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**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

COMPREHENSIVE PERMIT

***Needham Enterprises, LLC, Owner Applicant
339 Chestnut Street
Map 46, Parcel 54***

April 17, 2025

Needham Enterprises, LLC, Owner, (“Applicant”), applied to the Board of Appeals for a Comprehensive Permit under MGL Chapter 40B, Sections 20 through 23 and 760 CMR 56.00, to allow the development of six rental units consisting of one one-bedroom unit and five two-bedroom units with 8 parking spaces. Two units will be affordable. The project involves the demolition of the existing two-story building and the redevelopment of the site. The property is located at **339 Chestnut Street**, the (“Premises”), **Needham, MA** in the Chestnut Street Business (CSB) zoning district. A public hearing was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA, on Thursday, April 17, 2025, May 15, 2025 and June 12, 2025 at 7:30 p.m.

Documents of Record:

- Cover Letter from George Giunta, Jr., dated February 24, 2025.
- Application for Hearing, dated February 24, 2025; ZBA stamped February 24, 2025.
- Memorandum of Support, prepared by George Giunta, Jr. dated February 24, 2025.
 - Exhibit A – Assessor’s Information
 - List of Requested Exemptions
 - Determination of Project Eligibility Letter under LIP, Catherine Racer, Undersecretary, Executive Office of Housing & Livable Communities (EOHLC) January 22, 2025.
- Architectural Plans T-1, A-1-A-5, prepared by Scott Melching Architect LLC, stamped by Scott Melching, Registered Architect, dated February 7, 2025.
- Plot Plan, prepared by Field Resources, Inc., stamped by Bradley Simonelli, Land Surveyor, dated October 29, 2024, Revised February 12, 2025.
- Landscape Plan, prepared by Scott Melching Architect, dated March 18, 2024(sic).

- Stormwater Management Plan, prepared and stamped by John F. Glossa, Professional Engineer, dated March 27, 2025.
- Letter from George Giunta, Jr., dated April 4, 2025.
- List of Requested Exemptions, dated April 4, 2025.
- Email from George Giunta, dated April 3, 2025
 - Revised Plot Plan; Revised Architectural Plans T1, A1 & A2
- Email from Commission on Disabilities, prepared by Tatiana Swanson, Human Resources Director, April 15, 2025.
- Memo from the Design Review Board, March 26, 2025.
- Email from Chief John Schlittler, Police Department, April 7, 2025.
- Email from Chief Tom Conroy, Fire Department, March 20, 20205.
- Letter from the Planning Board, prepared by Lee Newman, Director of Planning and Community Development, April 2, 2025.
- Email from Gary Ajamian, March 17, 2025.
- Email from Tara Gurge, Assistant Public Health Director, April 7, 2025.
- Memo from Alison Steinfeld, Community Housing Specialist, April 7, 2025.
- Email from Deb Anderson, Director of Conservation, April 8, 2025.
- Letter from Joe Prondak, Building Commissioner, April 9, 20205.
- Memo from JP Cacciaglia, Economic Development Manager, April 9, 2025.
- Letter from Thomas Ryder, Town Engineer, April 8, 2025.
- Email from Gloria Greis, Chair, Historical Commission, April 8, 2025.
- Email from the Commission on Disabilities, prepared by Tatiana Swanson, Human Services Director, April 15, 2025.
- Letter from the Select Board prepared by Kate Fitzpatrick, Needham Chief Executive Office to the Executive Office of Housing and Livable Communities (EOHLC), November 16, 2024.
- Proposed Architectural Site Plan /Site Plan Areas Summary prepared by Scott Melching Architect LLC, dated May 12, 2025, revised June 11, 2025.
- Revised Architectural Plans T-1, A-1-A-5, prepared by Scott Melching Architect LLC, stamped by Scott Melching, Registered Architect, dated February 7, 2025, revised April 16, 2025.

April 17, 2025

The Board included Howard S. Goldman, Vice-Chair; Peter Friedenber, Associate Member, and Valentina Elzon, Associate Member.

Mr. Goldman opened the meeting at 7:37 p.m. by reading the public notice and providing a brief overview of the Comprehensive Permit process.

George Giunta, Jr., the attorney representing the Applicant; Matt Borelli, principal of the Applicant; and Scott Melching, the architect, were in attendance.

Mr. Giunta noted that the property is centrally located in the Chestnut Street Business zoning district within 600 feet of the MBTA Junction commuter rail/bus depot and walking distance of both Needham Center and Beth Israel Deaconess Hospital.

The rectangular shaped property created in 1911 contains 6,200 square feet of land with 40 feet of frontage. The two-story building was built in 1904 and most recently used for office use. The property is non-conforming as to area and frontage.

The Applicant proposes to demolish the existing structure and build a new three-story building containing six residential units, two units on each floor. Two units will be affordable. There will be an affordable one-bedroom, one-bath on the first floor; and an affordable two-bedroom, two-baths unit on the third floor. There will be a total of five two-bedroom, two-bath units in the complex. Both units on the first floor will be handicapped accessible. Each floor will have a laundry facility. There are two entrances to the building – a main entrance on the front facing Chestnut Street, and a second entrance on the right side of the building.

The affordable units will be available to households with incomes of no greater than 80% of the area median income (AMI) adjusted for household size. Based on current AMI, the maximum rent established by EOHLC for the two affordable units would be \$2,605 for the 1 bedroom and \$2,931 for the two-bedroom.

The proposed building will have a front setback at 75 feet to allow for eight parking spaces - 6 will be full-size car spaces, one of which will be a handicapped space for the first floor; and 2 spaces will be for compact cars. The handicapped space will be assigned to the handicapped tenant, as needed. All leases in the building will provide that only one car is allowed to be parked on-site per unit, but the leases will not assign specific parking spaces to each unit. Mr. Giunta added that there is the MBTA Needham Junction parking lot and on-street parking for visitors. This complex will appeal to those with one car or no car because of the close proximity to public transportation, amenities and major employers. A bike rack is provided.

Based on conversations with Dr. Alex Bejian, the abutting neighbor to the north, who raised concerns about the trash bins, the plans will be revised to reflect the relocation of the trash bins to the left side of the building with an added walkway. Furthermore, Mr. Giunta stated that these changes eliminate the south lawn and address a concern by the Design Review Board about the survival and maintenance of the lawn. Mr. Friedenberg asked how the trash bins will be maintained. Mr. Borrelli said that each unit will be assigned one trash bin and the trash removal will be handled by building management and reflected in the leases.

Mr. Borrelli said that he had spoken to Dr. Bejian about the project and, with the revision to the trash bins' location, he is fully supportive of the project.

Mr. Giunta noted that the proposed building is designed to fit in with the commercial nature of the neighborhood with residential features. Mr. Melching noted the proposal has the massing of a commercial building but with residential materials and roof. Three residential types of materials were selected for the exterior envelope: a large white siding, a medium darker brown siding and a narrow light brown siding. Because of the small size of the lot and the need to maximize the structure, the contrasting color was selected to provide interest and to soften the massing. Transom windows were introduced on the third floor to add interest to the exterior. False Juliet balconies with sliding full-length windows will be installed on the second and third floors on the south side to introduce natural light and air into the units. The living spaces of the units will be located on the south side to take advantage of the light, while

the bedrooms will be located on the north side. All units have three sides to maximize natural light.

The mechanicals will be located on the roof allowing for roof-top solar that will serve for heating and cooling for the project. An approximate 3 ½ feet parapet facade is added to the top of the building to hide the mechanicals, so they are not visible from the street. The energy code of the MBTA overlay district requires that the new developments be all electric. The project will have an electric condenser and electric boiler. In addition, there will be an EV charger serving two cars. The project will be energy efficient. The building, excluding the basement, is a 4,200 square foot building. The basement level is for building storage and mechanicals. There is no living space at the basement level.

Mr. Giunta presented the zoning exemptions (waivers) sought to the local By-Law and Regulations:

Minimum Lot Area and Frontage for the CSB zoning district, Section 4.4.1 of the By-Law – The minimum lot area and frontage requirements for the CSB district are 10,000 feet and 80' respectively. The property lot size is 6,200 square feet with 40' of frontage. Mr. Giunta noted that the lot was created in 1911 prior to the establishment of zoning in 1925, which would cause the property to be a pre-existing non-conforming lot. The By-Law previously provided protection for all non-conforming lots, whether residential, commercial or industrial. However, when the By-Law was re-codified, the paragraphs and sections were renumbered so that after the re-codification, those protections referenced only residential properties and was silent on all others. Mr. Giunta previously did research on the matter finding no reference or intention to exclude commercial or industrial properties from the protection, essentially a scrivener's error. This problem was identified when the Planning Board considered 32 Junction Street, an affordable housing project. However, no revision to the By-Law was made to rectify the matter. As the matter stands, the By-Law appears not to allow anything on the lot absent a variance.

Apartment Use, Section 3.2.2 of the By-Law – The By-Law does not permit residential use in the CSB zoning district other than apartment or multi-family use on the second floor and in the half floor above the second floor, which use would require a Special Permit. The proposal seeks multi-family use on three floors, including the ground floor, requiring 1) an exemption to allow the residential use on the ground floor; 2) an exemption from the Special Permit requirement for apartment use on the second floor; and 3) an exemption from the limitation on apartment use to a half-story above the second floor (and the associated Special Permit requirement to permit such use), so as to be able to use the entire third floor for residential use.

Maximum Residential Density, Section 4.3.1 of the By-Law – Section 3.2.2 of the By-Law limits the maximum density of dwelling units in the CSB zoning district to the density requirements applicable to the A-1 zoning district (18 units per acre, per Section 4.3.1 of the By-Law). The project density is 42.15 units per acre.

Maximum Floor Area Ratio, Section 4.4.2 (c) of the By-Law – The maximum FAR allowed in the CSB zoning district is 0.7. The project FAR is 1.34.

Height Limitations, Section 4.4.3 of the By-Law – The maximum height limit for the CSB zoning district is 2 ½ stories. The project is 3 stories.

The project complies with the By-Law provisions pertaining to height at 34.2 feet (Section 4.4.3); front setback at 75 feet (Section 4.4.4); width of driveway opening at 24 feet (Section 4.4.5); and location of building entrance on Chestnut Street (Section 4.4.9).

Mr. Giunta noted that without the exemptions (waivers) for Lot and Frontage, Use, and Unit Density, the project cannot go forward. In addition, an exemption for the FAR is needed to allow the basement necessary to support the six units; and the exemption of the 2 ½ stories to 3 stories allows for two units on the third floor.

Mr. Goldman asked for the rationale for locating residential use in a commercial area. Mr. Giunta responded that residential use is consistent in the CSB zoning district as the By-Law allows by Special Permit residential use on the second floor and in the half-story above the second floor. Furthermore, he noted that though the By-Law does not allow for residential use on the first floor, he noted that Chestnut Hollow, 141 Chestnut Street, a 28-unit apartment complex, contains residential units on the first floor and has existed harmoniously for the past twenty-five years within the CSB zoning district. He thought the use was even more compatible now with the MBTA rezoning, and the property's proximity to public transportation, employment and shopping/eating opportunities.

Mr. Giunta next presented the Parking exemptions (waivers) being sought:

Number of Parking Spaces, Section 5.1.4 of the By-Law – The By-Law requires a total of 1.5 spaces per unit ($1.5 \times 6 = 9$ spaces) for a total of 9 parking spaces. The proposal will provide 8 spaces, requiring an exemption from this requirement. The Applicant will allow for 1 space per unit, leaving 2 extra spaces. The development is geared to tenants who have one car, or no cars and the leases will regulate the number of cars that tenants will be permitted to park on-site.

Parking Lot Illumination, Section 5.1.3(a) of the By-Law – The By-Law requires a parking area to provide an illumination of an average of one foot candle. Mr. Friedenberg noted the plans did not provide for any lighting of the parking lot and asked if the lot would be well-lit without any additional lights. Mr. Giunta said there was plenty of ambient light because of all the commercial uses in the vicinity of the property. Mr. Borrelli stated that there is no lighting in the lot but he would respond to the tenants' concerns if they had issues with the adequacy or timing of the lighting.

Mr. Goldberg thought it might be a liability issue. Mr. Giunta said that lighting would be provided if needed. Mr. Melching added that the Building Code requires that accessible spaces be illuminated and that the lighting from the canopy to the accessible space meets that requirement. Mr. Friedenberg asked how close the middle of the lot met the one-foot candle illumination requirement. Mr. Giunta responded that he did not know the answer to that question, but that if there was an issue lit bollards could be installed to provide low light illumination.

Width of Maneuvering Aisle, Section 5.1.3 (i) of the By-Law – The By-Law requires a

minimum width of 24 feet for a maneuvering aisle providing access to parking spaces at a 90 degree angle. The width of the proposed maneuvering aisle is 20 feet due to the narrowness of the property. This is an improvement over the existing maneuvering aisle width of 19 feet. Mr. Giunta noted that the Engineering Department had no objections to the aisle width, and that there are existing approved projects in Town with 20-foot maneuvering aisles. He added that as a residential property there is less activity than in a commercial lot. Mr. Friedenberg thought it would be challenging to maneuver in such a narrow lot when the lot is full. Mr. Melching responded that a typical garage structure has only 12 feet of maneuvering width.

Parking Setbacks, Section 5.1.3 (j) of the By-Law – The By-Law requires a 20-foot setback from a business district street right of way; 4 feet from side lot lines, and 5 feet from a building line at first floor. The proposed parking area here is set back 0 feet from Chestnut Street, one foot from the left lot line, 0 feet from the right lot line, and 5 feet from the building front.

Mr. Friedenberg wondered if more setback from Chestnut Street could be provided if the building were moved back to the 0-foot setback as suggested by the Planning Board. Mr. Giunta responded that a 0-foot setback is allowable for this lot and the abutting back property creating the possibility that if this building is moved back and the adjoining lot is developed with a 0-foot setback then the back windows of the project might end up facing a brick wall. The proposed five-foot buffer is to protect for an eventual redevelopment of the adjoining property with a 0-foot setback. Mr. Goldman asked if the 5-foot back setback could be reduced. Mr. Giunta thought a 3-foot setback would be very difficult to maintain. Mr. Borrelli said that construction would be challenging at a 0-foot setback especially when installing siding or digging foundations. The five-foot setback was as narrow as possible considering construction needs and constraints. Mr. Melching added that a 0-foot setback introduces fire code issues as well.

Mr. Goldman was concerned about the safety of pedestrian traffic along Chestnut Street and whether a buffer could be introduced between the parking area and the sidewalk along Chestnut Street. Mr. Melching said that the current condition at the property with no defined entrance/exit aisle is the most dangerous condition for pedestrians. The proposal, by creating a narrow defined spot for traffic circulation onto and off of the property without any elements that would create a blind spot, is an improvement. He presented the options considered to gain space for a buffer in that location: 1) making two more compact spaces and gaining two feet; 2) eliminating the handicapped space as it is not a requirement for this size development and gaining the walkway buffer, also adding two feet. Mr. Borrelli said none of these options were optimal as they would certainly make the parking space adjacent to the buffer difficult to maneuver into and out of, and any buffer at that location would likely become an obstacle to bump against. Mr. Goldman asked if a chain link fence could be installed. Mr. Melching replied that any vertical element next to a parking space requires a three-foot buffer for maneuverability. Mr. Giunta argued that a two-foot buffer does not allow much for plantings to be maintained and survive. In addition, he noted that Chestnut Hollow has no buffer between the parking lot and the sidewalk along Chestnut Street, and he was unaware of any serious issues there. He believed the proposed option, though not optimal, provided the best solution when weighed against the outcomes. He added that once the curbing is installed the property will have a safer separation between the lot's traffic and pedestrians.

Landscaped Areas, Section 5.1.3 (k) of the By-Law – The By-Law requires that the setbacks pursuant to 5.1.3 (j) be landscaped with trees, shrubs, flowers and grass. The proposal will provide no new landscaping in the proposed parking area setbacks.

In addition, the Applicant has requested exemptions (waivers) from the following procedural provisions of the By-Law:

Site Plan Review, Section 7.4.2 of the By-Law, and Design Review Board Review, Section 7.7.2.2 of the By-Law – Pursuant to the By-Law the construction or reconstruction of any amount of gross floor area in the CSB district constitutes either a Major Project or a Minor Project, in either case requiring a Site Plan Review by the Planning Board and a design review by the Design Review Board. Exemptions (waivers) of these requirements are requested in favor of the Comprehensive Permit process.

Mr. Friedenbergl asked why an exception from a design review was being requested when a review by the Design Review Board was submitted. Mr. Giunta responded that the Design Review Board and Planning Board weighed in on the project as part of the comment-seeking process of the Comprehensive Permit but did not have decision-making authority or conduct formal Site Plan Review/Design Board Review proceedings.

Mr. Giunta reported that the project is a Local Initiative Project (LIP) and as such it is considered in partnership with the Town. The Select Board endorsed the project and has found the project to be consistent with the Town’s goals and objectives addressing the established needs of the Town in a location that makes sense. This type of project is known as a “friendly 40B.”

Mr. Borrelli added that the project was designed intentionally to keep the units small and the price point low so as to be attractive for Needham workers, in addition to providing two affordable units. The square footage of the back two-bedroom units are 900 square feet, the front two-bedroom units are 986 square feet and the one-bedroom ground floor unit is 598 square feet.

Written comments received:

- The Engineering Department requested that 1) the proposed plot plan be revised, prior to receiving a Building Permit, showing the calculation that the infiltration system is sized to contain a minimum of 1-inch of the total impervious area of the addition for infiltration; 2) the final location of storm drainage field to be reviewed and approved prior to field installation; and 3) the Applicant must work the parking arrangements with the tenants for effective use of the parking area, and 4) as part of the NPDES requirements, the applicant must comply with the Public Outreach and Education and Public Participation & Involvement control measures and a letter to the DPW identifying the measures selected and dates by which the measures will be completed to be incorporated in the Board decision.
- The Planning Board suggested a landscape buffer be provided at the front of the parking lot to separate the lot from the pedestrian walkway. They proposed that the building be moved to the back to a 0-foot setback. Subject to this comment, the Planning Board expressed their support of the project as a whole.
- The Design Review Board approved the overall design of the building and the site

improvements. They were concerned about the success of the proposed lawn with such a small area without irrigation; and the lack of separation between the parking lot and sidewalk.

- The Fire Department had no concerns.
- The Building Department had no objection.
- The Health Department requires a demolition review prior to the proposed demolition of the existing building on the property. Pest control and asbestos reports must be uploaded. On-going pest control must be conducted during demolition and throughout construction. Prior to renting out and before the occupants move into units, the units should be inspected by the Health Department.
- The Police Department had no issues.
- The Economic Development Manager noted that the Select Board voted to support the LIP application, as the project aligns with the Select Board goals for economic investment and the provision of housing options.
- The Community Housing Specialist found the project to be an appropriate infill development contributing to the supply of affordable housing.
- The Conservation Commission identified there were no resource areas involved and that the property was not within its jurisdiction.
- The Historical Commission did not find any historic significance to the property.
- The Commission on Disabilities supported the project. They had questions regarding the accessibility of the bathrooms since no grab bars were depicted in the plans and whether a unit could be made adaptable for people with hearing impairments. Mr. Melching said the spatial requirements of the units will comply with the Architectural Access Review Board and all the bathrooms are reinforced “blocked and ready” to install grab bars upon the request of a tenant. The construction documents will reflect the reinforcement. In terms of adapting a unit for the hearing impaired, Mr. Melching reported that a unit can be adapted by installing systems which add noises, strobes and lights for faucets, doorbells and the like. This would be installed in response to a specific request from a tenant.

One comment was received from the public. Gary Ajamian, a Needham resident, thought the project too large for the lot and took issue with the parking being located at the front of the lot. He urged the Board to review the project carefully.

Ms. Elzon asked if there would be a pedestrian walkway designation in the parking lot. Mr. Goldman asked if a colored walkway had been considered. Mr. Melching said a striped/painted walking aisle, 3 to 4 feet wide, flush and at grade could be done in the opposite side of the parking area from the parked cars.

Mr. Friedenbergs was concerned with snow removal on such a narrow site. Mr. Borrelli said that snow would be removed and trucked off site during a snow storm event. It was agreed this would be a condition. Mr. Borrelli offered that the same language for snow removal in the O&M could be used such as: “if snow impedes the operation of the parking lot snow will be removed and taken to an off-site location.”

Mr. Friedenbergs asked about the affordable restrictions for the affordable units. Mr. Borrelli explained that all the units have the same finishes. Mr. Giunta added that at any given time there will always be two affordable units but none of the units will be specifically designated as affordable since tenants will move in and out of different units over time. EOHLIC and the

Town will monitor once a year to verify that the project is in compliance. Mr. Friedenbergr wondered about that approach and the details of the Regulatory Agreement regarding the lottery and the local preference of the affordable units, which can wait until the next hearing.

Mr. Giunta said that since the project is a LIP the details of the Board's Decision and Regulatory Agreement would be worked out between all the parties – the Applicant, the Board and the Select Board. Mr. Giunta understood the Decision to contain the large picture items and the Regulatory Agreement the details that can be worked out post-Decision prior to the issuance of a Building Permit or Occupancy Permits.

The meeting adjourned at 8:45 p.m.

May 15, 2025

The Board included Howard S. Goldman, Vice - Chair; Peter Friedenbergr, Associate Member, and Valentina Elzon, Associate Member.

Mr. Goldman opened the hearing at 8:30 p.m. by reading the public notice.

Mr. Goldman identified pending issues from the previous meeting: a buffer at front separating the sidewalk pedestrian and parking lot traffic; snow removal; sidewalk and lot lighting; location of trash bins; grab bars; walkway in parking lot; and stormwater calculations requested by Engineering.

Mr. Giunta reported on the revisions made as a result of discussions at the April meeting as follows:

1. From the sidewalk, a 3-foot-wide painted striped walkway has been added to run along the north side of the parking lot to provide a visual cue for pedestrians to follow. The walkway will join the 5-foot wide walkway in front of the building;
2. Two bollards will be installed, one in front of each of the columns located at the front 5-foot zone to protect the columns;
3. The trash bins are relocated to the south side of the building. A gate will be installed to visually shield the bins.

Mr. Giunta reported that options to relocate the building were explored and all resulted in the loss of parking spaces and mature trees. The proposed layout maintains the most parking spaces and continues to be the optimal choice.

Mr. Goldman asked if there was an option to separate the lot from the sidewalk. Mr. Borelli said that a raised Cape Cod berm on the private property side could be installed along parking space #8 and the sidewalk. Mr. Mechling noted that there will be a contrasting material change between the asphalt lot and the concrete sidewalk. Mr. Friedenbergr asked if the Cape Cod berm could be installed without sacrificing the #8 compact parking space.

Mr. Giunta thought the material change and the drive alley curb cuts would be sufficient and argued against the installation of the Cape Cod berm.

Ms. Elzon was supportive of a Cape Cod berm as visual and physical separation between the

sidewalk and parking lot.

Mr. Giunta reported that the Applicant is also looking at improvements along the 10-foot-wide sidewalk. Mr. Borelli said that he had approached the Town Tree Warden about tree plantings along the sidewalk. The Tree Warden was supportive. However, a Town tree planting requires the approval of the Select Board.

Mr. Giunta said that the drainage plan requested by the Engineering Department was submitted and was reviewed.

Mr. Melching informed the Board that lighting has been added to the building:

- two lights on the north side by the side entrance by the bicycle parking;
- two recessed lights will be installed in the front canopy entrance illuminating downward and providing general lighting on the walkway into the building;
- two step lights on the left side of the building will be placed to illuminate downward providing lighting for the handicapped parking space and set low below the tenant windows to avoid light spillage into the tenant's space;
- two down lights on the south side of the building will be installed to illuminate the trash enclosure area.

All the lights selected are downlit, dark sky compliant and do not broadcast light outside the property.

Mr. Goldman asked about installing a light pole near the sidewalk. Mr. Melching responded that there is currently a light pole immediately to the right of the property near the entrance and one adjacent to Salem Five Bank. As globe lights they throw light in every direction and cover the immediate entry into the property.

The applicant agreed that snow will be removed off-site for snow events of 3 inches or more.

Mr. Friedenberg thought it was a good project, a good location for multi-family use with its proximity to public transportation and amenities, and a nice design. The minor issues raised have been addressed and he was in support of the project.

Ms. Elzon thought it was a good project for the area and appreciated the Applicant addressing the concerns raised. In particular, the addition of the walkway and lighting, and moving the trash to the opposite side of the building to accommodate the abutting neighbor.

Ms. Elzon asked if the solid gate will be moved to the same side as the trash. Mr. Melching responded that the solid gate and fence could be moved to the trash side. He asked however that the solid fence be limited to the extent of the trash limit to be followed by the metal fence to allow light and views for the first-floor unit. Mr. Borrelli agreed with the change.

Staff asked how the trash pick-up will be addressed. Mr. Borrelli responded that trash will be picked-up by a private hauler who will be responsible for removing the trash and replacing the empty barrels back to their location. There will be individual barrels numbered by units. Mr. Goldman asked about recycling. Mr. Borelli responded that a recycle bin could be made available and could be located on the bump-out on the north side. If not, it could be placed on the south side with the trash barrels.

Mr. Goldman noted that the revisions discussed include a Cape Code berm along parking space #8 and the sidewalk; a 3-foot wide walkway along the north side, the relocation of the trash bins and lighting will be reflected in the draft decision.

Mr. Friedenbergr moved to close the public comment portion of the meeting and to continue the meeting for deliberation and vote at the next public hearing on June 12, 2025 at 7:30 p.m. Ms. Elzon seconded the motion. The motion was unanimously approved.

The draft of the Comprehensive Permit will be prepared and made available to the Applicant and posted on the Board's website.

The meeting adjourned at 9:05 p.m.

June 12, 2025

The Board included Howard S. Goldman, Vice - Chair; Peter Friedenbergr, Associate Member, and Valentina Elzon, Associate Member.

Mr. Goldman opened the hearing at 7:45 p.m. by reading the public notice.

Mr. Giunta reported that the Applicant had made some modifications to the plans and redlines to the draft Comprehensive Permit ("Decision").

In lieu of the Cape Cod berms as discussed at the last meeting, the Applicant proposes to introduce a textured, granite block flush with the asphalt and sidewalk to delineate between the sidewalk and parking space #8. This would provide a visual and tactile differentiation. In addition, the canopy columns will be moved back a foot to provide additional space to the parking space #8 for the added flush textured surface. Mr. Melching noted that the flush surface was selected over a raised one for safety reasons. These changes were reflected in the Architectural Site Plan/Site Area Summary dated May 12, 2025 and revised June 11, 2025.

Mr. Giunta highlighted the six redlines to the draft Decision. The Board found the suggested changes to be minor; and there was no objection to their adoption.

Mr. Friedenbergr moved to issue a Comprehensive Permit to the Applicant under MGL Chapter 40B, Sections 20 through 23 and 760 CMR 56.00, to allow the development of six rental units consisting of one one-bedroom unit and five two-bedroom units with 8 parking spaces; two units will be affordable; with the form of the Decision to be that which was reviewed and approved by the Board on this day as modified to include the revised Architectural Site Plan/Site Area Summary dated June 11, 2025 and the discussion that transpired. Ms. Elzon seconded the motion. The motion was unanimously approved.

The meeting adjourned at 8:06 p.m.

Findings:

On the basis of the evidence presented at the hearings, the Board makes the following

findings:

1. The site contains 6,200 square feet with 40 feet of frontage on Chestnut Street. The lot was created in 1911. The property is currently occupied by a two-story wood building built in 1904 with its associated parking lot in the rear containing 8 compact parking spaces. There is an open asphalt area in the front of the building. The building has been used for office purposes. The site is located in the Chestnut Street Business (CSB) Zoning District.
2. The Applicant proposes to demolish the existing structure and redevelop the property with a new three-story, six-unit apartment building containing one 1-bedroom with 1 bathroom unit; and five 2-bedrooms with 2-bath units. There will be two units per floor. The one-bedroom unit will be located on the first floor. There will be laundry facilities on each floor. There is a full basement for mechanical equipment and storage. The units will be supported by eight parking spaces.
3. The first-floor units will be accessible. All the units will comply with the spatial requirements of the Architectural Access Review Board, and the showers and toilets of all the bathrooms will be reinforced (“blocked and ready”) for the installation of grab bars as needed per a tenant’s request.
4. The Applicant has filed under MGL Chapter 40B for a Comprehensive Permit as the property does not meet the minimum lot size (10,000 square feet) applicable in the MBTA overlay district and the underlying CSB zoning district, and by virtue of its nonconforming status cannot be developed as multi-family housing by right or by special permit under the existing zoning.
5. According to the current Subsidized Housing Inventory (SHI), dated December 12, 2024 and prepared by the Executive Office of Housing and Livable Communities, the Town of Needham has 1,404 SHI units representing 11.85% of the total 11,950 year-round housing units (per the 2020 federal Census). Given that this exceeds the 10% threshold established by Chapter 40B, the Zoning Board of Appeals is not required to process Chapter 40B Comprehensive Permit applications that it determines to be inappropriate and failing to address local housing needs.
6. The project was presented to the Needham Select Board at a public hearing October 22, 2024. The Select Board voted at the meeting to support the Local Initiative Project (LIP) based on the project’s suitability and compatibility with the Town’s housing and economic development goals and objectives.
7. The Town’s Chief Executive Officer submitted a letter of support on behalf of the Select Board to the Executive Office of Housing and Livability Communities (EOHLC) on November 16, 2024. As a LIP, EOHLC understands that the Town and the Applicant are working in collaboration on this project.
8. The Applicant has substantial experience with the construction and operation of similar rental projects including apartment buildings in Needham and Medfield.

9. The Applicant has obtained a Determination of Project Eligibility Letter from EOHLC dated January 22, 2025. EOHLC determined that the project is eligible and may proceed under the provision of MGL Chapter 40B and the LIP.
10. The Applicant shall establish and form a single purpose Limited Dividend Organization as defined in 760 CMR Section 56.02. Such Limited Dividend Organization shall be wholly owned by the Applicant or the Applicant's principals. As used further herein, the term "Applicant" shall refer to the Applicant and/or such Limited Dividend Organization to be established and formed.
11. The Applicant will conform to the Limited Dividend Policy as defined in the Chapter 40B Regulatory and Affordable Housing Agreement for Limited Dividend Organizations ("Regulatory Agreement") to be entered between the Applicant, the Town and the EOHLC.
12. The Applicant has agreed that 33% of the units (2-units) will be Affordable Housing Units as defined in the Regulatory Agreement in perpetuity available only for low- and moderate-income tenants at or below 80% of Area Median Income.
13. The project is consistent with the Town of Needham Housing Plan adopted by Needham in December 2022 and Chapter 40B Guidelines adopted by Needham in 2012.
14. The Applicant currently owns the site.
15. The proposed project is consistent with local needs.

Parking

16. Parking will be located at the front of the building between the building and Chestnut Street containing eight off-street parking spaces, six full-size, including one handicapped space, and two compact spaces.
17. A single curb cut will be installed providing vehicular access to/egress from the lot limiting the points where cars will intersect the Chestnut Street sidewalk.
18. The Applicant will create a 3-foot-wide walking aisle from Chestnut Street to the building entry walkway, to be flush and at grade, through striping or paint, on the opposite side of the parking area from the parked cars to delineate and separate pedestrian access to the building.
19. The Applicant will limit each tenant to one car to be parked on the premises, which parking limitation will be included in each lease. This means that 6 spaces will be available to residents and there will be 2 guest spaces.
20. With the exception of ambient light there will be no new illumination on the parking lot.

21. The Applicant will install a flush edged of textured granite or other suitable material, such as, but not limited to block pavers or cobblestone, along the outer edge of parking space #8 as shown on the Architectural Site Plan/Site Areas Summary to provide some delineation between the sidewalk and the project's parking area for pedestrians.
22. In light of the tight site conditions at the parking area, the Applicant has agreed that in the case of snowfalls equal or exceeding 3 inches, all snow from the parking area shall be removed off-site.
23. There will be an EV charger for two cars.
24. The Applicant has requested exemptions (waivers) from the following provisions of the Zoning By-Law:
 - a. Apartment or Multi-Family Use (Section 3.2.2) Apartment or Multi-family dwelling is allowed only on the second floor and in the half-story directly above the second floor in the CSB zoning district, consistent with the density permitted in the A-1 zoning district. The proposed multi-family use will be on all three floors.
 - b. Dimensional Regulations for Apartment District Maximum Dwelling Units (Per Acre) (Section 4.3.1) Allows a maximum of 18 dwelling units per acre in the A-1 zoning district. The proposed project has a density of 42.15 units per acre.
 - c. Minimum Lot Area and Frontage (Section 4.4.1) The minimum lot area and frontage for the CSB district is 10,000 square feet and 80 feet, respectively. The project lot is 6,200 square feet with 40 feet of frontage.
 - d. Maximum Floor Area Ratio (Section 4.4.2 (c)) Maximum permitted is 0.7. The proposed building has a Floor Area Ratio of 1.34.
 - e. Maximum Height Limitation (Section 4.4.3) Maximum permitted is 2-1/2 stories. The proposed building has 3 stories.
 - f. Off-Street Parking for Multi-Family Structures (Section 5.1.4) The requirement is 1.5 spaces per unit, for a total of 9 spaces for the project. The proposed building will have 8 spaces.
 - g. Parking Design Requirement: Parking Illumination (Section 5.1.3 (a)) Requires an average of one foot candle. Less than one foot candle will be provided.
 - h. Parking Design Requirement: Width of Maneuvering Aisle (Section 5.1.3 (i)) Required minimum is 24 feet. A 20-foot-wide aisle will be provided.
 - i. Parking Design Requirement: Parking Setbacks (Section 5.1.3 (j)) Requires a 20-foot setback from Chestnut Street and a 4-foot setback from side lot lines. The project's parking area will be set back 0 feet from Chestnut Street and the right side lot line, and 1 foot from the left side lot line.

- j. Parking Design Requirement: Landscaped Areas (Section 5.1.3 (k)) Setback areas are to be landscaped with trees, shrubs, flowers and grass. The narrow lot and parking area layout allow for only a minimal amount of landscaping.
- k. Design Review (Sections 7.2.5 and 7.7) An exemption/waiver was requested from all requirements pertaining to review of the proposed project by the Design Review Board.
- l. Site Plan Review (Section 7.4) An exemption/waiver was requested from all requirements pertaining to site plan review of the proposed project by the Planning Board.

Decision:

On the basis of the foregoing findings, in open session, by unanimous vote, after motion duly made and seconded, the Board hereby grants the Applicant a Comprehensive Permit pursuant to M.G.L. Chapter 40B, for the construction of a six-unit rental apartment building on the 6,200 square foot parcel at 339 Chestnut Street, subject to the following conditions:

- 1. Construction shall be in accordance with 1) the plans entitled “339 Chestnut Street, Needham, Massachusetts” dated February 7, 2025 revised on April 16, 2025 Sheets T1, A-1-A-5 prepared by Scott Melching Architect LLC, 2) Plot Plan prepared by Field Resources, Inc., dated October 29, 2024, revised on February 12, 2025, 3) “Proposed Landscape Plan” prepared by Scott Melching Architect LLC, dated March 18, 2024 (sic), 4) “Proposed Architectural Site Plan/Site Area Summary prepared by Scott Melching Architect LLC, dated May 12, 2025 and revised June 11, 2025; and 5) “339 Chestnut Street Stormwater Management Plan of Land”, prepared by Glossa Engineering Inc., March 27, 2025, (collectively, the “Plans”).
- 2. The project shall contain six rental units, one of which will be a one-bedroom unit and five of which will be two-bedroom units. The project shall have 8 parking spaces as shown on the Plans.
- 3. The Applicant, pursuant to the Local Initiative Program, has received the endorsement of the Select Board for this Application.
- 4. Construction shall be subject to final approval by the Town Engineer of drainage and engineering plans; and the proposed plot plan will be revised, prior to receiving a Building Permit, showing the calculation that the infiltration system is sized to contain a minimum of 1-inch of the total impervious area. The final location of the storm drainage field shall be reviewed for approval prior to field installation.
- 5. Construction shall comply with all comments received from the Health Department and noted above.
- 6. All utilities on the site shall be underground.

7. All construction shall be subject to building codes and to building permits issued by the Building Commissioner and will be subject to the usual fees (including, without limitation, the affordable units).
8. All water, sewer, drain connection and street occupancy permits shall be issued by the Public Works Department, subject to the usual fees and plan requirements.
9. The Applicant shall obtain approval of its final plans from EOHLC and enter into a Regulatory Agreement in a form approved by EOHLC. Prior to the issuance of a building permit, executed copies (signed by the Applicant, the Town and EOHLC) of the Regulatory Agreement shall be filed with the Board. It is acknowledged that the Town may wish to serve as a Monitoring Agent for the project. And, if it so wishes, may charge the Applicant or its successors an annual fee for said services. Should the Town seek to serve in such capacity, the Applicant shall cooperate with such request, provided that it is also acknowledged that the ultimate decision on such request is at the discretion of the Applicant's subsidizing agency.
10. Two of the units shall be designated as Affordable Housing Units as defined in the Regulatory Agreement in perpetuity available only for low- and moderate-income renters. The two units shall remain restricted to low- and moderate-income renters after expiration of the Regulatory Agreement. If the approved Regulatory Agreement does not identify specific units as the Affordable Housing Units, the Applicant and its successors in title shall be required to maintain two units as Affordable Housing Units at all times. An instrument ensuring perpetual affordability shall be recorded in the Norfolk County Registry of Deeds and proof of such recording to be provided prior to the issuance of any building permit.
11. No building permit will be issued until the Building Commissioner receives a letter from the Vice-Chair of the Board, or his designee on the Board, that the conditions in paragraph 9 and 10 have been fulfilled.
12. The Applicant shall make a good faith effort to obtain local preference in the marketing of the affordable units to the maximum extent allowable. Marketing plans, once approved by EOHLC, shall be submitted to the Board. In the event the Board requests changes in the local preference or marketing plans, the Applicant will work with the Board and use its best efforts to obtain approval of requested changes. In the event the changes are not approved, the Applicant may proceed in accordance with the plans approved by EOHLC.
13. Prior to the issuance of a building permit, the Applicant shall file seven sets (along with an electronic copy) of plans for the project stamped by a registered engineer and/or a registered architect, and approved by EOHLC as final plans, together with a narrative indicating any changes from plans previously submitted to the Board. In accordance with 760 CMR 56.05(11), and as delegated by the Board, if the Vice-Chair of the Board determines within 20 days from the date of submittal that the filed final plans are not consistent with prior approved plans, he shall decide whether the changes are substantial. If not substantial, he may approve the plans. If the Vice-Chair determines that the plans are substantially different, he shall notify the

Applicant accordingly and the Board shall hold a public hearing within 30 days of the Vice-Chair's determination to consider the changes and shall issue a decision within 40 days of the termination of the hearing.

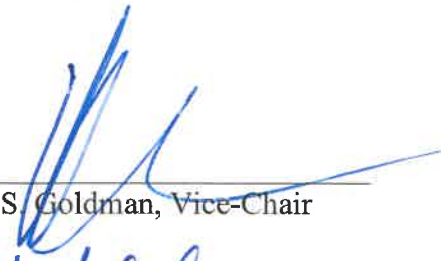
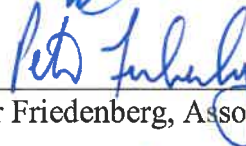
14. Prior to the issuance of a building permit, the Applicant shall submit, for the Town Engineer's review and approval, a construction mitigation plan that addresses noise, trucking routes, dust control, hours of operation and such other issues as he deems relevant to reduce and manage the disruption arising from construction. The Town Engineer shall consult with the Building Commissioner, Police Department and such other municipal parties as he deems appropriate and shall allow interested parties who request participation in writing an opportunity to comment on the plan before giving his approval. The approved construction mitigation plan shall be provided to every contractor and subcontractor working on the project.
15. Construction hours shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Saturdays. There will be no construction on Sundays or outside the approved hours unless necessary to deal with an emergency. There shall be no construction on municipal holidays unless approved by the Building Commissioner or necessary to deal with an emergency. No construction vehicles may stand with engines running before the designated hours of construction. There shall be no parking of construction vehicles on Chestnut Street. All construction staging shall be on-site. Prior to beginning construction, the Applicant shall provide to the Building Commissioner, Chief of Police and the Board the name and telephone number of the person in charge of construction and responsible for maintenance of the site.
16. During construction the Applicant shall use vinyl fencing, covered dumpsters or other appropriate means to keep debris from leaving the site and will be responsible for cleaning up debris on adjacent properties in a timely manner.
17. The Applicant shall take reasonable steps to control pests during and after construction. Prior to the commencement of construction, the Applicant shall have a pest technician set bait for rodents and wait for ten days before performing any work. Thereafter, the Applicant shall have a pest technician inspect and set bait for rodents no less than once each month (and more often if necessary) until an occupancy permit is issued. A written report of each inspection and pest control activities shall be submitted to the Department of Health within ten days after each inspection. When applicable, the Applicant shall have an inspection for wildlife by a pest control technician before the issuance of a building permit and shall cause any wildlife to be removed prior to the commencement of construction.
18. The Department of Health shall conduct a pre-occupancy tenant/landlord rental inspection prior to renting and before the occupants move into the units.
19. The landscaping shall be substantially in accordance with the landscape plan approved by the Board and the property shall be maintained by the owner in good condition.

20. The Applicant shall be responsible for snow plowing and removal so that all parking spaces remain available. Whenever there is a snow occurrence of 3" or more, snow shall be removed from the property and taken to an off-site location. Snow shall not be deposited on any adjacent property.
21. The owner shall implement the following maintenance plan with such changes as may be approved by the Town Engineer:
 - a) parking lot sweeping twice per year after the snowmelt and in the fall;
 - b) catch basin cleaning and inspection twice per year in the spring and the fall;
 - c) oil/gas separators in the drainage system to be inspected monthly and cleaned four times per year, once each season.
22. All deliveries and trash pickup shall occur only between the hours of 7:00 am and 7:00 pm. and will be the responsibility of the Applicant. All deliveries will be made to the front door on Chestnut Street.
23. The Applicant shall:
 - a) limit all tenants to having no more than one car parked on the premises, which limitation shall be included in the leases for the building;
 - b) install bathroom grab bars upon the request of a tenant (all units shall be constructed "blocked and ready" to accommodate grab bars;
 - c) provide one exterior trash bin per unit with trash removal to be handled by building management;
 - d) provide for recycling handled by the building management and if reasonable, will be located on the north side entrance area; and
 - e) promptly resolve issues regarding exterior lighting raised by tenants.
24. After the issuance of a building permit, if any changes are proposed to the approved plans, the Building Commissioner shall be charged with making the initial determination as to whether the changes are substantial or insubstantial. If the Building Commissioner is unable to make that determination, the Board's Vice-Chair or their designee shall be charged with making the determination as to whether the changes are substantial or insubstantial. The Building Commissioner or the Board's Vice-Chair or their designee may approve changes they determine are insubstantial. Any substantial changes can only be approved by the entire Board after a duly noticed public hearing, as the Board in its sole discretion shall deem appropriate.
25. The Applicant shall submit a letter to the Engineering Department identifying the measures selected and the dates the measures will be completed for the NPDES Public Outreach & Education and Public Participation & Involvement requirements under the Storm Water Phase II Program. Prior to the issuance of an occupancy permit, the Applicant shall demonstrate compliance with these measures.
25. Prior to the issuance of an occupancy permit, the Applicant shall file electronically stamped copies (hard copies may be requested) of the following with the Building Commissioner:

- a) An as-built plan supplied by the engineer of record certifying that the project was built substantially according to the approved documents submitted to the Board and Department of Public Works. The as-built plan shall show all structures, all finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements in their true relationship to the lot lines for all on-site and off-site construction. In addition, the as-built plan shall show the final location, size, depth and material of all public and private utilities on the site and their points of connection to the individual utility, and all utilities which have been abandoned. In addition to the engineer of record, the as-built plan shall be certified by a Massachusetts Registered Land Surveyor.
 - b) A statement by the registered professional engineer of record certifying that the finished grades and final construction details of the driveways, parking areas, drainage systems, utility installations, and sidewalk and curbing improvements on-site and off-site, have been constructed to the standards of the Town of Needham, Department of Public Works and in accordance with the approved plans for the project.
 - c) An as-built landscaping plan showing the final location of landscape areas, parking areas, walkways, building location and other pertinent features for the project. The plan shall be prepared and certified by a design professional of record and demonstrate that such improvements were completed substantially according to the approved documents.
26. No building may be occupied, or parking lot used prior to the issuance of an occupancy permit by the Building Commissioner. The Building Commissioner, in his discretion, may issue one or more certificates for temporary or partial occupancy of a building or use of parking lots prior to the completion of the entire project if he determines that such occupancy or use will be safe and that he has adequate insurance that the project will be completed. In connection with any temporary or partial permit, the Building Commissioner may require that a bond be filed with the Board in an amount not less than 135% of the value of the unfinished work on the project.
27. The Board grants the waivers of the Zoning By-Law listed in paragraph 24 of the Findings section above.
28. The Applicant's profit shall be limited to the terms and conditions in the Regulatory Agreement.
29. The land and building for the project shall remain owned by one entity.
30. This permit is issued to the Applicant and may not be transferred (except to the Limited Dividend Organization referenced in Paragraph 10 of the Findings section above) without the consent of the Board, such consent not to be unreasonably withheld. The transferee must demonstrate to the Board that it possesses the requisite experience and management team to manage a large mixed income project. Prior to substantial completion of the project, a transfer may be made only upon written approval of the

subsidizing agency.

31. This Comprehensive Permit shall lapse if the Applicant does not proceed with construction within three years of the date this permit becomes final (meaning the date of this decision if no appeal is filed, or 30 days after the date any appeal is resolved if an appeal is filed) and continuously pursue construction thereafter with reasonable diligence to completion.
32. Failure to comply with any terms of this Comprehensive Permit shall be grounds for revocation of this Comprehensive Permit or any building permit issued under it. No order of revocation shall be issued by the Board without prior notice to the holder of the Comprehensive Permit and an opportunity to be heard at a public hearing. As an alternative, the Town may enforce compliance with this Comprehensive Permit by injunctive relief issued by a court of competent jurisdiction.


Howard S. Goldman, Vice-Chair
Peter Friedenberg, Associate Member
Valentina Elzon, Associate Member

Twenty-Day Appeal Certification

I certify that the 20-day statutory appeal period for this Decision by the Needham Zoning Board of Appeals has passed,

☐ *and there have been no appeals filed in the Office of the Needham Town Clerk or*

☐ *there has been an appeal filed.*

Date

Louise Miller, Town Clerk