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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
SPECIAL PERMIT**

***Plan B Retail Design and Management, LLC, applicant
377 Chestnut Street (Roche Bros.)
Map 46, Parcel 22***

September 15, 2022

Plan B Retail Design and Project Management, LLC, applicant, applied to the Board of Appeals for a Special Permit under Sections 1.4.6, 5.1.3j and 5.1.3k and any other applicable Sections of the By-Law to allow the change of a pre-existing non-conforming building and to waive the parking design requirements associated with the modification of the parking lot and reduction of two curb cuts into Chestnut Street. The relief sought is part of the renovations of the existing building at Roche Brothers supermarket. The property is located at 377 Chestnut Street, Needham, MA in the Chestnut Street Business (CSB) and Lower Chestnut Street Overlay (LCSO) District. A public hearing was held remotely on Zoom, on Thursday, September 15, 2022 at 7:30 p.m.

Documents of Record:

- Application for Hearing, Clerk stamped August 19, 2022.
- Revised Application for Hearing (Page 2 and Statement of Relief Sought) submitted by email August 28, 2022.
- Proposed Renovation Plans for Roche Bros. 377 Chestnut Street, G1, EX, FP, EQ, A2-A4, A7, A8.1, prepared by Plan B Retail Design & Project Management, LLC, stamped by D. F. Valente, Registered Architect, dated August 18, 2022.
- Parking Lot Renovations, V-101, C-101-103, C-104.1-104.2, C-105, L-101, L-501, C-501-505 prepared by Allen & Major Associates, Inc. stamped by Timothy J. Williams, Professional Engineer, dated August 12, 2022 and revised on September 20, 2022.
- Perspective Views, submitted by Plan B Retail Design
- Traffic Analysis Letter from Rick Bryant, PE, Senior Associate, Stantec Consulting Services, dated August 31, 2022.
- Letter from Sarah Broughel, Trustee, Choate Hall & Stuart LLP, dated August 22, 2022.
- Holophane Manufacturer Details, Wallpack Full Cutoff LED, Decorative Building Mounted Luminaire.
- Email from Chief John Schlittler, Police Department, August 24, 2022.
- Email from Dave Roche, Building Commissioner, August 31, 2022.
- Email from Chief Tom Conroy, Fire Department, September 2, 2022.

- Email from Tara Gurge, Assistant Health Director, September 6, 2022.
- Letter from Lee Newman, Director, Planning and Community Development, September 6, 2022.
- Letter from Thomas A. Ryder, Town Engineer, September 6, 2022.
- Report of the Design Review Board, September 12, 2022.
- Revised plans dated September 20, 2022 submitted subsequent to the hearing

September 15, 2022

The Board included Jon D. Schneider, Chair; Jonathan D. Tamkin, Vice-Chair, and Howard Goldman, Member. Nik Ligris, Associate Member, was also in attendance. Mr. Schneider opened the hearing at 7:45 p.m. by reading the public notice.

Chuck Bomely, Principal of Plan B Retail Design and Project Management representing the applicant, reported that Roche Bros. Supermarket located at 377 Chestnut Street will undergo a major interior renovation with new mechanical systems. The interior will be gutted, and the overall square footage will be reduced slightly. There will be a new front two-story entrance facing Chestnut Street with a new mezzanine. There will be a small vestibule addition of 36 square feet at the front south side of the building where the bottle redemption will be located with a separate door.

The building has one non-conformity. The back south corner of the building has a rear setback of 22.5' where the By-Law requires a 25' setback. This non-conformity will remain unchanged. All new alterations will be compliant with Zoning.

Currently there is a wood shed that sits outside the property boundary. It will be removed and replaced with a new larger steel shed in the same general area within the property. The shed will be used for redemption storage. It will be located at a 0' side setback which is allowed in the Lower Chestnut Street Overlay (LCSO) District under Section 3.9.4.1 of the By-Law.

Mr. Bomely reported that the project was reviewed by the Design Review Board (DRB) who were satisfied with the proposed façade changes.

Mr. Bomely presented the changes to the parking lot. The plan proposes to remove two of the three existing curb cuts to improve the circulation of this small active site. All the exit and entrance traffic will use the single curb cut. There are currently 84 parking spaces including two handicapped spaces. After discussions with the DRB, there will be a decrease of three parking spaces. The applicant will be providing 81 parking spaces, more than the 59 parking spaces required.

The DRB was concerned that one of the handicapped parking required traveling behind the other handicapped parking space. The DRB recommended that the pedestrian walkway be made of contrasting paving and stripping and be extended to connect to the handicapped spaces. The applicant agrees to this solution.

The DRB noted that the first parking space in the row along Chestnut Street would be difficult to use. The DRB suggested that the space be eliminated, and the landscaped island be increased into the space. This larger landscaped island would be an improvement in safety and pervious surface area. The applicant was in support of this recommendation.

The DRB recommended the elimination of the space on the right end front corner next to the pick-up boxes and the lower left corner parking space behind the neighboring building. The applicant had no objection to the recommendation. These two spaces will be used for collections of carts.

Mr. Schneider requested a description of the landscaping proposed. Mr. Bomely responded that all the islands, approximately 3,800 square feet of landscaped area, will have low growth plantings providing an improvement over current lot conditions, with 6% of the lot area landscaped.

The applicant is proposing lot lighting on 25' tall poles. This height was selected to obtain the proper photometric. There will be no light spillage encroaching into abutting properties. The DRB discussed reducing the height of the polls, but ultimately agreed with the applicant's proposal.

Mr. Goldman inquired if there was any grocery pick-up at the location. Roger Bowles, Roche Brothers Senior-Vice President of Operations, responded that the location uses Instacart services. The plans include lockers for e-commerce pick-up services to be available.

Comments were received from:

- The Building Commissioner noted that because the lot is a complete reconstruction the roof drainage must be recharged into structures under the parking lot. He noted that the parking lot is seeking various design waivers. He also identified that the building is non-conforming as to a rear setback but that all new alterations proposed are compliant. He had no issues with the plans submitted.
- The Fire Department had no concerns.
- The Engineering Department received modification to the drainage system per their request. They had no issues with the plans submitted.
- The Planning Board had no comment.
- The Police Department had no issues.
- The Health Department requested that the applicant fill out and submit an online Public Health Food Permit Plan including a retail store layout plan, along with proposed equipment and cosmetic surface specifications sheets showing the new changes. Accessible separate trash and recycling dumpster and containments to prevent pests must be provided. The applicant must submit a Demolition/Renovation review online.
- The Design Review Board submitted a report. Main points were discussed in detail. See above discussion.

There were no comments from the public.

Mr. Bomely has spoken with the Health Department and was well aware of the requirements. He will be submitting the required information.

Mr. Tamkin inquired when the applicant can submit plans revised for the changes described at the hearing. Mr. Bomely responded that the revised plans will be submitted in a few days. The applicant wants to start the project in January. The store will be closed for four to five months. Mr. Bomely estimates the project will be completed in four months by having the contractors working in double shifts on the project.

Mr. Tamkin believed the curb cut closures would be an improvement to circulation.

Mr. Goldman thought the plan to be well thought out. He does want the applicant to submit revised plans reflecting the changes discussed – the lost parking spaces into the changed landscaped island and cart stations, and the pedestrian walkway.

Mr. Tamkin moved to grant a Special Permit to allow the change of a pre-existing non-conforming building and to waive the parking design requirements associated with the modification of the parking lot and reduction of two curb cuts into Chestnut Street subject to the submission of a revised final plan to reflect the changes as discussed: the elimination of three parking spaces; the associated modification to a landscaped area and the replacement of two-parking spaces into cart spaces; the extension of the walkway behind the handicapped parking spaces; and the removal of the shed out of the abutting property. Mr. Goldman seconded the motion. The motion was unanimously approved.

The meeting adjourned at 8:31 p.m.

Findings:

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

1. The premises is a 62,873 square foot lot improved with a one-story brick building containing 17,667 square feet located in the Chestnut Street Business District and Lower Chestnut Street Overlay District. The property has been operated as the Roche Brothers supermarket for over 50 years.
2. The applicant proposes to renovate the building adding a mezzanine, 36 square feet of additional space to square off the entrance and a new façade. The applicant also proposes to redesign the parking lot.
3. The building is non-conforming in that the left rear corner is 22.5 feet from the rear lot line as contrasted with the required 25 feet. There was no presentation of the zoning at the time the building was constructed to show that it was originally in compliance with zoning. However, under MGL Chapter 40A, Section 7 any non-conforming building that has been in existence for more than 10 years without a challenge is deemed to be legally non-conforming.
4. Under the renovation plan, a shed to the rear used for office space will be removed and replaced with a mezzanine office and conference room over the building entrance. There will be 36 square feet added near the entrance to square off the building. The addition will be a total of 476 square feet. There will be a new façade and the entrance will be relocated to the front of the building. There will be no material change to the size or shape of the building. The Design Review Committee has reviewed and approved the proposed renovation (although the applicant will need to obtain further approval of signs).
5. Under Section 1.4.6 the Board may approve an alteration or expansion of a non-conforming building. The proposed building will not be substantially more detrimental to the neighborhood than the existing non-conforming building and will not place the

building in violation of any dimensional, parking or intensity regulation with which the structure was theretofore in conformity. The issuance of a Special Permit is consistent with the criteria of Section 7.5.2.1.

6. The proposed redesign of the parking lot includes elimination of two curb cuts onto Chestnut Street so that all vehicles will enter and exit through a single renovated entrance. The redesign will add landscaping along Chestnut Street, the front of the building and on several islands in the parking lot resulting in 6% of the parking lot being landscaped as contrasted with the current absence of landscaping and the 10% required by Section 5.1.3. In response to comments from the Design Review Board, the applicant has agreed to eliminate two parking spaces from the plan submitted with the application and convert them to collection areas for shopping carts. The applicant will also eliminate a parking space near the Chestnut Street entrance and convert it to landscape area. The applicant will add a marked walkway behind the handicapped parking spaces.
7. The proposed changes will reduce the number of parking spaces from 84 to 81. With the renovated building containing 18,143 square feet of retail and office space the By-law requires 61 spaces (one per 300 square feet), so the applicant does not need a waiver as to the number of spaces.
8. The proposed parking lot does not meet the By-law requirements for landscaping or setbacks from property lines.
9. The applicant is constrained by the size and shape of the lot. The proposed renovations are an improvement over existing conditions with the elimination of two curb cuts and addition of landscaping. The parking lot has existed for many years. The applicant is not expanding the building in a material manner. Full compliance with design requirements would cause the loss of many parking spaces. Special circumstances exist for the waiver of design requirements.

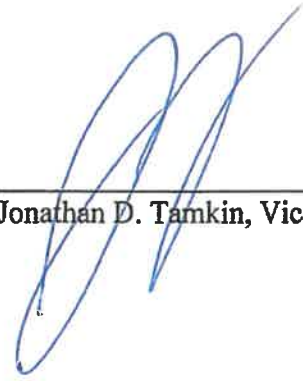
Decision:

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 (a) a Special Permit under Section 1.4.6 for the alteration and enlargement of the building in accordance with the building renovation plans submitted at the hearing, and (b) a Special Permit under Section 5.1.1.5 waiving design requirements so long as the parking lot is redesign and landscaped in accordance with the parking lot renovation plans dated August 12, 2022, revised on September 20, 2022 and submitted to the Board.

SIGNATORY PAGE – 377 CHESTNUT STREET


Jon D. Schneider, Chair

SIGNATORY PAGE – 377 CHESTNUT STREET



Jonathan D. Tamkin, Vice-Chair

SIGNATORY PAGE – 377 CHESTNUT STREET

Howard S. Goldman, Member