inc., May 13, 2022.
- Letter from Robert T. Smart, Jr., June 15, 2022.
- Final Planting Plan, L-1 prepared by Hammer & Walsh Design, stamped by David Michael Walsh, Registered Landscape Architect, June 14, 2022.
- Temple Beth Shalom and Davenport Holding Properties, Inc, 2022 Special Permit Application Proposed Special Permit Conditions, prepared by Ashley Sheufele, dated May 16, 2022
- Revised Final Planting Plan L-1, 1 prepared by Hammer & Walsh Design, stamped by David Michael Walsh, Registered Landscape Architect, June 16, 2022.

May 19, 2022

The Board included Jon D. Schneider, Chair; Howard S. Goldman, Member; and Nik Ligris, Associate Member. Also participating was Peter Friedenberg, Associate Member. Mr. Schneider stated that Mr. Goldman and Mr. Friedenberg are members of Temple Beth Shalom. Town Counsel was consulted and determined neither Mr. Goldman nor Mr. Friedenberg have a financial interest or conflict in this matter. Additionally, both members filed Disclosures of Appearance of Conflict of Interest with the Select Board and Town Clerk as required by state law. Mr. Schneider opened the hearing at 8:10 p.m. by reading the public notice.

Robert T. Smart, Jr., attorney representing the applicants, reported that there were two applicants- Temple Beth Shalom ("Temple") and Davenport Holding Properties, Inc. ("Davenport"). The project involves two 10,000 square foot properties located at 284 Webster Street and 28 Greendale Avenue. Prior to the commencement of work, Davenport will convey the properties to the Temple so the property will be a single lot.

The Temple proposes to demolish the house built in 1894 and the garage built in 1993-1994 at 284 Webster Street and construct a parking lot of 27 spaces which will connect to the existing

main parking lot. The additional parking spaces are to accommodate the parking needs associated with the educational programs. Four spaces will be removed from the current parking lot to allow an egress from 284 Webster Street. Two regular spaces will be removed from the existing lot and be replaced with a handicapped space. With the loss of five existing spaces, there will be a total of 22 new spaces.

The Temple intends to renovate the interior of the house and garage at 28 Greendale Avenue for additional classroom space. An exterior handicapped ramp will be added to the garage building.

In 2015 when the Board granted a Special Permit to the Temple, membership was 800 member families with a preschool enrollment of 148 students and a religious education enrollment of 80 students, staffed by a maximum of 35 employees. Currently there are 1039 member families, with a maximum of 190 students on site and a maximum of 40 employees.

The demand for parking spaces, however, has decreased because of the live drop-off and pick-up and the arrival of students by bus which stops on Highland Avenue. The implementation of a parking re-route for the late afternoon pick-up has reduced back-up into the neighboring streets. The closing of a curb cut will also decrease the traffic on Highland Avenue.

The Temple is currently used for religious services, religious education and a pre-school. These uses will not change with the addition of the two lots. Non-conformities will be reduced by the project: the FAR decreases from 4.4% to 4.1% and the lot coverage from 22.1% to 20.8%. All other non-conformities will not change.

There is a parking requirement in the By-law of 121 parking spaces which exceeds the 110 parking spaces available. The Temple is requesting a parking waiver of 11 spaces. Based on the review of the parking plan by Vanasse and Associates, Inc. ("VAI"), *"the project will not likely result in a substantial change in the intersection operations from those projected in a 2015 VAI traffic and study."* The lot circulation is expected to improve on site and on the streets adjacent to the Temple.

Comments received:

- Planning Board noted the importance of retaining the components of the site circulation plan; the need to provide safe pedestrian link between the classroom spaces on Greendale Avenue and the Temple; a proposal to relocate the administrative functions of the Temple to Greendale Avenue and move the classrooms to the Temple; and that a landscape plan be provided.
- Building Department was in favor of the project.
- Engineering Department requested a parking lot illuminations plan, a landscape plan, stormwater calculations and a letter identifying the NPDES Public Outreach and Education and Public Participation and Involvement Control Measures selected be provided.
- Health Department noted that a demolition permit was needed prior to the demolition at 284 Webster Street; that pest control measures be conducted; and a completed Health Division Food Permit Plan Review packet was required for approval for a food permit to be issued
- Fire Department had no comment.

- Police Department had no concerns.

Mr. Smart responded to the above comments as follows:

The Engineering Department – The Town Engineer was satisfied with the requested materials being submitted after the Decision is rendered.

The Planning Board -The components of the site circulations will be maintained; the third grade and older students located at the Greendale Avenue location will be escorted at all times by an adult; and it was not feasible to switch the Temple administration location with the Greendale Avenue educational programing.

The Health Department – The Temple will comply with all the requirements required by the Health Department.

Mr. Smart responded to comments from the neighbors as follows:

- no change to the landscaping is planned at the Greendale Avenue site;
- no trees are planned to be removed at 670 Highland Avenue, except for the tree between 284 Webster Street and the Temple;
- the trees and shrubs at 284 Webster Street will be removed and replaced with superior trees and plantings, and the screening will be better than what is there currently;
- the Temple as an abutter to Davenport Road has a right to the road and is using the road in the drop-off of children as part of Covid control protocols. As soon as the children under five years old can be vaccinated per the CDC, Davenport Road will no longer be used except for occasional High Holy Days and large events;
- the additional project parking will alleviate some of the on-street parking during High Holy Days and large events;
- there will be no drop-off, pick-up or deliveries at the Greendale Avenue lot and only a few staff members will be parking there. This activity is less than what is happening currently with two residences.

Mr. Schneider had no problem with Engineering issues being conditions in the Decision.

Garrett Horsfall, engineer with Kelly Engineering Group, reported that the traffic circulation pattern at the site will follow the clockwise circulation that currently exists at the site, entering and exiting on Webster Street.

Mr. Horsfall noted there is a six-foot high, white vinyl stockade fence between 284 Webster Street and 14 Greendale Avenue with access curb cuts on Webster Street and Greendale Avenue. The existing fencing will be maintained. 28 Greendale Avenue has two access curb cuts one on Greendale Avenue and another on Davenport Road. There is a similar fence between 284 Greendale Avenue and 22 Greendale Avenue which will also be maintained.

Mr. Horsfall said there will be 27 new parking spaces in the Webster Street lot with access from the current Webster/Greendale Avenue site curb cut. There will be a one-way traffic flow through the lot where the circulation will pick-up the existing site circulation pattern.

The increase in parking spaces increases the AAB requirement for handicapped parking and access into the building. A handicapped parking space will replace two parking spaces at the 28 Greendale Avenue site. All the required stormwater regulations will meet state and local standards. There will be shielded LED lighting in place that will have no off-site light or glare spillage to abutting properties.

Landscaping will be provided along the Webster Street lot and 14 Greendale; and the curb cut on Greendale Avenue will be closed in coordination with DPW.

David Walsh, landscape architect with Hammer and Walsh Design, Inc., presented the Landscape Planting Plan reporting they had been engaged only a week ago. He noted that two Honey Locusts will be planted on the far east corner of the lot. A row of Arborvitae will be planted along the vinyl fence with Eastern Red Cedars and White Pines. A dense vegetative screening is planned along Greendale Avenue with a Cherry and a Maple to provide seasonal color and interest. Along the north side there will be a green low growing strip.

Mr. Goldman inquired if the neighbors were given sufficient time to review the landscape plan considering the recent engagement of Hammer and Walsh Design. Mr. Smart responded that this is the second iteration of the plan. The first plan was shared with the neighbors on May 13, 2022. The neighbors asked for more detail information on the plant material regarding the size at installation and at maturity. This revised plan was shared with the neighbors on May 17, 2022.

Mr. Goldman requested clarification about the relationship between the Temple and Davenport. Mr. Smart responded that the Temple acquired the properties a few years ago. Davenport holds the title to the properties. The Temple owns Davenport. The titles will be transferred from Davenport to the Temple prior to construction so there will be one lot for zoning purposes.

Mr. Friedenberg asked if an 81X plan was being filed to consolidate the lots. Mr. Smart responded that the Temple wanted to avoid that option since the Temple is registered land and the Davenport lots are recorded land. There is a plan that illustrates the Temple property and lots as one property. He did not think that a lot consolidation plan was required.

Mr. Ligris wanted more information about the educational programing at 28 Greendale Avenue. Ellen Dietrick, Director of Early Childhood Learning, reported that four classrooms would be housed at the Greendale site, two in each building, a classroom on each floor. There will be 12 students per class of third graders and up. The classes will run from 3:00 p.m. to 6:00 p.m. Monday to Friday. They will be no evening classes. Students are currently enrolled in the Temple's program in temporary hallway space. There will be no pre-school use. There will be no drop-off or pick-up at the site and there are two parking spaces for staff.

Mr. Friedenberg wanted clarification about the Temple's census for the day care and religious education in 2015, currently and the future projections. He wanted there to be a rational relationship between the parking need and the day care and religious education enrollment and wondered whether a cap on enrollment was necessary. Mr. Schneider had the same concerns.

He felt that the increase in Temple membership from 800 families to over 1039 families since 2015 was a result of the quality of the educational programming provided. Mr. Schneider was unclear whether the Board could impose a condition on the size of enrollment and how it would arrive at the number for a limit. Mr. Smart noted that the Dover Amendment comes to play and that the proposed parking is to accommodate the existing situation and the parking demand from the new classroom space. Mr. Schneider noted that the 20% increase in membership is matched by the proposed 20% increase in parking spaces. Mr. Smart argued that the traffic circulation for pick-up and drop-off, and students arriving by bus reduced parking demand.

Ashley Sheufele, 52 Greendale Avenue, acknowledged she participated in the 2015 Temple expansion as a concerned neighbor. In comparison, she felt there was insufficient time this time to work with the Temple on this proposal as the first neighborhood meeting was held just ten days ago. She is gratified that the Temple community is successful and thriving. She noted that parking is a prohibited use in the SRB district and would like more time to discuss and review this issue. Her main concern was the daily use by the Temple of Davenport Road. It is a narrow, unpaved road used by pedestrian children. She was concerned about safety of the 50 children who use the path to access the woods.

Steven Sussman, 30 Davenport Road, felt that insufficient time was provided by the Temple to review the proposal. He was concerned about the tenants who will be displaced by the project; the large trees being removed; lights left on after night programming; the dead landscaping and the use of Davenport Road. He was concerned about future expansion of the Temple and the impact of expansion on the neighborhood. He would like the Town to set limits on future expansion. Mr. Schneider noted that the Temple is protected by the Dover Amendment and the Town cannot use zoning to limit religious education.

Mr. Sussman was also concerned about the bus drop-off on Highland Avenue and its future once the Highland Avenue improvements are completed. Ms. Erdos responded that the Highland Avenue bus stop lane, used to deliver 100 children, was designed specifically for Temple use as a designated bus stop by Mass Highway and its current location is part of the Highland Avenue Improvements.

Valerie Maio, 15 Park Avenue, was concerned about the displacement of the tenants and the difficulty in finding housing for a low-income, long-term tenant who is a single-parent with children. Ms. Maio requested that the Temple provide relocation support. Jillian Erdos, Project Manager, responded that there are four tenants at will who were given 60-day notices in March. They were told of the Temple's intentions in October. One tenant has already vacated. The Temple has worked directly with the tenants and is open to providing further support.

Ms. Dietrick said that the Temple has been working with a tenant and a non-profit to assist in securing housing. The Temple and the non-profit are providing financial support.

Russell Smith, 52 Greendale Avenue, argued that the Dover Amendment does allow responsible restrictions. He encouraged the Board to review the submitted neighborhood comments. He was concerned about the daily use of Davenport Road by the Temple and the impact on the safety of children who use the road in the summer and afterschool.

Holly Charbonier, 94 Sachem Road, was concerned about the use of Davenport Road by the Temple and requested an irrigation plan be provided to ensure plant success.

Joni Schockett, 174 Evelyn Road, requested that lights not be left on all night, Davenport Road not be used, and tall trees be planted to provide a visual and sound barrier.

Mr. Schneider suggested that the hearing be continued to allow time for the Temple and neighbors to come to an understanding about Davenport Road and for the neighbors to review the updated landscape plan. The Board concurred.

Mr. Goldman suggested an illumination plan be provided.

Mr. Ligris moved to continue the hearing to the June 16, 2022 meeting. Mr. Goldman seconded the motion. The motion was unanimously approved.

The meeting adjourned at 9:45p.m.

June 16, 2022

The Board included Jon D. Schneider, Chair; Howard S. Goldman, Member; and Nik Ligris, Associate Member. Also participating was Peter Friedenberg, Associate Member. Mr. Schneider opened the hearing at 8:34 p.m. by reading the public notice.

Mr. Smart reported that there were several issues of concern raised by the neighbors: the landscaping plan; the reduction of traffic on Davenport Road; no pick-up and drop-off of students on Greendale Avenue and preserving the vegetation at 28 Greendale Avenue.

Since the May hearing, the Temple held a meeting and maintained communications with the neighbors. Ms. Shuefele drafted a list of proposed conditions which has been agreed upon by the Temple. Though she is not an official representative of the neighborhood, she is acting as a spokesperson and a liaison between the Temple and neighbors.

The neighbors were satisfied with the Landscape Planting Plan dated June 14, 2022. However, Mr. Walsh, noticed an error which was corrected in the plan dated June 16, 2022.

Nelson Hammer, RLA, Hammer and Walsh Design Inc., reported that the range size of the shade trees have been increased between 3½" to 4 ½" caliper trees. This change provides the height the neighbors are seeking for the shade trees. He is recommending that the construction documents specify the caliper with an 18 feet minimum height.

Ms. Shuefele explained that she did not represent anyone other than herself. She is satisfied with the changes but has not seen the revised plans dated June 16, 2022. Mr. Schneider expressed his appreciation for her contributions in working to resolve issues with the Temple and drafting proposed conditions.

Ken Lundberg, 290 Webster Street, was supportive of the proposed conditions which reflect the neighbors' agreed discussion points.

Mr. Sussman was in general support of the proposal. He was concerned about the lack of communication and follow through by the Temple. Issues from 2015 Special Permit are trash and leaving lights on all night after evening activities. It was suggested he contact Ms. Dietrick regarding the light blocking shades and the dead trees.

Mr. Goldman was concerned about the students walking between the building. Ms. Dietrick responded that the Department of Early Education and Care determines how the children are moved safely between buildings. The Temple is in compliance with the regulations. Mr. Goldman was gratified that the Temple is providing the parking to meet the growing education demand, and the outreach efforts between the Temple and neighbors to seek consensus on the landscaping and Davenport Road restrictions.

Mr. Goldman moved to grant the Special Permit Amendment under Sections 1.4.2, 5.1.1.5, 5.1.2, and 5.1.3 to provide relief for the following: a) an extension of the 2015 Special Permit to expand the parking lot due to the acquisition of the properties at 284 Webster Street and 28 Greendale Avenue; b) a waiver of strict adherence to the parking space and parking design requirements; and c) the continuance of pre-existing nonconforming buildings and structures and uses thereon. This request is associated with the demolition of the existing house and garage at 284 Webster Street and the construction of a parking lot connected to the existing Temple driveway and main parking lot; and the renovations of the house and garage at 28 Greendale Avenue for use as additional classroom space as presented in the plans submitted with the following:

- the inclusion of the six conditions drafted by Ashlely Scheufele and agreed by the Temple and the neighbors;
- the Final Planting Plan dated June 16, 2022; and
- the submission to the satisfaction of the Engineering and Health Departments of all requested pending materials.

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

The meeting adjourned at 9:10 p.m.

Findings:

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

1. The Temple is a non-profit corporation that operates an institution for religious worship, religious school and preschool day care center on approximately 113,760 square feet of land at the intersection of Highland Avenue and Webster Street in the Single Residence B District.
2. The applicant significantly expanded the building on the premises pursuant to a Special Permit dated April 30, 2015. ("2015 Permit"). The project involved adding approximately 22,379 square feet to an existing building that contained approximately 28,648 square

feet. The addition was to be used primarily for additional classroom space, additional day care space, a second social hall and additional offices. The addition did not contain any worship space and the Temple, at that time, did not contemplate any increase in the size of its congregation.

3. The 2015 project did not involve any change to the on-site parking. The parking lot contained 88 spaces. The Building Inspector calculated that the applicant was required to have 89 spaces under the By-law for its week day operations and 110 spaces during worship services, but that it might need 267 spaces at its busiest time on the High Holy Days and well attended funerals. The applicant has an active parking management plan for the busy times that involves parking off site with shuttle service and co-ordination with the Police Department. The 2015 Permit waived By-law requirements as to the number of spaces and design of parking spaces.
4. The 2015 Permit also involved a waiver of various dimensional restrictions including the limit on height of the building, waiver of FAR limitations and waiver of lot coverage limitations. The 2015 Permit imposed various conditions including installation of light blocking shades to prevent light pollution during evening activities and that plants and trees be maintained in good condition.
5. The Temple has acquired two residences adjacent to existing premises each containing 10,000 square feet. The applicant proposes to demolish the house at 284 Webster Street and convert the property to parking. The applicant proposes to renovate the interior of the property at 28 Greendale Avenue and convert it to classroom space. The two residences are currently owned by Davenport which is an entity controlled by the Temple. Davenport will convey both properties to the Temple prior to demolition or construction.
6. The property at 284 Webster Street will be landscaped in accordance a landscape plan negotiated with the neighbors dated June 16, 2022. The parking lot on this site will contain 27 spaces. In order to access this new parking lot, the applicant will remove 4 existing parking spaces. The applicant also proposes to combine two existing spaces into a handicap space. The net result is an increase of 22 parking spaces for total of 110 parking spaces.
7. While the applicant did not contemplate any increase in its membership as a result of the 2015 construction, the membership has increased significantly from 800 families in 2015 to 1039 at present. The maximum number of children on site was limited to 125 after the expansion in 2015. The applicant now proposes that the maximum number increase to 190 children with the increase in classroom space. The addition of the two properties will decrease the non-conformity in the FAR and lot coverage, but all other non-conformities will remain.
8. The applicant has an extensive plan for the arrival and departure of children including a drop off/pick up line in the parking lot and transportation by bus to a bus stop on Highland Avenue that has been designed in coordination with the improvements to Highland Avenue currently underway. These plans reduce the need for parking in

connection with religious education and preschool day care activities. Few, if any, of the students drive and park at the premises.

9. Neighbors expressed a number of concerns in connection with the proposed expansion. Most noticeably, none of the neighbors asserted that the parking was inadequate for the ordinary operations of the Temple.
10. A significant concern was the use of Davenport Road, a narrow private road, for daily traffic in connection with day care drop off and pick up. The Temple has agreed to block the use of Davenport Road as of September 30, 2022 and to use Davenport Road only on High Holy Days and special circumstances of unusual activity such as an emergency or large funerals.
11. Neighbors also were concerned with the preservation of trees and landscaping of the new parking lot. The Temple and Neighbors have reached an agreement on these issue that will be incorporated into this Decision.
12. Neighbors expressed concern that the Temple has not observed conditions of the 2015 Permit relating to preventing light pollution from evening activities and proper maintenance of trees and plants. The Board will repeat those restrictions in this Decision. If there are issues with compliance, the neighbors should contact the Temple. If the issues are not resolved, the neighbors should report violation of conditions to the Building Commissioner who is the zoning enforcement officer for the Town.
13. Neighbors also expressed frustration with continued expansion of the Temple, but the Board has limited authority under the Dover Amendment and Section 1.2 of the By-law to limit expansion. Under applicable case law, the Board must strike a reasonable balance between Temple's educational and religious needs and the impact on the neighborhood. Specific dimensional and parking requirements may not be enforceable in some circumstances where they interfere with the educational and religious needs of the institution.
14. Expansion of parking onto the lot at 284 Webster Street is a reasonable extension of the Temple. The use is allowable under the Dover Amendment and Section 1.2. The expansion will provide adequate parking for the new classrooms and serve the expanded congregation.
15. While the addition of new classroom space will increase the deficit in the number of parking spaces required under the By-law on week days from 1 to 11, the parking needs are reduced by the fact that many of the religious education students using the new classrooms arrive and leave by bus and few, if any of them, utilize parking. The educational classes operate at a time when there are no worship services further reducing the overall need for parking. Waiver of the required number of parking spaces is appropriate.
16. Given the lack of space, the existing parking cannot comply with design requirements

without a significant loss of spaces. The parking is monitored by the Temple and has worked for many years. Special circumstances exist to waive the design requirements.

17. Conversions of the property at 28 Greendale for use as religious education classrooms is a use permitted by the Dover Amendment and Section 1.2 of the By-law.

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 an amendment to the 2015 Permit to a) allow an expansion of the parking lot onto the property at 284 Webster Street and the modification of existing parking lot by the elimination of four spaces and the combination of two spaces into one handicap space as shown on the plans presented at the hearing .b) allow the conversion of the property at 28 Greendale to classroom space as shown on the plans presented at the hearing, c) waive the requirements under Section 5.2.1 as to the number of parking spaces so long as there are 110 parking spaces in accordance with the plans presented at the hearing, d) waive the design requirements under section 5.2.1 with respect to the existing parking spaces so long as they are maintained in accordance with the plans presented at the hearing. and e) allow the continuation of pre-existing non-conforming buildings and structures and uses, subject to the following conditions:

1. Beginning September 30, 2022, the Temple and Davenport (collectively, "Applicant") will stop using the entrance/exit from the Temple parking lot onto Davenport Road ("Davenport Exit") on a regular basis and such use shall be prohibited except for High Holy Days, occasional high attendance events, including but not limited to high attendance funerals, and emergency access and egress. In any event, Applicant shall not use the Davenport Exit or Davenport Road for student pick-up and drop-off as of September 30, 2022. Beginning September 30, 2022, Applicant is required to maintain a moveable physical barrier at the Davenport Exit, which can be removed during the occasional high attendance events referenced above and for emergency access and egress. Applicant will not create any new entrance or exit onto Davenport Road.
2. Applicant is required to install landscaping according to the landscape plan dated June 16, 2022 presented to the hearing (the "Landscape Plan"). If the plants/trees specified in the Landscape Plan are not available or are significantly beyond budgeted range, substantially similar plants/trees, at the same sizes, will be installed. Applicant shall continue to maintain these new trees and landscaping in good condition and in accordance with its obligations under the 2015 special permit.
3. Student pick-up/drop-off are prohibited at 28 Greendale Avenue. Student pick-up and drop-off will take place via the Temple's main entrance off Webster Street and by buses on Highland Avenue. No student pick-up or drop-off will be intentionally routed onto Greendale Avenue. Applicant will periodically, and at least at the start of any school session, instruct families of its students not to queue or park vehicles on Greendale Avenue for school-related events, including pick-up and drop-off. No more than four vehicles may

be parked at 28 Greendale Avenue, except during construction and when repairs are being made. Applicant will not house a dumpster at 28 Greendale Avenue except during construction.

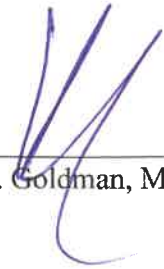
4. The work at 28 Greendale Avenue proposed in this application shall be primarily limited to interior renovations, except as necessary to complete the project (removal and replacement of garage doors, construction needed for handicapped access, HVAC or similar outdoor work related to the interior construction of classrooms). Applicant shall not remove any trees, plants, or shrubs taller than 4 feet at 28 Greendale Avenue, or on those portions of 670 Highland Avenue between 28 Greendale Avenue and its existing parking area/Davenport Exit at 670 Highland Avenue except the one tree between 28 Greendale and 670 Highland Avenue described at the Hearing.
5. Nothing herein is intended to modify Temple obligations concerning trees and landscaping contained in its 2015 Permit nor its obligation to prevent light from disturbing neighbors. All obligations shall continue as specified in that Special Permit.
6. At 28 Greendale Avenue, Applicant will not install permanent signage that faces Greendale Avenue or Davenport Road except a plaque or placard on the building no larger than 18" by 18". Any other signage shall comply with all requirements of the By-law.
7. Applicant shall receive approval of the Town Engineering Department after submission of documents that such Department requests including a parking illumination plan, stormwater calculations and a letter identifying the NPDES Public Outreach and Education and Public Participation and Involvement Control Measures to be provided.

SIGNATORY PAGE- 670 HIGHLAND AVENUE



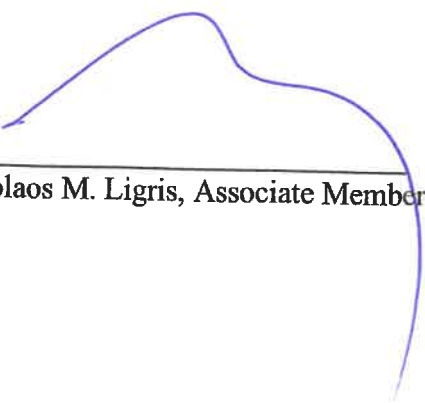
Jon D. Schneider, Chair

SIGNATORY PAGE – 670 HIGHLAND AVENUE



Howard S. Goldman, Member

SIGNATORY PAGE – 670 HIGHLAND AVENUE



Nikolaos M. Ligris, Associate Member