

**NEEDHAM PLANNING BOARD**

**Tuesday, June 4, 2024**

**7:00 p.m.**

**Charles River Room**

**Public Services Administration Building, 500 Dedham Avenue**

**AND**

**Virtual Meeting using Zoom**

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

**Revised**

**Originally Posted May 30, 2024 at 2:44 PM**

**Revised Posted June 3, 2024 at 10:48 AM**

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at [www.zoom.us](http://www.zoom.us). At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **880 4672 5264**

To view and participate in this virtual meeting on your computer, at the above date and time, go to [www.zoom.us](http://www.zoom.us) click “Join a Meeting” and enter the following ID: **880 4672 5264**

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **880 4672 5264**

**Direct Link to meeting:** <https://us02web.zoom.us/j/88046725264>

1. Reorganization.

2. Public Hearing:

7:00 p.m. Amendment to Major Project Site Plan Special Permit No. 2005-05: Blue on Highland Restaurant LLC, 882-886 Highland Avenue, Needham, Massachusetts Petitioner (Property is located at 882-886 and 890 Highland Avenue, Needham, Massachusetts). Regarding request to expand the existing restaurant (located at 882-886 Highland Avenue) by 650 square feet into the adjoining commercial space, formerly a nail salon, located at 890 Highland Avenue.

3. Public Hearing:

7:30 p.m. Major Project Site Plan Special Permit No. 2004-01: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner. (Property located at 609 Webster Street, Needham, Massachusetts). Regarding request to renovate 4 existing tennis courts, add 4 new tennis courts, install stormwater management improvements, ADA accessible walkways, and landscape improvements. *Note: This hearing has been continued from the Planning Board meetings of March 19, 2024, April 2, 2024, April 24, 2024 and May 14, 2024.*

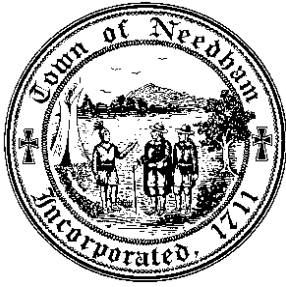
4. Decision: Amendment to Major Project Site Plan Special Permit No. 2007-10: Beth Israel Deaconess Hospital-Needham, Inc., 148 Chestnut Street, Needham, MA, Petitioner (Property is located at 148 Chestnut Street, Needham, MA 02492). Regarding request to construct a temporary addition to the Hospital at the former emergency room entrance on Lincoln Street to house medical imaging services during the renovation of the nuclear medicine suite.

5. Request to review and approve Landscaping Plan: 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner, (Property located at 920 South Street, Needham, MA).

6. Request to Release Surety: Definitive Subdivision Amendment: Whittenton Management, LLC, 823 Newton Street, Chestnut Hill, MA, Petitioner (250 Cedar Street Realty, LLC, Dennis Paul, Manager, former Petitioner). (Property Located at 250 Cedar Street in Needham, MA).
7. Discussion of & Vote to Adopt Code of Conduct.
8. Board of Appeals – June 20, 2024.
9. Planning Board Appointment to Community Preservation Committee.
10. Minutes.
11. Report from Planning Director and Board members.
12. Correspondence.

*(Items for which a specific time has not been assigned may be taken out of order.)*





PLANNING & COMMUNITY DEVELOPMENT  
PLANNING DIVISION

**LEGAL NOTICE**  
**Planning Board**  
**TOWN OF NEEDHAM**  
**NOTICE OF HEARING**

In accordance with the provisions of M.G.L., Chapter 40A, S. 11, and the Needham Zoning By-Laws, Sections 3.2.2, 1.4.6, 5.1.1.5, 5.1.2, 5.1.3 and 7.4 and Section 4.2 of Major Project Site Plan Special Permit, No. 2005-05, the Needham Planning Board will hold a public hearing on Tuesday, June 4, 2024, at 7:00 PM in the Public Services Administration Building, Charles River Room, 500 Dedham Ave, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264 (further instructions for accessing by zoom are below), regarding the application of Blue on Highland Restaurant LLC for an Amendment to the Special Permit under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 882-886 and 890 Highland Avenue, Needham, Massachusetts, shown on Assessor's Map 69, Parcels 59 and 60 containing 4,540 square feet and parcel 59 containing 4,765 square feet in the Avery Square Business District. The requested Major Project Site Plan Special Permit Amendment would, if granted, permit the Petitioner to expand the existing restaurant (located at 882-886 Highland Avenue) by 650 square feet into the adjoining commercial space, formerly a nail salon, located at 890 Highland Avenue. The restaurant has existed since 2005. The expansion will include 40 seats, a service area and a bathroom.

In accordance with the Zoning By-Law, Section 3.2.2, a Special Permit is required for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter in the Avery Square Business District. In accordance with the Zoning By-Law, Section 3.2.2, a Special Permit is required for a take-out operation accessory to the restaurant. In accordance with the Zoning By-Law, Section 3.2.2, a Special Permit is required for more than one non-residential building or use on a lot. In accordance with the Zoning By-Law, Section 1.4.6, a Special Permit is required for the alteration of a non-conforming structure. In accordance with the Zoning By-Law, Section 5.1.1.5, a Special Permit is required to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the Zoning By Law (Off Street Parking Requirements) In accordance with the Zoning By-Law, Section 7.4, a Major Project Site Plan Review Amendment is required. In accordance with Section 4.2 of Major Project Site Plan Special Permit No. 2005-05, dated September 20, 2005, amended May 9, 2006, further site plan approval is required.

To view and participate in this virtual meeting on your phone, download the "Zoom Cloud Meetings" app in any app store or at [www.zoom.us](http://www.zoom.us). At the above date and time, click on "Join a Meeting" and enter the following Meeting ID: 880 4672 5264

To view and participate in this virtual meeting on your computer, at the above date and time, go to [www.zoom.us](http://www.zoom.us) click "Join a Meeting" and enter the following ID: 880 4672 5264

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: 880 4672 5264

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

Copies of the plan are available upon request in the office of the Planning Board. Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (<http://masspublicnotices.org/>).

NEEDHAM PLANNING BOARD

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Hometown Weekly, May 16, 2024 and May 23, 2024.

**TOWN OF NEEDHAM**  
**MASSACHUSETTS**



500 Dedham Avenue  
Needham, MA 02492  
781-455-7550

**PLANNING BOARD**

**APPLICATION FOR SITE PLAN REVIEW**

Project Determination: (circle one)      Major Project      Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property: 882-886 and 898-890 Highland Avenue  
Name of Applicant: Blue on Highland Restaurant LLC  
Applicant's Address: 882-886 Highland Avenue, Needham, MA 02492  
Phone Number: (781) 444-7001

Applicant is:    Owner \_\_\_\_\_      Tenant X  
                         Agent/Attorney \_\_\_\_\_      Purchaser \_\_\_\_\_

Property Owner's Name: Makarios Series LLC  
Property Owner's Address: 10 Rockville Meadows, Millis, MA 02054  
Telephone Number: (617) 650-8358

Characteristics of Property: Lot Area: 4,540 sq. ft. Present Use: Restaurant & Takeout/Nail salon  
Map # 69 Parcel # 59 and 60 Zoning District: Avery Sq. Bus. Dis.

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

*The Applicant proposes to redevelop the unit at 898-890 Highland Avenue adjoining the existing restaurant located at 882 - 886 Highland Avenue and expand the existing premise by 650 square feet into the adjoining commercial space formerly housing a nail salon. The Restaurant has existed here since 2005, and will include seating for 40, a service area and bathroom. The Applicant is proposing to extend the long existing restaurant use providing takeout food service, live music and the service of alcoholic beverages into the new space. The project is further described in the included letter.*

Signature of Applicant (or representative): \_\_\_\_\_, Scott Drago  
Address if not applicant: Applicant  
Telephone #: (781) 444-7001  
Owner's permission if other than applicant: \_\_\_\_\_ X

**SUMMARY OF PLANNING BOARD ACTION**

Received by Planning Board \_\_\_\_\_ Date \_\_\_\_\_  
Hearing Date \_\_\_\_\_ Parties of Interest Notified of Public Hearing \_\_\_\_\_  
Decision Required by \_\_\_\_\_ Decision/Notices of Decision sent \_\_\_\_\_

Granted \_\_\_\_\_

Denied \_\_\_\_\_

Withdrawn \_\_\_\_\_

Fee Paid \_\_\_\_\_

Fee Waived \_\_\_\_\_

NOTE: Reports on Minor Projects must be issues within 35 days of filing date.

**McDERMOTT, QUILTY,  
MILLER & HANLEY LLP**

RECEIVED TOWN CLERK  
NEEDHAM  
WWW.MQMHLLAW.COM

28 STATE STREET, SUITE 802  
BOSTON, MA 02109

2024 APR 23 AM 10:30

April 22, 2024

Town of Needham  
Planning Board  
1471 Highland Avenue  
Needham, MA 02492

Re: Application for Major Site Plan Review  
Blue Restaurant Needham, LLC d/b/a Blue on Highland  
882 Highland Avenue, Needham, MA 02492

To Whom it May Concern:

Pursuant to Chapter 40A of the Massachusetts General Laws, the Needham Zoning By-Law and the Procedural Rules of the Planning Board, please find the following materials in support of the applications for Site Plan Review and Special Permits for Blue Restaurant Needham, LLC (the "Applicant"). The Applicant proposes to redevelop the unit adjoining the existing restaurant located at 882 - 886 Highland Avenue (the "Premise") and expand the existing premise by 650 square feet into the adjoining commercial space formerly housing a nail salon (the "Expanded Space"). The Restaurant has existed here since 2005, is approximately 3,420 square feet and includes seating for 137 patrons, takeout service and live entertainment (the "Existing Space"). The Expanded Space will include seating for 40, a service area and bathroom. The Applicant is proposing to extend the long existing restaurant use providing take out food service, live music and the service of alcoholic beverages into the new space (the "Project").

The parking requirement for a Restaurants is 1 parking space per 3 seats, plus an additional 10 seats per take-out station pursuant to Section 5.1.2.9 of the Needham Zoning Bylaws. The parking requirement pursuant to the Zoning By-law for the original space is 56. This Restaurant was previously granted a Special Permit to waive strict adherence to the parking requirements of Section 5.1.2 and Section 5.1.3 in the Planning Board's Decision on Application No. 2005-05 (the "2005 Decision"). The parking requirement for the Expanded Space pursuant to the Bylaws is 13 spaces. As was the case at the time of the 2005 Decision there are no off-street parking spaces provided. The only available spaces pursuant to the Zoning By-Law continue to be the 3 on-street parking spaces adjacent to the property pursuant to Section 5.1.1.7 of the Zoning By-Law.

The Applicant is requesting the following relief from the Planning Board:

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(617) 946-4600

1. A Special Permit for site plan review of a Major Project pursuant to Section 7.4 of the Zoning Bylaws.
2. A Special Permit pursuant to Section 5.1.1.5 of the Zoning Bylaws to waive strict adherence to the off-street parking requirement as required by Sections 5.1.2 and 5.1.3 of the Zoning Bylaws. There are a total of only 3 on-street parking spaces available as allowed in Section 5.1.1.7. The 2005 Decision granted the Existing Space relief from providing 56 spaces. The Applicant is requesting that the Board waive the requirement that they provide the 13 spaces required for the Expanded Space.
3. A Special Permit pursuant to Section 1.4.6 of the Zoning Bylaws authorizing the extension of the Restaurant and Takeout Operation Uses and approved by the 2005 Decision at the Premise in the Expanded Space.
4. A Special Permit pursuant to Section 1.4.6 of the Zoning Bylaws authorizing the alteration of the existing nonconforming structure. All of the existing structure's nonconformities are preexisting and will not be increased or altered by the addition of the Expanded Space from those approved by the Town's Planning Board and/or Zoning Board of Appeals.

The Applicant reserves the right to make revisions to the Floor Plans submitted with the application without further hearings approvals from the planning board as long as those revisions do not create additional need for relief or special permit.

The Applicant certifies pursuant to the Zoning Bylaws Section 7.4.4 that the project can be constructed and/or the proposed use thereof can be commenced without the need for the issuance of any variance from any provisions of the Zoning Bylaws by the Town of Needham Zoning Board of Appeals.

The Applicant submits ten (10) copies of the following information and materials with its application:

1. Application for a Major Site Plan Review Special Permit;
2. A Portion of the Town of Needham's GIS Map showing the Premise;
3. As Built Floor Plans with Elevations; and
4. Proposed Floor Plans with Elevations.

The Applicant hereby requests pursuant to Zoning By-Law Section 7.4.4., that the Planning Board waive the submission of the Applicant of any of the required information not submitted herewith.

The Applicant submits that the Project meets the requirements for review by the Planning Board as detailed in Section 3.8.7, Section 7.4.6, Section 7.5.2.1 and Section 7.5.2.2 of the Zoning Ordinance.

The Applicant is hereby submitting a copy of these applications to the Town Clerk and the Design Review Board. We thank you for your time and attention in this matter and would be happy to answer any questions that you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Miller', written over the word 'Sincerely,'.

Thomas P. Miller, Esq.

[tmiller@mqmlp.com](mailto:tmiller@mqmlp.com)

cc'd: Clerk for the Town of Needham

# McDERMOTT, QUILTY, MILLER & HANLEY LLP

[WWW.MQMHLAW.COM](http://WWW.MQMHLAW.COM)

28 STATE STREET, SUITE 802  
BOSTON, MA 02109

May 2, 2024

Town of Needham  
Planning Board  
1471 Highland Avenue  
Needham, MA 02492

**Re: Application for Major Site Plan Review  
Blue Restaurant Needham, LLC d/b/a Blue on Highland  
882 Highland Avenue, Needham, MA 02492**

Members of the Board:

The Purpose of this letter is to provide the Planning Board for the Town of Needham with additional information regarding Blue Restaurant Needham, LLC (the “Applicant”) application for Site Plan Review. The Applicant proposes to redevelop the unit adjoining the existing restaurant located at 882 - 886 Highland Avenue (the “Premise”) and expand the existing premise by 650 square feet into the adjoining commercial space formerly housing a nail salon (the “Expanded Space”). The Premise is located in the Avery Square Business District. The lot is fully developed and covers the majority of the site. The Restaurant has existed here since 2005, is approximately 3,420 square feet and includes seating for 137 patrons, takeout service and live entertainment (the “Existing Space”). The Expanded Space will include seating for 40, a service area and bathroom. The Applicant is proposing to extend the long existing restaurant use providing take out food service, live music and the service of alcoholic beverages into the new space (the “Project”).

The related Application is to amend the existing permit from the Planning Board’s Decision for Application No. 2005-05 approved September 21, 2005 and amended on May 9, 2006. Additionally, the related application also requests a special permit for the extension of the Restaurant Use to the Expanded Space pursuant to Section 3.2.2 of the Zoning Bylaws.

In reviewing this application for Site Plan Review the Planning Board shall consider the requirements as laid out in Section 7.4.6 of the Needham Zoning Bylaws. The Applicant submits that the Project complies with that criteria as follows:

- (a) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light, and air.*

The Project will protect the adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light, and air. The building where the Project is proposed has been in existence for many years and there is no proposal to alter its footprint. The infrastructure to protect the adjoining premises from surface water drainage and to buffer sound and sight emanations has long been in place here. The proposed changes to the exterior façade of the long existing structure in the Expanded Space will enhance the Premise's overall appearance increasing its benefit the community.

*(b) Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly.*

The Premise has no off-street parking or driveways. The Project does not propose to alter the footprint of the existing structure and no off-street parking or driveway will be created. The existing sidewalks along both Highland Avenue and Mark Lee Road are wide and provide ample space for the flow of pedestrians between the Applicant's Existing and Expanded Spaces and the available nearby on-street parking and the public parking lot immediately behind and adjoining the premise. The Applicant's most heavily trafficked times are later in the evening and on the weekends, times that do not heavily impact the peak traffic on Highland Avenue or the surrounding streets. The addition of the 650 square feet and 40 seats in the Expanded Space will not increase the Applicant's impact in the surrounding area. They are not proposing to alter the hours or the operation for the restaurant with the addition of the Expanded Space. They may add up to four (4) staff members during the busies periods and one (1) staff member at other times. The Applicant complies, and will continue to comply, with all applicable regulations for the handicapped, minors and the elderly.

*(c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises.*

There is no off-street parking associated with the Premise or the Applicant. In the 2005 Decision, the previous operator received relief from the Zoning Bylaw's off-street parking requirements. As stated above, there is a public parking lot immediately adjacent to the Premise accessed via Mark Lee Road. Additionally, there are adequate on-street parking spaces to accommodate the Expanded Space. As described above, the Applicant's busiest periods are when demand by other businesses in the area is lower. As such, the available on-street parking, municipal parking lot and other nearby parking facilities (i.e. the Commuter Rail parking lot) will be adequate to meet the need created by the Expanded Space.



*(d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site.*

The Applicant and the Premise have adequate facilities for the disposal of refuse and other waste resulting from the uses permitted on the site. The Applicant has dumpster(s) located in the rear of the property, screened from adjoining premises, that adequately serve the existing need and are more than adequate to meet the needs created by the addition of the Expanded Space.

*(e) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this By-Law.*

The Project proposes no changes to the existing footprint of the long existing structure. There will be no change to the relationship of this structure to adjoining structures, open spaces or other community assets in the area as required by the Zoning Bylaws. The improvements to the façade on the exterior of the Expanded Space will enhance the overall appearance of the Premise. The addition of the Expanded Space will allow the Applicant to meet the increasing demand of the Needham Heights community for a full-service restaurant. It will also fill a visible vacancy created by the closure of the nail salon along this main thoroughfare into Needham.

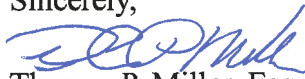
*(f) Mitigation of adverse impacts on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection, and streets.*

The Project will not have any impact on the Town of Needham's resources. The Premise, including the Expanded Space, is already fully developed and the Use has long been in existence there. The Board's approval of this Project will allow for a long existing amenity to expand into an under-utilized space to meet the demand of the community in a way that is in harmony with the Avery Square Business District and the intent of the Zoning Bylaws.

The Applicant submits that the Project meets the requirements for review by the Planning Board in Section 7.4.6 of the Zoning Bylaws as described above.

We thank you for your time and attention in this matter and would be happy to answer any questions that you may have.

Sincerely,

  
Thomas P. Miller, Esq.

[tmiller@mqmlp.com](mailto:tmiller@mqmlp.com)

# **1. Application for a Major Site Plan Review Special Permit**

**TOWN OF NEEDHAM**  
**MASSACHUSETTS**



500 Dedham Avenue  
Needham, MA 02492  
781-455-7550

RECEIVED TOWN CLERK  
NEEDHAM MA 02492  
2024 APR 23 AM 10:30

**PLANNING BOARD**

**APPLICATION FOR SITE PLAN REVIEW**

Project Determination: (circle one)      Major Project      Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property: 882-886 Highland Avenue  
Name of Applicant: Blue on Highland Restaurant LLC  
Applicant's Address: 882-886 Highland Avenue, Needham, MA 02492  
Phone Number: (781) 444-7001

Applicant is:    Owner \_\_\_\_\_      Tenant \_\_\_\_\_  
                         Agent/Attorney X      Purchaser \_\_\_\_\_

Property Owner's Name: Makarios Series LLC  
Property Owner's Address: 10 Rockville Meadows, Millis, MA 02054  
Telephone Number: (617) 650-8358

Characteristics of Property:    Lot Area: 4,540 sq. ft.    Present Use: Restaurant & Takeout  
                                                 Map # 69 Parcel # 60 Zoning District: Avery Sq. Bus. Dis.

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

*The Applicant proposes to redevelop the unit adjoining the existing restaurant located at 882 - 886 Highland Avenue and expand the existing premise by 650 square feet into the adjoining commercial space formerly housing a nail salon. The Restaurant has existed here since 2005, and will include seating for 40, a service area and bathroom. The Applicant is proposing to extend the long existing restaurant use providing takeout food service, live music and the service of alcoholic beverages into the new space. The project is further described in the included letter.*

Signature of Applicant (or representative): [Signature] Thomas P. Miller, Esq.  
Address if not applicant: c/o McDermott, Quilty, Miller & Hanley LLP  
                                                 28 State St., Suite 802, Boston, MA 02109

Telephone #: (617) 946-4600

Owner's permission if other than applicant: Approved via Lease for Premise

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**SUMMARY OF PLANNING BOARD ACTION**

Received by Planning Board \_\_\_\_\_ Date \_\_\_\_\_  
Hearing Date \_\_\_\_\_ Parties of Interest Notified of Public Hearing \_\_\_\_\_  
Decision Required by \_\_\_\_\_ Decision/Notices of Decision sent \_\_\_\_\_  
Granted \_\_\_\_\_  
Denied \_\_\_\_\_ Fee Paid \_\_\_\_\_ Fee Waived \_\_\_\_\_  
Withdrawn \_\_\_\_\_

NOTE: Reports on Minor Projects must be issues within 35 days of filing date.

**2. A Portion of the Town of Neeham's GIS Map showing  
the Premise**

[illegible]

PARID: 19906900060000000

MUNICIPALITY: NEEDHAM

LUC: 326

MAKARIOS SERIES LLC

882 HIGHLAND AVE

PARCEL YEAR: 2024

Property Information

Property Location: 882 HIGHLAND AVE

Class: C-COMMERCIAL

Use Code (LUC): 326-EATING AND DRINKING ESTABLISHMENTS

District: MA199 - NEEDHAM

Deeded Acres: .1000

Square Feet: 4,356

Owner

| Owner               | Co-Owner | City   | Address           | State | Zip Code | Deed Book/Page |
|---------------------|----------|--------|-------------------|-------|----------|----------------|
| MAKARIOS SERIES LLC |          | MILLIS | 10 ROCKVILLE MDWS | MA    | 02054    | 40514/564      |

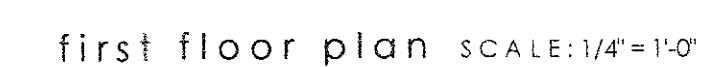
### **3. As Built Floor Plans with Elevations**



Date 8-7-06 Signed [Signature]



EXISTING CONSTRUCTION TO REMAIN  
NEW CONSTRUCTION



AB-1

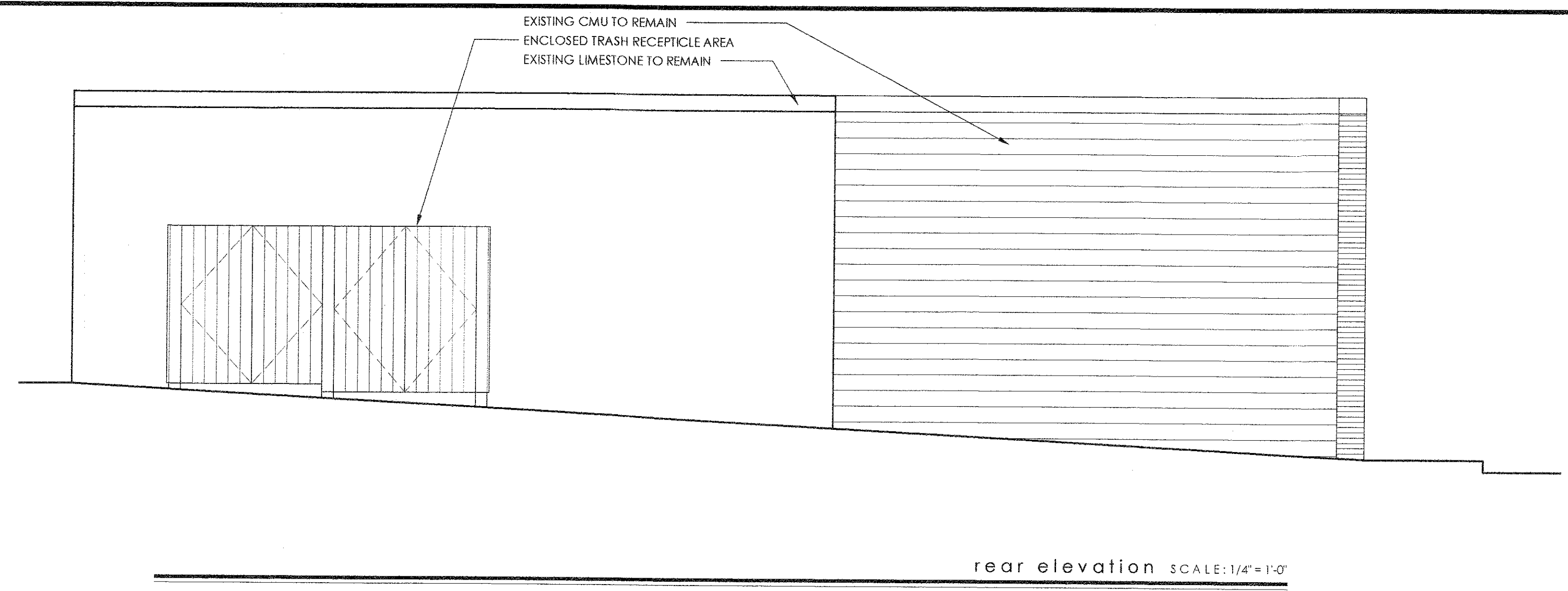


I certify that these elevations fully and accurately depicts the layout for the restaurant facility, as built, in accordance with the approved documents with the following exceptions:

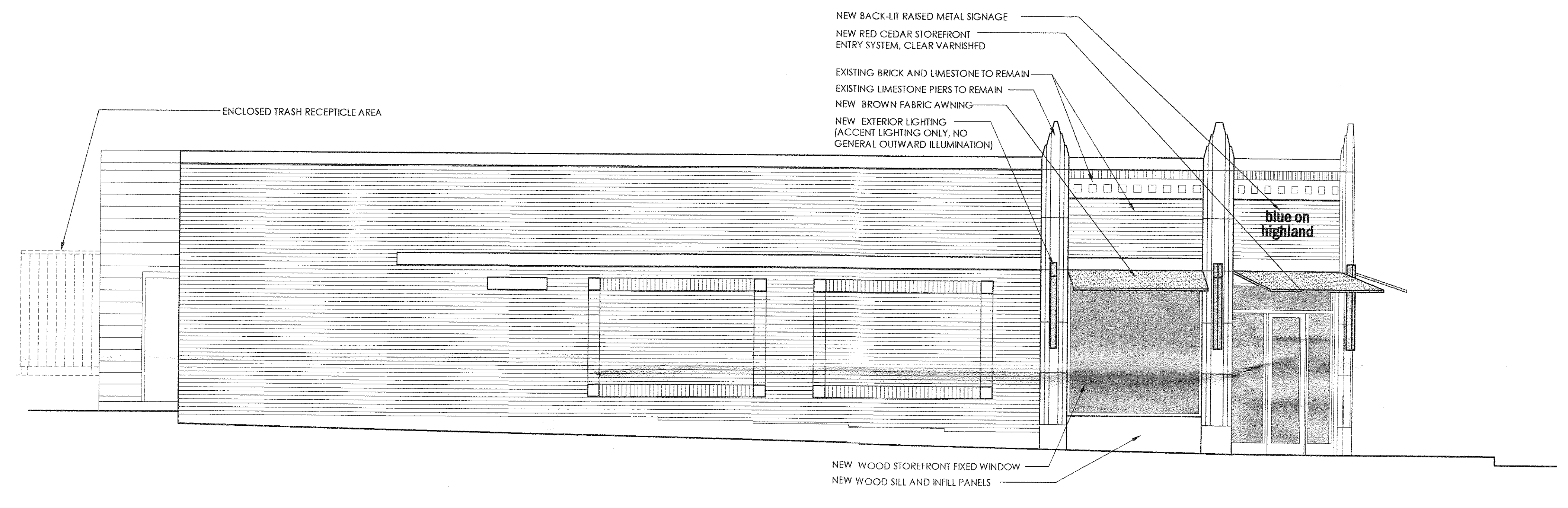
1. The exterior awnings are not yet installed.
2. The exterior awnings are to be brown instead of black.
3. Main entry door is no longer recessed from building perimeter to accomodate interior vestibule.

Date 8-17-06 Signed [Signature]

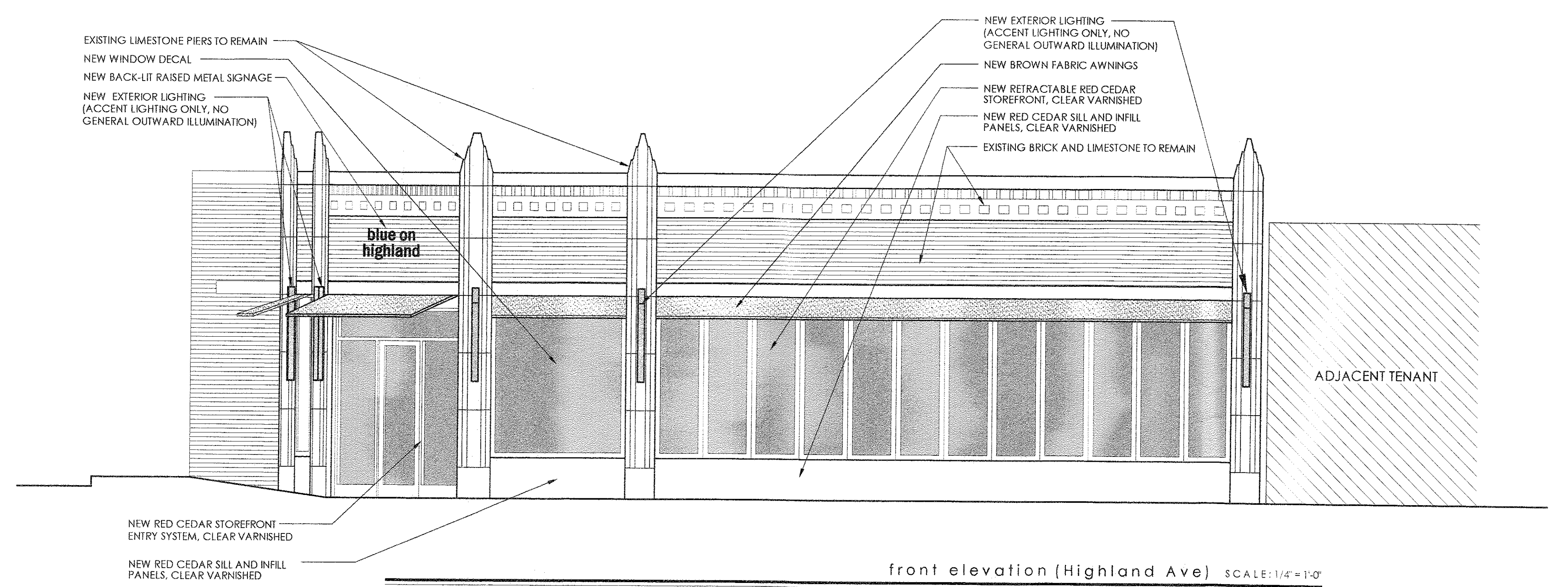
SEAL: REGISTERED ARCHITECT, No. 2834, ARLINGTON, MA, STATE OF MASSACHUSETTS



rear elevation SCALE: 1/4" = 1'-0"



side elevation SCALE: 1/4" = 1'-0"



front elevation (Highland Ave) SCALE: 1/4" = 1'-0"

|           |                |
|-----------|----------------|
| DATE      | AUGUST 4, 2006 |
| DRAWN     | LS             |
| CHECKED   | DFR            |
| PROJ. NO. | 05009          |

**R·G·O**  
PARTNERSHIP

One Brighton Avenue  
Suite 100  
Boston, MA 02134-2301

tel 617.783.5055  
fax 617.783.5155  
e-mail mail@rgopartnership.com  
web www.rgopartnership.com

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**Blue on Highland**  
882 HIGHLAND AVENUE  
NEEDHAM, MASSACHUSETTS

PROJECT

REVISIONS

SHEET TITLE  
**AS-BUILT  
ELEVATIONS**

SCALE: AS NOTED

SHEET NO.

**AB-2**

## **4. Proposed Floor Plans with Elevations**

DRAWING LIST

ARCHITECTURAL:

- G-1 COVER SHEET & PROJECT INFORMATION
- A-1 EGRESS FLOOR PLAN
- A-2 EXISTING FLOOR PLAN
- A-3 DEMO FLOOR PLAN
- A-4 PROPOSED FLOOR PLAN
- A-5 EXISTING EXTERIOR ELEVATION
- A-6 DEMO EXTERIOR ELEVATION
- A-7 PROPOSED EXTERIOR ELEVATION

PROJECT INFORMATION

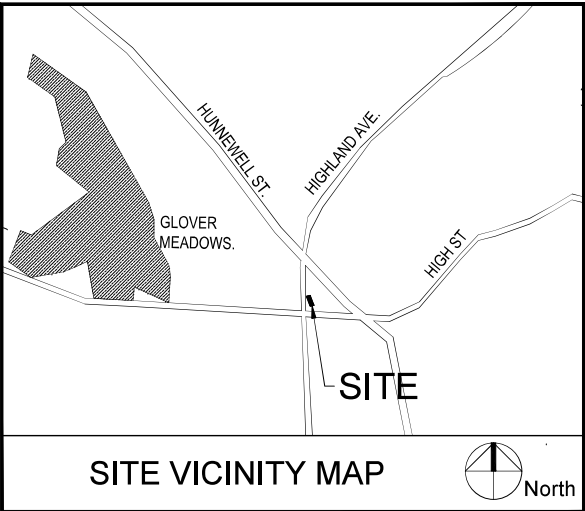
PROJECT NAME BLUE ON HIGHLAND ADDITION

PROJECT ADDRESS 882 HIGHLAND AVE  
NEEDHAM, MA 02494

OWNER ADDRESS BLUE ON HIGHLAND  
882 HIGHLAND AVE  
NEEDHAM, MA 02494

DESIGNER / ARCHITECT KRIPPER ARCHITECTURE STUDIO  
36 BROMFIELD STREET, SUITE 501  
BOSTON, MASSACHUSETTS 02108  
PHONE: 617.993.6094  
EMAIL: AMIRK@KRIPPERSTUDIO.COM

PROJECT DESCRIPTION STRUCTURAL, INTERIOR RENOVATION



ZONING / CODE INFORMATION

ZONING AVERY SQUARE BUSINESS

USE GROUP CLASSIFICATION ASSEMBLY A-2

NUMBER OF STORIES 1 ABOVE GRADE - EXISTING CONSTRUCTION

CONSTRUCTION TYPE EXISTING CONSTRUCTION: TYPE III-A, PROTECTED

EGRESS EGRESS REQUIRED: 2  
EGRESS PROVIDED: 3

LENGTH OF TRAVEL 64' MAXIMUM

MAXIMUM FLOOR AREA PER OCCUPANT

| OCCUPANCY | AREA IN SF | SF PER PERSON | OCCUPANT LOAD |
|-----------|------------|---------------|---------------|
| A-2       | 3,947      | 15 GROSS      | 263           |

Owner/Project:

**BLUE ON HIGHLAND**  
882 HIGHLAND AVE  
NEEDHAM, MA 02494

Architect:

**K R I P P E R S T U D I O**  
36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108

Consultant:

**PERMIT SET**

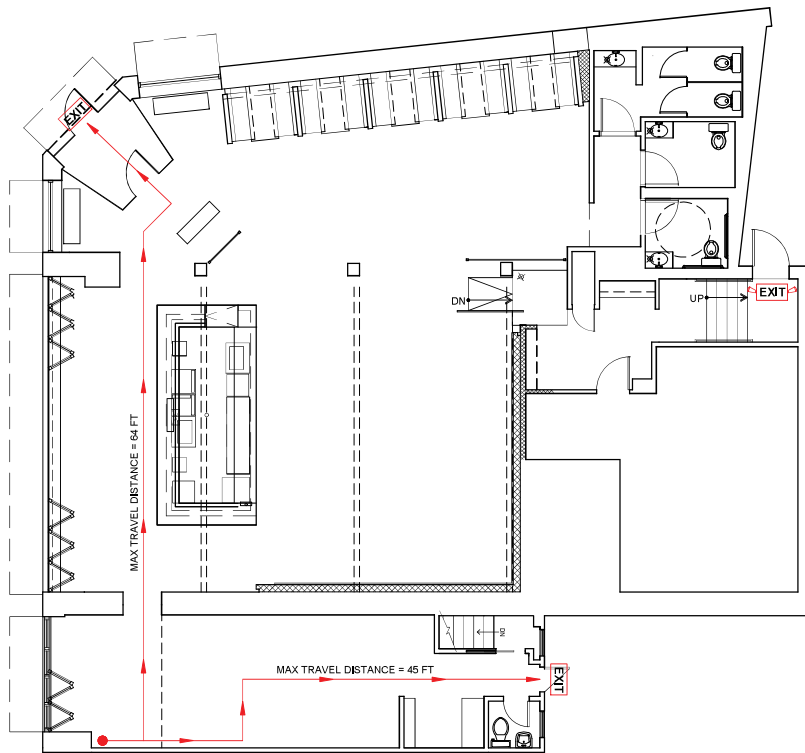


**G-1**

Sheet Number

Scale: As Noted

Date: 03/04/2024



**1** EGRESS PLAN  
1/8" = 1'-0"

Owner/Project:

**BLUE ON HIGHLAND**  
882 HIGHLAND AVE  
NEEDHAM, MA 02494

Architect:

K R I P P E R S T U D I O  
36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108

Consultant:

**PERMIT SET**



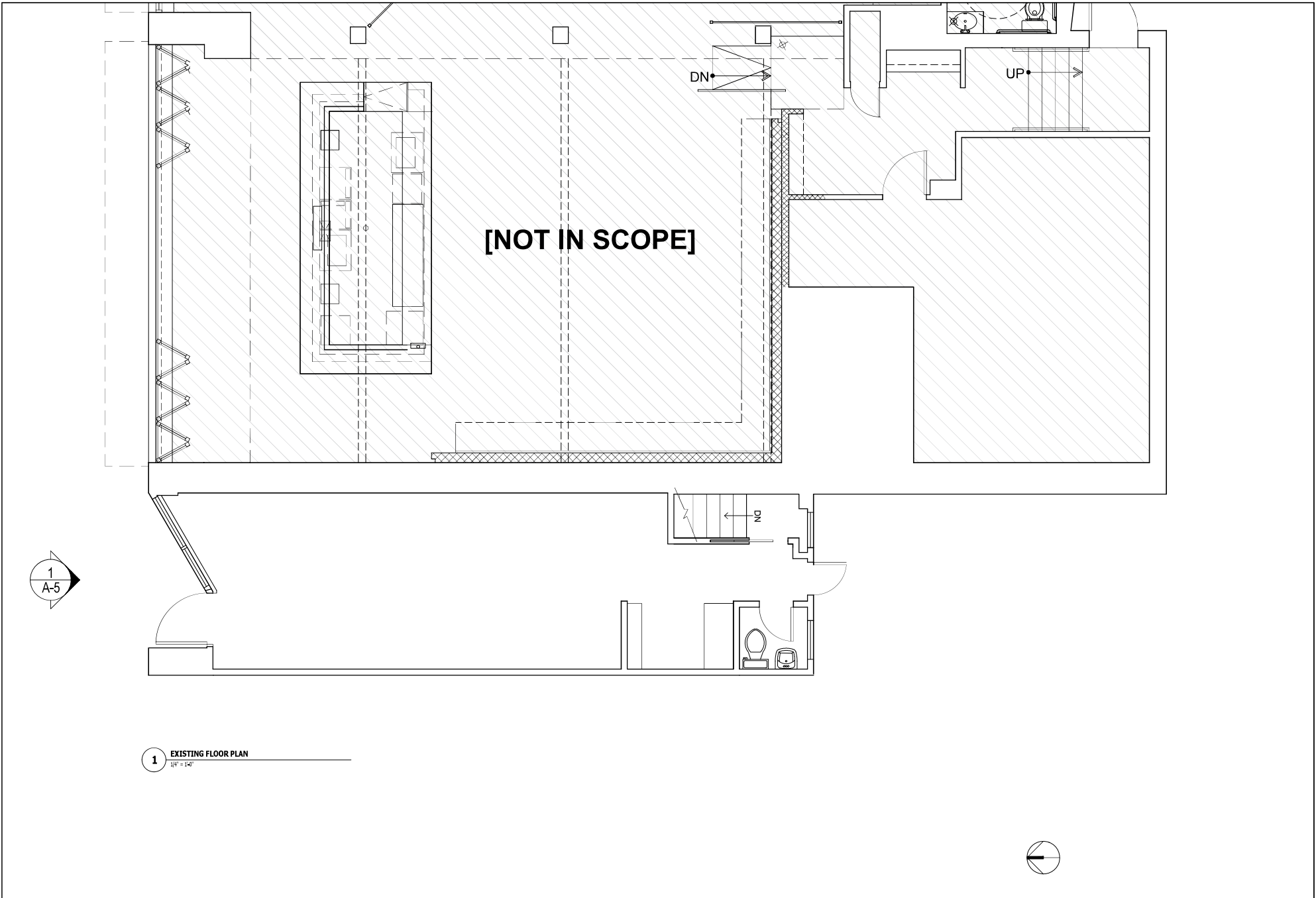
**A-1**

Sheet Number

Scale: As Noted

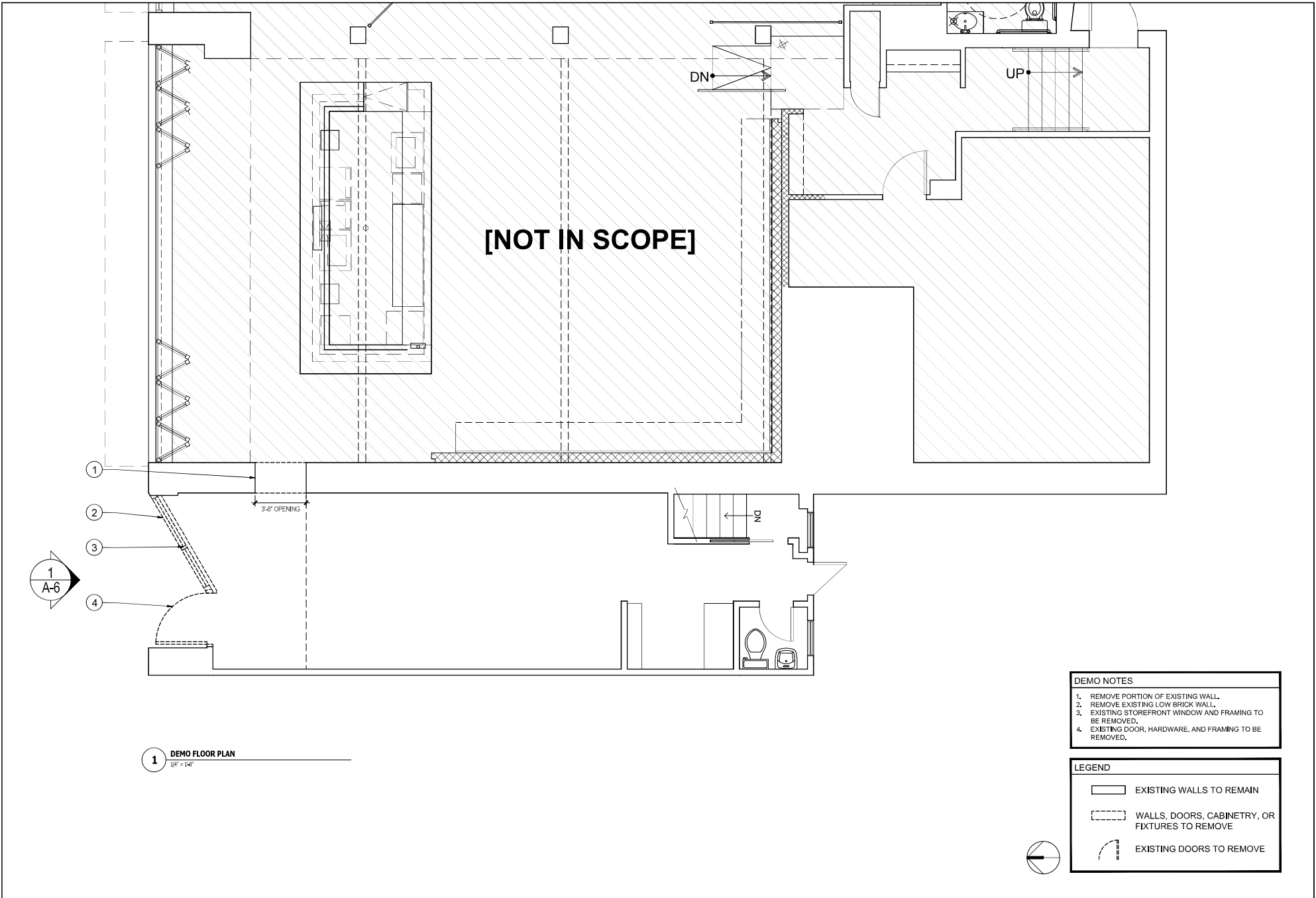
Date: 03/04/2024





**1 EXISTING FLOOR PLAN**  
 1/4" = 1'-0"

|                                                                                        |                                                                                                       |             |                   |                                                                                       |                                |                                         |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------|-------------------|---------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------|
| Owner/Project:<br><br><b>BLUE ON HIGHLAND</b><br>882 HIGHLAND AVE<br>NEEDHAM, MA 02494 | Architect:<br><br><b>K R I P P E R S T U D I O</b><br>36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108 | Consultant: | <b>PERMIT SET</b> |  | <b>A-2</b><br><br>Sheet Number | Scale: As Noted<br><br>Date: 03/04/2024 |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------|-------------------|---------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------|

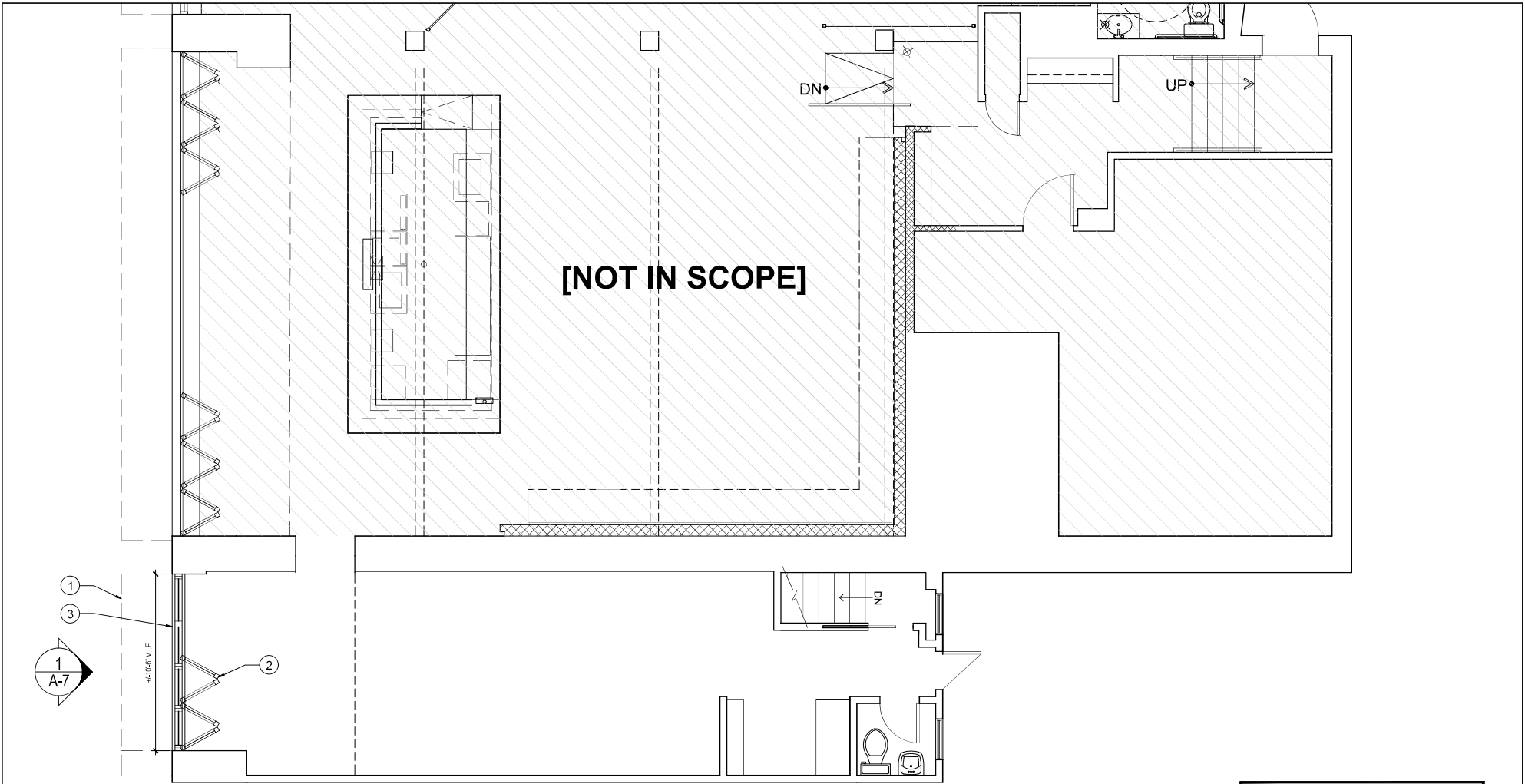


**1 DEMO FLOOR PLAN**  
1/4" = 1'-0"

- DEMO NOTES**
1. REMOVE PORTION OF EXISTING WALL.
  2. REMOVE EXISTING LOW BRICK WALL.
  3. EXISTING STOREFRONT WINDOW AND FRAMING TO BE REMOVED.
  4. EXISTING DOOR, HARDWARE, AND FRAMING TO BE REMOVED.

- LEGEND**
- EXISTING WALLS TO REMAIN
  - WALLS, DOORS, CABINETY, OR FIXTURES TO REMOVE
  - EXISTING DOORS TO REMOVE





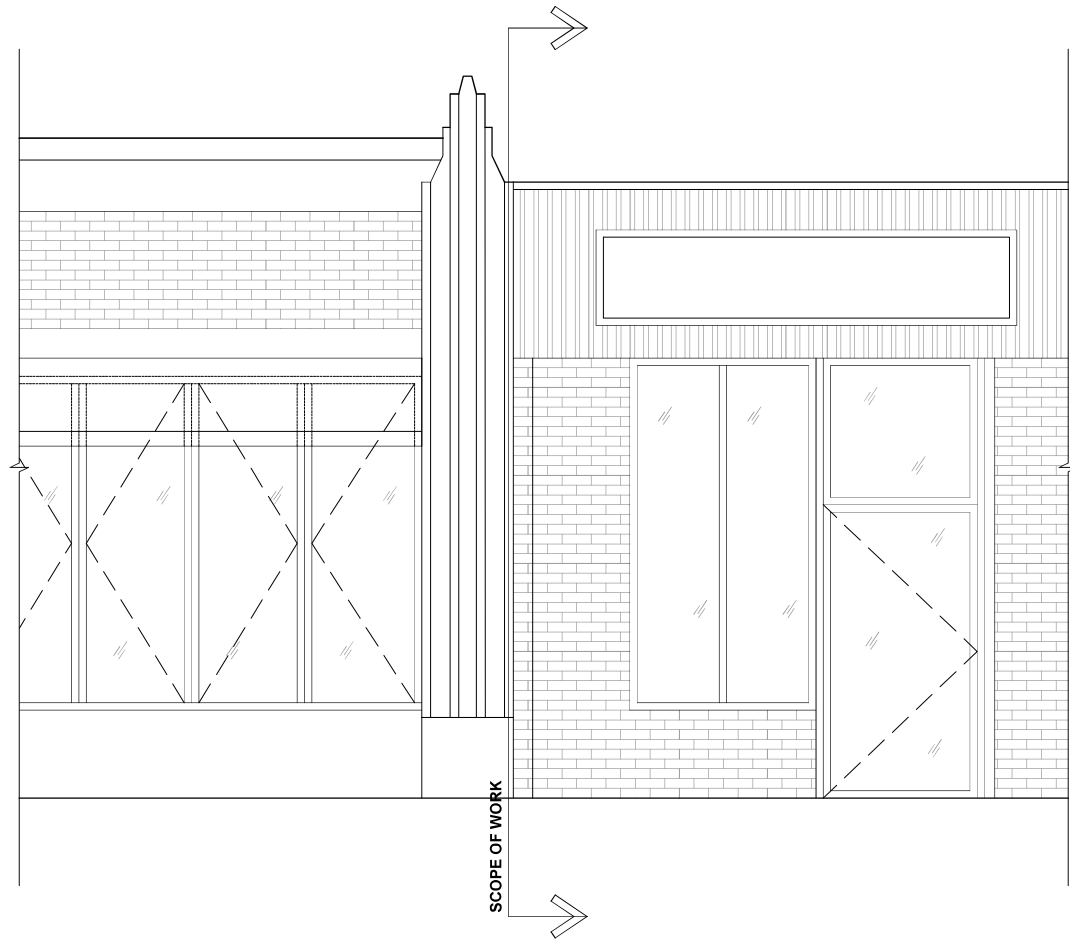
**1 PROPOSED FLOOR PLAN**  
1/4" = 1'-0"

- GENERAL NOTES**
1. NEW AWNING TO MATCH EXISTING, OWNER TO CONFIRM.
  2. NEW RETRACTABLE WINDOW; BLACK FINISH, OWNER TO CONFIRM.
  3. NEW LOW WALL; RED BRICK TO MATCH EXISTING.

- LEGEND**
- EXISTING WALLS TO REMAIN
  - NEW PARTITIONS
  - EXISTING DOORS TO REMAIN







1

## EXISTING ELEVATION

1/2" = 1'-0"

Owner/Project:

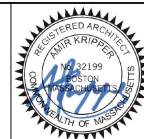
**BLUE ON HIGHLAND**  
882 HIGHLAND AVE  
NEEDHAM, MA 02494

Architect:

**K R I P P E R S T U D I O**  
36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108

Consultant:

**PERMIT SET**

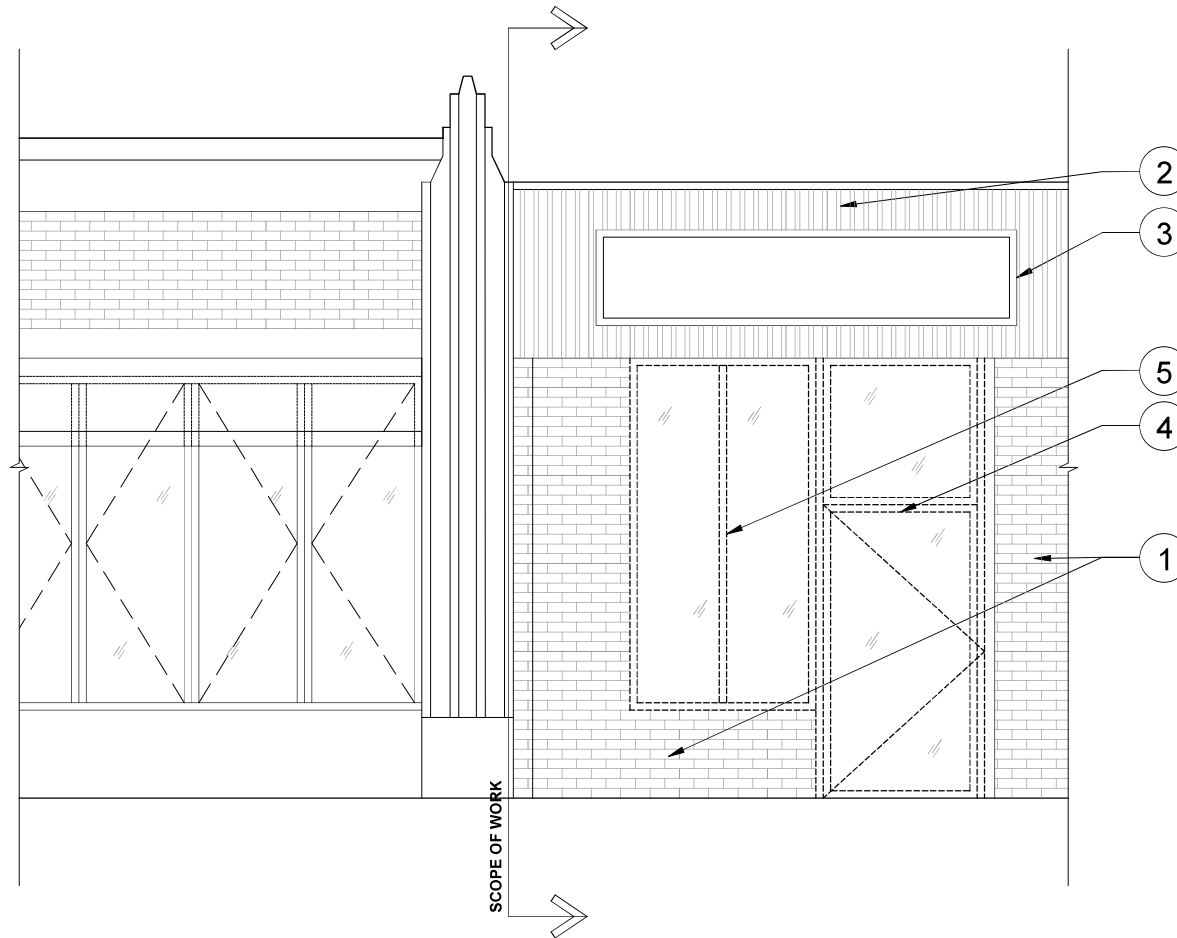


**A-5**

Sheet Number

Scale: As Noted

Date: 03/04/2024



1

## DEMO ELEVATION

1/2" = 1'-0"

### DEMO NOTES

1. REMOVE EXISTING BRICK FACING, PREPARE FOR NEW.
2. GC TO IDENTIFY AND REMOVE DAMAGED SUBSTRATE ABOVE ENTRY.
3. REMOVE EXISTING SIGNAGE, BACKING AND FASTENERS AS APPLICABLE.
4. EXISTING DOOR, HARDWARE, AND FRAMING TO BE REMOVED.
5. EXISTING STOREFRONT WINDOW AND FRAMING TO BE REMOVED.

Owner/Project:

**BLUE ON HIGHLAND**  
882 HIGHLAND AVE  
NEEDHAM, MA 02494

Architect:

**K R I P P E R S T U D I O**  
36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108

Consultant:

**PERMIT SET**

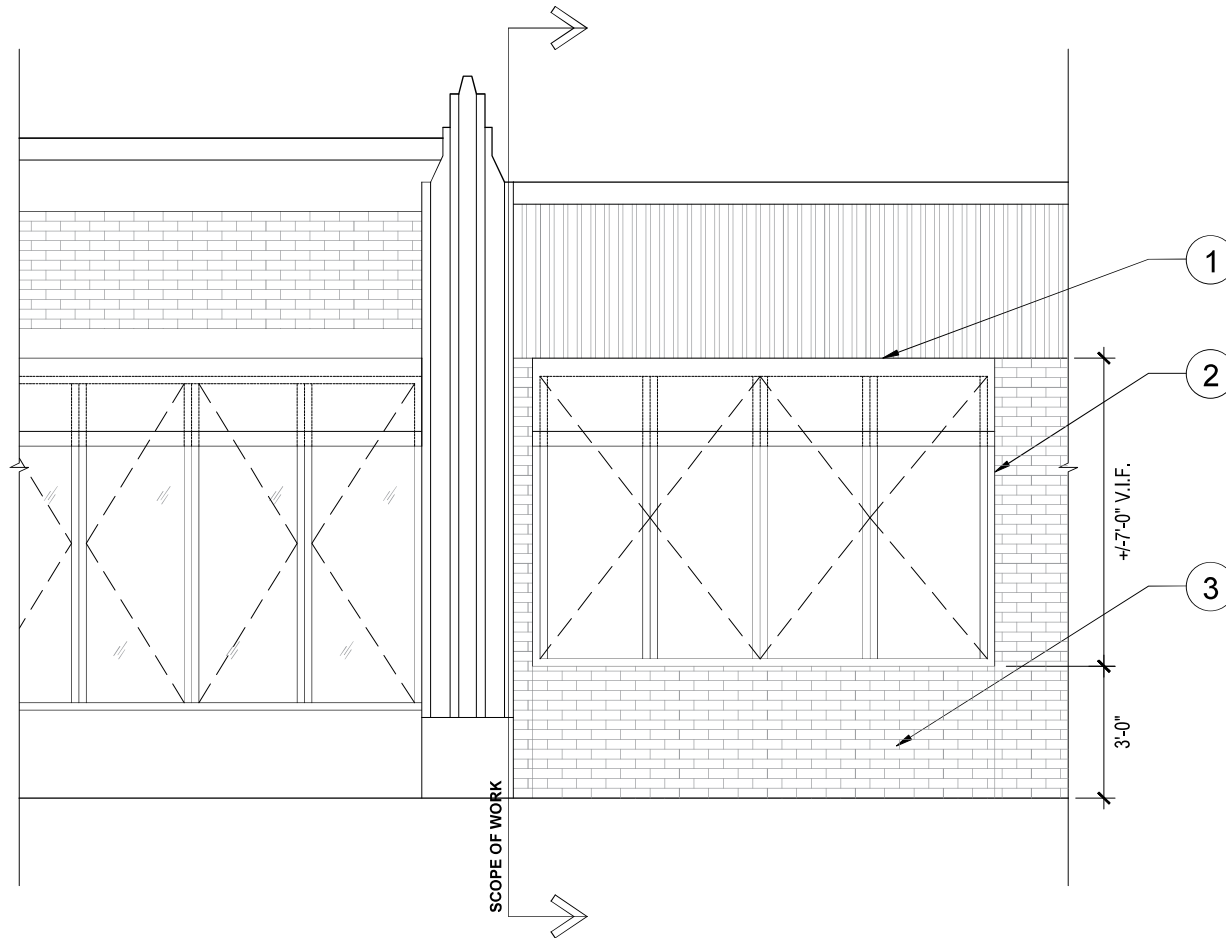


**A-6**

Sheet Number

Scale: As Noted

Date: 03/04/2024



1

## PROPOSED ELEVATION

1/2" = 1'-0"

### GENERAL NOTES

1. NEW AWNING TO MATCH EXISTING, OWNER TO CONFIRM.
2. NEW RETRACTABLE WINDOW; BLACK FINISH, OWNER TO CONFIRM.
3. NEW LOW WALL; RED BRICK TO MATCH EXISTING.

Owner/Project:

**BLUE ON HIGHLAND**  
882 HIGHLAND AVE  
NEEDHAM, MA 02494

Architect:

**K R I P P E R S T U D I O**  
36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108

Consultant:

**PERMIT SET**

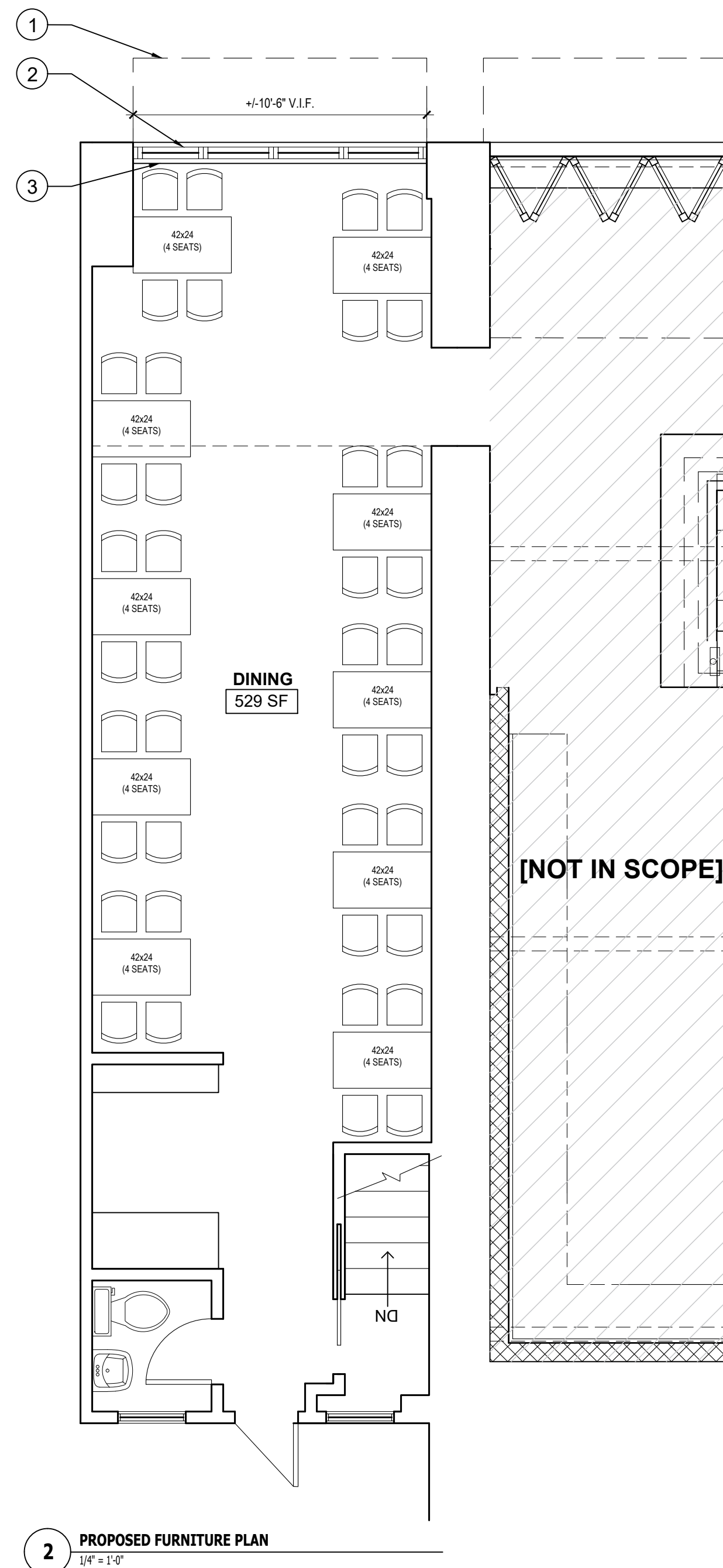
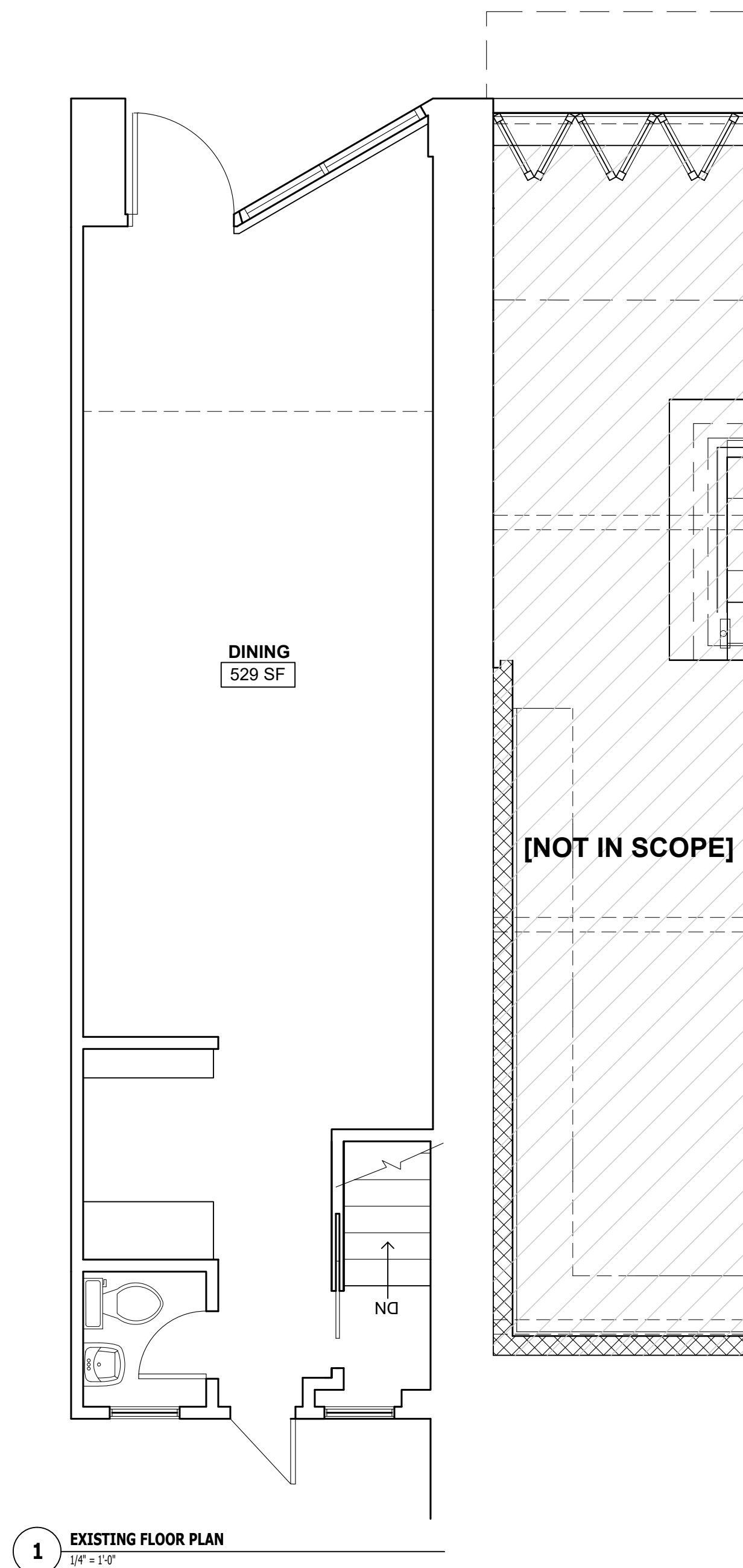


**A-7**

Sheet Number

Scale: As Noted

Date: 03/04/2024



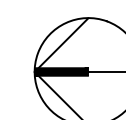
NOTE: 40 SEATS

## GENERAL NOTES

1. NEW AWNING TO MATCH EXISTING, OWNER TO CONFIRM.
2. NEW RETRACTABLE WINDOW; BLACK FINISH, OWNER TO CONFIRM.
3. NEW LOW WALL; RED BRICK TO MATCH EXISTING.

### LEGEND

-  EXISTING WALLS TO REMAIN
-  NEW PARTITIONS
-  EXISTING DOORS TO REMAIN



Owner/Project:

**BLUE ON HIGHLAND**  
882 HIGHLAND AVE  
NEEDHAM, MA 02494

Architect:

..\\..\\OneDrive\\Desktop\\LOGO.png

|             |  |
|-------------|--|
| Consultant: |  |
|-------------|--|

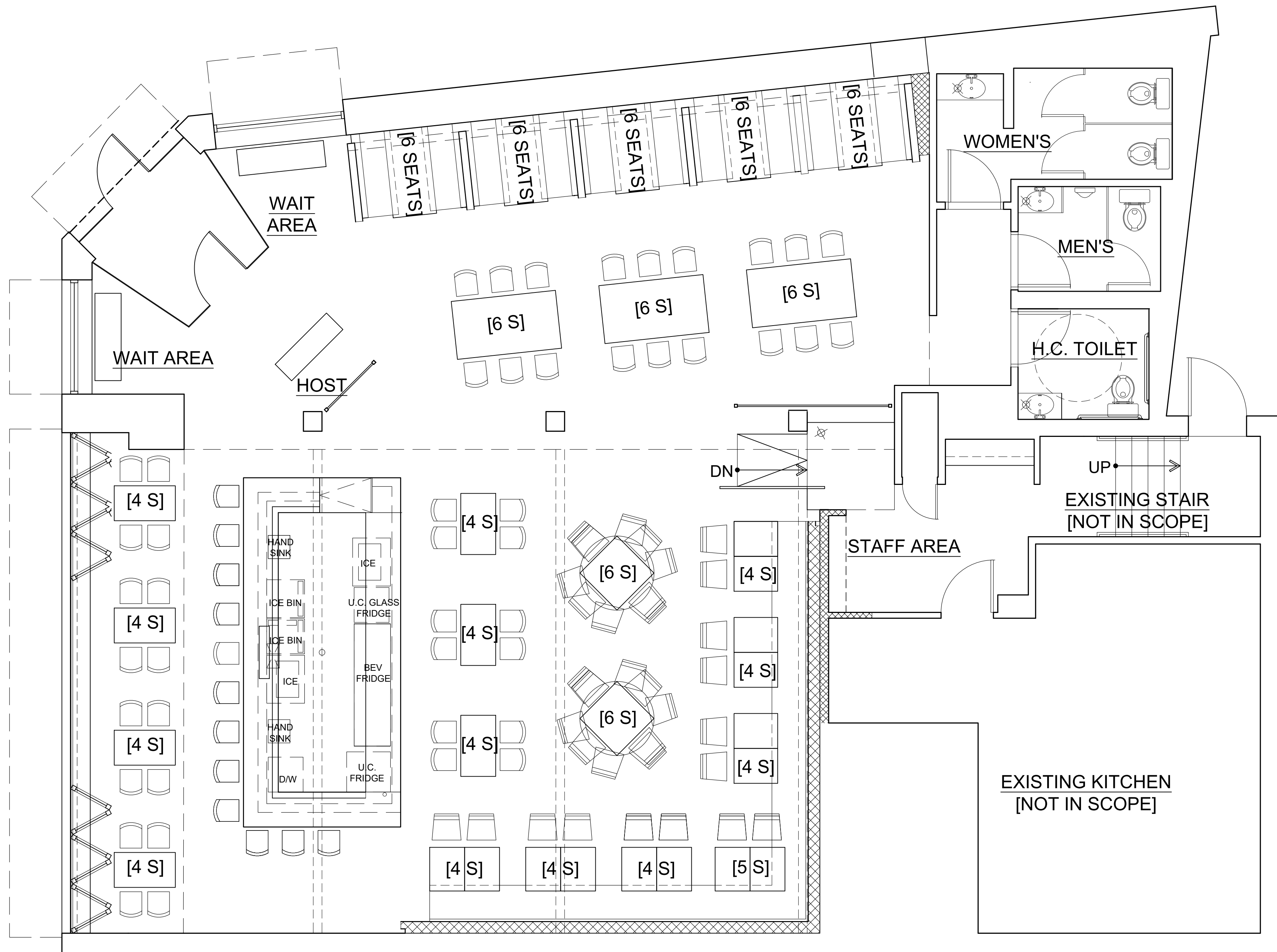
## FURNITURE PLAN

Scale: As Noted

**A-5**

Sheet Number

Date: 05/01/2024



1

EXISTING SEATING PLAN

1/4" = 1'-0"

NOTE: 117 SEATS  
12 BAR

Owner/Project:

BLUE ON HIGHLAND  
882 HIGHLAND AVE  
NEEDHAM, MA 02494

Architect:

K R I P P E R S T U D I O  
36 BROMFIELD STREET, SUITE 501 BOSTON, MA 02108

Consultant:

SEATING PLAN



A-2

Sheet Number

Scale: As Noted

Date: 05/30/2024





TOWN OF NEEDHAM CLERK  
MASSACHUSETTS  
NEEDHAM, MA 02492

2005 SEP 21 PM 3:54

Room 20, Town Hall  
Needham, MA 02492  
781-455-7526

## PLANNING BOARD

### DECISION SITE PLAN SPECIAL PERMIT

882-886 Highland Avenue  
Mount Blue  
Application No. 2005-05

Decision of the Planning Board (hereinafter referred to as the Board) on the petition of Mount Blue c/o Matt Sullivan, 26 Worcester Road, Boston, Massachusetts, (hereinafter referred to as the Petitioner) for property located at 882-886 Highland Avenue, Needham, Massachusetts. Said property is shown on Needham Town Assessors Plan No. 69 as Parcel 60.

This Decision is in response to an application submitted to the Board on August 8, 2005, by the Petitioner for: (1) a Major Project Site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) a Special Permit under Section 3.2.2 of the By-Law for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter in the Avery Square Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to a restaurant use; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot; (5) a Special Permit under Section 1.4.6 of the By-Law for the alteration of a non-conforming structure; and (6) a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements).

The requested Major Project Site Plan Special Permit would, if granted, permit redevelopment of approximately 3,420 square feet of first floor and 3,170 square feet of basement space located at 882-886 Highland for a restaurant containing 137 seats with take-out capability. The Needham Heights Pharmacy previously occupied the subject premise. The Petitioner also proposes to offer live acoustic music on Friday and Saturday. The Petitioner intends to operate from 11:30 a.m. to 11:00 p.m., Sunday through Thursday, and 11:30 a.m. to midnight on Friday and Saturday. No changes to the exterior façade or parking lot are proposed.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairman, Robert T. Smart, Jr., on Tuesday, September 6, 2005 at 8:00 p.m. in the Selectmen's Meeting Room, in the Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts. Board members, Robert T. Smart Jr., Maurice P. Handel, Paul Killeen, Devra G. Bailin and Bruce T. Eisenhut were present throughout the proceedings. The record of the proceedings and the submissions upon which this Decision is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation prior to the close of the public hearing were the following exhibits:

- Exhibit 1** Properly executed Application in support of Application for Further Site Plan Review under Section 7.4 of the By-law, for a Special Permit under Section 3.2.2, for a Special Permit under Section 1.4.6 of the By-law, and for a Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the parking requirements under Section 5.1.2 and Section 5.1.3, dated October 19, 2004.
- Exhibit 2** Two (2) letters from Roy A. Cramer, Frieze, Cramer, Cygelman, Rosen & Huber, to the Board, dated August 4, 2005, one (1) letter dated August 9, 2005, and one (1) letter dated September 7, 2005.
- Exhibit 3** Two (2) emails from Roy A. Cramer, Frieze, Cramer, Cygelman, Rosen & Huber, to Sandrine Strasser, dated August 9, 2005.
- Exhibit 4** Letter from Mitchell G. Wolrich, Trustee, L&H Realty Trust to Lee Newman, Planning Director, dated August 5, 2005.
- Exhibit 5** Plan comprised of 5 sheets, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Mount Blue, 882 Highland Avenue, Needham, MA, dated August 4, 2005: Sheet 1 of 5, Sheet No. D1-1, "Demolition Basement & First Floor Plans"; Sheet 2 of 5, Sheet No. D2-1, "Demolition Building Elevations"; Sheet 3 of 5, Sheet No. D3-1, "Demolition Roof Plan"; Sheet 4 of 5, Sheet No. A1-1, "Proposed Basement & First Floor Plans"; Sheet 5 of 5, Sheet No. A4-1, "Elevations".
- Exhibit 6** Plan entitled "Architectural Site Plan", Sheet No. L1-1, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Mount Blue, 882 Highland Avenue, Needham, MA, dated August 4, 2005.
- Exhibit 7** A portion of Needham Assessor's Map 69, showing the premises, and a copy of a September 30, 1964 Town of Needham Building Inspector Department Plot Plan, approved by the Superintendent of Public Works on April 29, 1965.
- Exhibit 8** Traffic Impact and Access Study entitled "Parking Study 882 Highland Avenue, Needham, Massachusetts", prepared by Mr. Scott W. Thornton, P.E. and Ms. Lori A. Shattuck, Vanasse & Associates, Inc., 10 New England Business Center Drive, Suite 314, Andover, MA 01810-1066, dated August 5, 2005.
- Exhibit 9** Interdepartmental Communication (IDC) to the Board from Lt. John H. Kraemer, Needham Police Department, dated September 1, 2005; IDC to the Board from Robert H. Papetti, Needham Fire Department, dated September 2, 2005; IDC to the Board from Anthony Del Gaizo, Assistant Director, Department of Public Works, dated September 6, 2005; IDC to the Board from Tara Gurge, Board of Health, dated August 29, 2005 and IDC to the Board from the Design Review Board, dated August 22, 2005.

Exhibits 1, 2, 3, 4, 5, 6, 7 and 8 are referred to hereinafter as the Plan.



## FINDING AND CONCLUSIONS

- 1.1 The subject property is located in the Avery Square Business District at 882-886 Highland Avenue, Needham, Massachusetts. The property is shown on Needham Town Assessors Plan No. 69 as Parcel 60. The site contains 4,540 square feet of land and has 50.72 feet of frontage on Highland Avenue and 73.10 feet of frontage on Mark Lee Road.
- 1.2 The property is presently fully developed. The property presently contains one commercial building which comprises most of the site. The building is not vacant, but was the location for many years of the Heights Pharmacy. The Petitioner proposes to redevelop the property comprising 3,420 square feet of first-floor space and 3,170 square feet of basement floor space and to operate therein a one hundred thirty-seven (137) seat restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter. A take-out operation accessory to the restaurant use is proposed. In connection therewith the Petitioner is proposing modifications to both the front and side facades of the building. The Petitioner further proposes to offer live acoustic music on Friday and Saturday evenings.
- 1.3 The Petitioner proposes to operate the restaurant with accessory take-out capability seven (7) days a week, between 11:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 11:00 a.m. and midnight on Friday and Saturday. The anticipated number of employees during the busiest nights is 12-14, and the anticipated number of employees during the lunch shift is 6-8. Expected peak hours of operation are during the dinner hours.
- 1.4 The Petitioner has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence to the requirements of Section 5.1.2 (number of parking spaces) and Section 5.1.3 (off-street parking requirements). The parking requirement for restaurants is 1 parking space per 3 seats, plus an additional 10 seats per take-out station. The parking requirement pursuant to the By-Law is 56 spaces. There are a total of 3 on-street parking spaces that can be applied toward the required number of parking spaces (Section 5.1.1.7 of the By-Law). Therefore, the Petitioner has requested a waiver to reduce the number of required on-site parking spaces from 53 spaces to 0 spaces.
- 1.5 Section 5.1.3 of the By-Law requires that the layout of all parking areas conform to the parking design requirements enumerated in Section 5.1.3. The Petitioner has requested a Special Permit, pursuant to Section 5.1.1.5 of the By-Law, to waive strict adherence to the requirements of Section 5.1.3 of the Zoning By-Law.
- 1.6 The Petitioner has requested a Special Permit pursuant to Section 1.4.6 of the By-Law for the alteration of a nonconforming structure. The structure is nonconforming in at least the following ways: (a) the minimum lot area is 10,000 square feet (Section 4.4.1 of the Zoning By-Law, but the square footage of the property is 4,540 square feet); (b) the Floor Area Ratio ("FAR") for eating establishments is 0.35 (Section 4.4.2(e)1), but the FAR at the site is 0.75; (c) the front set back requirement is 10 feet, and that set back area must be kept open and landscaped with grass or other planting material, unpaved, except for walkways and driveways (Section 4.4.4 of the Zoning By-Law). The front set back of the existing building is variable, but is consistently less than 10 feet. The set back that exists is comprised entirely of sidewalk.

- 1.7 The Petitioner appeared before the Design Review Board on August 17, 2005, and obtained approval for the project.
- 1.8 Adjoining premises will be protected against seriously detrimental uses on the site by provision of surface water drainage, sound and sight buffers and preservation of views, light and air. The site already includes a surface water drainage system connected to the municipal system and is designed to accommodate the anticipated runoff. The site is presently fully developed and nothing further is required in the areas of sound and site buffers, preservation of views, light and air.
- 1.9 The proposed project will ensure the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets. There is presently no off-street parking associated with the property, and that fact will remain unchanged. There is on-street parking available, and a municipal lot to the rear of the property on Mark Lee Road. The busiest time for the restaurant is expected to be during the dinner hour, during which time there will be less other commercial activity in the immediate area, and therefore more available parking. The restaurant will not be open for breakfast, so there will be no impact at all on the morning peak hour traffic on Highland Avenue and adjacent streets. The Petitioner will comply with all applicable regulations for the handicapped, minors and the elderly.
- 1.10 The proposed project will provide an adequate arrangement of parking and loading spaces in relation to the proposed use of the premises. While there is no off-street parking associated with the site, there is a municipal parking lot on Mark Lee Road within walking distance of the property, and there are adequate on-street spaces to accommodate the proposed use. In addition, the MBTA lot across the railroad tracks is within walking distance, and provides a large supply of additional parking spaces. As described above, the dinner hours expected to be the busiest portion of the day for Mount Blue and the availability of parking at that hour is substantial. The proposed hours of operation are 11:00 a.m. - 11:00 p.m., Sunday through Thursday, and 11:00 a.m. - midnight on weekends. The anticipated number of employees during the busiest nights is 12-14, and the anticipated number of employees during the lunch shift is 6-8.
- 1.11 Adequate methods for disposal of refuse and waste will be provided. Mobile dumpsters will be located at the rear of the property, and screened by fencing. Refuse will be disposed of on a daily basis. The project's wastewater system is presently connected to the municipal sewerage system, and will continue to do so.
- 1.12 The relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area in compliance with other requirements of the By-law will be met. Since no change to the footprint of the building is proposed, the relationship of structures and open spaces to the natural landscaping, existing buildings, and other community assets will remain unchanged, and in compliance with other requirements of the By-Law. The exterior improvements to the facade of the building will be an amenity to the area. The space is very visible from Highland Avenue and acts as a gateway to Needham Heights. The present vacancy of such a visible location is detrimental to the neighborhood and the community in general. Since there are no other full service restaurants in the immediate area, Needham Heights will be provided with an amenity that presently does not exist.

- 1.13 The proposed project will not have any adverse impacts on the Town's resources, including the Town's water supply and distribution system, sewer collection and treatment, fire protection and streets. The site is already fully developed, and the proposed use will not have an adverse impact on surrounding businesses, but will hopefully act as a catalyst to enhance the commercial vitality of the Avery Square Business District.
- 1.14 The proposed project demonstrates that it is providing the maximum number of off-street parking spaces practicable. No additional off-street parking spaces are available due to the configuration of the lot and location of the buildings. It is not practical to create more parking spaces on the site.
- 1.15 Under Section 7.4 of the By-Law, a Major Project Site Plan Special Permit may be granted within the Avery Square Business District provided the Board finds that the proposed development will be in compliance with the goals and objectives of the Master Plan, the Town of Needham Design Guidelines for the Business Districts, and the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, for the site plan review, to be in harmony with the purposes and intent of the By-Law and Town Master plans, to comply with all applicable By-Law requirements, to have minimized adverse impact, and to have promoted a development which is harmonious with the surrounding area.
- 1.16 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow a Special Permit for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter with accessory take-out in the Avery Square Business District, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law and to comply with all applicable By-Law requirements.
- 1.17 Under Section 3.2.2 of the By-Law, a Special Permit may be granted to allow for more than one nonresidential use on the lot, provided the Board finds that the proposed use is in harmony with the general purposes and intent of the By-Law. On the basis of the above findings and conclusions, the Board finds the proposed development Plan, as conditioned and limited herein, to be in harmony with the general purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the detriment to the Town's and neighborhood's inherent use.
- 1.18 Under Section 1.4.6 of the By-Law, a lawful pre-existing nonconforming building may be structurally altered only pursuant to a special permit issued by the Board pursuant to Section 7.5.2 provided that the Board determines such alteration would not be substantially more detrimental to the neighborhood than the existing non-conforming structure. On the basis of the above findings and criteria, the Board finds that the proposed alteration, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the existing non-conforming structure nor to be more detrimental to the neighborhood than the existing non-conforming structure.
- 1.19 Under Section 5.1.1.5 of the By-Law, a Special Permit to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 of the By-Law

(Off-Street Parking Requirements) may be granted provided the Board finds that owing to special circumstances, the particular use, structure or lot does not warrant the application of certain design requirements, but that a reduction in the number of spaces and certain design requirements is warranted. On the basis of the above findings and conclusions, the Board finds that there are special circumstances for a reduction in the number of required parking spaces and design requirements, as conditioned and limited herein, which will also be consistent with the intent of the By-Law and which will not increase the detriment to the Town's and neighborhood's inherent use.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Special Permit under Section 7.4 of the By-Law; (2) the requested Special Permit under Section 3.2.2 of the By-Law to operate a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter in the Avery Square Business District; (3) the requested Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to a restaurant use; (4) the requested Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot; (5) the requested Special Permit under Section 1.4.6 of the By-Law for the alteration of a non-conforming structure; and (6) the requested Special Permit under Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off-Street Parking Requirements; subject to and with the benefit of the following Plan modifications, conditions and limitations.

#### PLAN MODIFICATIONS

Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional corrected, or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Inspector before the Inspector shall issue any building permit or permit for any construction on the site. The Petitioner shall submit nine copies of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.

- 2.1 The Plans shall be modified to include the requirements and recommendations of the Board as set forth below. The modified plans shall be submitted to the Board for approval and endorsement. The Petitioner shall meet all requirements and recommendations of the Board, set forth below.
  - a) A note shall be added to the plan stating that the front elevation light fixtures shown on the existing concrete columns shall be utilized for accent lighting only with no general illumination provided outward from the building.
  - b) The plan shall be modified to show a second preferred alternative location for the dumpster and fenced enclosure behind the building. The preferred alternative location shall show the dumpster placed behind the rear of the building and moved further in from the street than the location provided under alternative 1. A note shall be added to the plan giving the Petitioner the right to exercise either dumpster location alternative at its discretion. The Petitioner shall notify the Board of the option

selected. Once exercised the dumpster location shall not be modified absent the Board's approval.

### CONDITIONS

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.22 hereof.
- 3.1 The use of the subject property shall be that of a hundred thirty-seven (137) seat full-service restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter. The sale of food and beverages for take-out as an accessory to full-service restaurant shall be permitted.
- 3.2 The restaurant shall contain no more than 137 seats for on-site food consumption and one take-out station.
- 3.3 The Petitioner may operate the restaurant with accessory take-out capability seven (7) days a week, between 11:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 11:00 a.m. and midnight on Friday and Saturday.
- 3.4 The Petitioner may utilize the services of not more than 6 employees at any one time during the lunch period of 11:00 a.m. to 2:00 p.m. At all other times, the Petitioner may utilize the services of no more than 14 employees at any one time.
- 3.5 The Petitioner shall be responsible for cleaning the municipal parking lot located on Mark Lee Road at least four times per year. One cleanup shall be in spring after snowmelt, one shall be in the spring and one shall be in the summer. The fourth cleaning time shall be in the discretion of the Petitioner. If requested by the Board, Petitioner shall inform the Board when cleanups were conducted for the previous year.
- 3.6 In order for the take-out service to run efficiently, the Petitioner shall implement the following: a) the take-out area shall be located near the front of the restaurant; b) Petitioner shall attempt to provide realistic time estimates for when take-out orders will be ready, in order to minimize waiting time for take-out customers, and c) "car-hop" service shall be made available for take-out customers.
- 3.7 All cooking facilities shall be properly vented so as not to create any disturbing odors. The Petitioner shall install and maintain an emission control system to remove smoke and greasy odors from kitchen emission so that only clean air is exhausted in full compliance with federal and state requirements. There shall be provision for disposal of refuse, which shall be removed on a timely basis.
- 3.8 That this Special Permit to operate the Mount Blue restaurant at 882-886 Highland Avenue, is issued to Walkey Sullivan, LLC, d/b/a Mount Blue, 26 Worcester Street, Unit 502, Boston, MA 02118, and may not be transferred, set over, or assigned by Walkey Sullivan, LLC, d/b/a Mount Blue, to any other person or entity without the prior written approval of the Board following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient.

- 3.9 The restaurant shall be located and constructed in accordance with the Plan, as modified by this Decision. Any changes, revisions or modifications to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.10 The proposed restaurant shall contain the floor plan and dimensions and be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with applicable dimensional requirements of the By-Law. Minor movement of fixed equipment, interior partitions or seating is of no concern to the Board. Any changes, revisions or modifications other than changes deemed "minor movement" to the Plan, as modified by this Decision, shall require approval by the Board.
- 3.11 The Petitioner shall provide parking for at least 8 of its employees off-site. The off-site parking location for all 8 employees is subject to disclosure by the Petitioner and its approval by the Board. The off-site parking shall be provided without cost to the employee and said employees shall be prohibited from parking in any location outside the designated Board approved lot. Notwithstanding the foregoing, the Board approves the MBTA lot as an off-site parking location for said employees. In the event that the MBTA lot ceases to be available for said employees, the Petitioner shall have 120 days to arrange for off-site employee parking. The failure to obtain same within 120 days shall constitute a violation of this condition and the provisions of Section 3.22 of this Decision shall be applicable.
- 3.12 All new utilities, including telephone and electrical service, shall be installed underground from the street.
- 3.13 All trash receptacles shall be located at the rear of the property and shall be screened by fencing as shown on the Plan. Additional trash receptacles shall be provided if required and the area shall be kept free of litter from the restaurant operation. The dumpsters shall be emptied daily, cleaned and maintained to meet Board of Health Standards.
- 3.14 All solid waste associated with this project shall be removed from the site by a private contractor. Deliveries and trash dumpster pick up shall occur only between the hours of 8:30 a.m. and 6:00 p.m. Monday through Saturday and between the hours of 9:00 a.m. and 1:00 p.m. Saturday, Sunday and Holidays. The trash shall be picked up daily.
- 3.15 All construction staging shall be on-site. No construction parking shall be on public streets. Construction parking shall be all on-site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Inspector.
- 3.16 The following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be 7:00 a.m. to 8:00 p.m. Monday through Saturday.
  - b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site which require excavation or otherwise pose a danger to public safety.
  - c. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector, and the abutters and shall be

contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Great Plain Avenue or the adjacent roads.

d. The Petitioner shall take the appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Great Plain Avenue clean of dirt and debris.

- 3.17 No building permit shall be issued in pursuance of the Special Permit and Site Plan Approval until:
- a. The final plans shall be in conformity with those previously approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Inspector.
  - b. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this Decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
  - c. There shall be filed with the Building Inspector a statement by the Board approving the arrangements for the provision of off-site employee parking spaces.
- 3.18 No building or structure, or portion thereof, subject to this Special Permits and Site Plan Approval shall be occupied until:
- a. An as-built plan, supplied by the architect of record certifying that the project was built according to the approved documents, has been submitted to the Board.
  - b. That there shall be filed, with the Building Inspector, a statement by the Board approving the as-built plan for the restaurant facility, in accordance with this Decision and the approved Plan.
- 3.19 In addition to the provision of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions or other agencies, including, but not limited to, the Building Inspector, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health.
- 3.20 The portion of the building or structures authorized by this permit shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted on site until a Certificate of Occupancy and Use has been issued by the Building Inspector.
- 3.21 The Petitioner, by accepting this permit Decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, and that this information is true and valid to the best of the Petitioner's knowledge.
- 3.22 Violation of any of the conditions of this Special Permit shall be grounds for revocation of this Special Permit, or of any building permit granted hereunder. In the case of violation of the continuing obligations of this permit, the Town will notify the owner of



such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said thirty (30) day period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner or owner of the property, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in revocation of the Special Permit. As an alternative, the Town may enforce compliance with the conditions of this permit by an action for injunctive relief before any court of competent jurisdiction. The Petitioner/Owner agrees to reimburse the Town for its reasonable costs including attorney fees in connection with the enforcement of the conditions of this permit.

#### LIMITATIONS

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site improvements, which are the subject of this petition. All construction to be conducted on site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this Decision and to take other action necessary to determine and ensure compliance with the Decision.
- 4.3 This Decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this Decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit shall lapse on September 20, 2007 if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to September 20, 2007. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant an extension as herein provided unless it finds that the use of the property in question or the construction of the site has not begun, except for good cause.
- 4.7 This approval shall be recorded in the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this Decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry of Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown on the Plan, as modified by this Decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

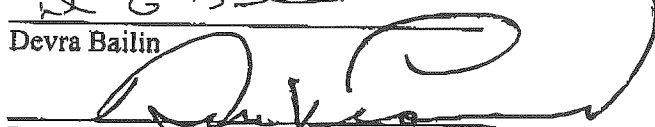
Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this Decision with the Needham Town Clerk.

Witness our hands this 20<sup>th</sup> day of September 2005

NEEDHAM PLANNING BOARD

  
Robert T. Smart, Jr., Chairman

  
Devra Bailin

  
Bruce T. Eisenhut

  
Maurice P. Handel

  
Paul Killeen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Sept. 20, 2005

On this 20<sup>th</sup> day of September, 2005, before me, the undersigned notary public, personally appeared Robert T. Smart, Jr., one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was in the form of a state issued drivers license, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

  
Notary Public

My Commission Expires: MY COMMISSION EXPIRES  
MAY 15, 2009

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the Decision on Mount Blue c/o Matt Sullivan, 26 Worcester Road, Boston, Massachusetts, has passed, and there have been no appeals made to this office. (All Judicial Appeals taken from this Decision have been dismissed.)

October 14, 2005  
Date

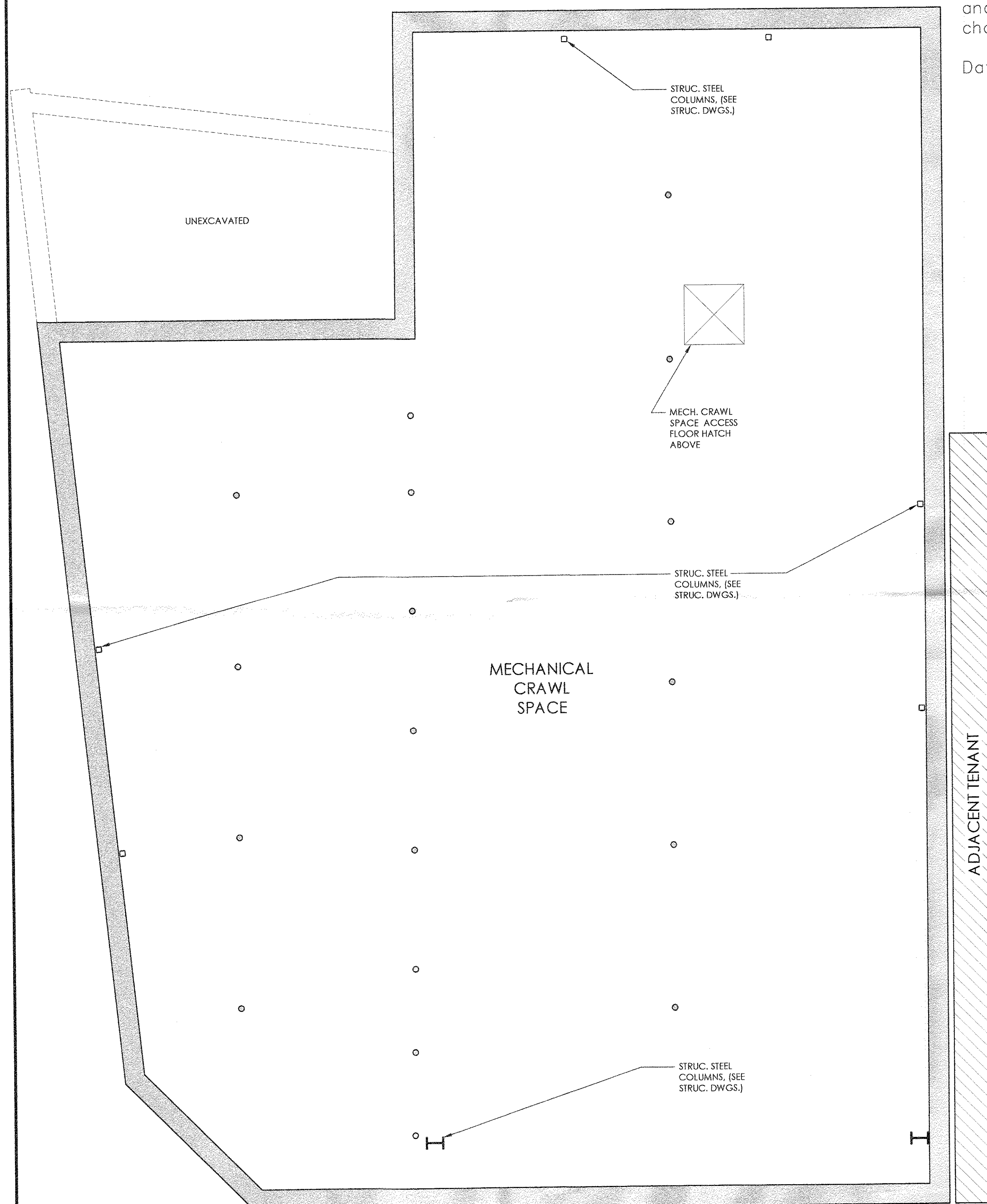
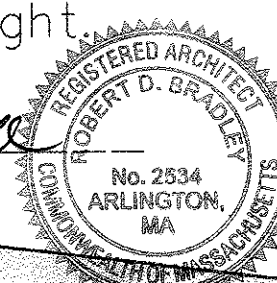
  
Theodora K. Eaton, Town Clerk

Copy sent to:  
Petitioner - Certified Mail #  
Town Clerk  
Building Inspector  
Director, PWD  
Board of Health  
Conservation Commission  
Design Review Board  
Board of Selectmen  
Engineering  
Fire Department  
Police Department  
Roy Cramer  
Parties In Interest

I certify that this plan fully and accurately depicts the layout for the restaurant facility, as built, in accordance with the approved documents with the following exceptions:

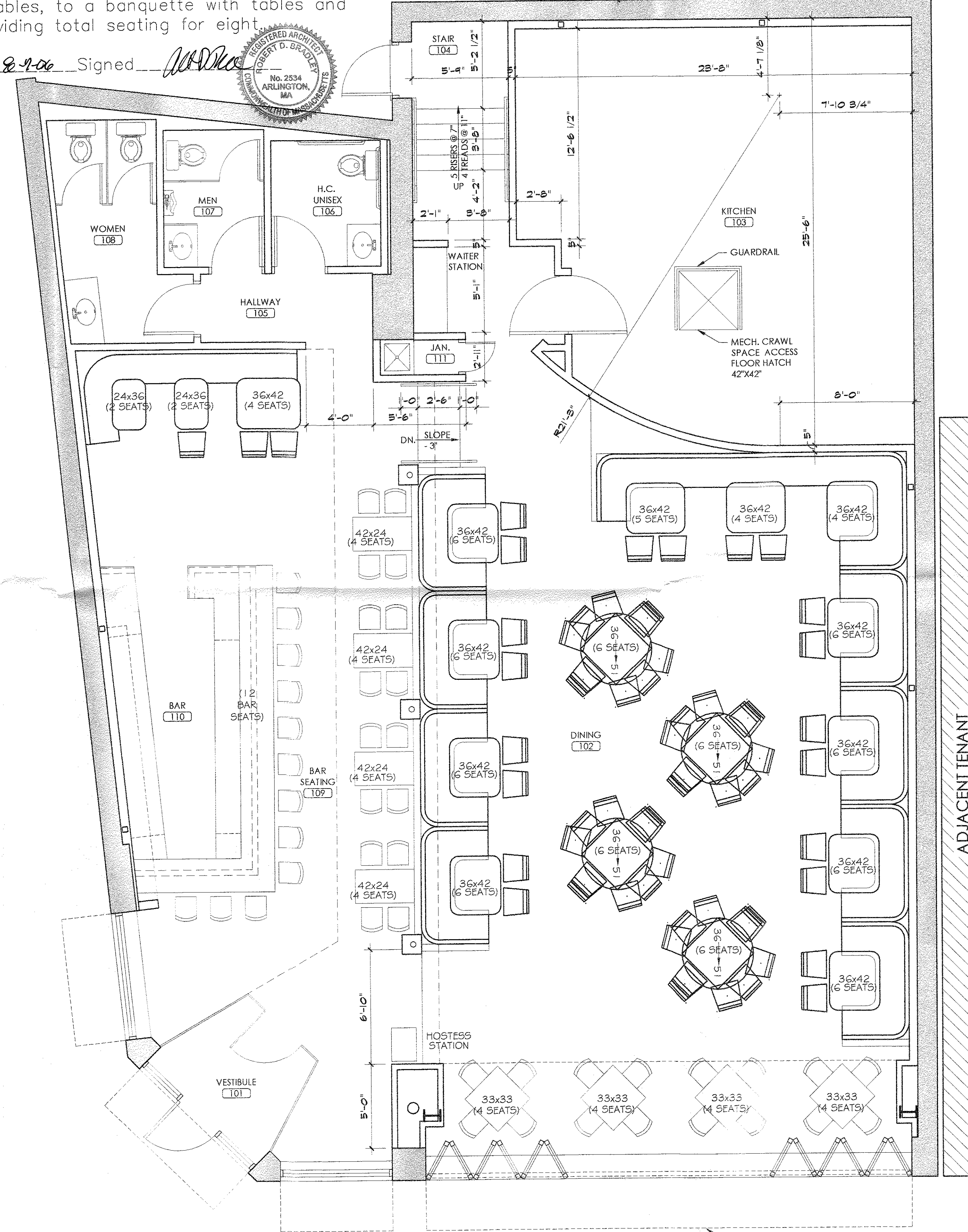
1. Vestibule at main entry.
2. The hostess station has been located to the right side of the entry vestibule.
3. The seating arrangement at the rear of the bar area has been revised from eight loose chairs and two tables, to a banquette with tables and chairs providing total seating for eight.

Date 8-1-06 Signed [Signature]



basement plan SCALE: 1/4" = 1'-0"

EXISTING CONSTRUCTION TO REMAIN



first floor plan SCALE: 1/4" = 1'-0"

EXISTING CONSTRUCTION TO REMAIN  
NEW CONSTRUCTION

|           |                |
|-----------|----------------|
| DATE      | AUGUST 4, 2006 |
| DRAWN     | LS             |
| CHECKED   | DR             |
| PROJ. NO. | 05009          |

**R.G.O.**  
PARTNERSHIP

One Brighton Avenue  
Suite 100  
Boston, MA 02134-2301  
tel 617.783.5055  
fax 617.783.5155  
e-mail mail@rgopartnership.com  
web www.rgopartnership.com

These drawings are instruments of service and shall remain the property of RGO Partnership, whether the project for which they are made is executed or not. They are not to be used by the owner or any other person on this or any other project. No part of this document may be reproduced or distributed in any form or by any means without the written permission of RGO Partnership.  
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**Blue on Highland**  
882 HIGHLAND AVENUE  
NEEDHAM, MASSACHUSETTS

REVISIONS

SHEET TITLE  
BASEMENT & FIRST  
FLOOR  
AS-BUILT PLANS

SCALE: AS NOTED

SHEET NO.

**AB-1**

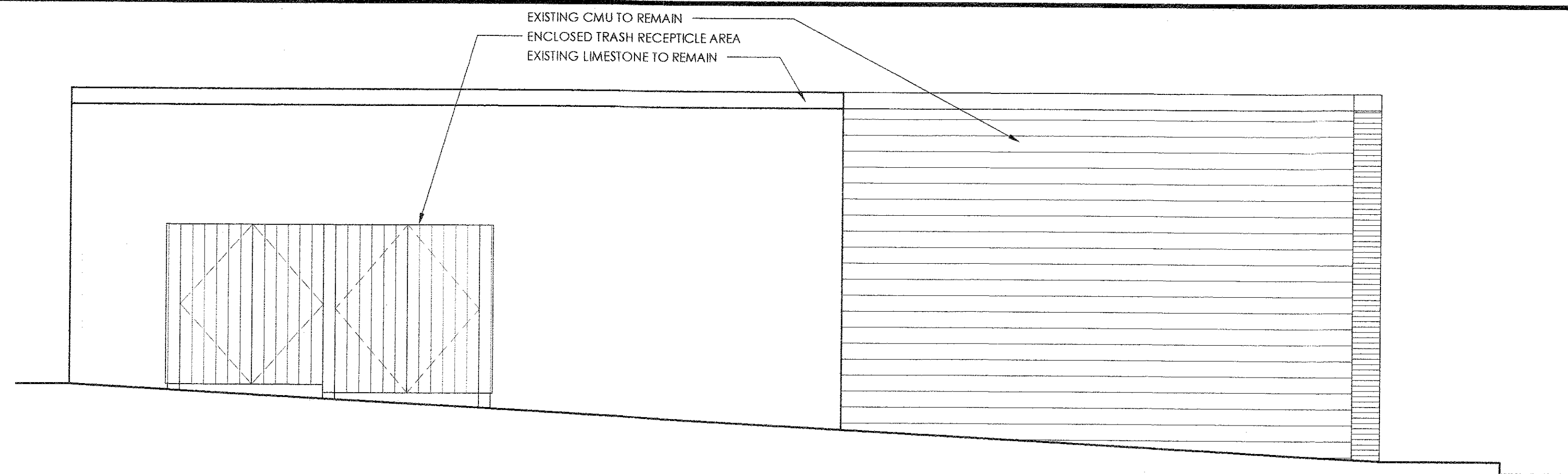


I certify that these elevations fully and accurately depicts the layout for the restaurant facility, as built, in accordance with the approved documents with the following exceptions:

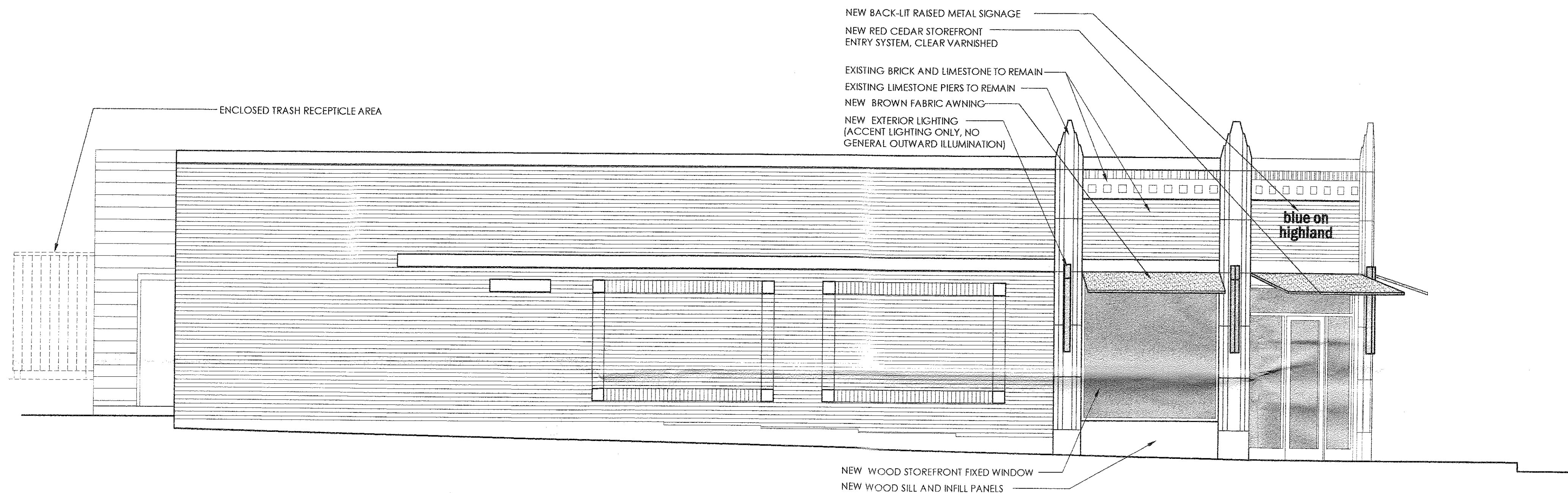
1. The exterior awnings are not yet installed.
2. The exterior awnings are to be brown instead of black.
3. Main entry door is no longer recessed from building perimeter to accomodate interior vestibule.

Date 8-17-06 Signed [Signature]

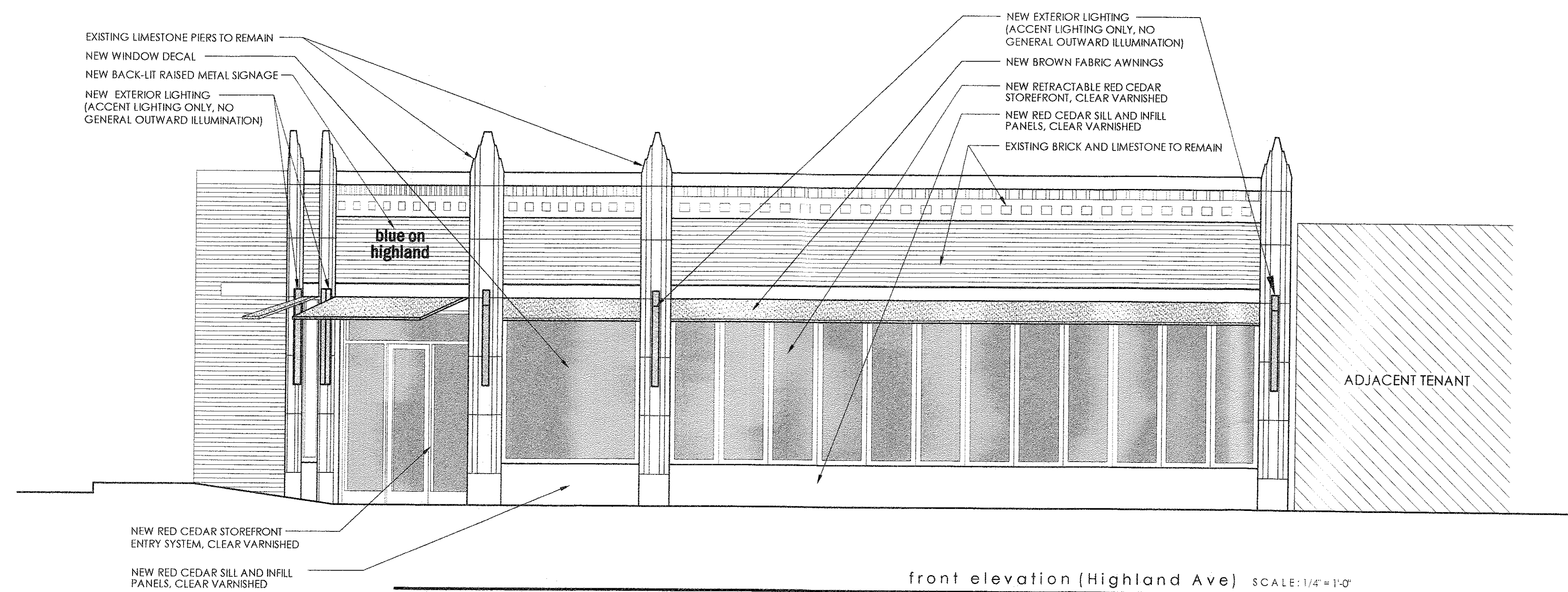
SEAL: REGISTERED ARCHITECT, No. 2834, ARLINGTON, MA, STATE OF MASSACHUSETTS



rear elevation SCALE: 1/4" = 1'-0"



side elevation SCALE: 1/4" = 1'-0"



front elevation (Highland Ave) SCALE: 1/4" = 1'-0"

|           |                |
|-----------|----------------|
| DATE      | AUGUST 4, 2006 |
| DRAWN     | LS             |
| CHECKED   | DFR            |
| PROJ. NO. | 05009          |

**R·G·O**  
PARTNERSHIP

One Brighton Avenue  
Suite 100  
Boston, MA 02134-2301

tel 617.783.5055  
fax 617.783.5155  
e-mail mail@rgopartnership.com  
web www.rgopartnership.com

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PROJECT

**Blue on Highland**  
882 HIGHLAND AVENUE  
NEEDHAM, MASSACHUSETTS

REVISIONS

SHEET TITLE  
**AS-BUILT  
ELEVATIONS**

SCALE: AS NOTED

SHEET NO.

**AB-2**





Blue On Highland  
Dumpsters\_6.4.2024





Blue On Highland  
Dumpsters\_6.4.2024



**From:** [John Schlittler](#)  
**To:** [Alexandra Clee](#)  
**Subject:** RE: Request for comment - Expansion of Blue on Highland  
**Date:** Wednesday, May 15, 2024 8:10:23 AM

---

Police are ok with it

---

**From:** Alexandra Clee <aclee@needhamma.gov>  
**Sent:** Tuesday, May 14, 2024 8:53 PM  
**To:** Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>  
**Cc:** Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>  
**Subject:** Request for comment - Expansion of Blue on Highland

Dear all,

We have received the attached application materials for the proposal to the Petitioner to expand Blue on Highland in the abutting Premise. More information can be found in the attachments.

The Planning Board has scheduled this matter for June 4, 2024. Please send your comments **by Wednesday May 30, 2024**, at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2005-05.
2. Two letters from Attorney Thomas Miller, dated April 22, 2024 and May 2, 2024.
3. Assessors Property Card.
4. As-Built Plans consisting of 2 sheets: Sheet 1, Plan entitled "Basement & First Floor, As-Built Plans", Sheet No. AB-1, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006; Sheet 2, Plan entitled "As-Built Elevations", Sheet No. AB-2, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006.
5. Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston,

MA 02108, consisting of 9 sheets: Sheet 1, Sheet G-1, Cover Sheet, dated March 4, 2024; Sheet 2, Sheet A-1, entitled "Egress Plan," dated March 4, 2024; Sheet 3, Sheet A-2, entitled "Existing Floor Plan," dated March 4, 2024; Sheet 4, Sheet A-3, entitled "Demo Floor Plan," dated March 4, 2024; Sheet 5, Sheet A-4, entitled "Proposed Floor Plan," dated March 4, 2024; Sheet 6, Sheet A-5, entitled "Existing Elevation," dated March 4, 2024; Sheet 7, Sheet A-6, entitled "Demo Elevation," dated March 4, 2024; Sheet 8, Sheet A-7, entitled "Proposed Elevation," dated March 4, 2024; Sheet 9, Sheet A-5, entitled "Furniture Plan," dated May 1, 2024.

Thank you, alex.

<< File: FULL APPLICATION MATERIALS\_Blue on Highland Expansion.pdf >>

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

[www.needhamma.gov/planning](http://www.needhamma.gov/planning)

**From:** [Justin Savignano](#)  
**To:** [Alexandra Clee](#)  
**Cc:** [Thomas Ryder](#)  
**Subject:** RE: Request for comment - Expansion of Blue on Highland  
**Date:** Wednesday, May 29, 2024 5:10:50 PM

---

Hi Alex,

I have no comment or objection to this plan.

Thanks,

Justin

Justin Savignano

Assistant Town Engineer

Department of Public Works

**Town of Needham**

500 Dedham Ave Needham, MA

Tel: 781-455-7538 x362

Cell: 781-801-5937

Email: [jsavignano@needhamma.gov](mailto:jsavignano@needhamma.gov)

Website: [www.needhamma.gov](http://www.needhamma.gov)

---

**From:** Alexandra Clee <aclee@needhamma.gov>

**Sent:** Tuesday, May 14, 2024 8:53 PM

**To:** Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcDonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

**Cc:** Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie

Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>

**Subject:** Request for comment - Expansion of Blue on Highland

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Thank you, alex.

<< File: FULL APPLICATION MATERIALS\_Blue on Highland Expansion.pdf >>

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

[www.needhamma.gov/planning](http://www.needhamma.gov/planning)



**From:** [Tara Gurge](#)  
**To:** [Alexandra Clee](#)  
**Cc:** [Lee Newman](#)  
**Subject:** FW: Request for comment - Expansion of Blue on Highland  
**Date:** Thursday, May 30, 2024 10:58:03 AM

---

Hello Alex –

Here are the Public Health Divisions comments for the proposed Planning Board project located at **882-886 and 898-890 Highland Avenue**, for the expansion of Blue on Highland. See below:

- A full food permit plan review may not be required if the proposed expansion area is only being used for additional seating, however, if any new food service equipment will be added and installed in this expanded space then the applicant will need to fill out an online food permit plan review application with the Public Health Division, and copies of the new equipment spec sheets will need to be uploaded for our review and approval. Here is the direct link to the online Food Establishment Plan Review permit application - <https://needhamma.viewpointcloud.com/categories/1073/record-types/1006516> .
- If no new equipment is installed in this expanded space, Public Health will still need a copy of the final approved renovation plan before the build out occurs, and we will need to inspect the area before it is allowed to be open to the public. Again, if the applicant is adding any additional equipment and adding kitchen space or making renovations to the existing kitchen, then a Food Establishment Plan Review application will need to be filled out and submitted for our review and approval.
- As a result in the increase in the number of seats, this will trigger the establishment to have >150 seats, and the Public Health Divisions annual food establishment permit fee will need to be increased.
- This area needs to be treated for pests before any renovations occur and we will need to receive copies of the certified pest control reports, prior to the start of the renovation. On-going pest control must be conducted during the renovation of the new space.
- As part of our approval of this project, and prior to the issuance of the Building construction permit, Public Health will require that Blue on Highland add additional trash and recycling pick-up services, especially over the weekend, to ensure proper containment of trash and recycling on site, as not to increase the risk of pests.
- As part of this approval process, and prior to the issuance of the Building permit, we will also need to assess and verify this food establishments total refrigeration space and dry storage space and verify with the owner how many additional meals they anticipate serving with this additional seating. We need to confirm they have sufficient refrigeration/freezer space and dry storage space to accommodate the additional meals they are preparing for in house orders, take

out, private events and catering.

Please let us know if you have any follow-up questions or if you need any additional information from us on those requirements.

Thanks,

Tara

**TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)**

**ASSISTANT PUBLIC HEALTH DIRECTOR**

**Needham Public Health Division**

**Health and Human Services Department**

**178 Rosemary Street**

**Needham, MA 02494**

**Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922**

**Mobile- (781) 883-0127**

**Email - [tgurge@needhamma.gov](mailto:tgurge@needhamma.gov)**

**Web- [www.needhamma.gov/health](http://www.needhamma.gov/health)**

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>  *please consider the environment before printing this email*

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---

**From:** Alexandra Clee <[aclee@needhamma.gov](mailto:aclee@needhamma.gov)>

**Sent:** Tuesday, May 14, 2024 8:53 PM

**To:** Joseph Prondak <[jprondak@needhamma.gov](mailto:jprondak@needhamma.gov)>; Thomas Ryder <[tryder@needhamma.gov](mailto:tryder@needhamma.gov)>; John Schlittler <[JSchlittler@needhamma.gov](mailto:JSchlittler@needhamma.gov)>; Tara Gurge <[TGurge@needhamma.gov](mailto:TGurge@needhamma.gov)>; Timothy McDonald <[tmcdonald@needhamma.gov](mailto:tmcdonald@needhamma.gov)>; Tom Conroy <[TConroy@needhamma.gov](mailto:TConroy@needhamma.gov)>; Carys Lustig <[clustig@needhamma.gov](mailto:clustig@needhamma.gov)>

**Cc:** Elisa Litchman <[elitchman@needhamma.gov](mailto:elitchman@needhamma.gov)>; Lee Newman <[LNewman@needhamma.gov](mailto:LNewman@needhamma.gov)>; Justin Savignano <[jsavignano@needhamma.gov](mailto:jsavignano@needhamma.gov)>; Donald Anastasi <[DAnastasi@needhamma.gov](mailto:DAnastasi@needhamma.gov)>; Jay Steeves <[steevesj@needhamma.gov](mailto:steevesj@needhamma.gov)>; Ronnie Gavel <[rgavel@needhamma.gov](mailto:rgavel@needhamma.gov)>; Edward Olsen <[eolsen@needhamma.gov](mailto:eolsen@needhamma.gov)>

**Subject:** Request for comment - Expansion of Blue on Highland

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The Planning Board has scheduled this matter for June 4, 2024. Please send your comments **by Wednesday May 30, 2024**, at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2005-05.
2. Two letters from Attorney Thomas Miller, dated April 22, 2024 and May 2, 2024.
3. Assessors Property Card.
4. As-Built Plans consisting of 2 sheets: Sheet 1, Plan entitled "Basement & First Floor, As-Built Plans", Sheet No. AB-1, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006; Sheet 2, Plan entitled "As-Built Elevations", Sheet No. AB-2, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006.
5. Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston, MA 02108, consisting of 9 sheets: Sheet 1, Sheet G-1, Cover Sheet, dated March 4, 2024; Sheet 2, Sheet A-1, entitled "Egress Plan," dated March 4, 2024; Sheet 3, Sheet A-2, entitled "Existing Floor Plan," dated March 4, 2024; Sheet 4, Sheet A-3, entitled "Demo Floor Plan," dated March 4, 2024; Sheet 5, Sheet A-4, entitled "Proposed Floor Plan," dated March 4, 2024; Sheet 6, Sheet A-5, entitled "Existing Elevation," dated March 4, 2024; Sheet 7, Sheet A-6, entitled "Demo Elevation," dated March 4, 2024; Sheet 8, Sheet A-7, entitled "Proposed Elevation," dated March 4, 2024; Sheet 9, Sheet A-5, entitled "Furniture Plan," dated May 1, 2024.

Thank you, alex.

<< File: FULL APPLICATION MATERIALS\_Blue on Highland Expansion.pdf >>

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

[www.needhamma.gov/planning](http://www.needhamma.gov/planning)

**From:** [Joseph Prondak](#)  
**To:** [Alexandra Clee](#)  
**Cc:** [Lee Newman](#)  
**Subject:** RE: Request for comment - Expansion of Blue on Highland  
**Date:** Friday, May 31, 2024 12:18:22 PM

---

Hi Alex,

I have no concern for this expansion from a Zoning perspective. However, if the applicants are successful in obtaining an amendment...they will need to comply with updated requirements of the Mass. State Plumbing Code which went into effect on 12/8/23. This means they may need to add another toilet to the plan and a bathroom sink. The exact location would be up to the applicants and their Architect, which may or may not affect the number of seats.

Sincerely,

Joe Prondak

Needham Building Commissioner

781-455-7550 x308

---

**From:** Alexandra Clee <aclee@needhamma.gov>  
**Sent:** Thursday, May 30, 2024 1:00 PM  
**To:** Joseph Prondak <jprondak@needhamma.gov>  
**Cc:** Lee Newman <LNewman@needhamma.gov>  
**Subject:** FW: Request for comment - Expansion of Blue on Highland

<< File: 2024.05.30\_Blue\_SeatingPlan\_Stamped.pdf >>

Hi Joe,

I have received the existing conditions seating plan of the existing restaurant. Please let us know if this works for you and if you have any comments on the proposal.

Thanks, alex.

Alexandra Clee

Assistant Town Planner



Needham, MA

781-455-7550 ext. 271

[www.needhamma.gov](http://www.needhamma.gov)

---

**From:** Alexandra Clee

**Sent:** Wednesday, May 29, 2024 3:00 PM

**To:** Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

**Cc:** Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Edward Olsen <eolsen@needhamma.gov>

**Subject:** RE: Request for comment - Expansion of Blue on Highland

If you wish to comment, I would appreciate getting your comments by today's end, so I may include them in the Planning Board's packets.

Thanks, alex.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

[www.needhamma.gov](http://www.needhamma.gov)

---

**From:** Alexandra Clee

**Sent:** Tuesday, May 14, 2024 8:53 PM

**To:** Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Tom

Conroy <[TConroy@needhamma.gov](mailto:TConroy@needhamma.gov)>; Carys Lustig <[clustig@needhamma.gov](mailto:clustig@needhamma.gov)>

**Cc:** Elisa Litchman <[elitchman@needhamma.gov](mailto:elitchman@needhamma.gov)>; Lee Newman <[LNewman@needhamma.gov](mailto:LNewman@needhamma.gov)>; Justin Savignano <[jsavignano@needhamma.gov](mailto:jsavignano@needhamma.gov)>; Donald Anastasi <[DAnastasi@needhamma.gov](mailto:DAnastasi@needhamma.gov)>; Jay Steeves <[steevesj@needhamma.gov](mailto:steevesj@needhamma.gov)>; Ronnie Gavel <[rgavel@needhamma.gov](mailto:rgavel@needhamma.gov)>; Edward Olsen <[eolsen@needhamma.gov](mailto:eolsen@needhamma.gov)>

**Subject:** Request for comment - Expansion of Blue on Highland

Dear all,

We have received the attached application materials for the proposal to the Petitioner to expand Blue on Highland in the abutting Premise. More information can be found in the attachments.

The Planning Board has scheduled this matter for June 4, 2024. Please send your comments **by Wednesday May 30, 2024**, at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2005-05.
2. Two letters from Attorney Thomas Miller, dated April 22, 2024 and May 2, 2024.
3. Assessors Property Card.
4. As-Built Plans consisting of 2 sheets: Sheet 1, Plan entitled "Basement & First Floor, As-Built Plans", Sheet No. AB-1, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006; Sheet 2, Plan entitled "As-Built Elevations", Sheet No. AB-2, prepared by R.G.O. Partnership, One Brighton Avenue, Suite 100, Boston, MA 02134-2301, prepared for Blue on Highland, 882 Highland Avenue, Needham, MA, dated August 4, 2006.
5. Plans prepared by Kripper Architecture Studio, 36 Bromfield Street, Suite 501, Boston, MA 02108, consisting of 9 sheets: Sheet 1, Sheet G-1, Cover Sheet, dated March 4, 2024; Sheet 2, Sheet A-1, entitled "Egress Plan," dated March 4, 2024; Sheet 3, Sheet A-2, entitled "Existing Floor Plan," dated March 4, 2024; Sheet 4, Sheet A-3, entitled "Demo Floor Plan," dated March 4, 2024; Sheet 5, Sheet A-4, entitled "Proposed Floor Plan," dated March 4, 2024; Sheet 6, Sheet A-5, entitled "Existing Elevation," dated March 4, 2024; Sheet 7, Sheet A-6, entitled "Demo Elevation," dated March 4, 2024; Sheet 8, Sheet A-7, entitled "Proposed Elevation," dated March 4, 2024; Sheet 9, Sheet A-5, entitled "Furniture Plan," dated May 1, 2024.

Thank you, alex.

<< File: FULL APPLICATION MATERIALS\_Blue on Highland Expansion.pdf >>

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

[www.needhamma.gov/planning](http://www.needhamma.gov/planning)

May 28, 2024

**BY EMAIL**

Lee Newman, Director of Planning and Community Development  
Town of Needham  
Public Services Administration Building  
500 Dedham Avenue  
Needham, MA 02492

**Re: Request to Amend Major Project Site Plan Special Permit No. 2004-01  
High School Tennis Court Renovation**

Dear Lee:

In advance of the Planning Board's upcoming meeting on June 4, enclosed is the revised plan set for the Needham High School Tennis Court Renovation Project. The Applicant has made several material changes to the plans that were presented during the April 24 session of the public hearing, which include the following:

- The Applicant has added a wall of 5' – 8' evergreen plantings along the northerly property line to provide a visual buffer between the tennis courts and the residential properties on that side. A new planting plan (Sheet L3.1) has been added to the plan set to show the location and spacing of the proposed plantings.
- The westernmost set of two (2) new tennis courts has been moved 6' closer to the parking lot, while maintaining the alignment of those courts with the six (6) adjacent courts included in this project. This results in these two (2) new courts being placed a distance of 35' from the property line at the nearest point.
- The other set of two (2) new tennis courts (those located adjacent to the replacement courts) are now 38' feet from the property line at the nearest point; these courts cannot be moved closer to the parking lot because a portion of the proposed drainage system will be installed and maintained within the intervening lawn area. See Sheet L2.1 Grading and Utility Plan. In order to allow for long term maintenance, these subsurface drainage improvements must be placed outside the footprint of the tennis courts.
- The chain link fence along the easterly side of the four (4) replacement tennis courts has been raised from 12' to 14' to provide for greater shielding of abutting properties from errant tennis balls.

Lee Newman, Director of Planning and Community Development

May 28, 2024

Page 2 of 2

The project team looks forward to discussing this revised plan set with the Planning Board at its June 4 meeting. If I can provide any additional information in advance of the meeting, please let me know.

Sincerely,

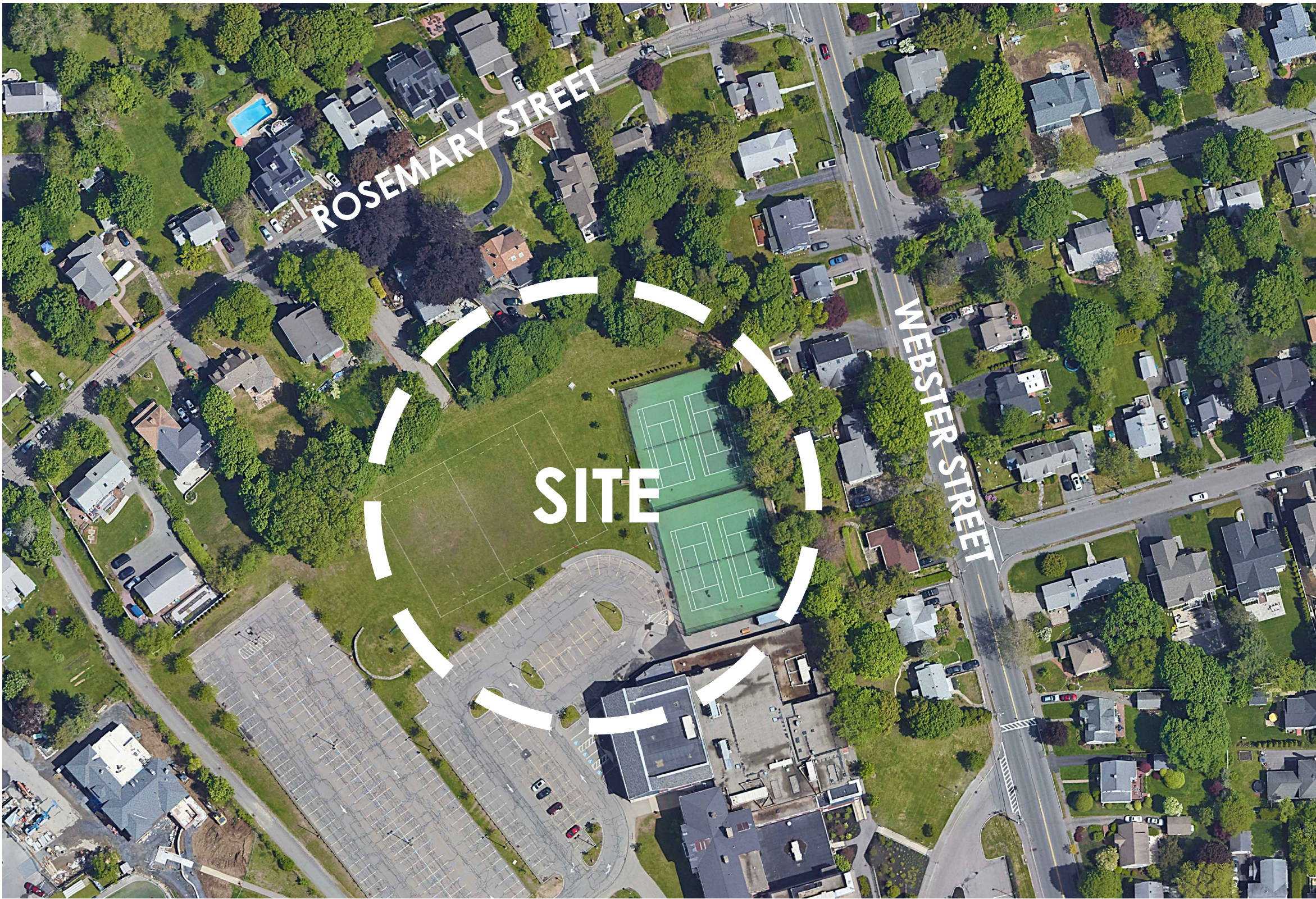
A handwritten signature in blue ink, appearing to read "Christopher H. Heep", with a stylized flourish at the end.

Christopher H. Heep

Encl.

cc: J. Charwick  
S. Mulroy  
A. Rrapi  
T. Ryder





LOCUS MAP



LIST OF DRAWINGS

|       |                                               |
|-------|-----------------------------------------------|
| EX1.1 | EXISTING CONDITIONS PLAN (BY TOWN OF NEEDHAM) |
| SP1.1 | SITE PREPARATION PLAN                         |
| SP1.2 | SITE PREPARATION DETAIL SHEET                 |
| L1.1  | LAYOUT AND MATERIALS PLAN                     |
| L2.1  | GRADING AND UTILITY PLAN                      |
| L3.1  | PLANTING PLAN                                 |
| L4.1  | DETAIL SHEET I                                |
| L4.2  | DETAIL SHEET II                               |
| L4.3  | DETAIL SHEET III                              |
| L4.4  | DETAIL SHEET IV                               |

MAJOR PROJECT SITE PLAN APPROVAL | FEBRUARY 6, 2024  
REVISED MAY 22, 2024

TOWN OF NEEDHAM  
NEEDHAM HIGH SCHOOL  
TENNIS COURT RENOVATION  
NEEDHAM, MASSACHUSETTS 02492

LOT AREA: 14.55 ACRES | MAP# 226 | PARCEL# 199 | ZONING DISTRICT: SINGLE RESIDENCE B

OWNER

Town of Needham  
1471 Highland Avenue  
Needham, MA 02492  
(781) 455-7940

LANDSCAPE ARCHITECT/CIVIL ENGINEER

Activitas  
70 Milton Street  
Dedham, MA 02026  
(781) 326-2600

TOWN OF NEEDHAM  
NEEDHAM HIGH SCHOOL TENNIS COURT RENOVATION

MAJOR PROJECT SITE PLAN APPROVAL | FEBRUARY 6, 2024  
REVISED MAY 22, 2024

| REVISIONS: |         |                    |                  | PROJECT NO. 23016.00 |
|------------|---------|--------------------|------------------|----------------------|
| NO.        | DATE    | SHEETS REVISED     | NOTES            |                      |
| 1          | 5/22/24 | ENTIRE DRAWING SET | DESIGN REVISIONS |                      |
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| 1          | 5/22/24 | DESIGN REVISIONS |
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| SCALE:       | 1"=20'-0"                       |
| PROJECT NO.: | 23016.00                        |
| FILE:        | 23016.00-EX1.1-EX_COND_PLAN.dwg |
| DRAWN:       | BJM                             |
| CHECKED:     | JLM                             |

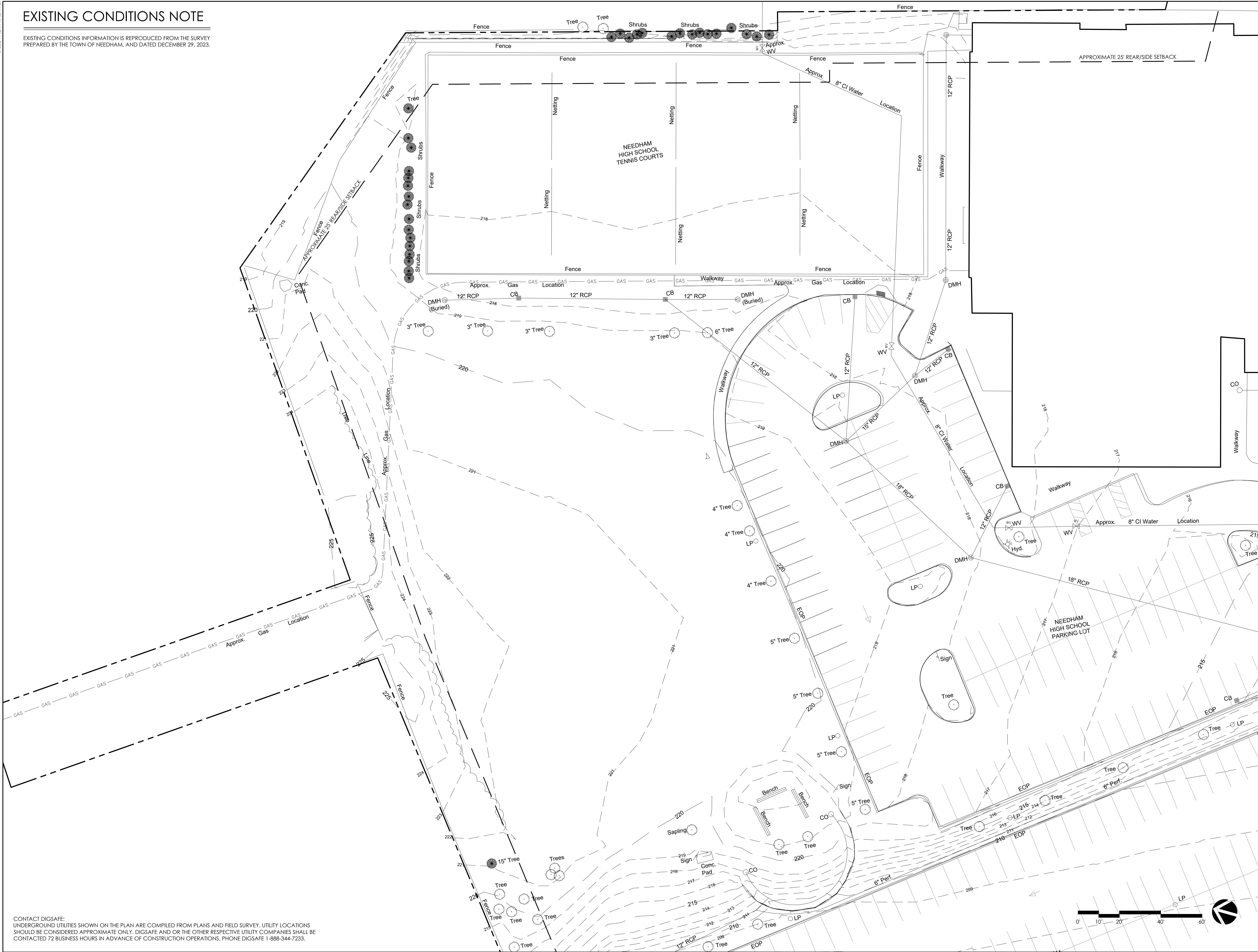
SEAL

SHEET TITLE:

## EXISTING CONDITIONS PLAN

SHEET NO:

# EX1.1



CONTACT DIGSAFE:  
UNDERGROUND UTILITIES SHOWN ON THE PLAN ARE COMPILED FROM PLANS AND FIELD SURVEY. UTILITY LOCATIONS  
SHOULD BE CONSIDERED APPROXIMATE ONLY. DIGSAFE AND OR THE OTHER RESPECTIVE UTILITY COMPANIES SHALL BE  
CONTACTED 72 BUSINESS HOURS IN ADVANCE OF CONSTRUCTION OPERATIONS. PHONE DIGSAFE 1-888-344-7233.



## SITE PREPARATION LEGEND

|                                        |  |
|----------------------------------------|--|
| APPROXIMATE PROPERTY LINE              |  |
| APPROXIMATE 25' REAR/SIDE SETBACK      |  |
| APPROXIMATE LIMIT OF WORK              |  |
| CONSTRUCTION FENCE                     |  |
| STRAW WATTLE                           |  |
| REMOVE AND DISPOSE                     |  |
| CLEAN SAWCUT                           |  |
| EXISTING GAS LINE                      |  |
| EXISTING WATER LINE                    |  |
| REMOVE AND DISPOSE                     |  |
| REMOVE AND RELOCATE EXISTING TREE      |  |
| TREE PROTECTION                        |  |
| LIGHT POLE PROTECTION                  |  |
| SILT SACK                              |  |
| REMOVE AND DISPOSE OF ASPHALT PAVEMENT |  |
| PULVERIZE-IN-PLACE EXISTING ASPHALT    |  |

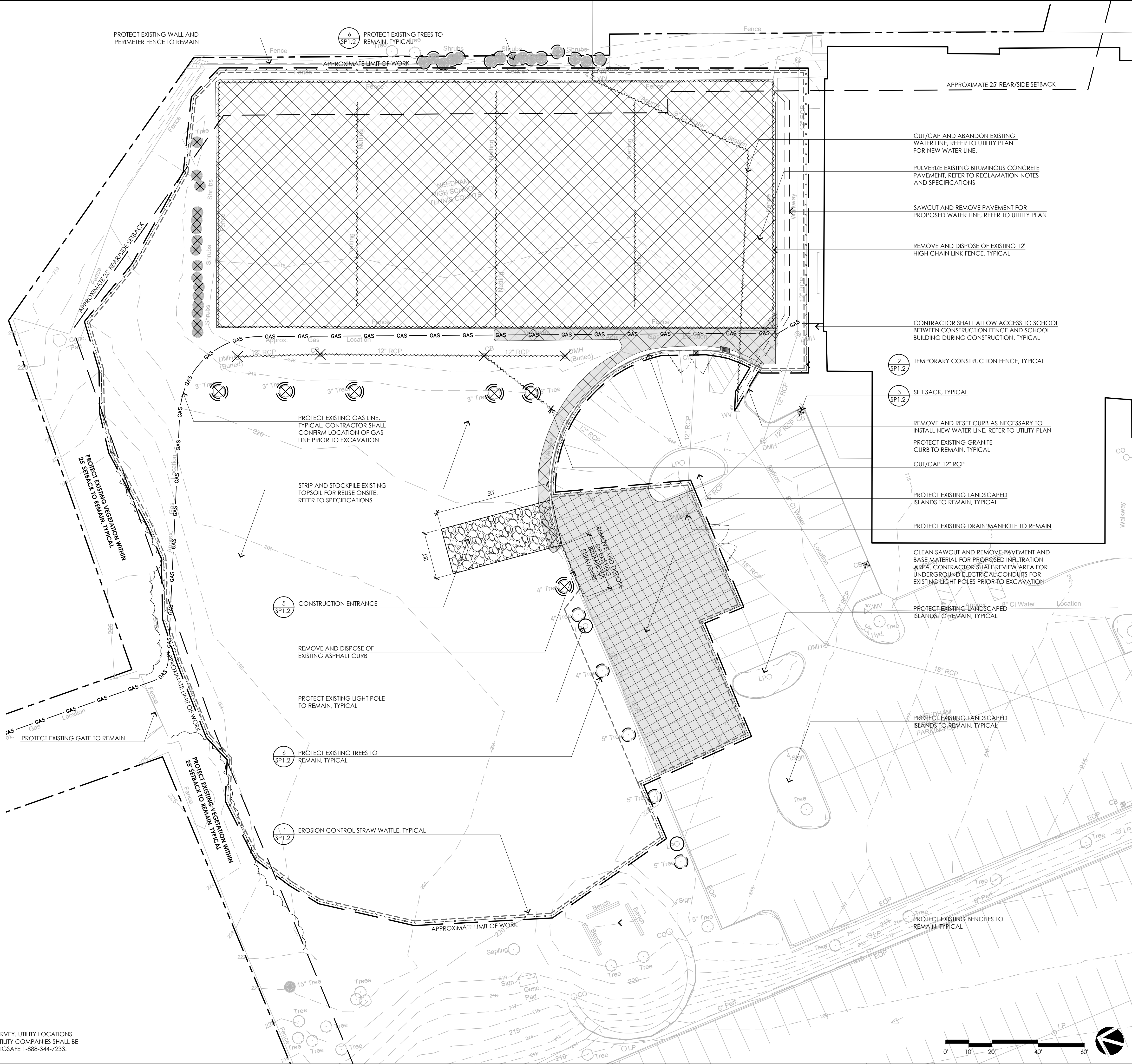
## SITE PREPARATION NOTES

- EXISTING CONDITIONS INFORMATION IS REPRODUCED FROM THE SURVEY PREPARED BY THE TOWN OF NEEDHAM, DATED DECEMBER 29, 2023.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS IN THE FIELD AND REPORT ANY DISCREPANCIES BETWEEN PLANS, SPECIFICATIONS, AND ACTUAL CONDITIONS TO THE LANDSCAPE ARCHITECT/CIVIL ENGINEER FOR CLARIFICATION AND RESOLUTION PRIOR TO STARTING WORK.
- THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING CONDITIONS TO REMAIN THAT ARE DUE TO CONTRACTOR OPERATIONS.
- ALL ITEMS TO BE REMOVED THAT ARE NOT STOCKPILED FOR LATER REUSE ON THE PROJECT OR FOR DELIVERY TO THE OWNER SHALL BE LEGALLY DISPOSED OF OFF SITE BY THE CONTRACTOR.
- THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE SURVEY REFERENCED. THE CONTRACTOR SHALL CONTACT DIGSAFE AND THE PROPER LOCAL AUTHORITIES OR RESPECTIVE UTILITY COMPANIES TO CONFIRM THE LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. ANY DAMAGE DUE TO FAILURE OF THE CONTRACTOR TO CONTACT THE PROPER AUTHORITIES SHALL BE BORNE BY THE CONTRACTOR.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS EFFORTS OF THE DEMOLITION WITH ALL TRADES.
- THE CONTRACTOR SHALL COORDINATE ALL ADJUSTMENTS OR ABANDONMENT OF UTILITIES WITH THE RESPECTIVE UTILITY COMPANY.
- THE CONTRACTOR SHALL MAINTAIN OR ADJUST TO NEW FINISH GRADE (AS NECESSARY) ALL UTILITY AND SITE STRUCTURES SUCH AS MANHOLES, CATCH BASINS, ETC. FROM MAINTAINED UTILITY AND SITE SYSTEMS UNLESS OTHERWISE NOTED OR DIRECTED BY THE LANDSCAPE ARCHITECT.
- THE CONTRACTOR SHALL INSTALL CONSTRUCTION FENCING PER THE PLANS AND SPECIFICATIONS. CONTRACTOR MUST TAKE APPROPRIATE MEASURES TO MAINTAIN A SECURE SITE THROUGHOUT THE PROJECT.
- CONTRACTOR SHALL INSTALL ALL EROSION CONTROL MEASURES AROUND THE OUTSIDE PERIMETER (LIMIT OF WORK) PRIOR TO COMMENCING DEMOLITION AND EARTHWORK OPERATIONS.
- CONTRACTOR SHALL CONFIRM BENCHMARKS AND NORTHINGS AND EASTINGS IN FIELD PRIOR TO DEMOLITION.
- EXISTING DRAINAGE SYSTEM BASINS SHALL REMAIN OPERATIONAL AS LONG AS POSSIBLE. UPON REMOVAL OF EXISTING BASINS, CONTRACTOR SHALL PROVIDE TEMPORARY INFILTRATION AREAS TO INFILTRATE CONSTRUCTION RUNOFF. CONTRACTOR SHALL FOCUS ON GETTING PROPOSED DRAINAGE SYSTEMS OPERATIONAL AS SOON AS POSSIBLE. CONTRACTOR SHALL ENSURE ALL STORMWATER FLOWING TO NEW BASINS IS TREATED STORMWATER THAT WILL NOT NEGATIVELY AFFECT THE FINAL SYSTEMS.

## PAVEMENT RECLAMATION NOTES

- RECLAIM THE EXISTING ASPHALT COURTS BY SCARIFYING AND PULVERIZING THE IN-PLACE ASPHALT AND UNDERLYING MATERIAL. IT IS RECOMMENDED THAT THE RECLAIMED ASPHALT AND UNDERLYING MATERIAL BE MIXED TO A MINIMUM DEPTH OF 12" AND RESULT IN A HOMOGENOUS MATERIAL WITH A MAXIMUM PARTICLE SIZE OF 3" AND NOT AN EXCESSIVE AMOUNT OF MATERIAL PASSING THE NO. 200 SIEVE.
- FOLLOWING RECLAIMING OF ASPHALT, SUBGRADE PREPARATION SHOULD INCLUDE RE-GRADING AND COMPACTION OF THE MATERIAL TO A DRY DENSITY OF AT LEAST 95% OF THE MATERIAL'S DRY DENSITY AS DETERMINED IN ACCORDANCE WITH ASTM TEST DESIGNATION D1557. AS A MINIMUM, THE FILL SHOULD RECEIVE FOUR COMPLETE COVERAGES WITH SUITABLE COMPACTION EQUIPMENT.
- FOR BACKFILL MATERIAL PLACED TO RAISE SITE GRADES TO DESIGN SUBGRADE ELEVATION, SOIL LIFTS OF 8" THICK LAYERS OF GRANULAR FILL IS RECOMMENDED (DENSE GRADE PER MASS DOT). BACKFILL PLACED TO RAISE SITE GRADES TO DESIGN ELEVATION SHALL BE COMPACTED TO 95% OF THE MATERIAL'S DRY UNIT WEIGHT IN ACCORDANCE WITH ASTM D1557. AS A MINIMUM, EACH LAYER OF FILL SHOULD RECEIVE FOUR COMPLETE COVERAGES WITH SUITABLE COMPACTION EQUIPMENT.
- EXCESS RECLAIMED ASPHALT THAT IS NOT NEEDED TO MEET PROPOSED FINISHED GRADES SHALL BE DELIVERED TO THE TOWN OF NEEDHAM. LOCATION TO DELIVER RECLAIMED ASPHALT SHALL BE COORDINATED WITH THE TOWN OF NEEDHAM.

CONTACT DIGSAFE:  
UNDERGROUND UTILITIES SHOWN ON THE PLAN ARE COMPILED FROM PLANS AND FIELD SURVEY. UTILITY LOCATIONS SHOULD BE CONSIDERED APPROXIMATE ONLY. DIGSAFE AND OR THE OTHER RESPECTIVE UTILITY COMPANIES SHALL BE CONTACTED 72 BUSINESS HOURS IN ADVANCE OF CONSTRUCTION OPERATIONS. PHONE DIGSAFE 1-888-344-7233.



### CONSULTANTS

# TOWN OF NEEDHAM

NEEDHAM, MA

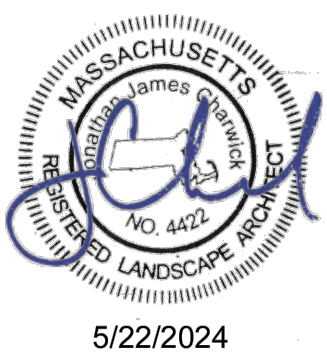
NEEDHAM HIGH SCHOOL TENNIS COURT RENOVATION

Major Project Site Plan Approval  
February 6, 2024

| REVISIONS: |         |                  |
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| FILE:        | 23016.00-SP1.1-SP_PLAN.dwg |
| DRAWN:       | BJM                        |
| CHECKED:     | JC                         |

### SEAL:



### SHEET TITLE:

SITE PREPARATION  
PLAN

### SHEET NO:

SP1.1



CONSULTANTS

TOWN OF NEEDHAM  
NEEDHAM, MA  
NEEDHAM HIGH SCHOOL TENNIS COURT RENOVATION

Major Project Site Plan Approval  
February 6, 2024

| REVISIONS: |      |             |
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| PROJECT NO.: | 23016.00                    |
| FILE:        | 23016.00-SP1.2-SP_DET_1.dwg |
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| CHECKED:     | JC                          |

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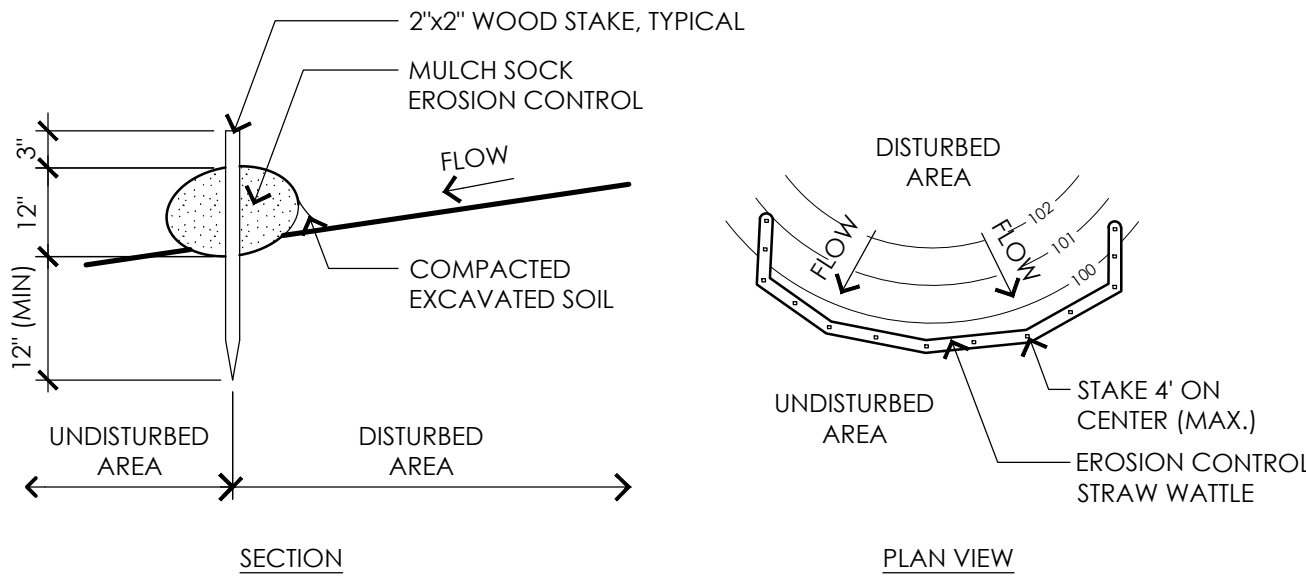
5/22/2024

SHEET TITLE:  
SITE PREPARATION  
DETAIL SHEET

SHEET NO:  
SP1.2

NOTES:

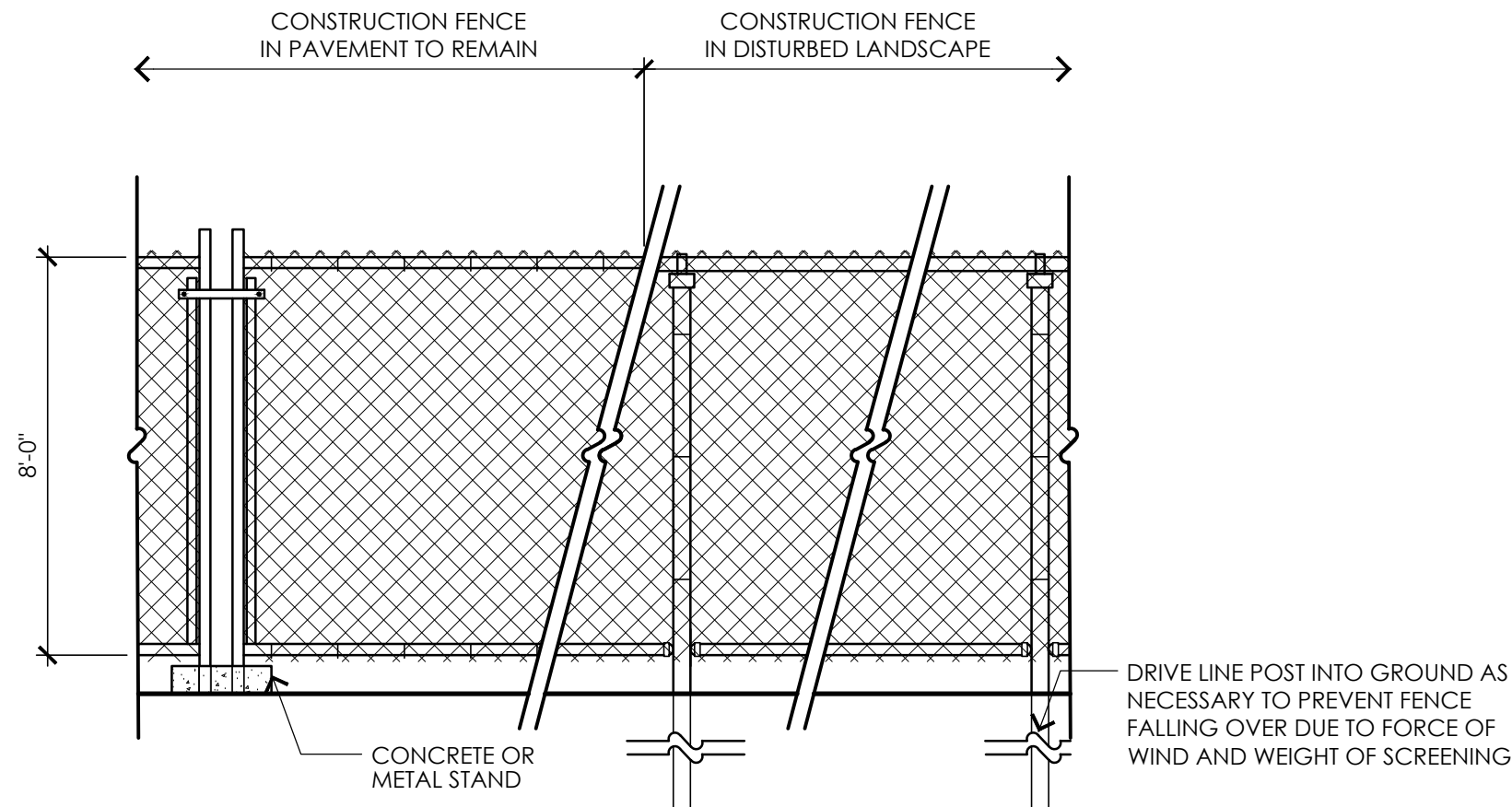
- PLACE EROSION CONTROL MULCH SOCK ON LEVEL GRADE. EXTEND BOTH ENDS OF THE TUBE AT LEAST 8'-0" UPSLOPE AT 45 DEGREES TO THE MAIN ALIGNMENT.
- REMOVE DEPOSITS WHEN SEDIMENT ACCUMULATION IS ONE THIRD THE HEIGHT OF THE EXPOSED EROSION CONTROL MULCH SOCK.
- EROSION CONTROL STRAW WATTLE SHALL REMAIN IN WORKING ORDER UNTIL THE SITE IS STABILIZED. ADDITIONAL EROSION CONTROLS SHALL BE INSTALLED AS NEEDED TO PREVENT SILT FROM LEAVING THE SITE AT NO ADDITIONAL COST TO THE OWNER.
- ALL CONTROLS SHALL BE SET 5' FROM BOTTOM TOE OF SLOPE



1 EROSION CONTROL STRAW WATTLE  
NOT TO SCALE

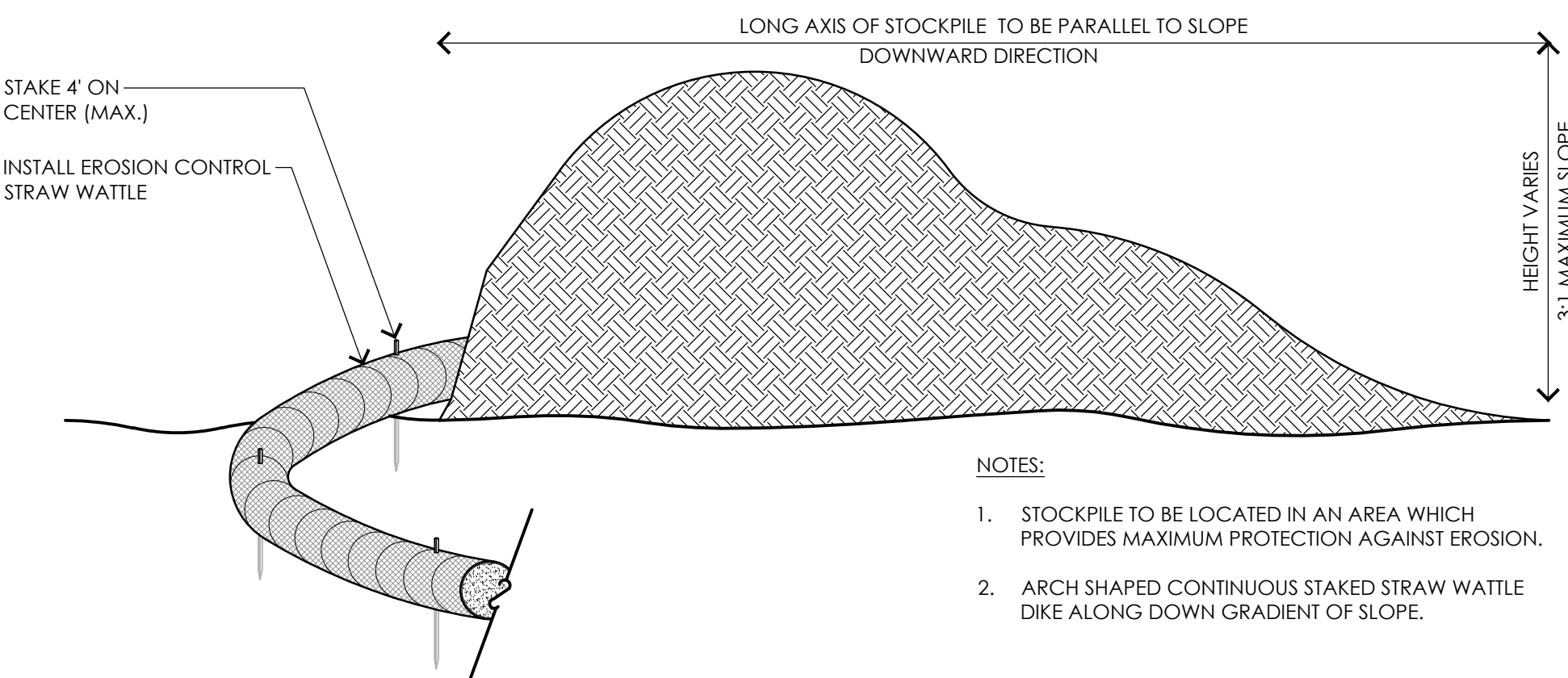
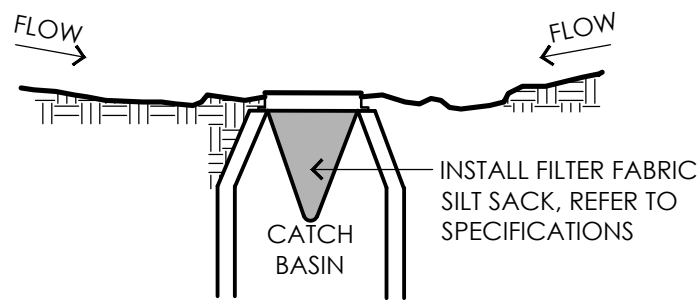
NOTES:

- TEMPORARY CONSTRUCTION FENCE SHALL BE PROVIDED AT PROJECT LIMITS AS SHOWN AND SPECIFIED.

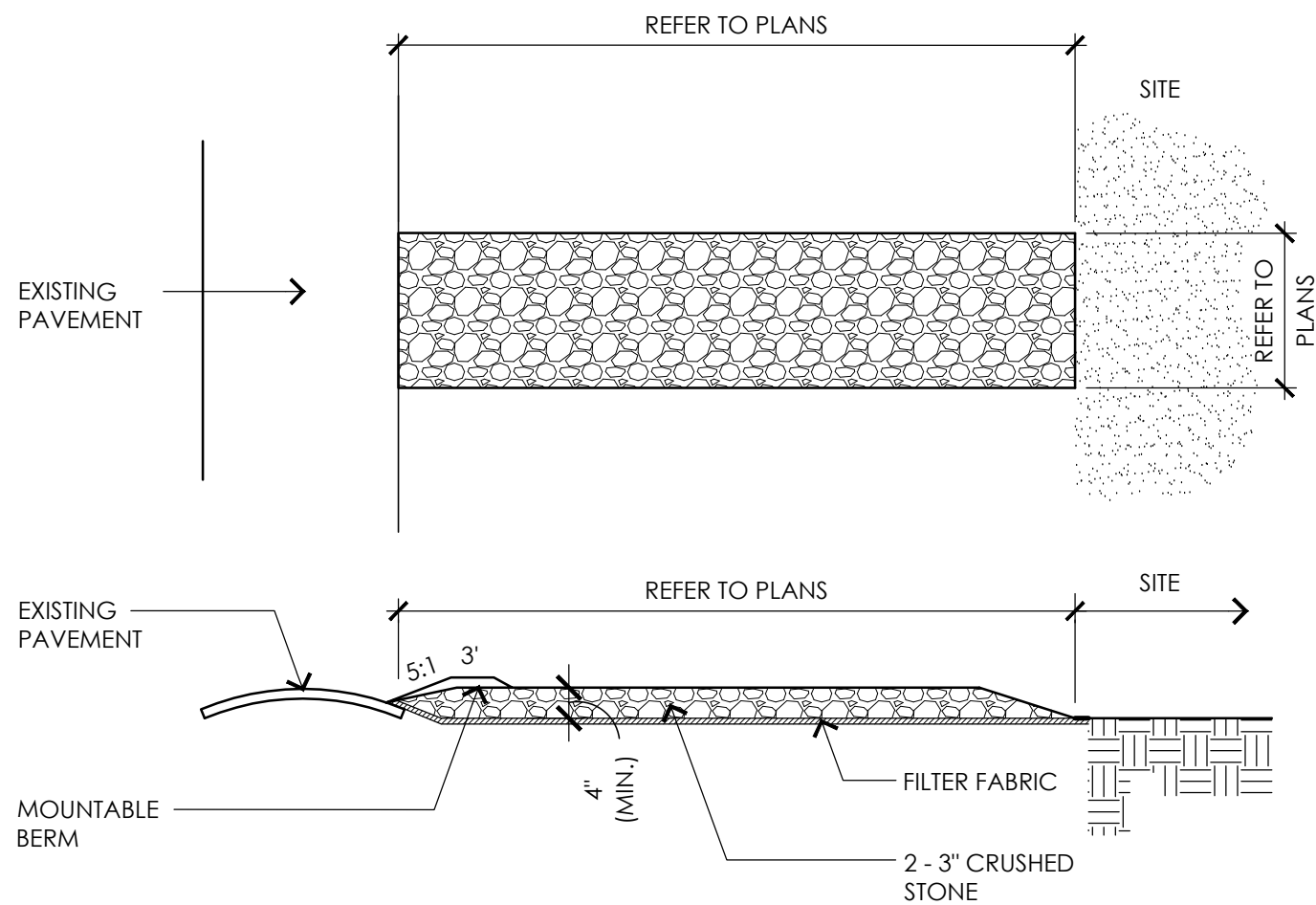


2 TEMPORARY CONSTRUCTION FENCE  
NOT TO SCALE

3 SILT SACK  
NOT TO SCALE



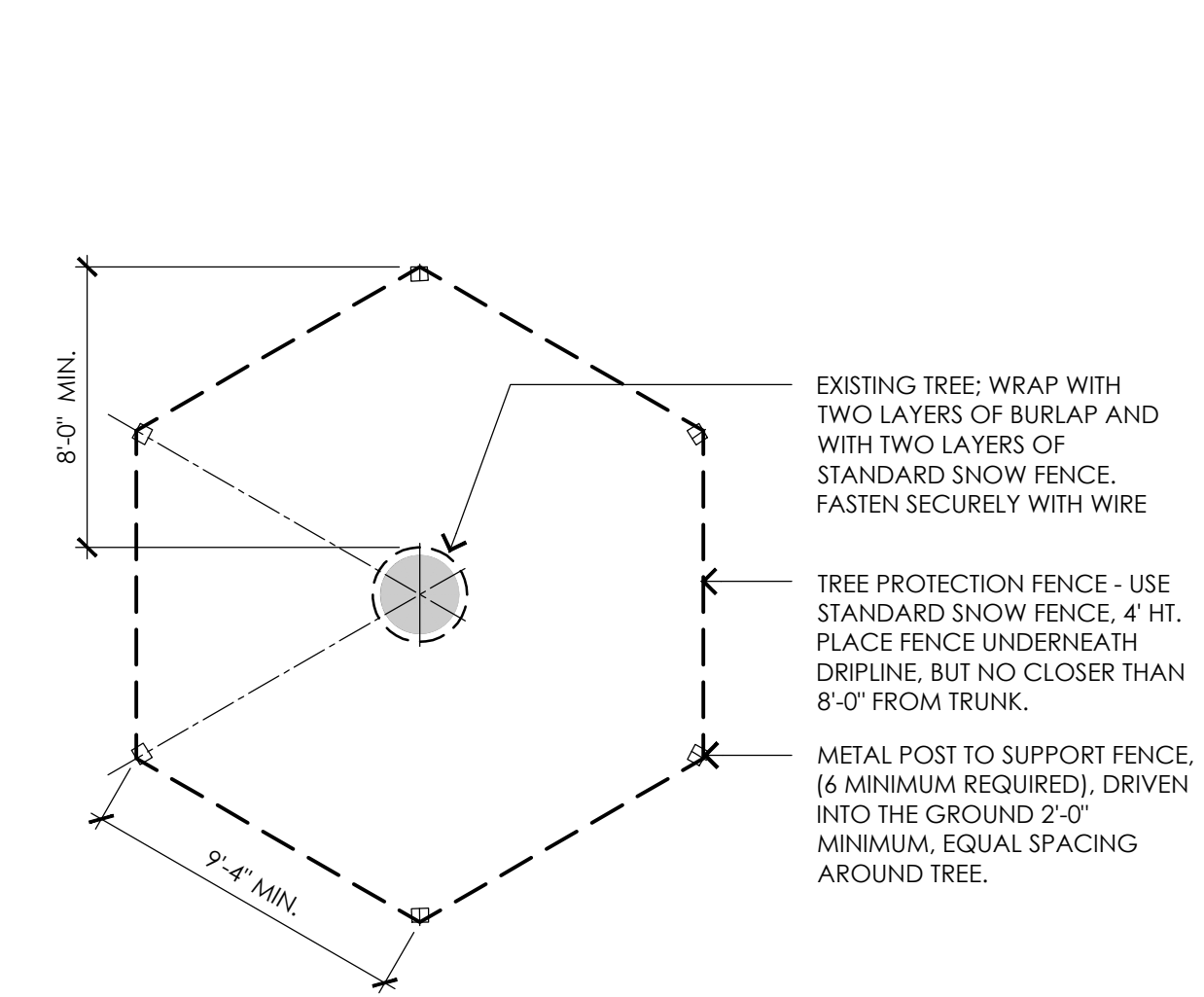
4 TEMPORARY MATERIAL STOCKPILE  
NOT TO SCALE



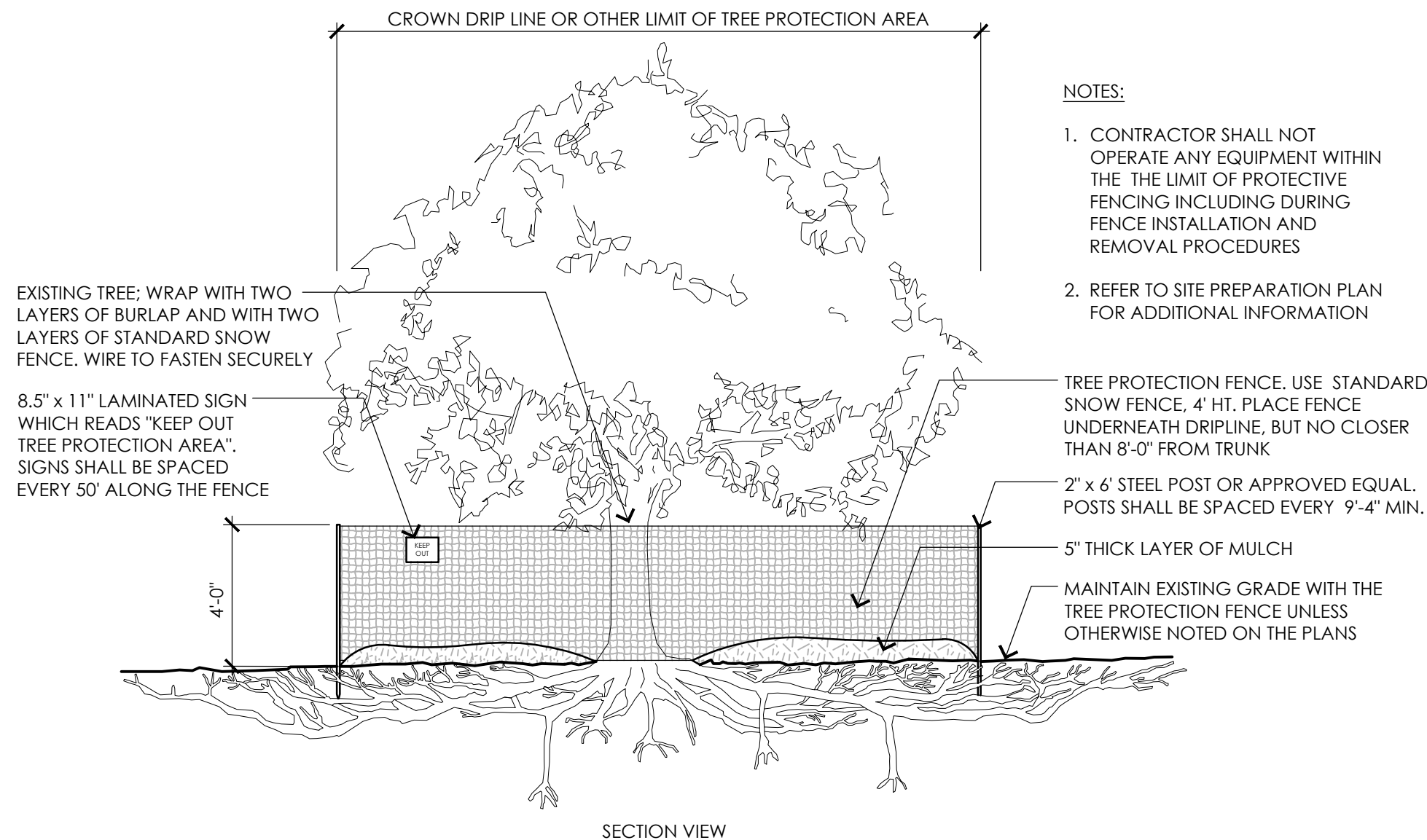
NOTES:

- THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH SHALL PREVENT TRACKING OR FLOWING OF SEDIMENT INTO THE STREET. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED AND/OR TRACKED ONTO PUBLIC RIGHTS-OF-WAYS MUST BE REMOVED IMMEDIATELY. MOUNTABLE BERM SHALL BE PERMITTED. PERIODIC INSPECTION AND MAINTENANCE SHALL BE PROVIDED.
- CONTRACTOR SHALL WASH WHEELS OF VEHICLES AT CONSTRUCTION ENTRANCE PRIOR TO VEHICLES EXITING SITE TO PREVENT SOIL MATERIAL FROM BEING TRACKED FROM THE SITE.
- PERIODIC INSPECTION AND MAINTENANCE SHALL BE PROVIDED BY CONTRACTOR.

5 CONSTRUCTION ENTRANCE  
NOT TO SCALE



6 EXISTING TREE PROTECTION  
NOT TO SCALE



NOTES:

- CONTRACTOR SHALL NOT OPERATE ANY EQUIPMENT WITHIN THE LIMIT OF PROTECTIVE FENCING INCLUDING DURING FENCE INSTALLATION AND REMOVAL PROCEDURES
- REFER TO SITE PREPARATION PLAN FOR ADDITIONAL INFORMATION



## LAYOUT AND MATERIALS LEGEND

|                                   |  |
|-----------------------------------|--|
| APPROXIMATE PROPERTY LINE         |  |
| APPROXIMATE 25' REAR/SIDE SETBACK |  |
| APPROXIMATE LIMIT OF WORK         |  |
| CHAIN LINK FENCE                  |  |
| CHANNEL DRAIN                     |  |
| BITUMINOUS CONCRETE PAVEMENT      |  |
| CEMENT CONCRETE PAVEMENT          |  |
| 4' CHAIN LINK FENCE DIMENSION     |  |
| 12' CHAIN LINK FENCE DIMENSION    |  |
| CHANNEL DRAIN                     |  |
| VERTICAL GRANITE CURB             |  |

## LAYOUT AND MATERIALS NOTES

- EXISTING CONDITIONS INFORMATION IS REPRODUCED FROM THE SURVEY PREPARED BY THE TOWN OF NEEDHAM, DATED DECEMBER 29, 2023.
- THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN ARE BASED ON THE SURVEY REFERENCED ABOVE. THE CONTRACTOR SHALL NOTIFY DIGSAFE AND THE PROPER LOCAL AUTHORITIES OR RESPECTIVE UTILITY COMPANIES TO CONFIRM THE LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. ANY DAMAGE DUE TO FAILURE OF THE CONTRACTOR TO CONTACT THE PROPER AUTHORITIES SHALL BE BORNE BY THE CONTRACTOR.
- CONTRACTOR(S) SHALL THOROUGHLY FAMILIARIZE THEMSELVES WITH ALL CONSTRUCTION DOCUMENTS, SPECIFICATIONS, AND SITE CONDITIONS PRIOR TO BIDDING AND PRIOR TO CONSTRUCTION.
- ANY DISCREPANCIES BETWEEN DRAWINGS, SPECIFICATIONS, AND SITE CONDITIONS SHALL BE REPORTED IMMEDIATELY TO THE OWNER'S REPRESENTATIVE FOR CLARIFICATION AND RESOLUTION PRIOR TO BIDDING OR CONSTRUCTION.
- WHILE THE CONTRACTOR MAY USE THE ELECTRONIC DRAWINGS FOR LAYOUT PURPOSES, IT IS HIS RESPONSIBILITY TO CHECK ALL LAYOUT IN THE FIELD TO CONFIRM CONFORMITY WITH THE PROJECT DRAWINGS, SPECIFICATIONS, AND APPROVED SHOP DRAWINGS AND SUBMITTALS. USE OF ONLY THE ELECTRONIC DRAWINGS WITHOUT A SITE CHECK OF LAYOUT IS NOT ACCEPTABLE.



CONTACT DIGSAFE:  
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### CONSULTANTS

## TOWN OF NEEDHAM

NEEDHAM, MA

NEEDHAM HIGH SCHOOL TENNIS COURT RENOVATION

Major Project Site Plan Approval  
February 6, 2024

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| FILE:        | 23016.00-L1.1-LM_PLAN.dwg |
| DRAWN:       | BJM                       |
| CHECKED:     | JC                        |

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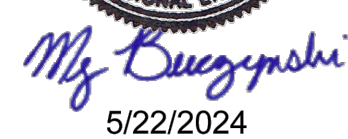
5/22/2024

SHEET TITLE:  
LAYOUT AND MATERIALS PLAN

SHEET NO:  
L1.1



- EXISTING CONDITIONS INFORMATION IS REPRODUCED FROM THE SURVEY PREPARED BY THE TOWN OF NEEDHAM, DATED DECEMBER 29, 2023.
2. PRIOR TO THE START OF ANY EXCAVATION FOR THE PROJECT, BOTH ON AND OFF THE SITE, THE CONTRACTOR SHALL NOTIFY DIGSAFE AND BE PROVIDED WITH A DIGSAFE NUMBER INDICATING THAT ALL EXISTING UTILITIES HAVE BEEN LOCATED AND MARKED.
3. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ALL UNDERGROUND UTILITIES.
4. CONTRACTOR(S) SHALL THOROUGHLY FAMILIARIZE THEMSELVES WITH ALL CONSTRUCTION DOCUMENTS, SPECIFICATIONS, AND SITE CONDITIONS PRIOR TO BIDDING AND PRIOR TO CONSTRUCTION.
5. CONTRACTOR SHALL VERIFY EXISTING GRADES AND NOTIFY THE OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES.
6. WHERE PROPOSED GRADES MEET EXISTING GRADES, CONTRACTOR SHALL BLEND GRADES TO PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING AND NEW WORK. PONDING AT TRANSITION AREAS WILL NOT BE ALLOWED.
7. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM ALL BUILDING FOUNDATIONS, STRUCTURES AND PLANTING BEDS.
8. WHERE AN EXISTING UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, THE LOCATION, ELEVATION, AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR, AND THE INFORMATION FURNISHED TO THE OWNER'S REPRESENTATIVE FOR RESOLUTION OF THE CONFLICT.
9. THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR THE ALTERATION AND ADJUSTMENT OF ALL GAS, ELECTRIC, TELEPHONE, AND ANY OTHER PRIVATE UTILITIES BY THE UTILITY COMPANIES.
10. CONTRACTOR SHALL MAINTAIN, OR ADJUST TO NEW FINISH GRADE, AS NECESSARY ALL UTILITY AND SITE STRUCTURES SUCH AS: TRAFFIC SIGN POLES, ETC., FROM MAINTAINED UTILITY AND SITE SYSTEMS, UNLESS OTHERWISE NOTED OR DIRECTED BY THE OWNER'S REPRESENTATIVE.
11. AREAS OUTSIDE THE LIMITS OF PROPOSED WORK DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED BY THE CONTRACTOR TO THEIR ORIGINAL CONDITION, AT THE CONTRACTOR'S EXPENSE.
12. THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR THE ALTERATION AND ADJUSTMENT OF ALL GAS, ELECTRIC, TELEPHONE AND OTHER PRIVATE UTILITIES BY THE UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION.
13. PROTECT AND MAINTAIN EXISTING ON-SITE DRAINAGE STRUCTURES AND PIPES UNLESS OTHERWISE NOTED.
14. BITUMINOUS CONCRETE ELEVATIONS AT CATCH BASINS TO BE 1/4 INCH ABOVE RIM ELEVATION SHOWN FOR CATCH,





## SUGGESTED PLANT SCHEDULE

| SYMBOL            | BOTANICAL NAME                  | COMMON NAME           | SIZE            |
|-------------------|---------------------------------|-----------------------|-----------------|
| EVERGREEN TREES : |                                 |                       |                 |
|                   | ABIES CONCOLOR                  | WHITE FIR             | 6 - 7' HT.      |
|                   | PICEA ABIES                     | NORWAY SPRUCE         | 5 - 8' HT.      |
|                   | PICEA GLAUCOA                   | WHITE SPRUCE          | 7 - 8' HT.      |
|                   | PINUS NIGRA                     | AUSTRIAN PINE         | 5 - 6' HT.      |
|                   | PINUS STROBUS                   | WHITE PINE            | 5 - 6' HT.      |
| SHRUBS :          |                                 |                       |                 |
|                   | AZALEA 'BLAAUW'S PINK'          | BLAAUW'S PINK AZALEA  | 18" - 24" HT.   |
|                   | CLETHRA ALNIFOLIA               | SUMMERSWEET CLETHRA   | 2 1/2' - 3' HT. |
|                   | FOTHERGILLA GARDENII            | DWARF FOTHERGILLA     | #5 POT          |
|                   | ILEX GLABRA 'COMPACTA'          | COMPACT INKBERRY      | #3 POT          |
|                   | ITEA VIRGINICA 'HENRY'S GARNET' | SWEETSPIRE            | 18" - 24" HT.   |
|                   | KALMIA LATIFOLIA                | MOUNTAIN LAUREL       | #5 POT          |
|                   | TAXUS CUSPIDATA 'GREENWAVE'     | GREENWAVE YEW         | #3 POT          |
|                   | VIBURNUM CARLESII               | KOREAN SPICE VIBURNUM | 3 - 4' HT.      |

## PLANTING LEGEND

|                                   |       |
|-----------------------------------|-------|
| APPROXIMATE PROPERTY LINE         | ---   |
| APPROXIMATE 25' REAR/SIDE SETBACK | ---   |
| APPROXIMATE LIMIT OF WORK         | ---   |
| LOAM AND SEED                     | ----- |
| EVERGREEN PLANTING                | +     |

## PLANTING NOTES

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- CONTRACTOR SHALL BEGIN MAINTENANCE IMMEDIATELY AFTER PLANTING AND WILL CONTINUE UNTIL FINAL WRITTEN ACCEPTANCE OF PLANT MATERIAL.
- CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM PROPOSED BUILDING, STRUCTURES, AND PLANTING BEDS.
- THE LANDSCAPE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE ALL PLANTINGS SHOWN ON THIS DRAWING.
- ALL MATERIALS SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION.
- ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISH GRADE AS TO ORIGINAL GRADES BEFORE DIGGING.
- FINAL LAYOUT OF PLANTINGS WILL BE IN THE FIELD PER THE DIRECTION OF THE LANDSCAPE ARCHITECT. PROVIDE A MINIMUM FORTY-EIGHT (48) HOURS NOTICE PRIOR TO BEGINNING FINAL LAYOUT AND PLANTING OPERATIONS.
- ALL PLANTS TO BE BALLED IN BURLAP OR CONTAINERIZED.
- ALL PLANTED AREAS TO BE EDGED AND MULCHED WITH AGED PINE BARK: PARTIALLY DECOMPOSED, JET BLACK IN COLOR AND FREE OF WOOD CHIPS THICKER THAN 1/4 INCH.
- LANDSCAPE ISLAND PLANTING SOIL MIX: UTILIZE EXISTING SITE LOAM FROM STOCKPILES, THOROUGHLY INCORPORATE WITH COMPOST AS NEEDED PER SOILS ANALYSIS. FERTILIZE PER RECOMMENDED RATES IN SOIL ANALYSIS.
- TREE PIT PLANTING SOIL MIX: REFER TO SPECIFICATIONS FOR CU STRUCTURAL SOIL.
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE (1) FULL YEAR FROM DATE OF ACCEPTANCE.
- ALL PLANT MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT, AT THE NURSERY, AND AT THE SITE.
- ALL AREAS OF THE SITE WHICH HAVE BEEN DISTURBED AND NOT OTHERWISE DEVELOPED SHALL BE LOAMED AND SEEDED WITH A MINIMUM DEPTH OF 12" DEPTH TOPSOIL UNLESS OTHERWISE NOTED.
- SLOPES 3:1 AND GREATER SHALL RECEIVE STRAW BLANKET PRIOR TO SEEDING.

CONTACT DIGSAFE:  
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### CONSULTANTS

# TOWN OF NEEDHAM

NEEDHAM, MA  
NEEDHAM HIGH SCHOOL TENNIS COURT RENOVATION

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| FILE:        | 23016.00-L 3.1-P_PLAN.dwg |
| DRAWN:       | BJM                       |
| CHECKED:     | JC                        |

SEAL:

5/22/2024

SHEET TITLE:  
PLANTING PLAN

SHEET NO:  
**L3.1**



CONSULTANTS

TOWN OF NEEDHAM

NEEDHAM, MA

NEEDHAM HIGH SCHOOL TENNIS COURT RENOVATION

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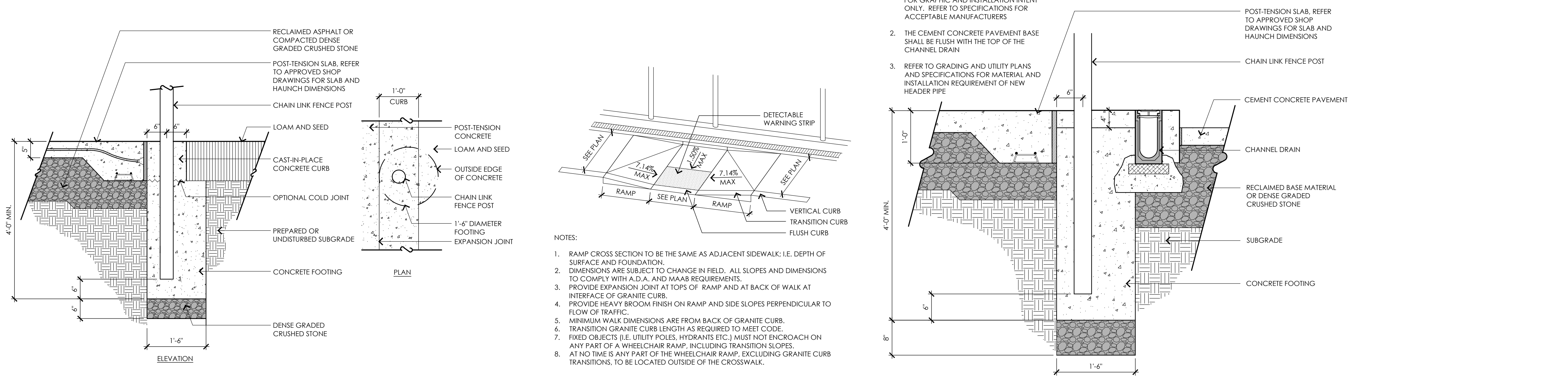
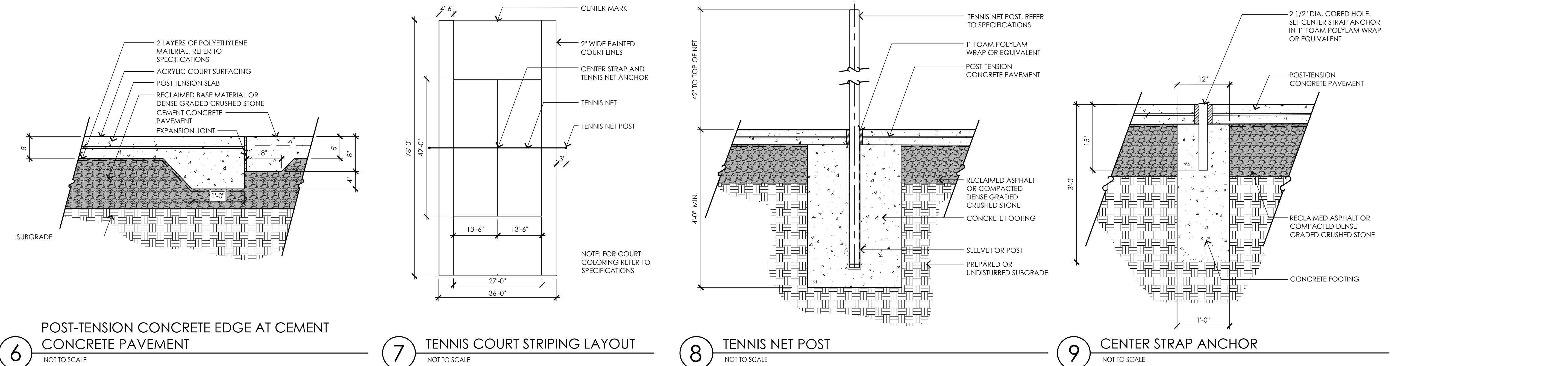
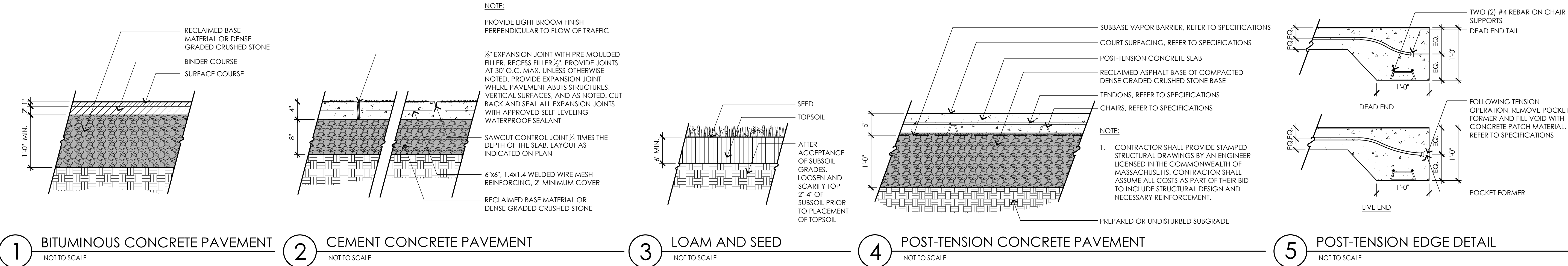
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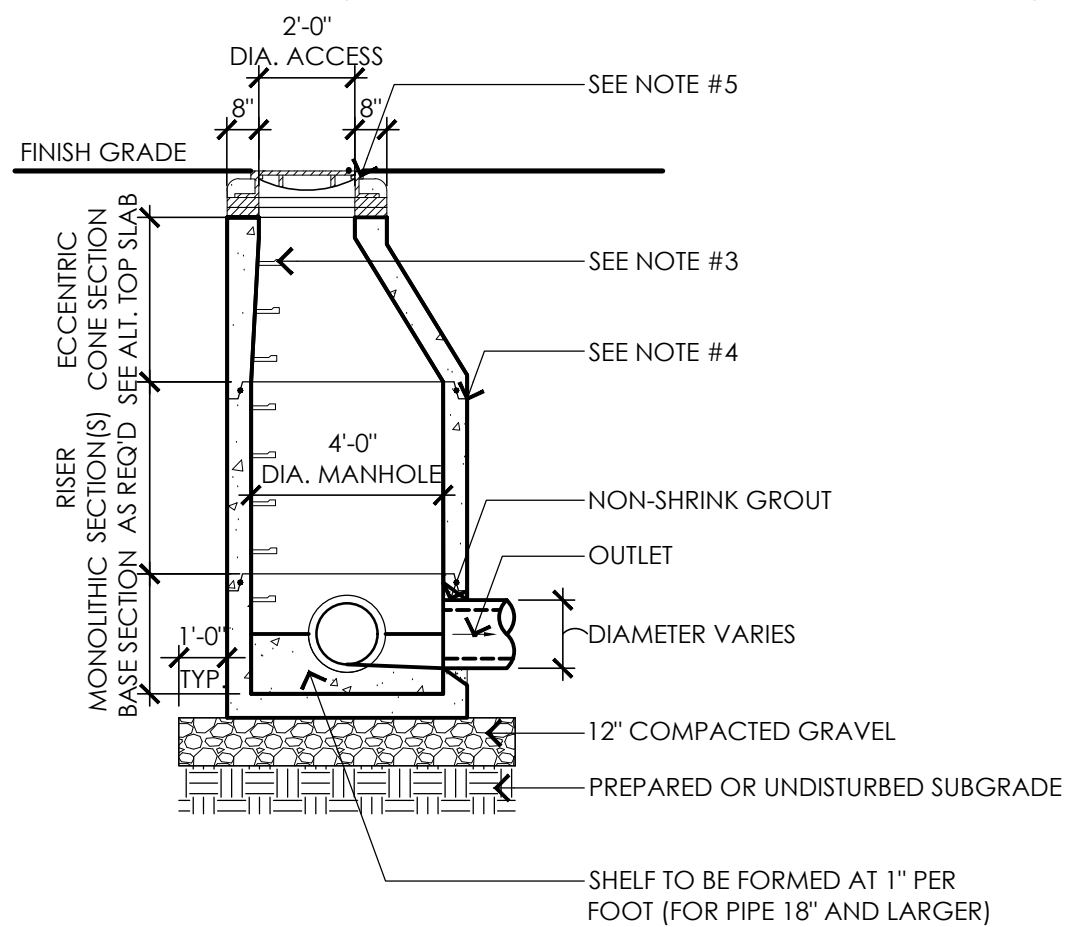






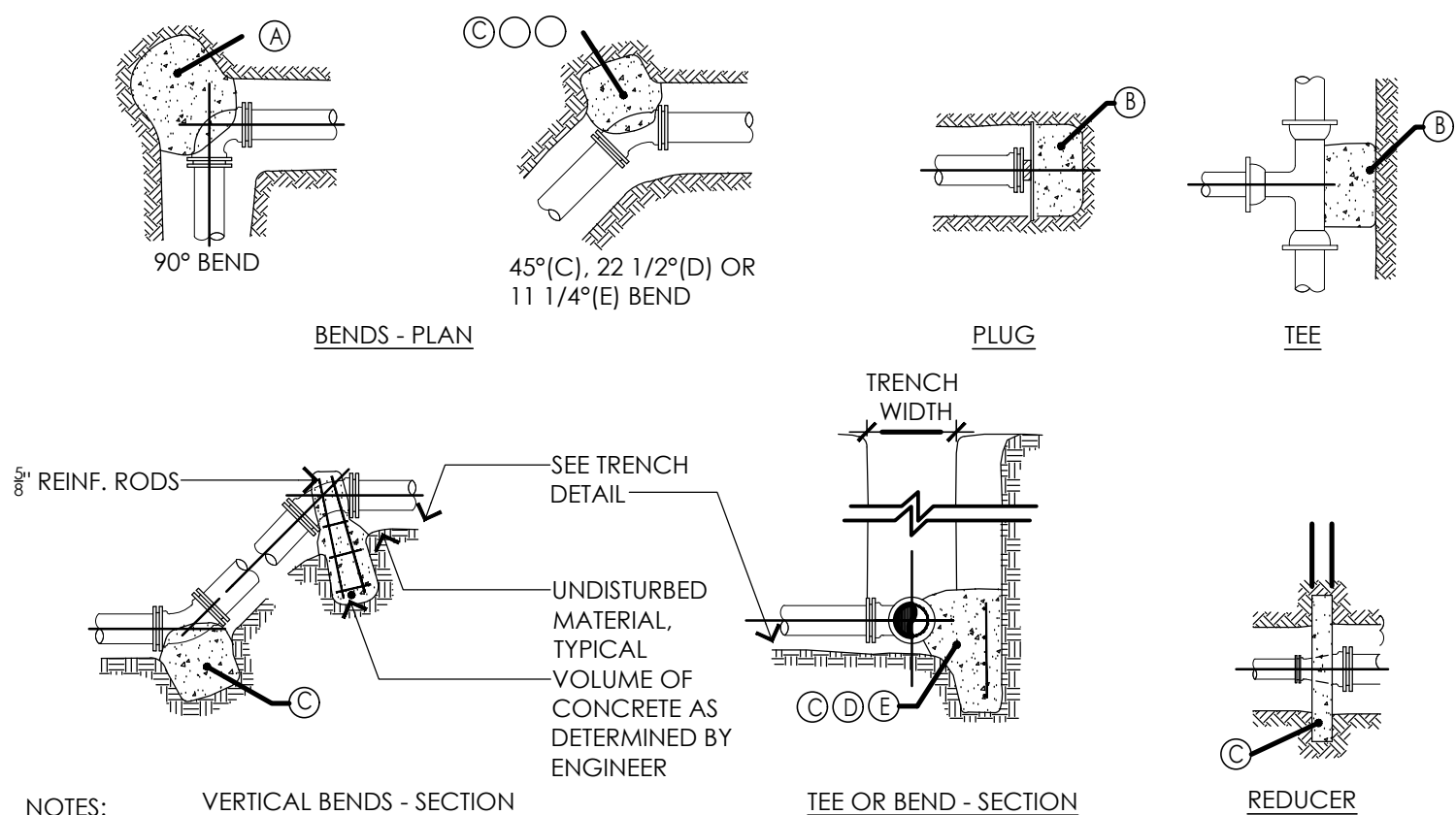


1. ALL SECTION SHALL BE DESIGNED FOR HS-20 LOADING.
2. PROVIDE "V" KNOCKOUTS FOR PIPES WITH 1" MAX. CLEARANCE TO OUTSIDE OF PIPE. MORTAR ALL PIPE CONNECTIONS.
3. COPOLYMER MANHOLE STEPS SHALL BE INSTALLED AT 12" O.C. FOR THE FULL DEPTH OF THE STRUCTURE.
4. JOINT SEALANT BETWEEN PRECAST SECTIONS SHALL BE PREFORMED BUTYL RUBBER.
5. DRAIN MANHOLE FRAME SHALL BE SET IN FULL MORTAR BED. ADJUST TO GRADE WITH CLAY BRICK AND MORTAR (2 BRICK COURSES MINIMUM 5 BRICK COURSES MAXIMUM).



1 DRAIN MANHOLE  
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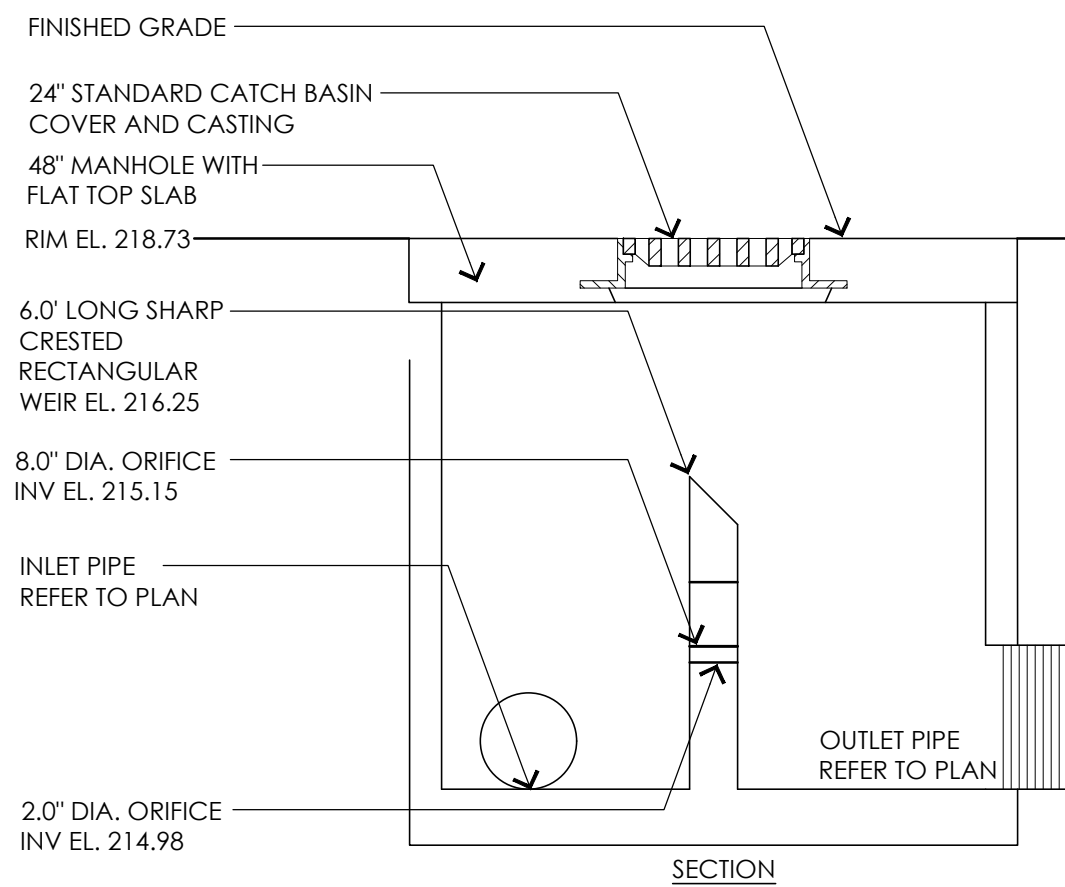
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### VERTICAL BENDS - SECTION

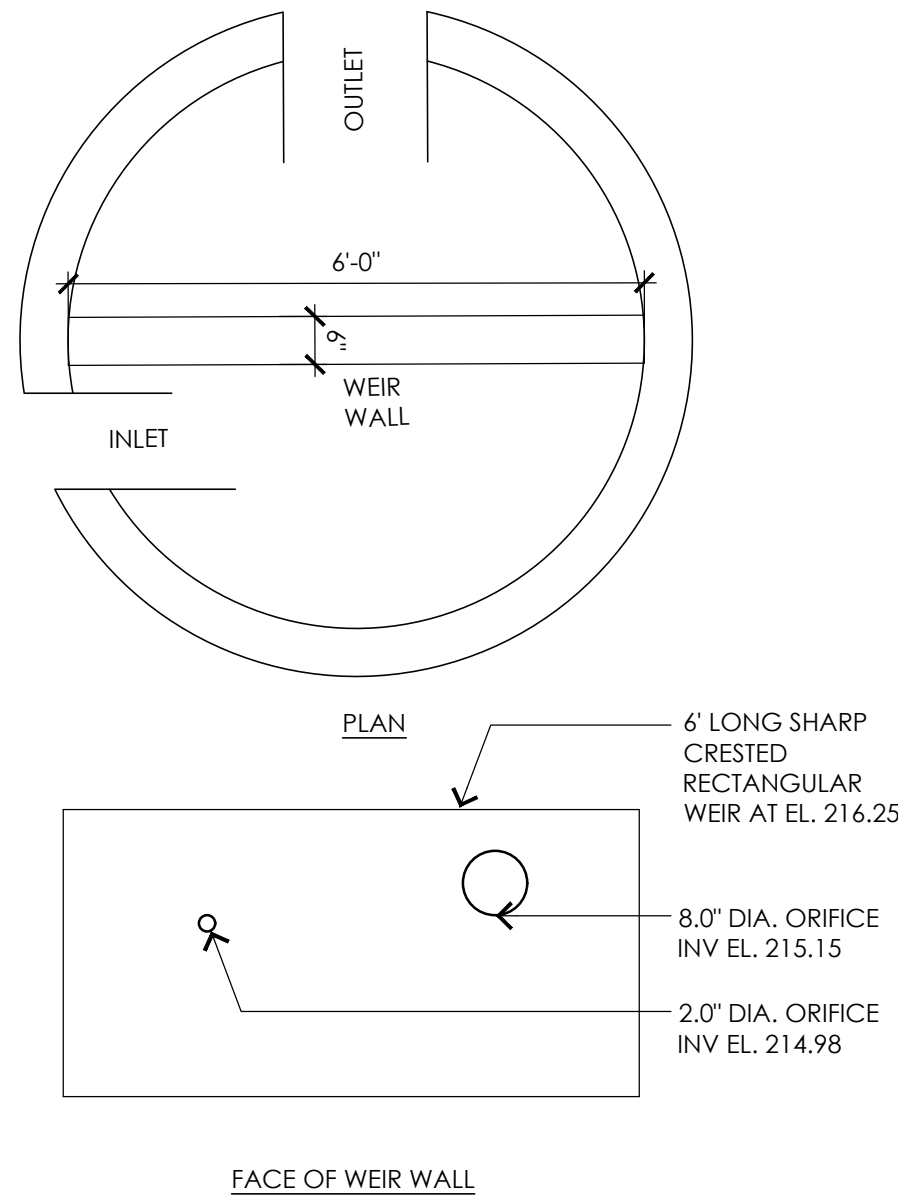
TEE OR BEND - SECTION

1. ALL SECTIONS SHALL BE DESIGNED FOR HS-20 LOADING.
2. PROVIDE "V" KNOCKOUTS FOR PIPES WITH 1" MAX. CLEARANCE TO OUTSIDE OF PIPE MORTAR ALL PIPE CONNECTIONS.
3. JOINT SEALANT BETWEEN PRECAST SECTIONS SHALL BE PREFORMED BUTYL RUBBER.



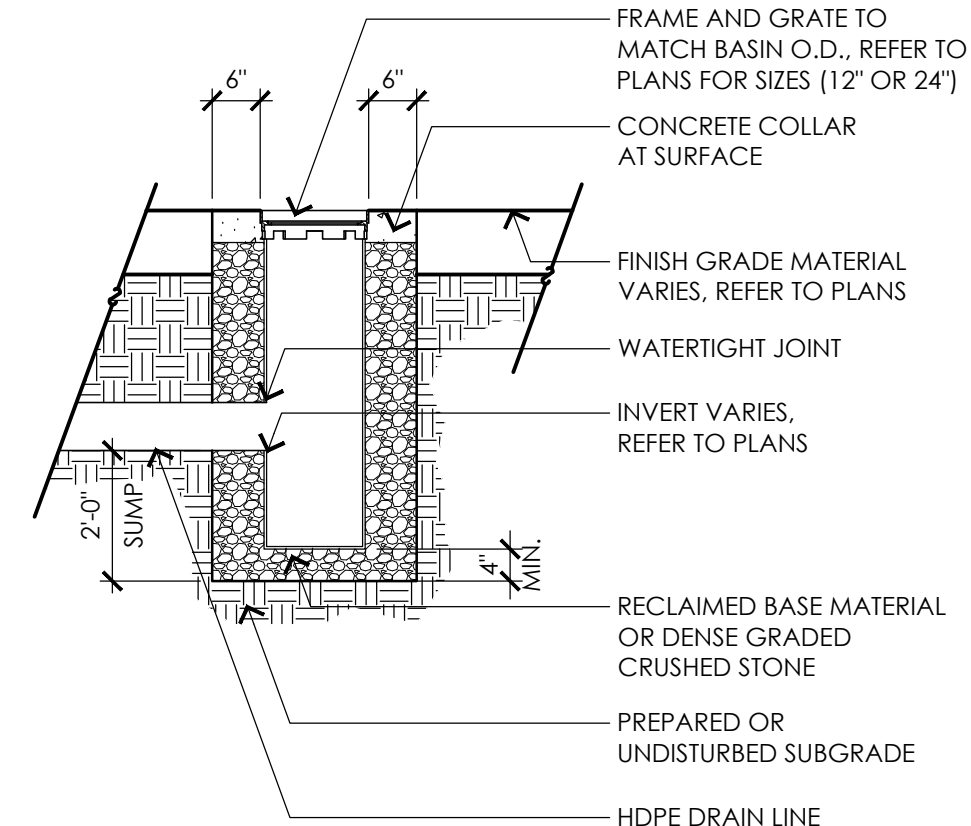
## 2 OUTLET CONTROL STRUCTURE

NOT TO SCALE



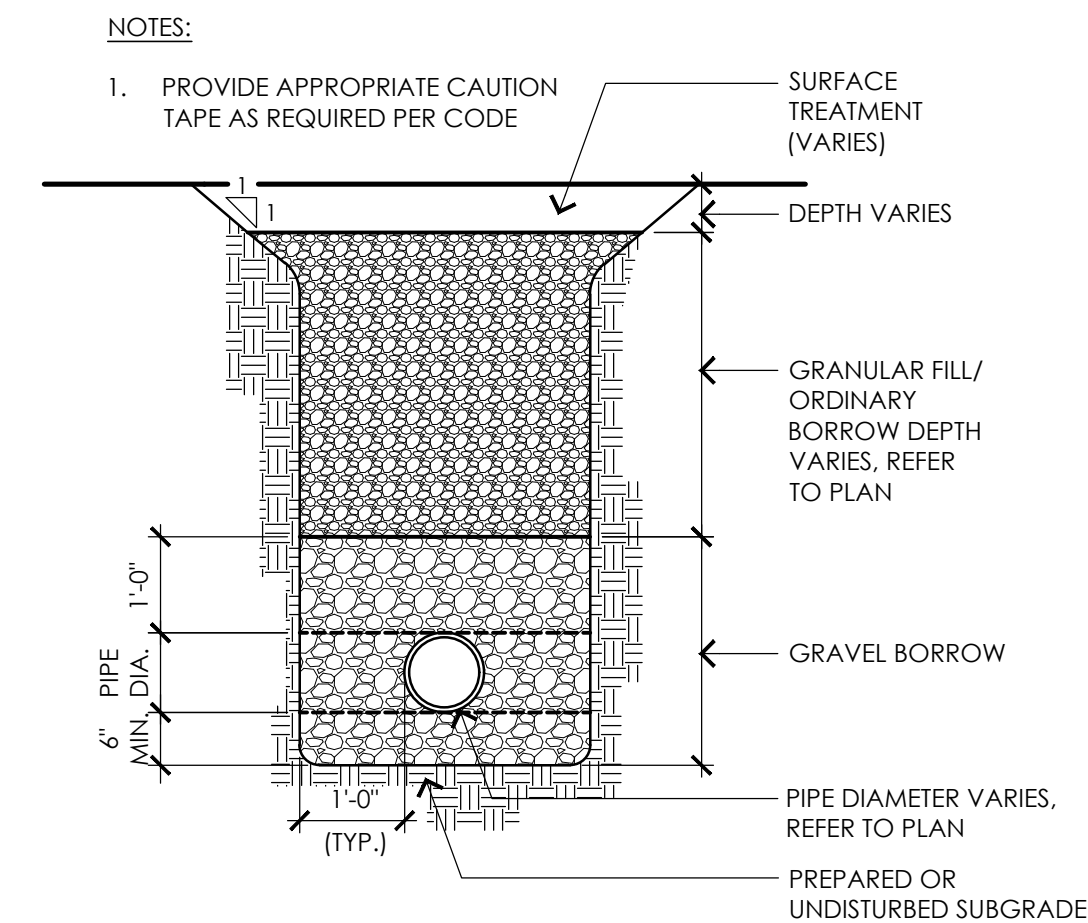
3 AREA DRAIN  
NOT TO SCALE

NOT TO SCALE



## 4 UTILITY TRENCH

NOT TO SCALE



| THRUST BLOCK SCHEDULE                                    |                                                                                                                                                                                                                             |      |      |       |       |       |       |       |       |       |        |        |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|-------|-------|-------|-------|-------|-------|-------|--------|--------|
| SQUARE FEET OF CONCRETE THRUST                           |                                                                                                                                                                                                                             |      |      |       |       |       |       |       |       |       |        |        |
| BLOCKING BEARING ON UNDISTURBED MATERIAL                 |                                                                                                                                                                                                                             |      |      |       |       |       |       |       |       |       |        |        |
| REACTION<br>TYPE                                         | PIPE SIZE                                                                                                                                                                                                                   |      |      |       |       |       |       |       |       |       |        |        |
|                                                          | 4"                                                                                                                                                                                                                          | 6"   | 8"   | 10"   | 12"   | 14"   | 16"   | 18"   | 20"   | 24"   | 30"    | 36"    |
| Ⓐ                                                        | 1.78                                                                                                                                                                                                                        | 4.38 | 7.84 | 11.14 | 14.52 | 21.82 | 30.82 | 36.04 | 48.12 | 69.28 | 107.66 | 154.78 |
| Ⓑ                                                        | 1.30                                                                                                                                                                                                                        | 3.10 | 5.52 | 8.38  | 12.18 | 16.74 | 21.78 | 27.74 | 34.02 | 48.98 | 76.12  | 109.44 |
| Ⓒ                                                        | 0.96                                                                                                                                                                                                                        | 2.38 | 4.24 | 6.02  | 9.32  | 11.82 | 16.68 | 19.42 | 26.04 | 37.50 | 58.26  | 83.76  |
| Ⓓ                                                        | 0.50                                                                                                                                                                                                                        | 1.2  | 2.16 | 3.08  | 4.74  | 6.02  | 8.50  | 9.94  | 13.28 | 19.12 | 29.70  | 42.70  |
| Ⓔ                                                        | 0.26                                                                                                                                                                                                                        | 0.60 | 1.08 | 1.54  | 2.38  | 3.04  | 4.24  | 5.02  | 6.66  | 9.58  | 14.90  | 21.42  |
| OTHER TEST<br>PRESSURES<br>FOR THE<br>ABOVE<br>REACTIONS | ABOVE DIMENSIONS ARE MINIMUM THRUST BLOCK SIZES. THEY HAVE BEEN CALCULATED USING A PRESSURE OF 200 PSI.                                                                                                                     |      |      |       |       |       |       |       |       |       |        |        |
|                                                          | TEST PRESSURE TO BE 150 PSI MIN. OR AS REQUIRED BY BWSC.                                                                                                                                                                    |      |      |       |       |       |       |       |       |       |        |        |
|                                                          | SQUARE FEET OF CONCRETE THRUST BLOCKING FOR OTHER TEST PRESSURES IS DIRECTLY PROPORTION TO THE ABOVE TABLE. FOR INSTANCE, AT 225 PSI TEST PRESSURE ABOVE NUMBERS SHOULD BE MULTIPLIED BY 1.125 (225 PSI / 200 PSI = 1.125). |      |      |       |       |       |       |       |       |       |        |        |

5 THRUST BLOCKS  
NOT TO SCALE

NOT TO SCALE

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NEEDHAM, MA

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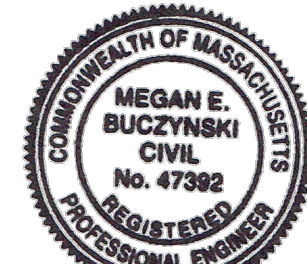
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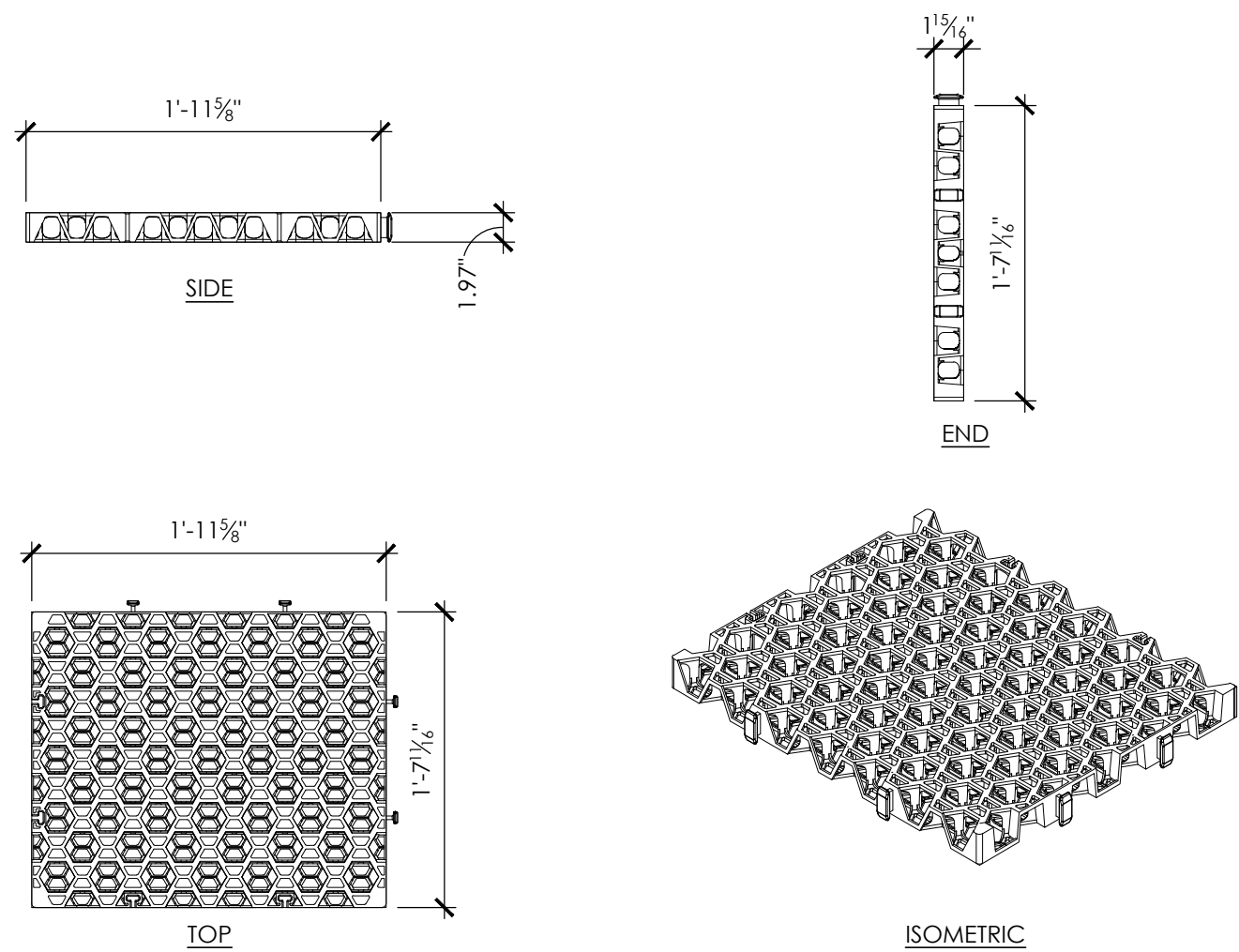
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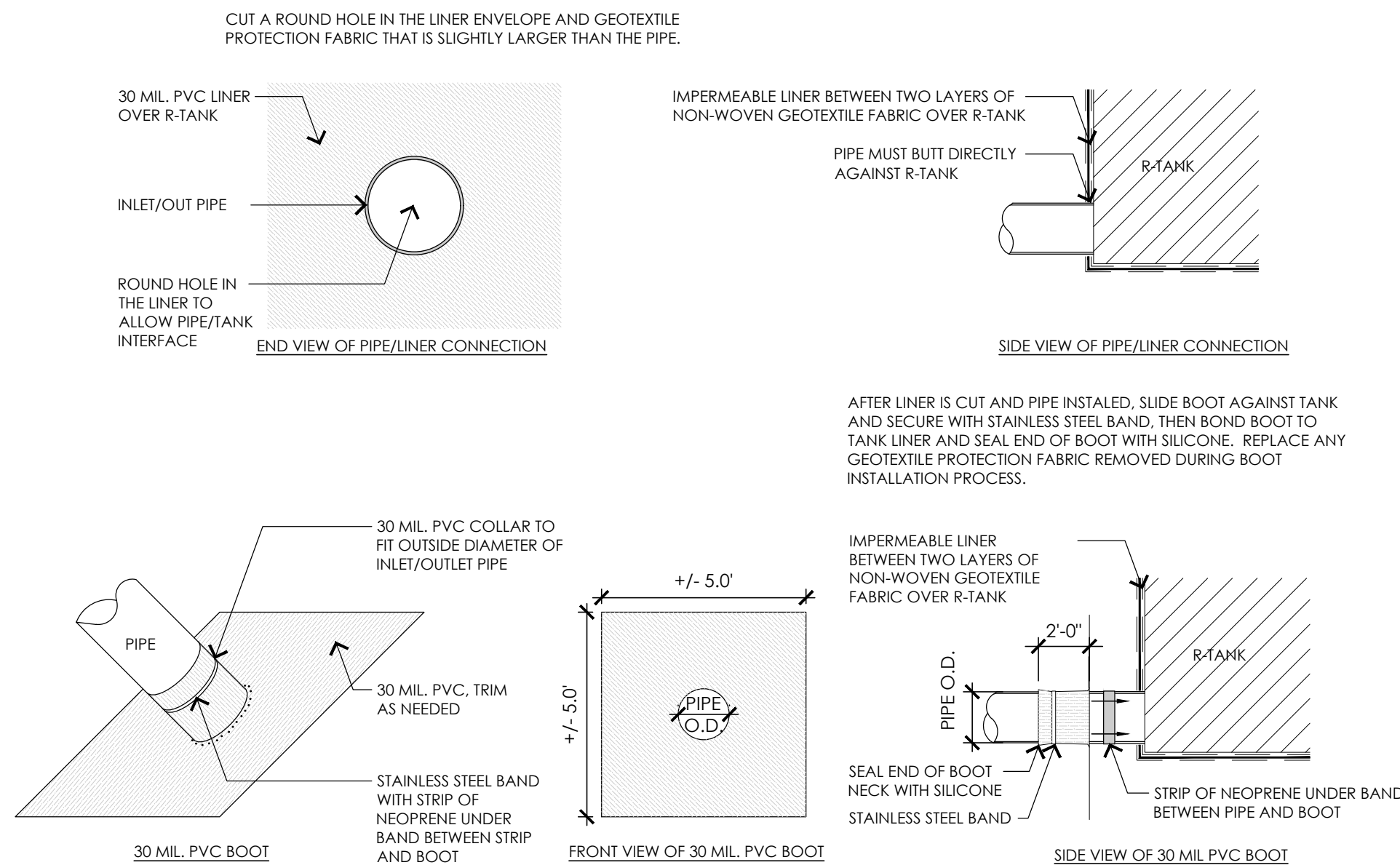
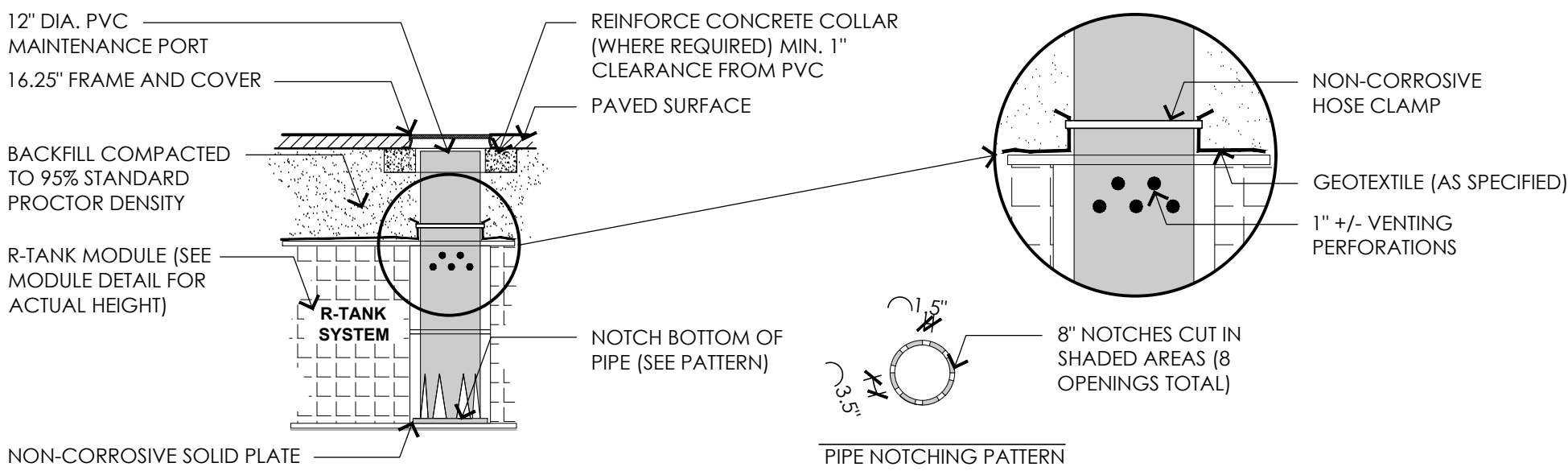
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NOTES:

1. THIS PORT IS USED TO PUMP WATER INTO THE SYSTEM AND RE-SUSPEND ACCUMULATED SEDIMENT SO THAT IT MAY BE PUMPED OUT.
2. MINIMUM REQUIRED MAINTENANCE INCLUDES A QUARTERLY INSPECTION DURING THE FIRST YEAR OF OPERATION AND A YEARLY INSPECTION THEREAFTER. FLUSH AS NEEDED.
3. R-TANK<sup>HD</sup>, R-TANK<sup>SD</sup>, AND R-TANK<sup>LD</sup> MAY BE USED IN TRAFFIC APPLICATIONS.
4. SEE TRAFFIC LOADING DETAIL FOR MINIMUM & MAXIMUM COVER REQUIREMENTS.
5. IF MAINTENANCE PORT IS LOCATED IN A NON-TRAFFIC AREA, A PLASTIC CAP CAN BE USED IN LIEU OF A FRAME AND COVER WITH CONCRETE COLLAR.



1 R-TANK XD PANEL  
NOT TO SCALE

NOTES:

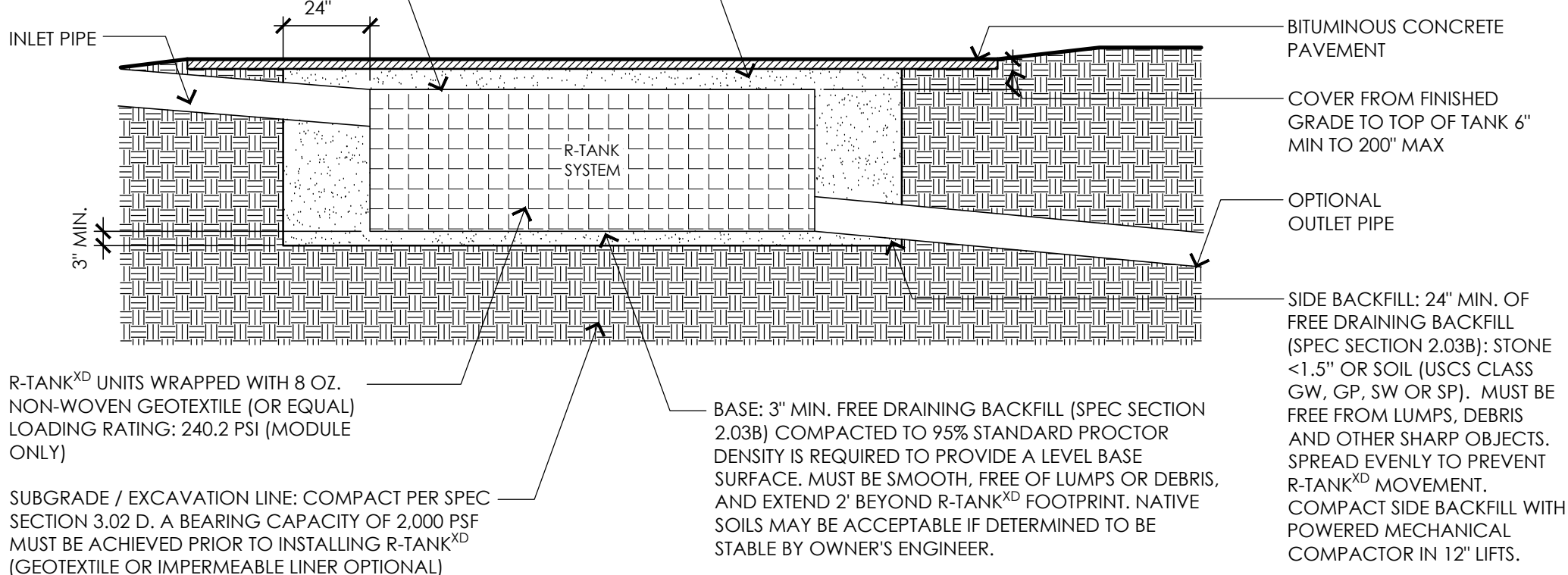
1. FOR COMPLETE MODULE DATA, SEE APPROPRIATE R-TANK<sup>HD</sup> MODULE SHEET.
2. INSTALLATIONS PER THIS DETAIL MEET GUIDELINES OF HL-93 LOADING PER THE AASHTO LRFD BRIDGE DESIGN SPECIFICATIONS, CUSTOMARY U.S. UNITS, 7TH EDITION, 2014 WITH 2015 AND 2016 INTERIM REVISIONS.
3. PRE-TREATMENT STRUCTURES NOT SHOWN.
4. FOR INFILTRATION APPLICATIONS, GEOTEXTILE ENVELOPING R-TANK SHALL BE ACF M200 (PER SPEC SECTION 2.02A) AND BASE SHALL BE 4" MIN. UNCOMPACTED FREE DRAINING BACKFILL (SPEC SECTION 2.03A) TO PROVIDE A LEVEL BASE. SURFACE MUST BE SMOOTH, FREE OF LUMPS OR DEBRIS, AND EXTEND 2' BEYOND R-TANK<sup>HD</sup> FOOTPRINT.

SYSTEM ELEVATIONS

| SYSTEM COMPONENT  | ELEVATION            |
|-------------------|----------------------|
| GROUNDWATER       | N/A                  |
| BOTTOM OF STONE   | 213.41               |
| BOTTOM OF R-TANKS | 213.66               |
| TOP OF R-TANKS    | 214.48               |
| TOP OF STONE      | 214.98               |
| FINISH GRADE      | VARIABLES - SEE PLAN |

TOTAL COVER: 6" MINIMUM AND 200" MAXIMUM. INITIAL COVER UP TO 12" MUST BE FREE DRAINING BACKFILL (SPEC SECTION 2.03B); STONE <1.5" OR SOIL (USCS CLASS GW, GP, SW OR SP). ADDITIONAL FILL MAY BE STRUCTURAL FILL (SPEC SECTION 2.03C); STONE OR SOIL (USCS CLASS SM, SP, SW, GM, GP OR GW) WITH MAX CLAY CONTENT<10%, MAX 25% PASSING NO. 200 SIEVE, AND MAX PLASTICITY INDEX OF 4. CONTACT FERGUSON WATERWORKS IF MORE THAN 200' OR LESS THAN 6" OF TOP BACKFILL IS REQUIRED (FROM TOP OF TANK TO TOP OF PAVEMENT).

UTILITY MARKING AT CORNERS, TYPICAL

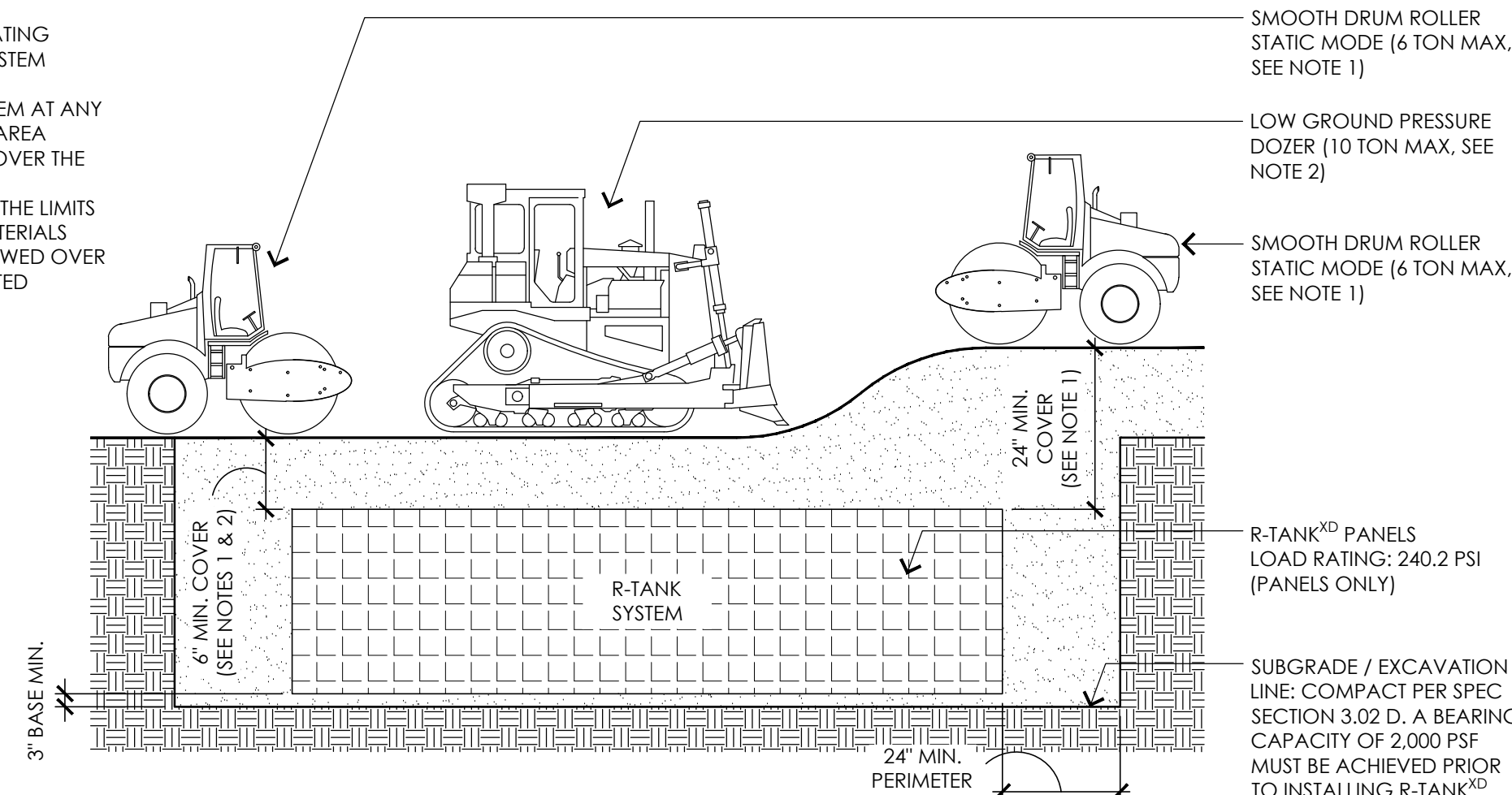
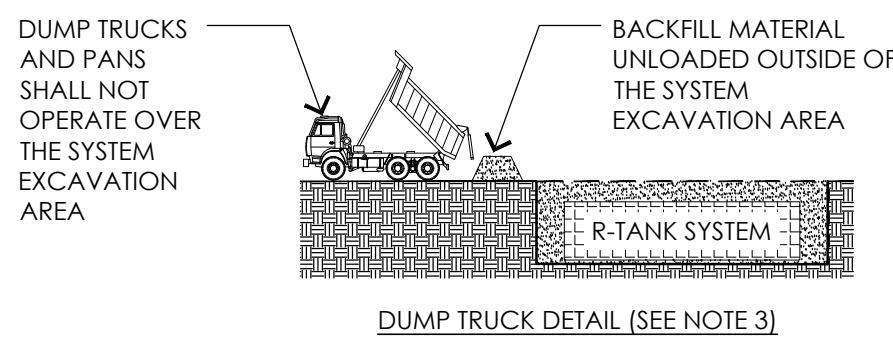


SYSTEM CALCULATIONS

|                      |                  |
|----------------------|------------------|
| OVERALL FOOTPRINT    | 33.53' X 102.43' |
| TOTAL STORAGE VOLUME | 3,200 CF         |
| STONE VOID RATIO     | 35%              |
| ESTIMATED # OF UNITS | 900              |
| UNIT TYPE            | R-TANK XD 5      |

NOTES:

1. FOLLOWING PLACEMENT OF SIDE BACKFILL, A UNIFORM 12" (OR AS SHOWN ON PLANS) LIFT OF THE FREELY DRAINING MATERIAL (SPEC SECTION 2.03 B2) SHALL BE PLACED OVER THE R-TANK AND LIGHTLY COMPACTED USING A WALK-BEHIND TRENCH ROLLER. ALTERNATELY, A ROLLER (MAXIMUM GROSS VEHICLE WEIGHT OF 6 TONS) MAY BE USED. ROLLER MUST REMAIN IN STATIC MODE UNTIL A MINIMUM OF 24" OF COVER HAS BEEN PLACED OVER THE MODULES. SHEEP FOOT ROLLERS SHOULD NOT BE USED. **SPEC SECTION 3.05 A5**
2. ONLY LOW PRESSURE TIRE OR TRACK VEHICLES (LESS THAN 7 PSI AND OPERATING WEIGHT OF LESS THAN 20,000 LBS) SHALL BE OPERATED OVER THE R-TANK SYSTEM DURING CONSTRUCTION. **SPEC SECTION 3.05 B**
3. DUMP TRUCKS AND PANS SHALL NOT BE OPERATED WITHIN THE R-TANK SYSTEM AT ANY TIME. WHERE NECESSARY, THE HEAVY EQUIPMENT SHOULD UNLOAD IN AN AREA ADJACENT TO THE R-TANK SYSTEM AND THE MATERIAL SHOULD BE MOVED OVER THE SYSTEM WITH TRACKED EQUIPMENT. **SPEC SECTION 3.05 B**
4. ENSURE THAT ALL UNRELATED CONSTRUCTION TRAFFIC IS KEPT AWAY FROM THE LIMITS OF EXCAVATION UNTIL THE PROJECT IS COMPLETE AND FINAL SURFACE MATERIALS ARE IN PLACE. NO NON-INSTALLATION RELATED LOADING SHOULD BE ALLOWED OVER THE R-TANK SYSTEM UNTIL THE FINAL DESIGN SECTION HAS BEEN CONSTRUCTED (INCLUDING PAVEMENT). **SPEC SECTION 3.05 C**
5. SEE R-TANK INSTALLATION GUIDE OR CONTACT YOUR LOCAL FERGUSON REPRESENTATIVE FOR ADDITIONAL INFORMATION.



4 R-TANK XD HS20-25 LOADS - SECTION VIEW  
NOT TO SCALE

5 R-TANK XD CONSTRUCTION EQUIPMENT COVER DETAIL - VEHICULAR TRAFFIC  
NOT TO SCALE

CONSULTANTS

TOWN OF NEEDHAM  
NEEDHAM, MA

NEEDHAM HIGH SCHOOL TENNIS COURT RENOVATION

Major Project Site Plan Approval  
February 6, 2024

REVISIONS:

| NO. | DATE    | DESCRIPTION      |
|-----|---------|------------------|
| 1   | 5/22/24 | DESIGN REVISIONS |
|     |         |                  |
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|--------------|-------------------------|
| SCALE:       | AS NOTED                |
| PROJECT NO.: | 23016.00                |
| FILE:        | 23016.00-L4.1-DET_1.dwg |
| DRAWN:       | BJM                     |
| CHECKED:     | JC                      |

SEAL:



SHEET TITLE:

DETAIL SHEET IV

SHEET NO:

L4.4

**From:** [Justin Savignano](#)  
**To:** [Alexandra Clee](#)  
**Cc:** [Lee Newman](#); [Thomas Ryder](#)  
**Subject:** RE: Request for comment: Tennis Court - Revised Plans  
**Date:** Thursday, May 30, 2024 11:38:31 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Hi Alex,

We have no comment or objection to the plan for the proposed tennis courts at the high school.

Thanks,

Justin

---

**From:** Alexandra Clee <[aclee@needhamma.gov](mailto:aclee@needhamma.gov)>  
**Sent:** Wednesday, May 29, 2024 5:04 PM  
**To:** Thomas Ryder <[tryder@needhamma.gov](mailto:tryder@needhamma.gov)>; Justin Savignano <[jsavignano@needhamma.gov](mailto:jsavignano@needhamma.gov)>  
**Cc:** Lee Newman <[LNewman@needhamma.gov](mailto:LNewman@needhamma.gov)>  
**Subject:** Request for comment: Tennis Court - Revised Plans

Hi Tom, Justin,

Please see the Revised Plans for the proposed Tennis courts at the High School. If you could comment as soon as possible, that would be great. The continued hearing is scheduled for Tuesday June 4.

Thank you!

Alexandra Clee  
Assistant Town Planner  
Needham, MA  
781-455-7550 ext. 271  
[www.needhamma.gov/planning](http://www.needhamma.gov/planning)

---

**From:** Christopher Heep <[cheep@harringtonheep.com](mailto:cheep@harringtonheep.com)>  
**Sent:** Tuesday, May 28, 2024 4:09:18 PM  
**To:** Alexandra Clee <[aclee@needhamma.gov](mailto:aclee@needhamma.gov)>; Lee Newman <[LNewman@needhamma.gov](mailto:LNewman@needhamma.gov)>  
**Cc:** Jonathan Charwick <[jon@activitas.com](mailto:jon@activitas.com)>; Stacey Mulroy <[smulroy@needhamma.gov](mailto:smulroy@needhamma.gov)>; Ardian Rrapi <[arrapi@needhamma.gov](mailto:arrapi@needhamma.gov)>; Thomas Ryder <[tryder@needhamma.gov](mailto:tryder@needhamma.gov)>  
**Subject:** Re: Tennis Court - Revised Plans

Hello Lee and Alex. Attached is a brief memorandum detailing the revisions included in the new plan set for the tennis court renovation project.



Thanks very much, and please let me know if I can provide any additional information.

Chris



**CHRISTOPHER H. HEEP**

Partner at Harrington Heep LLP

---

**office** [617.489.1600](tel:617.489.1600)

**direct** [617.804.2422](tel:617.804.2422)

**email** [cheep@harringtonheep.com](mailto:cheep@harringtonheep.com)

**website** [harringtonheep.com](http://harringtonheep.com)

**address** 40 Grove Street, Suite 190 Wellesley, MA 02482

Follow Us:



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**From:** Christopher Heep <[cheep@harringtonheep.com](mailto:cheep@harringtonheep.com)>

**Date:** Friday, May 24, 2024 at 1:09 PM

**To:** Alexandra Clee <[aclee@needhamma.gov](mailto:aclee@needhamma.gov)>

**Cc:** Jonathan Charwick <[jon@activitas.com](mailto:jon@activitas.com)>, Stacey Mulroy <[smulroy@needhamma.gov](mailto:smulroy@needhamma.gov)>, Ardian Rapi <[arrapi@needhamma.gov](mailto:arrapi@needhamma.gov)>, Thomas Ryder <[tryder@needhamma.gov](mailto:tryder@needhamma.gov)>, Lee Newman <[LNewman@needhamma.gov](mailto:LNewman@needhamma.gov)>

**Subject:** Tennis Court - Revised Plans

Hi Alex. Attached for filing in advance of the Planning Board's June 4 meeting is the revised plan set for the proposed tennis court renovation project.

Thanks very much, and please let me know if I can provide any additional information.

Chris



**CHRISTOPHER H. HEEP**

Partner at Harrington Heep LLP

---



**office** [617.489.1600](tel:617.489.1600)

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**email** [cheep@harringtonheep.com](mailto:cheep@harringtonheep.com)

**website** [harringtonheep.com](http://harringtonheep.com)

**address** 40 Grove Street, Suite 190 Wellesley, MA 02482

Follow Us:



**From:** [Jeremy Chao](#)  
**To:** [Planning](#)  
**Subject:** I support Creation of 8 Tennis Courts at Needham High School  
**Date:** Wednesday, April 24, 2024 9:17:35 PM

---

I would consider 8 tennis courts as a Town asset that would increase the quality of life for residents of the town overall given the popularity of tennis. Other similar neighboring communities have significantly more tennis courts than Needham. Also, I do not support an option to design two of the 8 courts as singles courts to save only an incremental amount of space since those singles courts would not be tournament or competition eligible.

Thanks.

Jeremy Chao  
TMM, Precinct D

**From:** [Alexandra Etscovitz](#)  
**To:** [Alexandra Clee](#); [Ben Etscovitz](#)  
**Subject:** Tennis  
**Date:** Monday, April 29, 2024 11:02:59 AM

---

We are in support of the tennis court renovation, however we do not think it is necessary to have 8 courts. 5-6 courts would be sufficient. We enjoy using the field space next to the tennis courts, and don't think that it should be taken away. There is a need to add green space in the town, not take it away. Also, many clubs and groups use that field space. Please reject a proposal that doesn't include a plan for 5-6 courts.

-Alexandra and Ben :)



**From:** [Jessie Cawley](#)  
**To:** [Alexandra Clee](#)  
**Subject:** High School Tennis Court Proposal  
**Date:** Tuesday, April 30, 2024 2:01:31 PM

---

Dear Members of the Town Planning Board,

I am writing to express my opinion regarding the proposed development plans for the high school athletic facilities, specifically concerning the number of tennis courts to be constructed. As a resident of Needham and an active user of the green space adjacent to the high school, I urge the board to consider the option of building six tennis courts instead of eight.

While I appreciate the importance of providing adequate sports amenities for our community, I believe that preserving green space is equally vital. The green space surrounding the high school serves as a valuable recreational area for families like mine. We frequently utilize this space for various outdoor activities. It not only enhances our quality of life but also contributes to the aesthetic appeal of our town.

By opting for six tennis courts instead of eight, we can strike a balance between sports infrastructure and preserving the natural green space.

I urge the Town Planning Board to consider the broader implications of this decision and prioritize the preservation of green space in our town. I believe that by opting for six tennis courts, we can achieve a balance that benefits all residents.

Thank you for considering my input on this matter. I trust that the Town Planning Board will make a decision that reflects the best interests of the entire community.

Sincerely,

Jessie Cawley

305 Warren Street

Needham, MA 02492

To: Planning Board  
From: Julie & Ross Dananberg  
36 Rosemary St, Needham, MA  
Date: April 29, 2024

Dear Planning Board Members,

Thank you for meeting with us again at the planning board meeting on April 24, 2024. While we appreciate the time, we were disappointed that the Applicant did not appear with a plan for 6 tennis courts, as they were instructed to by the board at the first meeting on this issue. They have been side stepping the town government processes, leaving out key information, submitting plans at the last minute, and pushing through a very rushed plan that doesn't satisfy all conditions. The main issue at hand is that the proposal of 8 tennis courts is absolutely too large of a footprint for the space. This is the reason that the applicant and planning board are having such a hard time figuring out a configuration that will work.

Renovating the current 4 courts and adding 2 new ones will accomplish the following:

- The tennis team will be able to host tournaments as well as practices, per MIAA regulations.
- The Parks and Recreation Department will be able to increase enrollment of lessons and camps by 50%. That will take the Needham residents off of the waiting lists.
- Needham High School can use the courts for PE classes
- The ONLY open green space at NHS next to the courts will continue to be able to be used by:
  - Parks and Recreation Summer camp- "Sports Specialties" (7 weeks 9-4)
  - Summer camps- field hockey, volleyball, archery
  - Metco Girls flag football run by Needham Police Officers- practice on field 3x per week
  - Team practices: Rugby, cross country
  - High school Senior Picnic
  - Neighborhood children
- The Parks and Rec Department stated that the Athletic director is confident he will find other fields in the town for these teams and clubs to play at. However, this is the exact reason why the tennis team would like to have more courts; so that they don't have to go to other courts around town. It is simply swapping one group (that plays for a single season) for many others, who use the field three seasons. I imagine that Metco Girls Flag Football club will not be able to travel to a different field and make it back in time for the bus to return home to Boston. This creates an issue of equity in our schools.

In conclusion, if 6 courts are built instead of 8, all issues of: distance to property lines, allowance for other student clubs and sports, and the huge improvement to the town and school tennis programs will all be accomplished. In addition, since the budget will lower, there will be plenty of money to plant some arborvitae!

We truly continue to hope that this project can go forward, but in a neighborly way.

Please continue to NOT accept this proposal for a special permit application for the tennis court renovation until these factors are addressed.

Sincerely

Julie and Ross Dananberg



**From:** [Carys Lustig](#)  
**To:** [Ellen Dudley Real Estate Connections](#)  
**Cc:** [Planning; Tyler Gabrielski](#)  
**Subject:** RE: New Tennis Court proposal  
**Date:** Monday, April 29, 2024 12:11:51 PM

---

Hi Ellen,

I apologize for the delay in my response. I appreciate your noise concern. The work done last year in the road was part of Eversource's gas main upgrade program. I apologize for any inconvenience this caused. As for the private construction on homes, these projects are permitted by the Building Dept, and if they are compliant with the Town's noise regulations, there isn't much DPW can do to coordinate these projects or anticipate their schedules.

We do have the repaving of Webster St planned for this construction season. We are currently working through the final design elements, and this will include construction work for repaving this area and the installation of small traffic calming features. I have included our Director of Streets and Transportation, Tyler Gabrielski who can provide more details on the project if you would like.

Carys Lustig  
Director of Public Works

---

**From:** Ellen Dudley Real Estate Connections <edwdudley@gmail.com>  
**Sent:** Wednesday, April 3, 2024 5:52 PM  
**To:** Planning <planning@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>  
**Subject:** New Tennis Court proposal

Dear Planning Board,  
Thank you for allowing me to speak last night about my dissatisfaction with the current tennis courts being so close to my property and my opinion that my neighbors on Rosemary should not be as equally inconvenienced as I have been over the years. There were a few things that I forgot to say which I would like to say now for the record.

1) The problem is not with the High School students. For the most part they are respectful. The problem is with the general public who show up to those courts early on the weekends (6am ish) and converse with one another in regular voices. They yell to one another across the courts and cause disturbance to those of us trying to sleep in. Perhaps some signs could be posted around the court reminding people that their neighbors are very close and to please keep their voices down if they are there before 9am. That would be much appreciated. Also, perhaps a sign that says do not ask neighbors to retrieve your balls. They are only trying to enjoy their backyards. All of it could be written in a funny way that pokes fun at the situation and also makes people aware that they may not be respecting their neighbors.

2) This is for Carys...  
As a resident on Webster St. We endure work on the road every summer. Last summer was extremely loud and disturbing with the work that Nstar was doing. We were often blocked into our driveway unable to leave, disturbed by the road

closures, but mostly the biggest problem was the noise. We work from home and were unable to concentrate at all with the amount of noise going on outside. There was also a new construction house being built at the same time so surely that contributed to it. We understand work has to get done and it's our plight for choosing to buy property on a main street. My request is that if the tennis courts do get passed please, PLEASE can you coordinate the timing so we don't have noisy machines in our front and back at the same time. It's honestly just too much for anyone working from home to endure. We were desperate for some peace and quiet last summer and we can not imagine enduring that again from both sides. It absolutely affected our mental health and it is not ok. We're just asking if it's possible to try to limit the noise pollution that certain areas of town have to experience at the same time.

Thank you for your consideration.

Sincerely,

Ellen and Jim Dudley

**From:** [Julie Dananberg](#)  
**To:** [Alexandra Clee](#)  
**Subject:** Re: Tennis Court - continued to June 4  
**Date:** Wednesday, May 29, 2024 11:12:32 AM

---

Hello Alex,  
Please pass along the attached photo of the NHS senior class picnic, an annual tradition that takes place on the field.  
Thank you  
Julie



On Wed, May 8, 2024 at 5:22 PM Julie Dananberg <[jmacht@gmail.com](mailto:jmacht@gmail.com)> wrote:  
Thank you for letting me know .  
Julie

On Wed, May 8, 2024 at 5:17 PM Alexandra Clee <[aclee@needhamma.gov](mailto:aclee@needhamma.gov)> wrote:

You are receiving this because you have sent communications to this office on the tennis courts proposal in the past.

We received the attached letter requesting continuance of the hearing from the May 14 meeting to the June 4 meeting. Please feel free to share this information with those who might be interested, and in case I didn't capture everyone who submitted comments.



Thanks, alex.

Alexandra Clee

Assistant Town Planner

Needham, MA

781-455-7550 ext. 271

[www.needhamma.gov](http://www.needhamma.gov)

**From:** [Nicole Hagler](#)  
**To:** [Alexandra Clee](#)  
**Subject:** tennis courts  
**Date:** Tuesday, June 4, 2024 7:02:52 AM

---

Hi Alexandra- I am a Needham resident with three young children in the school system here. I am writing because I am concerned about the proposed tennis courts at the high school. I am very much in favor of redoing the existing courts, and even for adding up to two more courts. This is a much needed amenity for our high school players and our community. However it is my steadfast perspective that eight courts is unnecessary. It infringes significantly on the field at that location, which is used by many high school groups and the community. If a minimum of five courts is needed, and six courts can be achieved, what does adding two additional courts achieve, and at what cost? I strongly oppose doubling the number of courts. Please limit the number of courts to six and retain the green space.

Thank you for your consideration,  
Nicole

**From:** [Natalie Spring](#)  
**To:** [Alexandra Clee](#)  
**Subject:** Green Space at High School  
**Date:** Tuesday, June 4, 2024 8:11:55 AM

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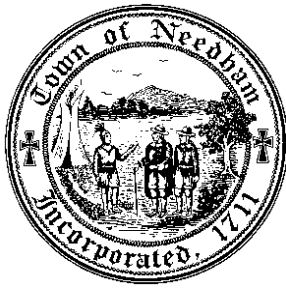
To the Needham Planning Board,  
As you evaluate the plans for new tennis courts at the high school, please consider minimizing the number of courts to allow for ample green space for students and families to enjoy.

Thank you,  
Natalie Spring

--

Natalie Spring  
[natalie.j.spring@gmail.com](mailto:natalie.j.spring@gmail.com)  
609-712-2056





PLANNING & COMMUNITY DEVELOPMENT  
PLANNING DIVISION

**AMENDMENT TO DECISION**

**June 4, 2024**

**Application No. 2007-10**

**MAJOR PROJECT SITE PLAN SPECIAL PERMIT**

**Beth Israel Deaconess Hospital Needham, Inc.**

**148 Chestnut Street, Needham, MA**

(Original Decision dated November 13, 2007, revised July 28, 2009, July 12, 2011, September 20, 2011, December 4, 2012, October 24, 2017, March 5, 2019, and May 20, 2020)

DECISION of the Planning Board (hereinafter referred to as the “Board”) on the petition of Beth Israel Deaconess Hospital-Needham, Inc. (“BIDN” or the “Hospital”) 148 Chestnut Street, Needham, MA, 02492, (the “Petitioner”) for property located at 148 Chestnut Street, Needham, MA, 02492 (the “Property”). Said property is shown on Needham Town Assessors Plan No. 47 as Parcel No. 55, containing approximately 193,354 square feet in total.

This decision is in response to an application (“Application”) submitted to the Board on April 16, 2024, by the Petitioner for: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (the “By-Law”) and Section 4.2 of Major Project Site Plan Special Permit No. 2007-10, dated November 13, 2007, as amended; and (2) a Special Permit under Section 1.4.6 of the By-Law for the structural alteration, enlargement and/or reconstruction of a non-conforming structure.

The requested Major Project Site Plan Review Special Permit, would, if granted, permit the Petitioner to construct a temporary addition to the Hospital at the former emergency room entrance on Lincoln Street to house medical imaging services during the renovation of the nuclear medicine suite. It is anticipated that the structure will remain for approximately six months. The proposal includes the following elements, to take place while the nuclear medical suite within the Hospital is being renovated: (1) Temporary removal of the existing canopy (the closest point of the existing canopy to the Lincoln Street Property Line is approximately 8.7 feet); (2) Installation of a medical imaging structure in the circular driveway. The closest point of the proposed temporary medical imaging structure to the Lincoln Street property line is approximately twelve (12) feet; (3) Construction of a temporary covered corridor or walkway connecting the medical imaging structure to the hospital building; (4) Removal of a portion of the concrete wall adjacent to the circular driveway and improvements to the landscaping in the area of the medical imaging structure and entrance; and (5) Once the renovations to the nuclear medicine suite within the Hospital are complete, removal of the medical imaging structure and temporary covered corridor, restoration of the current canopy at the entrance to the building (the closest point to the Lincoln Street Property Line will again be approximately 8.7 feet), and restoration of the landscaping as shown on the drawings submitted will be completed.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order by the Chairperson, Adam Block, on Tuesday, May 14, 2024 at 7:00 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom ID number 880 4672 5264. Board members Adam Block, Paul S. Alpert, Natasha Espada, Artie Crocker, and Justin McCullen were present throughout the proceedings. The record

of the proceedings and the submissions upon which this decision is based may be referred to in the office of the Town Clerk or the office of the Board.

Submitted for the Board's deliberation prior to the close of the public hearing were the following exhibits:

- Exhibit 1 - Application for the Amendment to Major Project Special Permit No. 2007-10, dated April 16, 2024.
- Exhibit 2 - Authorization letter from Will Bradford, Director of Finance, BID-Needham, dated April 8, 2024.
- Exhibit 3 - Letter from Attorney Evans Huber, dated April 11, 2024.
- Exhibit 4 - Plans entitled "Imagining Trailer," prepared by VHB, consisting of 5 sheets: Sheet 1, Sheet C-1.01, entitled "Legend and General notes," dated March 27, 2024; Sheet 2, Sheet C-2.01, entitled "Existing Conditions Plan," dated March 27, 2024; Sheet 3, Sheet C-3.01, entitled "Interim Condition: Trailer Site and Landscape Pla," dated March 27, 2024; Sheet 4, Sheet C-3.02, entitled "Future Condition: Restoration Site and Landscape Plan," dated March 27, 2024; and Sheet 5, Sheet C-4.01, entitled "Site Details," dated March 27, 2024.
- Exhibit 5 - Plans entitled "Imagining Trailer," prepared by Margulies Perruzzi, 308 Congress Street, Boston, MA 02210, consisting of 2 sheets: Sheet 1, Sheet L-101, entitled "Site plan," dated January 24, 2024; Sheet 2, Sheet A-300, entitled "Exterior Elevations," dated January 25, 2024.
- Exhibit 6 - Renderings entitled "Imaging Trailer," prepared by Margulies Perruzzi, 308 Congress Street, Boston, MA 02210, consisting of 42 sheets, dated March 27, 2024: Sheet 1, cover sheet; Sheet 2, Existing; Sheet 3, Imaging Trailer; Sheet 4, Imaging Trailer; Sheet 5, Model of Tent; Sheet 6, Imaging Trailer with New Landscaping; Sheet 7, Imaging Trailer with New Landscaping; Sheet 8, Imaging Trailer with New Landscaping; Sheet 9, Imaging Trailer / Tent; Sheet 10, Imaging Trailer / Tent; Sheet 11, Imaging Trailer / Tent; Sheet 12, Imaging Trailer / Tent; Sheet 13, Imaging Trailer with New Landscaping; Sheet 14, Imaging Trailer / Tent; Sheet 15, Imaging Trailer / Tent; Sheet 16, Imaging Trailer / Tent; Sheet 17, Imaging Trailer / Tent; Sheet 18, Aerial – Existing; Sheet 19, Aerial – Imaging Trailer; Sheet 20, Aerial – Imaging Trailer / Tent; Sheet 21, Aerial – Imaging Trailer / New Landscaping; Sheet 22, Aerial – Imaging Trailer / Tent; Sheet 23, Existing; Sheet 24, Imaging Trailer; Sheet 25, Imaging Trailer / Tent; Sheet 26, Post Imagine Trailer / New Landscaping; Sheet 27, Building Entrance – Existing Without Canopy; Sheet 28, Building Entrance – From Inside Tent; Sheet 29, Building Entrance – Looking Toward Trailer Entry; Sheet 30, Inside Tent – Looking at Trailer Entry; Sheet 31, Inside Tent – Looking at Trailer Entry; Sheet 32, Post Imaging Trailer / New Landscaping; Sheet 33, Post Imaging Trailer / New Landscaping; Sheet 34, Post Imaging Trailer / New Landscaping; Sheet 35, Elevation Detail, Looking West; Sheet 36, Elevation Detail, Looking South; Sheet 37, Elevation Detail, Looking North; Sheet 38, Plan Detail; Sheet 39, Imaging Trailer; Sheet 40, Existing Conditions; and Sheet 41, Existing Conditions; Sheet 42, end presentation.
- Exhibit 7 - Design Review Board Approval, dated April 8, 2024.
- Exhibit 8 - Interdepartmental Communications (IDC) to the Board from Dennis Condon, Chief of the Needham Fire Department, dated April 8, 2024; IDC to the Board from Thomas Ryder, Town Engineer, the Needham Department of Public Works, dated May 8, 2024; IDC to the Board from Building Commissioner, Joe Prondak, dated April 17, 2024; IDC to the Board from Edward Olsen, Superintendent of Parks and Forestry, dated April 16, 2024;

and IDC to the Board from Tara Gurge, Assistant Public Health Director, dated May 6, 2024.

Exhibits 1, 2, 3, 4, 5 and 6 are hereinafter collectively referred to as the “Plan”.

### **FINDINGS AND CONCLUSIONS**

- 1.0 Based upon its review of the exhibits and the record of the proceedings, the Board found and concluded that:
- 1.1 The subject property is located in the Medical Overlay District at 148 Chestnut Street, Needham, MA, 02492, owned by Beth Israel Deaconess Hospital-Needham, Inc. Said property is shown on Needham Town Assessors Plan No. 47 as Parcel 55, containing approximately 193,354 square feet in total.
- 1.2 The subject property is currently occupied by the Hospital, and is identified as 148 Chestnut Street, Needham, MA. The Hospital has been operating at 148 Chestnut Street for over 100 years. The Town of Needham operated the Hospital for many years until its sale to the private sector in 1994. The last expansion to the Hospital was constructed pursuant to Amendment to Site Plan Special Permit No. 2007-10, dated October 24, 2017.
- 1.3 The Hospital intends to renovate its existing nuclear medicine imaging suite in the hospital. The temporary imaging structure is needed so that the Hospital can provide medical imaging services during the renovation of the nuclear medicine suite.

The proposed plan includes the following elements, to take place while the nuclear medical suite within the Hospital is being renovated (a process anticipated to take approximately six months):

- 1. Temporary removal of the existing canopy. (The closest point of the existing canopy to the Lincoln Street Property Line is approximately 8.7 feet).
  - 2. Installation of a medical imaging structure in the circular driveway. The closest point of the proposed temporary imaging structure to the Lincoln Street property line is approximately twelve (12) feet.
  - 3. Construction of a temporary covered corridor or walkway connecting the medical imaging structure to the hospital building.
  - 4. Removal of a portion of the concrete wall adjacent to the circular driveway and improvements to the landscaping in the area of the medical imaging structure and entrance.
  - 5. Once the renovations to the nuclear medicine suite within the Hospital are complete, removal of the medical imaging structure and temporary covered corridor, restoration of the current canopy at the entrance to the building, and restoration of the landscaping as shown on the drawings submitted herewith. (The closest point of the existing canopy to the Lincoln Street Property Line is approximately 8.7 feet).
- 1.4 As indicated in the said October 24, 2017 Amendment Decision, the Property conforms to zoning requirements as to lot area and frontage. The proposed temporary imaging structure will comply with the following applicable dimensional and density requirements of the Medical District Overlay

Zoning District side and rear setback, maximum building height, maximum lot coverage, floor area ratio, and open space.

The existing Hospital building is a legal, pre-existing, non-conforming structure because of the location of the existing canopy at the former Emergency Department entrance located on Lincoln Street. The minimum front setback on Lincoln Street is 30 feet. At its closest point, the existing canopy and related support structures are currently approximately 8.7 feet from the Lincoln Street property line. The Hospital structure is a legal, pre-existing, non-conforming structure, which has been recognized in prior applications and decisions. The closest point of the proposed temporary imaging structure to the property line on Lincoln Street is 12 feet, further away from the property line than the current structure (8.7 feet).

- 1.5 Access to the temporary imaging structure is only proposed from inside the Hospital. No access is proposed to be from the outside or from Lincoln Street.
- 1.6 If required by the Building Commissioner, a construction management and staging plan (the "Construction Management Plan") shall be submitted to the Needham Police Chief and Needham Building Commissioner for review and approval.
- 1.7 All Subcontractors/Vendors will be contractually required to agree to the requirements of the Construction Management Plan (if said Construction Management Plan is required by the Building Commissioner) in their contract with the Petitioner to work on this project. The Petitioner will post signs on-site regarding truck delivery routes for enforcement purposes.
- 1.8 The Petitioner appeared before the Design Review Board on April 8, 2024 and obtained approval for the project.
- 1.9 There is no generator proposed for the temporary structure.
- 1.10 The temporary structure will be accessible by way of an incorporated lift. There are also stairs into the temporary structure.
- 1.11 Egress from inside the hospital to the exterior will be maintained by a separate existing door. There will also be a means of egress from inside of the temporary structure.
- 1.12 No new exterior lighting is proposed.
- 1.13 Landscaping is proposed for the period while the temporary structure exists as well as for after the structure is removed and the canopy is replaced.
- 1.14 The Board finds that all its findings, conclusions, conditions, and limitations contained in Major Project Site Plan Review Special Permit No. 2007-10, dated November 13, 2007, revised July 28, 2009, July 12, 2011, September 20, 2011, December 4, 2012, October 24, 2017, March 5, 2019, and May 20, 2020 shall continue in full force and effect, with the exception of any conditions contained in this Decision.
- 1.15 Under Section 7.4 of the By-Law, a Major Project Site Plan Review Special Permit Amendment may be granted in the Medical Overlay Zoning District, if the Board finds that the proposed development complies with the standards and criteria set forth in the provisions of the By-Law. On the basis of the above findings and conclusions, the Board finds that the proposed development Plan, as conditioned and limited herein for the site plan review, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, to have minimal



adverse impact and to have promoted a development which is harmonious with the surrounding area.

- 1.16 Under Section 1.4.6 of the By-Law, a lawful pre-existing nonconforming building may be structurally altered only pursuant to a special permit issued by the Board pursuant to Section 7.5.2 provided that the Board determines such alteration would not be substantially more detrimental to the neighborhood than the existing non-conforming structure. On the basis of the above findings and criteria, the Board finds that the proposed alteration, as conditioned and limited herein, to be in harmony with the purposes and intent of the By-Law, to comply with all applicable By-Law requirements, and to not increase the existing non-conforming structure nor to be more detrimental to the neighborhood than the existing non-conforming structure.

THEREFORE, the Board voted 5-0 to GRANT: (1) the requested Major Project Site Plan Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2007-10, dated November 13, 2007, revised July 28, 2009, July 12, 2011, September 20, 2011, December 4, 2012, October 24, 2017, March 5, 2019 and May 20, 2020; and (2) the requested Special Permit under Section 1.4.6 of the By-Law for the structural alteration, enlargement and/or reconstruction of a non-conforming structure, subject to the following plan modifications, conditions and limitations.

### **PLAN MODIFICATIONS**

- 2.0 Prior to the issuance of a building permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected, or modified information. The Building Inspector shall not issue any building permit nor shall he permit any construction activity on the site to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected, or modified information as set forth below. Except where otherwise provided, all such information shall be subject to the approval of the Building Inspector. Where approvals are required from persons other than the Building Inspector, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Inspector before the Inspector shall issue any building permit or permit for any construction on the site. The Petitioner shall submit three copies of the final Plans as approved for construction by the Building Inspector to the Board prior to the issuance of a Building Permit.

The Plan shall be modified as follows and shall be submitted to the Board for approval and endorsement, as set forth below:

- a. to label the temporary structure as a “temporary structure” and not a “trailer”.

### **CONDITIONS**

- 3.0 The following conditions of this approval shall be strictly adhered to. Failure to adhere to these conditions or to comply with all applicable laws and permit conditions shall give the Board the rights and remedies set forth in Section 3.17 hereof.
- 3.1 The temporary addition, landscape areas, and other site features shall be constructed in accordance with the Plan. Any other changes, revisions or modifications to the Plan shall require approval by the Board, unless otherwise stated in this Decision.
- 3.2 The proposed temporary addition and other exterior improvements shall contain the dimensions and shall be located on that portion of the locus as shown on the Plan, as modified by this Decision, and in accordance with the applicable dimensional requirements of the By-Law.

- 3.3 This permit is issued for the temporary removal of the existing canopy and construction of a temporary covered vestibule between the building entrance and the temporary location of the medical imaging services, an enclosed area clearly separate from public space. This will allow the temporary medical imaging services location to be an integral part of the Hospital and allow the Hospital staff to provide timely services to the patients. Additionally, a portion of the concrete wall will be removed and landscaping will be installed, as shown in the Plan. Lastly, the whole assembly as noted above shall be removed, the canopy shall be restored to its current location, and the old emergency department entrance and driveway restored to its current condition upon completion of the renovation of the nuclear medicine suite within the Hospital. An as-built plan showing the restored condition shall be submitted to the Board for review and approval. The temporary medical imaging services facility and any other associated improvements shall be removed from the site and the property shall be returned to its current condition within one year of the issuance of a building permit, unless the Board, at the request of the Applicant, determines that the delay beyond one year is for good cause, with the exception of the proposed landscaping and alteration to the concrete wall that is to remain.
- 3.4 Hospital staffing shall not change as a result of the temporary medical imaging services facility.
- 3.5 Access to the temporary medical imaging services facility is only proposed from inside the Hospital. No access will be from the outside or from Lincoln Street.
- 3.6 No deliveries shall be made to the addition on Lincoln Street; all deliveries to the imaging structure shall be made through the interior of the hospital.
- 3.7 If required by the Building Commissioner, a construction management and staging plan (the "Construction Management Plan") shall be approved by the Needham Police Chief and shall be submitted to the Needham Building Commissioner for approval.
- 3.8 All Subcontractors/Vendors shall be contractually required to agree to the requirements of the Construction Management Plan, if required, and traffic conditions in their contract with the Petitioner to work on this project. The Petitioner shall post signs on-site regarding truck delivery routes for enforcement purposes.
- 3.9 During the construction process, the Petitioner shall require employees of contractors and subcontractors to park off-site or within construction site fencing and off-street prior to any hospital parking spaces being used.
- 3.10 All construction staging shall be on-site. No construction parking will be on public streets. Construction parking shall be on site or a combination of on-site and off-site parking at locations in which the Petitioner can make suitable arrangements. Construction staging plans shall be included in the final construction documents prior to the filing of a Building Permit and shall be subject to the review and approval of the Building Inspector.
- 3.11 The following interim safeguards shall be implemented during construction:
- a. The hours of construction shall be 7:00 a.m. to 5:00 p.m. Monday through Saturday.
  - b. The Petitioner's contractor shall provide temporary security chain-link or similar type fencing around the portions of the project site, which require excavation or otherwise pose a danger to public safety.

- c. The Petitioner's contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Inspector, and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on Lincoln Street, Chestnut Street and School Street.
  - d. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris and keeping Lincoln Street, Chestnut Street and School Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be required.
- 3.12 No building permit shall be issued for the Project in pursuance of the Special Permit and Site Plan Approval until:
- a. The final plans shall be in conformity with those approved by the Board, and a statement certifying such approval shall have been filed by this Board with the Building Commissioner.
  - b. If required by the Building Commissioner, a Construction Management Plan shall have been submitted to the Police Chief and Building Inspector for their review and approval.
  - c. The Petitioner shall have recorded with the Norfolk County Registry of Deeds a certified copy of this decision granting this Special Permit and Site Plan Approval with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon.
- 3.13 No portion of the temporary addition of the Project that is subject to this Special Permit and Site Plan Approval shall be occupied until:
- a. An as-built plan, supplied by a licensed engineer or a Massachusetts Registered Land Surveyor certifying that the on-site and off-site (if any) project improvements pertaining to the Project were built according to the approved documents, has been submitted to the Board and Department of Public Works. The as-built plan shall show the temporary structure, temporary fencing, the driveway and, if applicable, all finished grades if different from existing conditions, drainage systems, utility installations, lighting installations and sidewalk and curbing improvements associated with the Project, in their true relationship to the lot lines of the property.
  - b. That there shall be filed with the Building Commissioner and the Board a statement by the Department of Public Works certifying that, if applicable, the finished grades (if different from existing conditions) and (if applicable) final construction details of the driveway, drainage systems, fencing installation, utility installations, and sidewalks and curbing improvements on-site and off-site (if any) associated with the construction of the Project that is the subject of this Amendment to Decision, have been constructed to the standards of the Town of Needham Department of Public Works and in accordance with the approved Plan of the Project.
  - c. That there shall be filed with the Board and Building Commissioner a Final Affidavit signed by a registered architect upon completion of construction for the Project.

- d. Notwithstanding the provisions of Section a, b and c, the Building Commissioner may issue one or more certificates for temporary occupancy of the temporary structure prior to the installation of final landscaping and other site features, provided that the Petitioner shall have first filed with the Board a bond in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features for the Project.
- 3.14 In addition to the provisions of this approval, the Petitioner must comply with all requirements of all state, federal, and local boards, commissions, or other agencies, including, but not limited to, the Board of Selectmen, Building Commissioner, Fire Department, Department of Public Works, Conservation Commission, Police Department, and Board of Health, pertaining to the Project.
- 3.15 That the temporary addition for medical imaging services that is subject to this Special Permit and Site Plan Approval shall not be occupied or used, and no activity except the construction activity authorized by this permit shall be conducted within each such area that is the subject of the Project until a Certificate of Occupancy and Use or a Certificate of Temporary Occupancy and Use has been issued by the Building Commissioner, for the applicable portion of the Project. It is anticipated that multiple certificates of occupancy may be issued in connection with this Project.
- 3.16 The Petitioner, by accepting this permit decision, warrants that the Petitioner has included all relevant documentation, reports, and information available to the Petitioner in the application submitted, that this information is true and valid to the best of the Petitioner's knowledge.
- 3.17 Except as otherwise provided in this Decision, violation of any of the conditions of this Decision shall be grounds for revocation of any building permit or certificate of occupancy giving rise to the alleged violation: In the case of violation of any conditions of this Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation. If, at the end of said period, the Petitioner has not cured the violation, or in the case of violations requiring more than thirty (30) days to cure, has not commenced the cure and prosecuted the cure continuously, the permit granting authority may, after notice to the Petitioner, conduct a hearing in order to determine whether the failure to abide by the conditions contained herein should result in a recommendation to the Building Inspector to revoke any building permit or certificate of occupancy granted hereunder. This provision is not intended to limit or curtail the Town's other remedies to enforce compliance with the conditions of this Decision including, without limitation, an action for injunctive relief before any court of competent jurisdiction. The Petitioner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of the conditions of this Decision if the Town prevails in such enforcement action.

### **LIMITATIONS**

- 4.0 The authority granted to the Petitioner by this permit is limited as follows:
- 4.1 This permit applies only to the site and off-site improvements, which are the subject of this Application. All construction to be conducted on-site and off-site shall be conducted in accordance with the terms of this permit and shall be limited to the improvements on the Plan, as modified by this Decision.
- 4.2 There shall be no further development of this site without further site plan approval as required under Section 7.4 of the By-Law. The Board, in accordance with M.G.L., Ch. 40A, S.9 and said Section 7.4, hereby retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend, or supplement, this decision and to take other action necessary to determine and ensure compliance with the decision.



- 4.3 This decision applies only to the requested Special Permits and Site Plan Review. Other permits or approvals required by the By-Law, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 4.4 No approval of any indicated signs or advertising devices is implied by this decision.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all-inclusive or to negate the remainder of the By-Law.
- 4.6 This Site Plan Special Permit Amendment shall lapse with respect to the Project on June 4, 2026 if substantial use thereof has not sooner commenced, except for good cause. Any requests for an extension of the time limits set forth herein must be in writing to the Board at least 30 days prior to June 4, 2026. The Board herein reserves its rights and powers to grant or deny such extension without a public hearing.
- 4.7 This Decision shall be recorded at the Norfolk District Registry of Deeds. This Special Permit shall not take effect until a copy of this decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the Town Clerk's office or that if such appeal has been filed, that it has been dismissed or denied is recorded with Norfolk District Registry of Deeds and until the Petitioner has delivered a certified copy of the recorded document to the Board.

The provisions of this Special Permit shall be binding upon every owner or owner of the lots and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with the land, as shown of the Plan, as modified by this decision, in full force and effect for the benefit of and enforceable by the Town of Needham.

Any person aggrieved by this decision may appeal pursuant to General Laws, Chapter 40A, Section 17, within twenty (20) days after filing of this decision with the Needham Town Clerk.

Witness our hands this 4<sup>th</sup> day of June, 2024.

NEEDHAM PLANNING BOARD

\_\_\_\_\_  
Natasha Espada, Chairperson

\_\_\_\_\_  
Artie Crocker

\_\_\_\_\_  
Paul S. Alpert

\_\_\_\_\_  
Adam Block

\_\_\_\_\_  
Justin McCullen

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss \_\_\_\_\_ 2024

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned notary public, personally appeared \_\_\_\_\_, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Beth Israel Deaconess Hospital Needham, Inc., 148 Chestnut Street, Needham, MA 02492, for property located at 148 Chestnut Street, Needham, Massachusetts, shown on Assessor's Map No. 47 as Parcel 55, has passed,

\_\_\_\_ and there have been no appeals filed in the Office of the Town Clerk or  
\_\_\_\_ there has been an appeal filed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail # \_\_\_\_\_  
Design Review Board  
Building Inspector  
Conservation Commission  
Attorney Evans Huber

Board of Selectmen  
Engineering  
Fire Department  
Police Department

Board of Health  
Town Clerk  
Director, PWD  
Parties in Interest



RECEIVED TOWN CLERK  
NEEDHAM, MA 02452  
2023 APR 27 AM 10:59

PLANNING & COMMUNITY DEVELOPMENT  
PLANNING DIVISION

**DEFINITIVE SUBDIVISION DECISION**

**920 South Street**

**Brian Connaughton**

**April 25, 2023**

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding to the powers of said Planning Board referred to as the Board) on the petition of Brian Connaughton, 920 South Street, Needham, MA (to be referred to hereinafter as the Petitioner) for property located at and known as 920 South Street, Needham, Norfolk County, Massachusetts. Said property is shown on Assessors Plan No. 205 as Parcel 6, and bounded and described as follows:

Said parcel is shown as Lot numbered 16 on a plan drawn by Cheney Engineering Co., Inc., Surveyors, dated March 1987, as approved by the Land Court, filed in the Land Court Registration Office as No. 2417R, a copy of a portion of which is filed with the Norfolk County Registry District of the Land Court with Certificate No. 130654 in Book 654.

The above-described land is subject to the sewer easements as set forth in Document Nos. 6159, 8953, 146331 and shown on said plan as Sewer Easement (30.00 Wide).

The above-described land is also subject to Sewer Easement (20.00 Wide) shown on said plan.

Being the same premises conveyed to Brian Connaughton by deed of VNA Care Hospice, Inc., dated April 8, 2022, filed with the Norfolk County Registry District of the Land Court as Document No. 1501178 and noted on Certificate of Title No. 207299, to which deed reference is made for title.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on November 8, 2022, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the Plan would create two (2) building lots; all would have frontage and access on the new road.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Adam Block, Chairperson of the Board, called the hearing to order on Monday, December 19, 2022, at 8:00 p.m. in the Charles River Room, first floor, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 526 . The hearing was continued to Tuesday, February 7, 2023 at 7:10 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, MA as well as by Zoom Web ID Number 880 4672 5264. The hearing was further continued to Tuesday March 8, 2023 at 7:05 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, MA as well as

by Zoom Web ID Number 880 4672 5264. The hearing was further continued to Tuesday, April 4, 2023 at 7:10 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts as well as by Zoom Web ID Number 880 4672 5264. Board members Adam Block, Jeanne S. McKnight, Paul S. Alpert, Natasha Espada and Artie Crocker were present throughout the proceedings. The deadline for action on the application was extended by the Board upon the request of the Petitioner until May 19, 2023. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on April 25, 2023 to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

- Exhibit 1 - Application for a Definitive Subdivision, with Exhibit A (List of Waivers) and Exhibit B (Description).
- Exhibit 2 - Letter from Brian Connaughton, dated September 30, 2022.
- Exhibit 3 - Letter directed to Lee Newman, Director of Planning and Community Development, from George Giunta Jr., dated September 30, 2022.
- Exhibit 4 - Plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022; Sheet 2, entitled "Existing Conditions Site Plan," dated September 9, 2022; Sheet 3, entitled "By Right Subdivision Plan of Land," dated September 9, 2022; Sheet 4, entitled "Proposed Lotting Plan," dated September 9, 2022; Sheet 5, entitled "Proposed Grading Plan," dated September 9, 2022; Sheet 6, entitled "Proposed Utilities Plan," dated September 9, 2022; Sheet 7, entitled "Plan, Profile & Detail Sheet," dated September 9, 2022; Sheet 8, entitled "Detail Sheet," dated September 9, 2022; Sheet 9, entitled "Detail Sheet," dated September 9, 2022.
- Exhibit 5 - Drainage Summary, Proposed Two Lot Residential Subdivision, 920 South Street, Needham, MA, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA, dated September 28, 2022.
- Exhibit 6 - Letter from George Giunta Jr., Attorney, dated March 7, 2023.
- Exhibit 7 - Plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 2, entitled "Existing Conditions Site Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 3, entitled "By Right Subdivision Plan of Land," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 4, entitled "Proposed Lotting Plan," dated September 9, 2022, revised October 5, 2022, January 19, 2023 and February 23, 2023; Sheet 5, entitled "Proposed Grading Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 6, entitled "Proposed Utilities Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 7, entitled "Plan, Profile & Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 8, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 9, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023.



Exhibit 8 - Interdepartmental Communication (IDC) to the Board from Debbie Anderson, Director, Conservation Department, dated December 15, 2022; IDC to the Board from Thomas Ryder, Town Engineer, dated March 23, 2023; IDC to the Board from Tom Conroy, Fire Chief, Needham Fire Department, dated March 29, 2023; IDC to the Board from Chief John Schlittler, Needham Police Department, dated March 29, 2023; and IDC to the Board from Tara Gurge, Assistant Director of Public Health, dated October 20, 2022.

Exhibits 1, 2, 5 and 7 are referred to hereinafter as the Plan.

The Board hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. The approval herein granted is based on the Plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 2, entitled "Existing Conditions Site Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 3, entitled "By Right Subdivision Plan of Land," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 4, entitled "Proposed Lotting Plan," dated September 9, 2022, revised October 5, 2022, January 19, 2023 and February 23, 2023; Sheet 5, entitled "Proposed Grading Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 6, entitled "Proposed Utilities Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 7, entitled "Plan, Profile & Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 8, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 9, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023.

1. The Board has waived compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

- a) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be laid out to a width of 50 feet and approves instead a 20-foot wide right-of-way, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 12 of this decision. The Board found a right-of-way width of 20 feet to be sufficient to accommodate the 2 lot residential subdivision. In the granting of this waiver, the Board considered the Plan as referred to in Exhibits 1, 3, 5 and 7 hereof.
- b) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets contain a pavement width of twenty-four feet, and approves instead a 18-foot wide pavement width, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 12 of this decision. The Board found a pavement width of 18 feet to be sufficient to accommodate the 2 lot residential subdivision. In the granting of this waiver, the Board considered the Plan as referred to in Exhibits 1, 3, 5 and 7 hereof.

- c) The Board hereby waives the requirements of Section 3.3.5 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that the pavement within the cul-de-sac have a minimum radius of 60 feet and approves instead a radius of 50 feet for the pavement within the cul-de-sac, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 12 of this decision. In the granting of this waiver, the Board considered the Plan as referred to in Exhibits 1, 3, 5 and 7 and 8 hereof and the specific goal of minimizing regrading and impervious surface on the site which would otherwise have been required if a 60 foot radius paved circle was to be required.
  - d) The Board hereby waives the requirements of Section 3.3.6 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require granite or reinforced concrete curbing in accordance with Town specifications at the edge of all streets, and approves instead no curbing, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 12 of this decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the dead end nature of the proposed street, and the affirmative recommendation of the Town Engineer for this roadway design program.
  - e) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the "Standard Specifications" of the Town of Needham along both sides of the proposed roadway and approves instead no walkways, as shown on the Plan, as modified by this decision. The above-named waiver is subject to the provisions of paragraphs 3 through 12 of this decision. In the granting of this waiver, the Board considered the number of homes served by this subdivision, the projected traffic volume for the new Private Way, the dead end nature of the proposed street and the lack of a sidewalk on South Street.
2. Petitioner shall cause the Plan to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:
- a) The plan shall be revised to show a cul de sac landscaping plan.
  - b) The plan shall be revised to show a landscaping plan for the 10 foot Raised / Buffer Planting Strip, located along a portion of the westerly boundary, as shown on the plan.

3. The waiver of street construction requirements, as fully set forth in paragraphs 1.a, 1.b, 1.c, 1.d and 1.e is expressly conditioned upon and subject to the restriction that neither the owner nor any successor owner or owners of Lot 1 or Lot 2 as shown on the Plan (hereinafter referred to individually as a Lot or collectively as the Lots) shall use the Lots for any purpose other than single-family residential use or Lot owner home occupations as allowed under the Zoning By-Law, as shown on the Plan, as approved by the Board and recorded herewith, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

4. Each and every owner or owners of any Lot shall be jointly and severally responsible and liable, and shall fulfill all lot owners' obligations under a Homeowners Trust Agreement, for the costs of the maintenance, repair and reconstruction of the Private Way shown on the Plan and designated thereon and all services, (whether the services are located within the Private Way or in areas shown partially on the Private Way and partially on a Lot), the installation of which are required in connection with this approval, or which may be installed at any time, including,

without limitation, maintenance, repair and reconstruction of roadways, water, sewer and drainage facilities and other utilities and related equipment, curbs, monuments, walkways, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain the Private Way in a good, safe and passable condition, including snow plowing, providing access from each Lot to a public way, as shown on the Plan, and providing adequate services to each Lot, all in accordance with these conditions.

5. Each and every owner or owners of any Lot shall be jointly and severally responsible and liable, and shall fulfill all Lot owners' obligations under the Homeowners Trust Agreement, for all maintenance, repairs and reconstruction required for or on the Private Way in compliance with and in conformity with requirements of the Town of Needham and other requirements imposed by law or governmental authority.

6. The Trustees under the Homeowners Trust Agreement and each owner of a Lot shall not use or permit use of the Private Way for any purpose other than ingress and egress from the Lots by the residents of the Lots and their guests and invitees, such use to be limited to pedestrian and private-passenger vehicular traffic, and such other vehicular traffic as is necessary from time to time in cases of emergency, delivery of customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of the Private Way, the Lot, and any structures thereon and services installed thereon, or hereunder.

7. Neither the Lot owners nor the Trustees under the Homeowners Trust Agreement shall perform, nor shall they permit changes to be made to any Lot, which would impact the functionality or design of the drainage improvements as shown on the Plan.

8. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or hereunder by or at the direction of any owner or owners of any Lot or the Trustees under the Homeowners Trust Agreement as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into any storm drainage system, and soil and other material or debris shall be removed from the site only if such removal will not impact the functionality or design of the drainage improvements shown on the Plan, and only to the extent necessary in connection with such work.

9. No Lot owner nor the Trustees under the Homeowners Trust Agreement shall at any time request that the Private Way be laid out or accepted as a public way in the Town of Needham unless such owner or owners or Trustees at its or their sole expense, perform and complete such work as is necessary to cause the Private Way to comply with all standards and regulations of the Town of Needham without waiver, and obtain all permits and approvals required by law in connection therewith. If the Private Way is accepted by the Town of Needham as a public way at any time, then the provisions hereof applicable to ownership and maintenance of the Private Way shall thereupon terminate.

10. No Lot owner nor the Trustees under the Homeowners Trust Agreement, shall at any time request or petition that any drainage system, water pipes, sewer pipes or related equipment or any other improvement within the subdivision for which design or improvement requirements have been waived by the Board as provided herein, be accepted or maintained by the Town of Needham.

11. The Town of Needham and its designees shall have the right to enter upon the Private Way for all purposes for which public ways are used in the Town of Needham.

12. In any sale or transfer by the owner or any successor owner of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 3 through 11 inclusive and a) any conveyance shall include transfer of a fee interest or the perpetual right and easement to use the Private Way in common with others lawfully entitled thereto for all purposes for which public ways in the Town of Needham may now or hereafter be used consistent with the provisions hereof, and the b) subsurface areas, equipment and facilities used and maintained in connection with the provision of water, sewer, drainage and other utility services provided to the conveyed premises. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots which does not expressly refer to and incorporate these conditions shall nevertheless be deemed to contain the same and in all events shall be subject thereto.

13. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 3 through 11 inclusive of this decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

14. Lots 1 and 2 inclusive as shown on the Plan shall be accessed solely from the new Private Way with no vehicular access for said lots provided directly to South Street. Vehicular access to the new Private Way shall be limited to said Lots 1 and 2 as shown on the Plan.

15. The island in the center of the Private Way cul-de-sac shall be landscaped. The island landscaping shall be maintained by the Lot owners, and each Lot owner shall fulfill all Lot owner obligations relating thereto under the Homeowners Trust Agreement.

16. There shall be no alteration or change to a Lot so as to affect the drainage system for any Lot, or the drainage systems running across a Lot, as shown on the Plan, as modified by this decision, without the prior written approval of the Planning Board or Town Engineer as noted below. Any Lot owner who proposes to make a change from the approved Plan shall first file a copy of a plan depicting the proposed changes with the Needham Town Engineer, with a request for a determination as to whether the changes affect the drainage system. If the Town Engineer determines that the changes affect the drainage system, or if the Town Engineer fails to respond to the request for a determination within 45 days, the Lot owner may file the plan with the Planning Board for its review. In such event, the Lot owner shall file with the Planning Board such information as the Planning Board determines necessary for its review. The Planning Board shall hold a public hearing within 60 days of receiving a complete filing. After said public hearing, the Board may, in its sole discretion, find that the proposed changes do not appear to negatively impact down gradient property owners or interfere with the functioning of the drainage system(s) of the Lot or subdivision. In such event the Lot owner, only upon receipt of a written decision from the Planning Board, may implement the changes as shown on the new plan.

17. Off-street drainage surety in the amount of \$7,000.00 shall be posted (\$3,500.00 per lot) prior to the release of Lots 1-2 inclusive as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated October 20, 2023, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.



18. Each record owner, whether one or more persons or entities, of title to Lots 1 and 2, as shown on the Plan, shall maintain and keep operational their respective roof drainage system in accordance with the Plan, as approved by this decision and as further described in the Drainage Summary, Proposed Two Lot Residential Subdivision, 920 South Street, Needham, MA, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA, dated September 28, 2022.

19. Prior to plan endorsement and in keeping with Phase II NPDES, Town of Needham as filed July 30, 2003, the Petitioner shall select a BMP topic under “Public Education and Outreach” and “Public Participation/Involvement” and shall implement said selected topic prior to the release of the subdivision lots.

20. The following safeguards shall be implemented during construction:

a. The hours of construction and construction related activities shall be limited to 7:30 a.m. to 6:00 p.m. Monday through Saturday.

b. The Petitioner’s contractor shall designate a person who shall be responsible for the construction process. That person shall be identified to the Police Department, the Department of Public Works, the Building Commissioner and the abutters and shall be contacted if problems arise during the construction process. The designee shall also be responsible for assuring that truck traffic and the delivery of construction material does not interfere with or endanger traffic flow on South Street. The designee shall supply a phone number where the designee can be reached 24 hours per day.

c. The Petitioner shall take appropriate steps to minimize, to the maximum extent feasible, dust generated by the construction, including, but not limited to, requiring subcontractors to place covers over open trucks transporting construction debris or materials to or from the site and keeping South Street clean of dirt and debris and watering appropriate portions of the construction site from time to time as may be necessary.

21. Prior to site alteration the Petitioner shall mark in the field those trees which the landscape plan indicates will be retained. Such trees identified to be preserved shall be distinguished with appropriate markings, which may include surrounding fences or stakes. Any such trees removed which were identified for retention shall be replaced with trees of similar quality and caliper or as otherwise approved by the Board.

22. A Department of Environmental Protection sewer extension and connection permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the granting by the Select Board and the Department of Environmental Protection of a Sewer Extension and Connection Permit.

23. Any and all special permits required by the Massachusetts Water Resources Authority shall be obtained at the expense of the Petitioner.

24. A special sewer connection permit program fee shall be provided for all lots within the subdivision.

25. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.

26. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.

27. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.
28. No openings in the pavement shall be made after the chipseal has been laid between September 1 and April 1.
29. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.
30. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Board for review and approval prior to release of the respective performance bond amounts.
31. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.
32. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these, as applicable, shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.
33. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.
34. All construction staging and parking shall be on-site. No construction parking shall be permitted on South Street or on any other public street.
35. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.
36. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.
37. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.
38. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have two years from the date of endorsement of the Plan to complete the installation and construction of the new Private Way, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan.
39. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all lots in the Subdivision, as shown on the Plan, with such

construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1. Such agreement shall be subject to review and approval of the Board prior to endorsement of the Plan.

40. The Petitioner shall deliver to the Board for its approval a duly executed easement deed to the Town of Needham granting to the Town the right to pass on foot or by vehicle over the Private Way and access rights over the "Drain Easement" and "Sewer and Drain Easement" on each of the Lots, a Subdivision Covenant, a Buffer Planting Strip Covenant and Restriction, a Restrictive Covenant and Homeowners Trust Agreement, all as may be required and as shown on the Plan ("the Documents"). The Documents shall be subject to review and approval of the Board prior to endorsement of the Plan. The Documents shall be referenced on the Plan and all documents shall be recorded with the Plan.

41. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 13 and 40 of this decision and copies of the recorded plan shall be provided to the Director of Planning and Community Development.

42. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Director of Planning and Community Development fourteen (14) days in advance of its presentation to the Board to allow adequate time to review the revised Plan for compliance with the Conditions of this decision.

The foregoing have been stated for the purpose of emphasizing their importance and are not intended to be all inclusive or to negate any provision of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board.

Under the provisions of the Town of Needham, Subdivision Regulations and Procedural Rules of the Planning Board and Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive, the Board shall have the power to modify or amend the terms and conditions of this approval after due notice on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of the Subdivision Control Law applicable to approval shall, where appropriate, be applicable to such modification or amendment. Such power is hereby reserved. Appeals, if any, shall be made pursuant to Section 81-BB of the Massachusetts General Laws, Chapter 41, and shall be filed within twenty (20) days after the date of filing this decision with the Town Clerk.

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan.

Witness our hands this 25<sup>th</sup> day of April, 2023

NEEDHAM PLANNING BOARD

Adam Block  
Adam Block, Chair

Jeanne S. McKnight  
Jeanne S. McKnight

Natasha Espada

Paul S. Alpert

Artie Crocker

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

April 25, 2023

On this 25 day of April, 2023, before me, the undersigned notary public, personally appeared Adam Block, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Alexandra Clee  
Notary Public name: Alexandra Clee  
My Commission Expires: March 9, 2029

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the approval of the Project proposed by Brian Connaughton, 920 South Street, Needham, MA, for Property located at 920 South Street, Needham, Norfolk County, Massachusetts, has passed,

       and there have been no appeals filed in the Office of the Town Clerk or  
       there has been an appeal filed.

        
Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner-Certified Mail #         
Town Clerk  
Building Commissioner  
Conservation Commission  
Parties in Interest

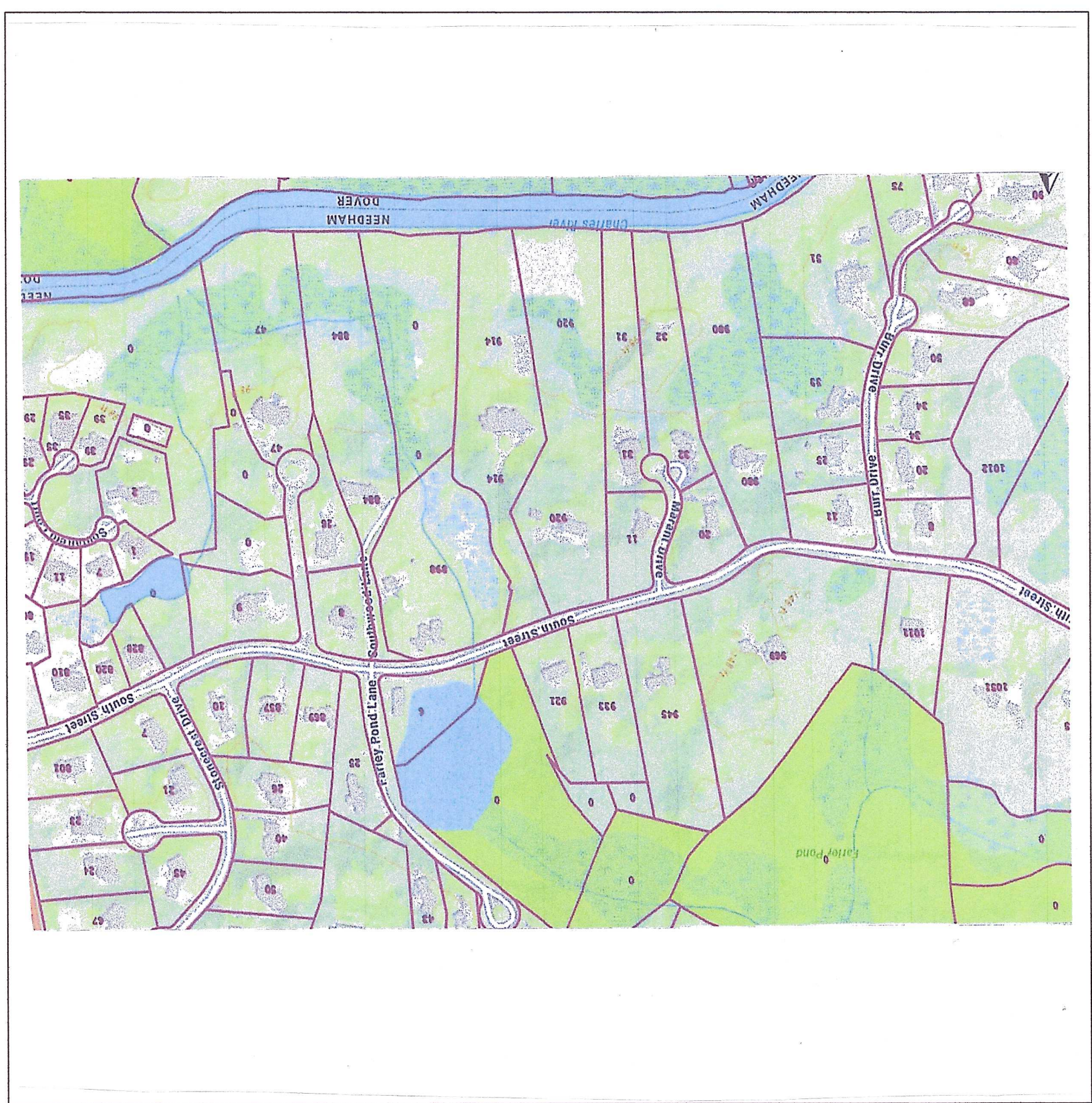
Board of Selectmen  
Engineering  
Fire Department  
Police Department  
George Giunta Jr., Attorney

Board of Health  
Director, PWD  
Design Review Board



Definitive Subdivision Plan  
~920 South Street~  
Needham, Massachusetts

FOR REGISTRY USE ONLY



Locus Map

Scale 1"=400'

1. THIS PLAN WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY BY THIS OFFICE
2. THE SUBJECT PROPERTY IS LOCATED IN THE RURAL RESIDENTIAL ZONE
3. ASSESSORS MAP 205 PARCEL 7
4. UTILITIES SHOWN WHERE COMPILED FROM BEST AVAILABLE INFORMATION AND ACTUAL FIELD LOCATIONS. THEY MAY OR MAY NOT BE COMPLETE OR CORRECT. CONTRACTOR TO FIELD VERIFY ALL LOCATIONS AND DEPTHS PRIOR TO ANY EXCAVATION.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND. HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. WETLANDS DELINEATIONS PERFORMED BY ECOTEC INC.
7. LOCUS IS LOCATED IN THE FOLLOWING FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0038E DATED 7-17-2012

Zone Rural Residence Conservation  
43,560s.f. Minimum  
150' Lot Frontage  
50' Front Setback  
25' Side Setback  
25' Rear Setback  
FAR Not Applicable  
Max. Lot Coverage 15%  
Max. Stories 2 1/2  
Max. Height 35'

Owner/Applicant:  
Brian Connaughton  
920 South Street  
Needham, Ma. 02492  
Cert. #207299

|                                                                                                                                                                                                                                                 |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| DIRECTOR OF PUBLIC WORKS                                                                                                                                                                                                                        |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| TOWN ENGINEER                                                                                                                                                                                                                                   |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE |            |
| DATE                                                                                                                                                                                                                                            | TOWN CLERK |

|                                                                                       |  |
|---------------------------------------------------------------------------------------|--|
| APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED |  |
| TOWN OF NEEDHAM PLANNING BOARD                                                        |  |
| BY:                                                                                   |  |
|                                                                                       |  |
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|                                                                                       |  |
| APPROVED:                                                                             |  |

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

*Verne T. Porter Jr.* 2-23-23

| REVISIONS |                                        |
|-----------|----------------------------------------|
| DATE      | DESCRIPTION                            |
| 1-19-23   | ADDED HOUSE FOOTPRINTS & GRADING       |
| 2-23-23   | GRADING, EASEMENTS, BUFFER STRIP, ETC. |
|           |                                        |
|           |                                        |
|           |                                        |
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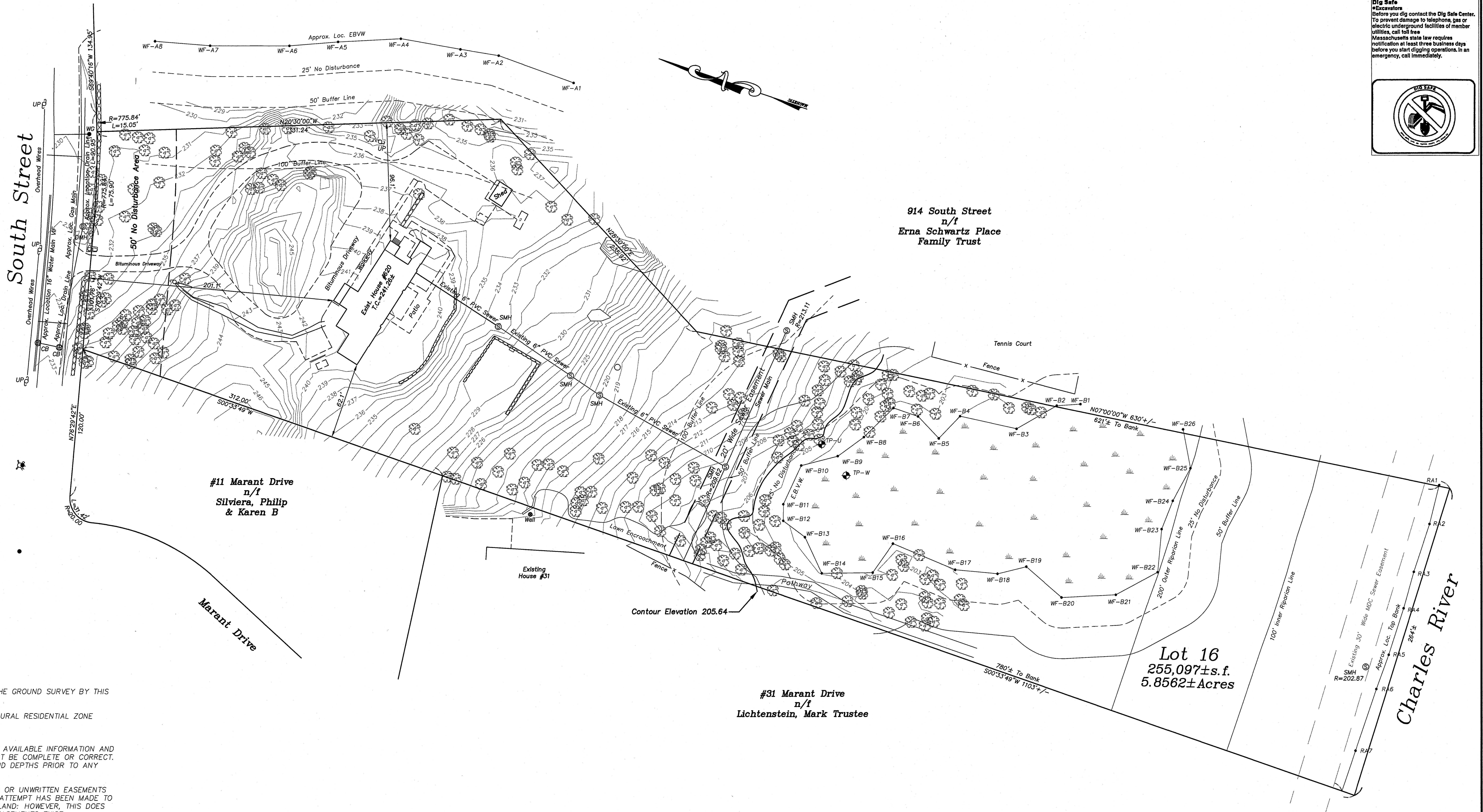


|                                               |                   |
|-----------------------------------------------|-------------------|
| ~Title Sheet~                                 |                   |
| 920 South Street                              |                   |
| Needham, Massachusetts                        |                   |
| Scale: As Noted                               | September 9, 2022 |
| VERNE T. PORTER Jr., PLS                      |                   |
| Land Surveyors - Civil Engineers              |                   |
| 354 Elliot Street Newton, Massachusetts 02464 |                   |
|                                               | Design By:        |
| Cover Sheet                                   | Checked By:       |
| #22019                                        | Drawn By:         |



# Legend

- =Erosion Control
- =Trench Drain
- ⊕ =Catch Basin
- ⊕ =Drain ManHole
- ⊕ =Sewer ManHole
- ⊕ =Hydrant
- =Gas Gate
- =Water Gate
- ⊕ =Gas Gate
- ⊕ =Water Gate
- ⊕ =Utility Pole
- ⊕ =Light Pole
- ⊕ =Test Pit
- ⊕ =Wetland Flag
- WF-B16
- ⊕ =Vegetated Wetland
- ⊕ =Tree To Remain
- ⊕ =Tree To Be Removed
- R=100.00 =Rim Elevation
- I=90.00 =Invert Elevation
- T.C.=103.00 =Top of Concrete Elevation
- ⊕ =Proposed Spot Elevation
- ⊕ =Proposed Contour Line
- ⊕ =Existing Contour Line
- 63x3 =Existing Spot Elevation
- ⊕ =Existing Fence
- ⊕ =Proposed D-Stone
- S8519°54'E  
102.45' =Property Line W/Bearing & Distance



**Dig Safe**  
 Before you dig contact the Dig Safe Center.  
 To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free  
 Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.



1. THIS PLAN WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY BY THIS OFFICE
2. THE SUBJECT PROPERTY IS LOCATED IN THE RURAL RESIDENTIAL ZONE
3. ASSESSORS MAP 205 PARCEL 7
4. UTILITIES SHOWN WHERE COMPILED FROM BEST AVAILABLE INFORMATION AND ACTUAL FIELD LOCATIONS. THEY MAY OR MAY NOT BE COMPLETE OR CORRECT. CONTRACTOR TO FIELD VERIFY ALL LOCATIONS AND DEPTHS PRIOR TO ANY EXCAVATION.
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6. WETLANDS DELINEATIONS PERFORMED BY ECOTEC INC.
7. LOCUS IS LOCATED IN THE FOLLOWING FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0038E DATED 7-17-2012

|                                                                                                                                                                                                                                                 |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| DIRECTOR OF PUBLIC WORKS                                                                                                                                                                                                                        |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| TOWN ENGINEER                                                                                                                                                                                                                                   |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE |            |
| DATE                                                                                                                                                                                                                                            | TOWN CLERK |

|                                                                                       |  |
|---------------------------------------------------------------------------------------|--|
| APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED |  |
| TOWN OF NEEDHAM PLANNING BOARD                                                        |  |
| BY:                                                                                   |  |
| APPROVED:                                                                             |  |

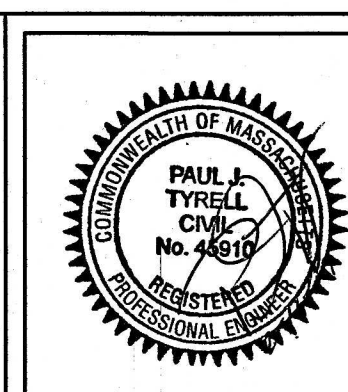
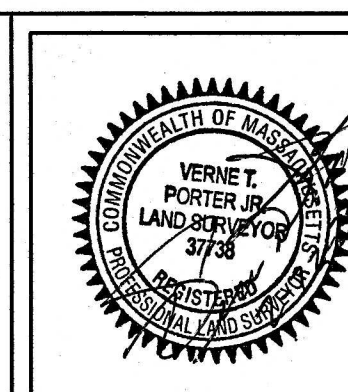
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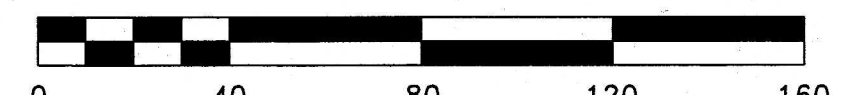
*Verne T. Porter Jr.* 2-23-23

Owner/Applicant:  
 Brian Connaughton  
 920 South Street  
 Needham, Ma. 02492  
 Cert. #207299

| REVISIONS |                   |
|-----------|-------------------|
| DATE      | DESCRIPTION       |
| 1-19-23   | NO REVISIONS MADE |
| 2-23-23   | NO REVISIONS MADE |
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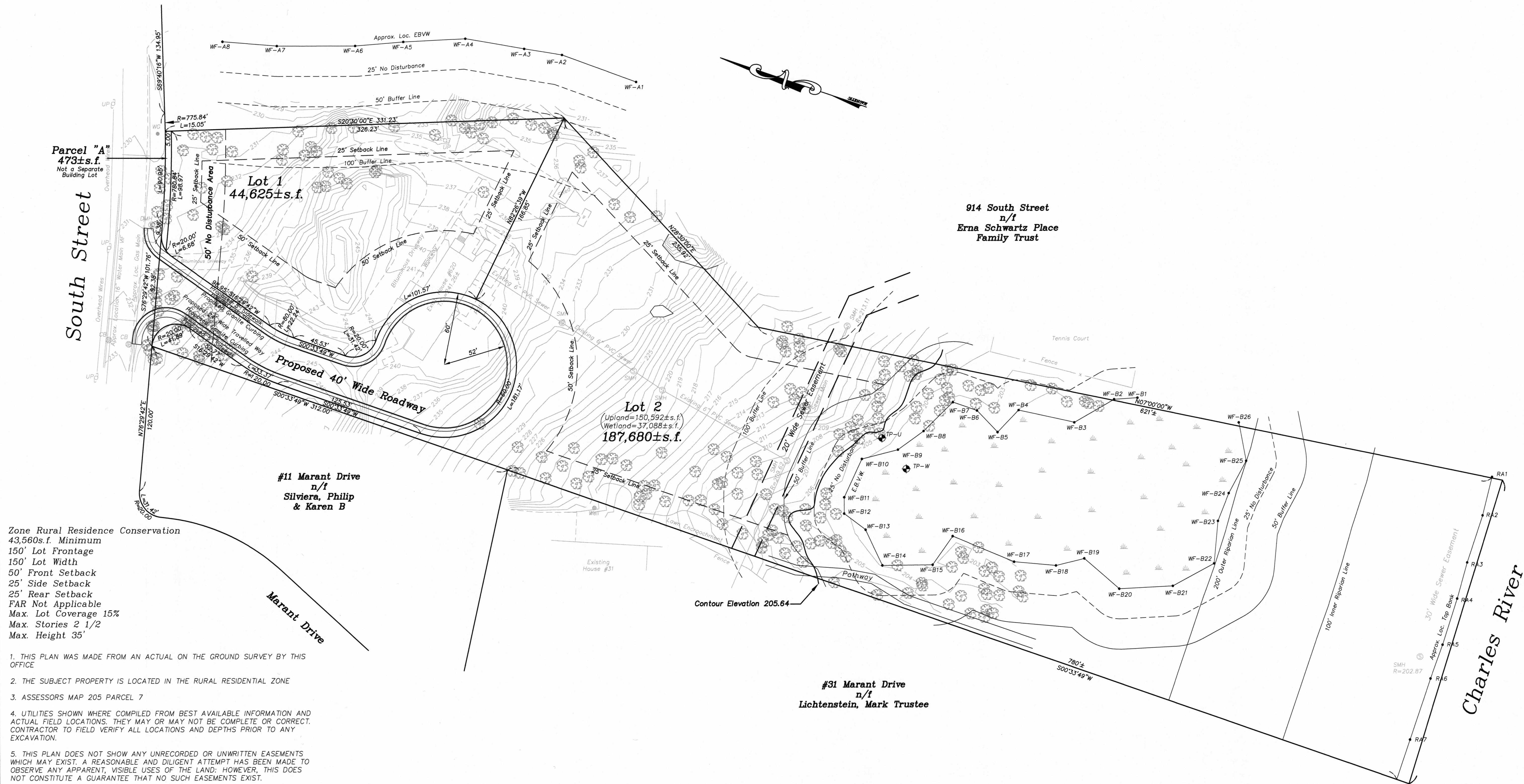
|                                      |                   |
|--------------------------------------|-------------------|
| ~Existing Conditions Site Plan~      |                   |
| 920 South Street                     |                   |
| Needham, Massachusetts               |                   |
| Scale: 1"=40'                        | September 9, 2022 |
| VERNE T. PORTER Jr, PLS              |                   |
| Land Surveyors - Civil Engineers     |                   |
| 354 Elliot Street, Newton, Ma. 02464 |                   |
| Project:22019                        |                   |
| Desinged By:                         |                   |
| Drawn By:                            |                   |
| Checked By:                          |                   |



Sheet 1 of 8



**Dig Safe**  
Excavators  
Before you dig, contact the Dig Safe Center.  
To prevent damage to telephone, gas or  
electric underground facilities of member  
utilities, call toll free  
Massachusetts state law requires  
notification at least three business days  
before you start digging operations. In an  
emergency, call immediately.



Zone Rural Residence Conservation  
43,560s.f. Minimum  
150' Lot Frontage  
150' Lot Width  
50' Front Setback  
25' Side Setback  
25' Rear Setback  
FAR Not Applicable  
Max. Lot Coverage 15%  
Max. Stories 2 1/2  
Max. Height 35'

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7. LOCUS IS LOCATED IN THE FOLLOWING FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0038E DATED 7-17-2012

|                                                                                                                                                                                                                                                 |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| DIRECTOR OF PUBLIC WORKS                                                                                                                                                                                                                        |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| TOWN ENGINEER                                                                                                                                                                                                                                   |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE |            |
| DATE                                                                                                                                                                                                                                            | TOWN CLERK |

|                                                                                       |  |
|---------------------------------------------------------------------------------------|--|
| APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED |  |
| TOWN OF NEEDHAM PLANNING BOARD                                                        |  |
| BY:                                                                                   |  |
|                                                                                       |  |
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| APPROVED:                                                                             |  |

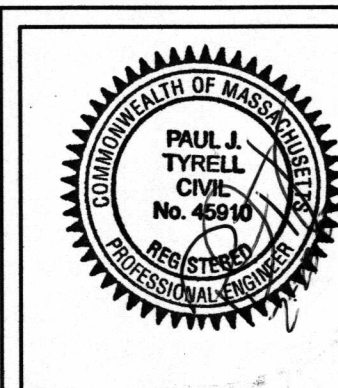
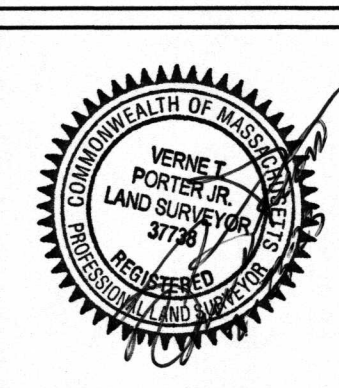
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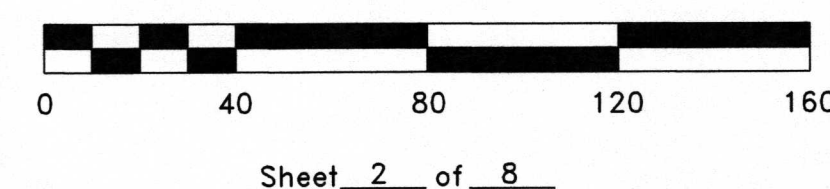
*Verne T. Porter Jr.*  
2-23-23

Owner/Applicant:  
Brian Connaughton  
920 South Street  
Needham, Ma. 02492  
Cert. #207299

| REVISIONS |                   |
|-----------|-------------------|
| DATE      | DESCRIPTION       |
| 1-19-23   | NO REVISIONS MADE |
| 2-23-23   | NO REVISIONS MADE |
|           |                   |
|           |                   |
|           |                   |
|           |                   |



|                                      |                   |
|--------------------------------------|-------------------|
| ~By Right Subdivision Plan of Land~  |                   |
| 920 South Street                     |                   |
| Needham, Massachusetts               |                   |
| Scale: 1"=40'                        | September 9, 2022 |
| VERNE T. PORTER Jr, PLS              |                   |
| Land Surveyors - Civil Engineers     |                   |
| 354 Elliot Street, Newton, Ma. 02464 |                   |
| Project:22019                        |                   |
| Desinged By:                         |                   |
| Drawn By:                            |                   |
| Checked By:                          |                   |





South Street

Parcel "A"  
517±s.f.  
Not A Separate  
Building Lot

Lot 1  
43,617±s.f.  
B.F.=19.08

914 South Street  
n/f  
Erna Schwartz Place  
Family Trust

Lot 2  
(Upland=157,803±s.f.  
Wetland=37,089±s.f.)  
194,892±s.f.  
4.4741 Acres  
B.F.=9.08

#11 Marant Drive  
n/f  
Silviera, Philip  
& Karen B

#31 Marant Drive  
n/f  
Lichtenstein, Mark Trustee

Charles River

Zone Rural Residence Conservation  
43,560s.f. Minimum  
150' Lot Frontage  
50' Front Setback  
25' Side Setback  
25' Rear Setback  
FAR Not Applicable  
Max. Lot Coverage 15%  
Max. Stories 2 1/2  
Max. Height 35'

1. THIS PLAN WAS MADE FROM AN ACTUAL ON THE GROUND SURVEY BY THIS OFFICE
2. THE SUBJECT PROPERTY IS LOCATED IN THE RURAL RESIDENTIAL ZONE
3. ASSESSORS MAP 205 PARCEL 7
4. UTILITIES SHOWN WERE COMPILED FROM BEST AVAILABLE INFORMATION AND ACTUAL FIELD LOCATIONS. THEY MAY OR MAY NOT BE COMPLETE OR CORRECT. CONTRACTOR TO FIELD VERIFY ALL LOCATIONS AND DEPTHS PRIOR TO ANY EXCAVATION.
5. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
6. WETLANDS DELINEATIONS PERFORMED BY ECOTEC INC.
7. LOCUS IS LOCATED IN THE FOLLOWING FLOOD ZONE PER FEMA FLOOD INSURANCE RATE MAP NUMBER 25021C0038E DATED 7-17-2012

Total Lot Area=255,097±s.f.  
Roadway Area=16,071±s.f.

|                                                                                       |  |
|---------------------------------------------------------------------------------------|--|
| APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED |  |
| TOWN OF NEEDHAM PLANNING BOARD                                                        |  |
| BY:                                                                                   |  |
|                                                                                       |  |
|                                                                                       |  |
|                                                                                       |  |
|                                                                                       |  |
|                                                                                       |  |
|                                                                                       |  |
| APPROVED:                                                                             |  |

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

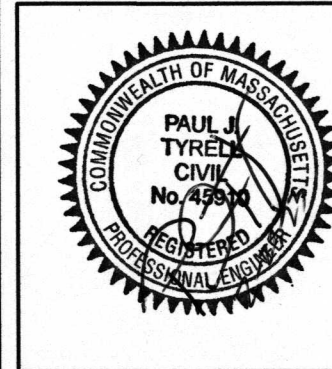
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

*Verne T. Porter Jr.*

2-23-23

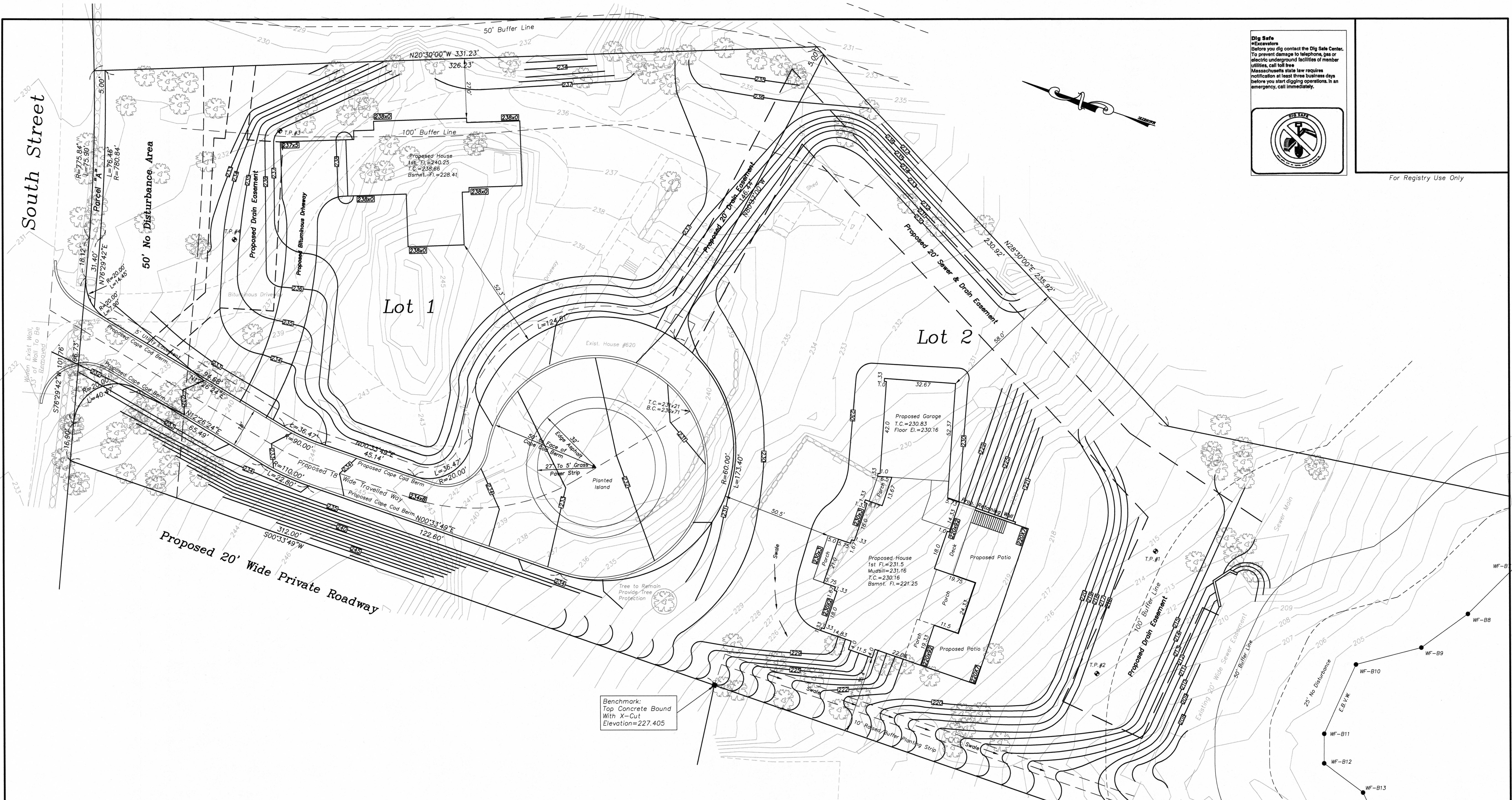
Owner/Applicant:  
Brian Connaughton  
920 South Street  
Needham, Ma. 02492  
Cert. #207299

| REVISIONS |                         |
|-----------|-------------------------|
| DATE      | DESCRIPTION             |
| 10-5-22   | LOT WIDTHS ADDED        |
| 1-19-23   | NO REVISIONS MADE       |
| 2-23-23   | REVISED DRAIN EASEMENTS |
|           |                         |
|           |                         |
|           |                         |



|                                      |                   |
|--------------------------------------|-------------------|
| ~Proposed Lotting Plan of Land~      |                   |
| 920 South Street                     |                   |
| Needham, Massachusetts               |                   |
| Scale: 1"=40'                        | September 9, 2022 |
| VERNE T. PORTER Jr, PLS              |                   |
| Land Surveyors - Civil Engineers     |                   |
| 354 Elliot Street, Newton, Ma. 02464 |                   |
|                                      |                   |
| Sheet 3 of 8                         |                   |
| Project:22019                        |                   |
| Desinged By:                         |                   |
| Drawn By:                            |                   |
| Checked By:                          |                   |





**Dig Safe**  
Excavators  
Before you dig contact the Dig Safe Center.  
To prevent damage to telephone, gas or  
electric underground facilities of member  
utilities, call toll free  
Massachusetts state law requires  
notification at least three business days  
before you start digging operations. In an  
emergency, call immediately.



For Registry Use Only

|                                                                                                                                                                                                                                                 |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| DIRECTOR OF PUBLIC WORKS                                                                                                                                                                                                                        |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| TOWN ENGINEER                                                                                                                                                                                                                                   |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE |            |
| DATE                                                                                                                                                                                                                                            | TOWN CLERK |

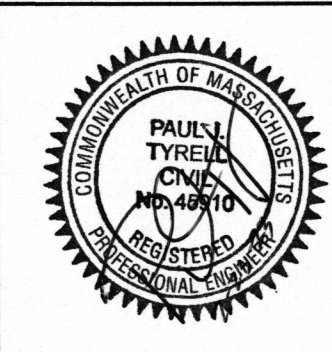
|                                                                                       |  |
|---------------------------------------------------------------------------------------|--|
| APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED |  |
| TOWN OF NEEDHAM PLANNING BOARD                                                        |  |
| BY:                                                                                   |  |
|                                                                                       |  |
|                                                                                       |  |
|                                                                                       |  |
|                                                                                       |  |
| APPROVED:                                                                             |  |

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

*Brian Connaughton* 2-23-23

Owner/Applicant:  
Brian Connaughton  
920 South Street  
Needham, Ma. 02492  
Cert. #207299

| REVISIONS |                                       |
|-----------|---------------------------------------|
| DATE      | DESCRIPTION                           |
| 1-19-23   | ADDED HOUSE FOOTPRINTS & GRADING      |
| 2-23-23   | LOT & ROAD GRADING, ELEVATIONS, SWALE |
|           |                                       |
|           |                                       |
|           |                                       |

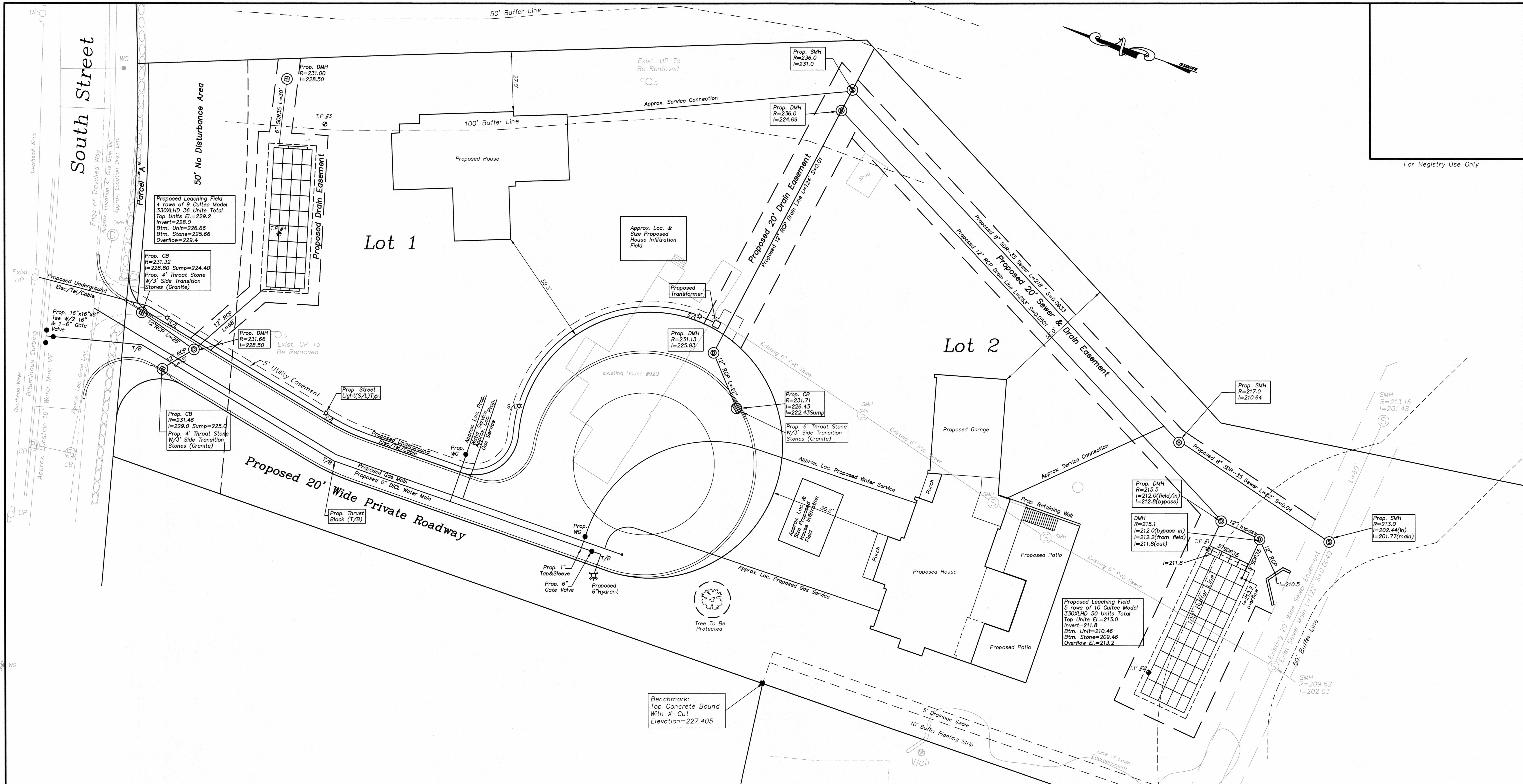


|                                      |                   |
|--------------------------------------|-------------------|
| ~Proposed Grading Plan~              |                   |
| 920 South Street                     |                   |
| Needham, Massachusetts               |                   |
| Scale: 1"=20'                        | September 9, 2022 |
| VERNE T. PORTER Jr, PLS              |                   |
| Land Surveyors - Civil Engineers     |                   |
| 354 Elliot Street, Newton, Ma. 02464 |                   |
| Project:22019                        |                   |
| Desinged By:                         |                   |
| Drawn By:                            |                   |
| Checked By:                          |                   |

0 20 40 60 80

Sheet 4 of 8





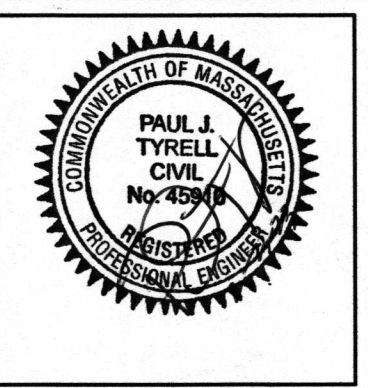
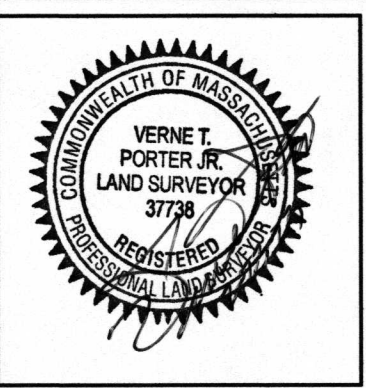
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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| DIRECTOR OF PUBLIC WORKS                                                                                                                                                                                                                        |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| TOWN ENGINEER                                                                                                                                                                                                                                   |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE |            |
| DATE                                                                                                                                                                                                                                            | TOWN CLERK |

|                                                                                       |  |
|---------------------------------------------------------------------------------------|--|
| APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED |  |
| TOWN OF NEEDHAM PLANNING BOARD                                                        |  |
| BY:                                                                                   |  |
| APPROVED:                                                                             |  |

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

*Donna Proulx* 2-23-23

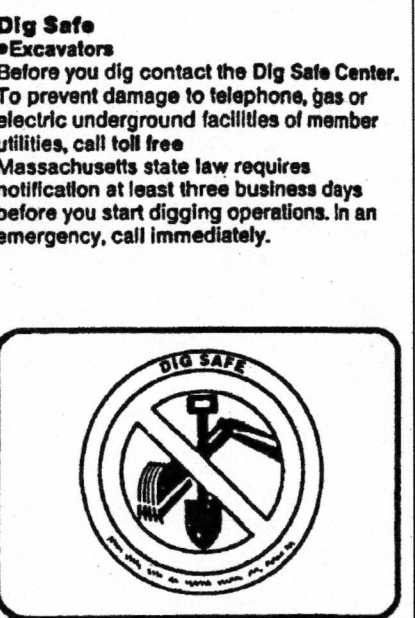
| REVISIONS |                                  |
|-----------|----------------------------------|
| DATE      | DESCRIPTION                      |
| 1-19-23   | ADDED HOUSE FOOTPRINTS & GRADING |
| 2-23-23   | EASEMENTS, BUFFER STRIP, SWALE   |
|           |                                  |
|           |                                  |
|           |                                  |
|           |                                  |



|                                      |                   |
|--------------------------------------|-------------------|
| ~Proposed Utilities Plan~            |                   |
| 920 South Street                     |                   |
| Needham, Massachusetts               |                   |
| Scale: 1"=20'                        | September 9, 2022 |
| VERNE T. PORTER Jr, PLS              |                   |
| Land Surveyors - Civil Engineers     |                   |
| 354 Elliot Street, Newton, Ma. 02464 |                   |
| Project:22019                        |                   |
| Designed By:                         |                   |
| Drawn By:                            |                   |
| Checked By:                          |                   |

Sheet 5 of 8





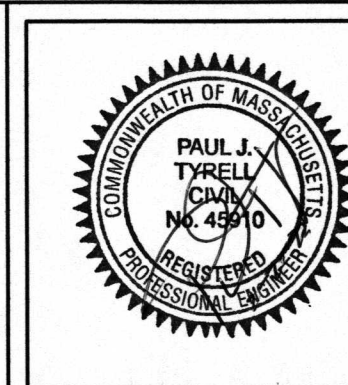
APPROVAL IN ACCORDANCE WITH SECTION 91-U OF  
CHAPTER 41 OF THE GENERAL LAWS AS AMENDED

TOWN OF NEEDHAM PLANNING BOARD

BY:

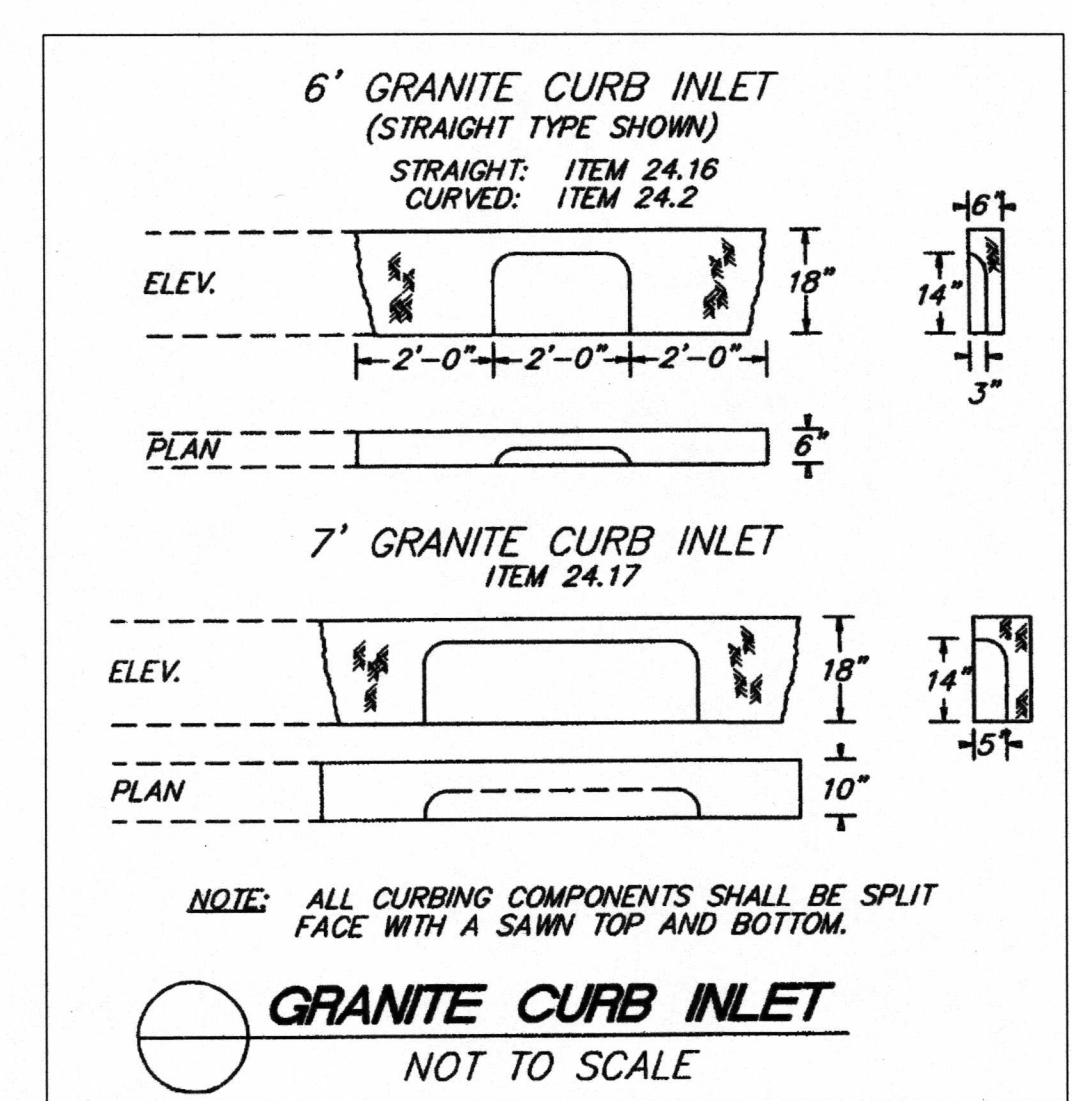
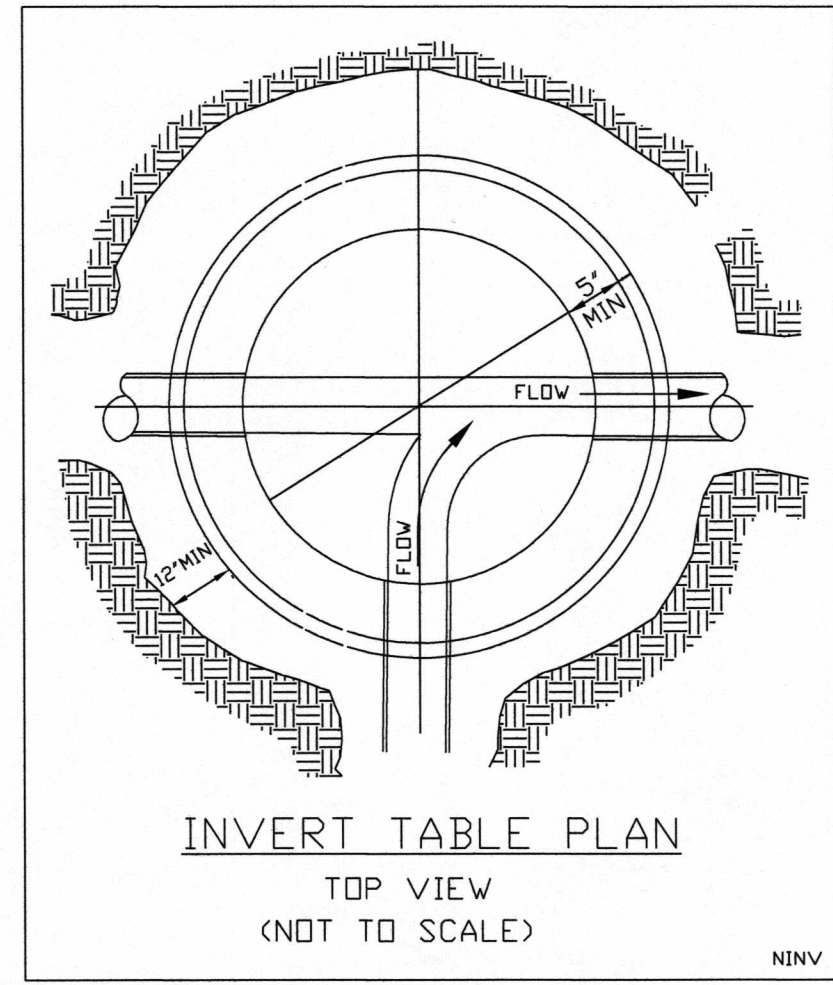
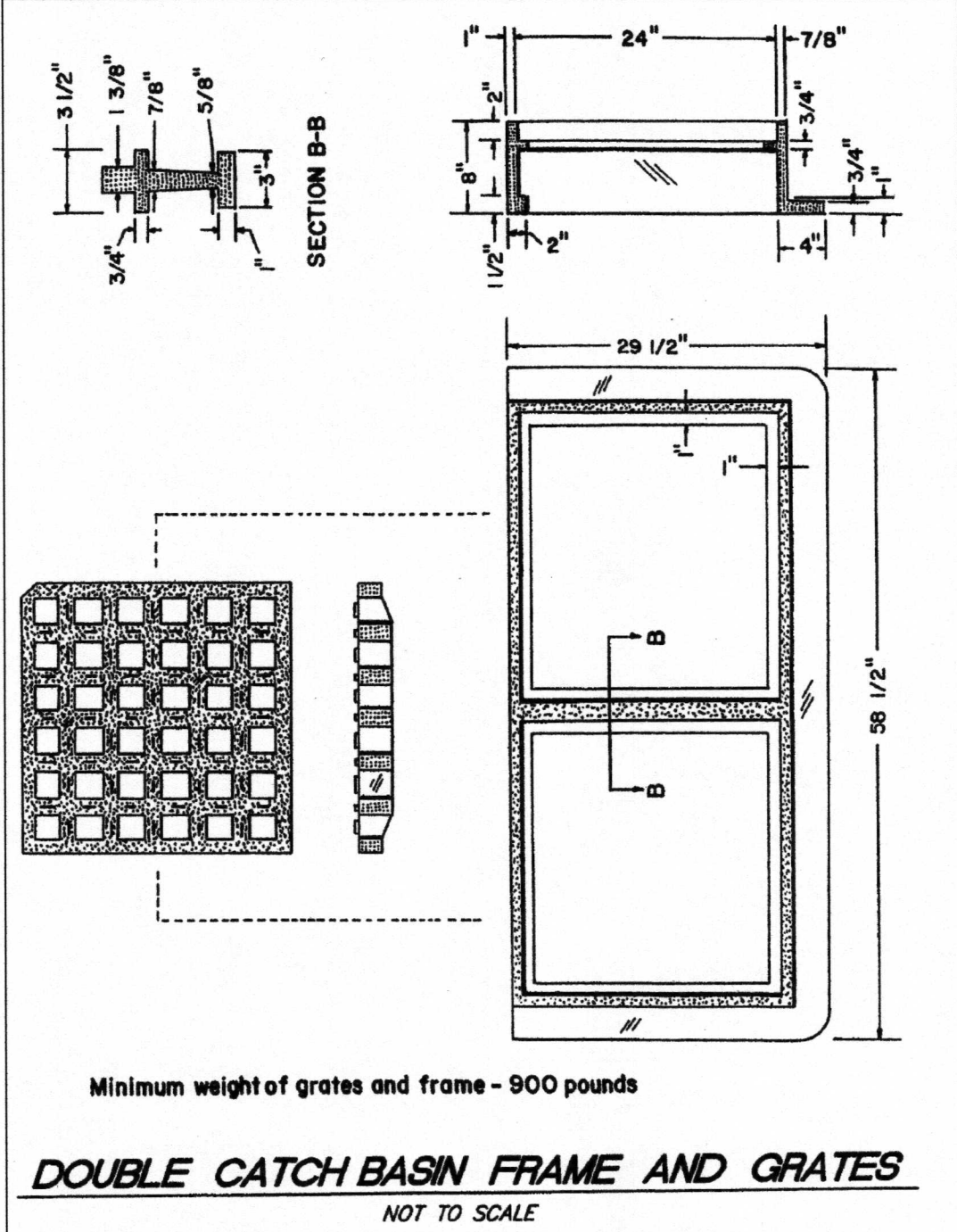
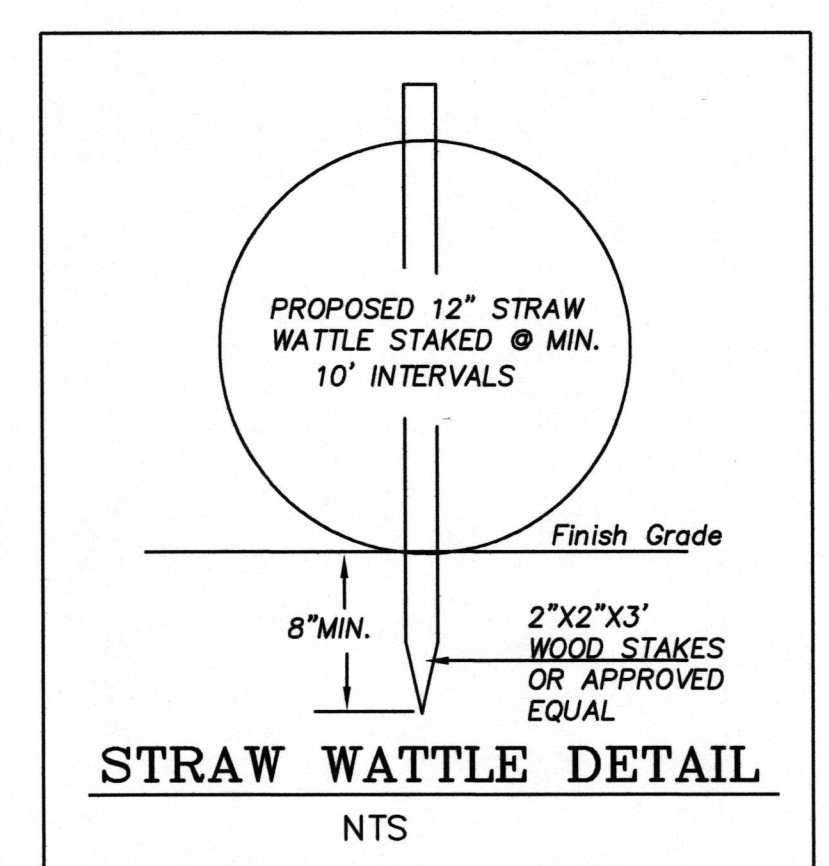
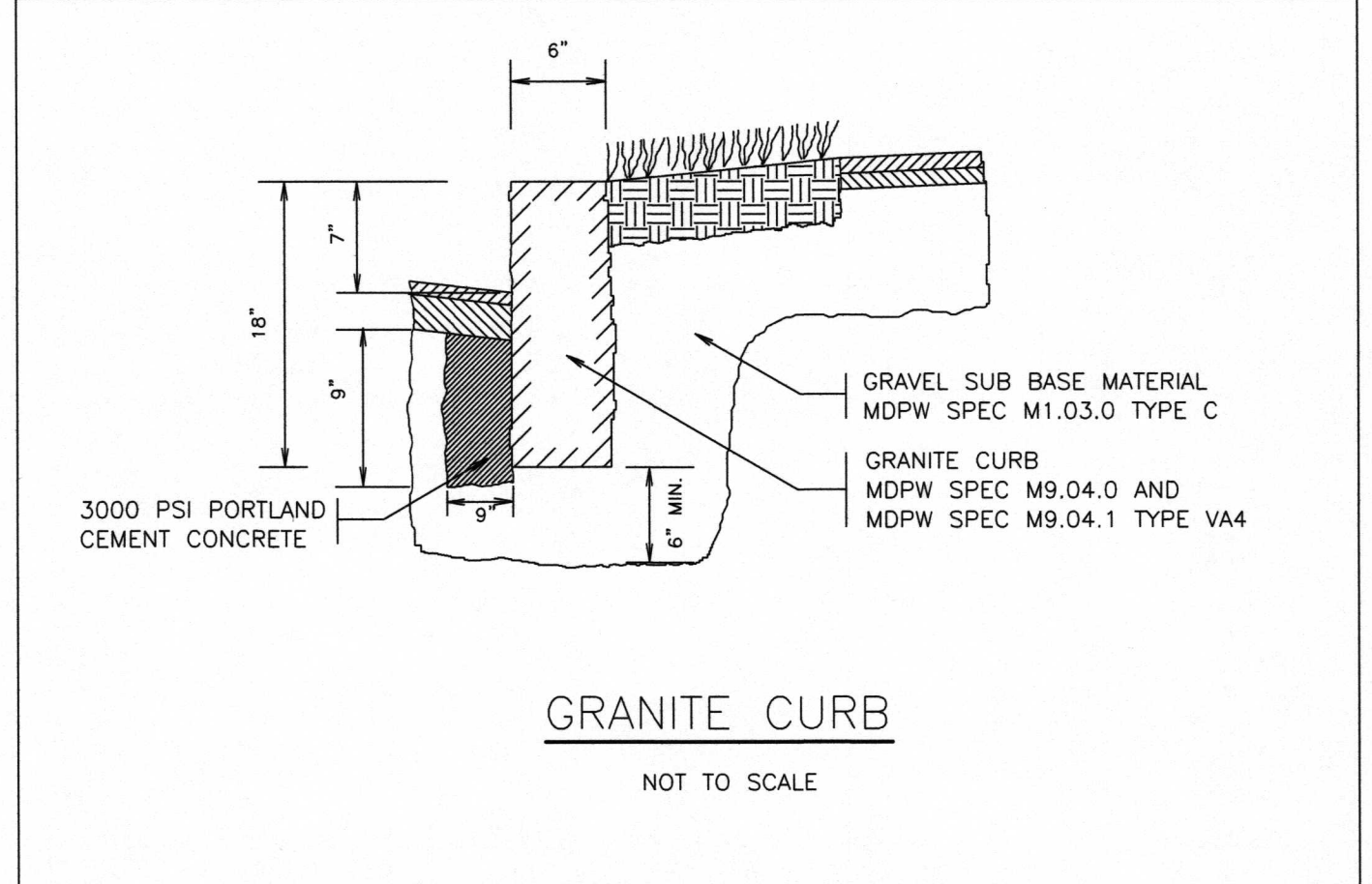
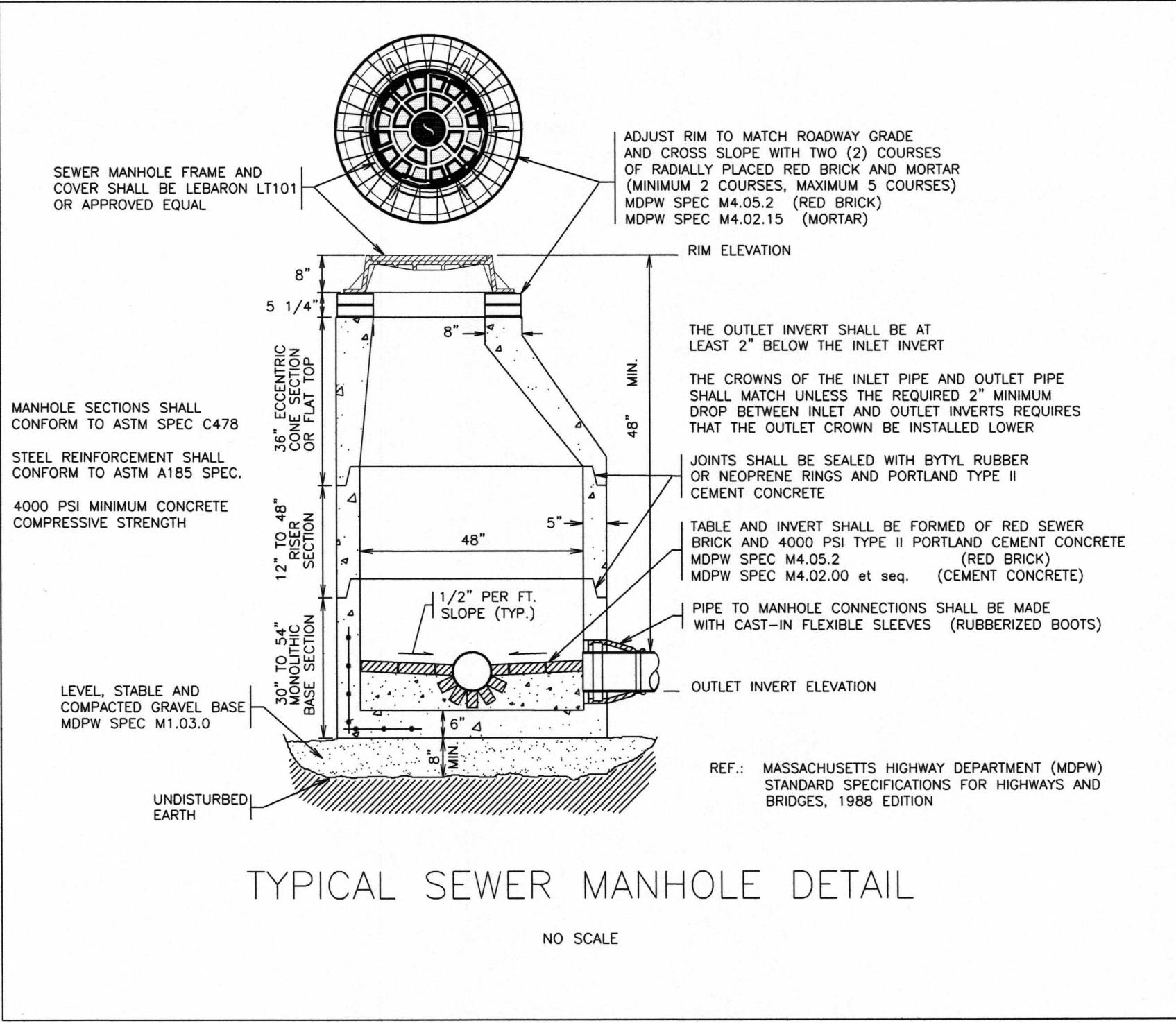
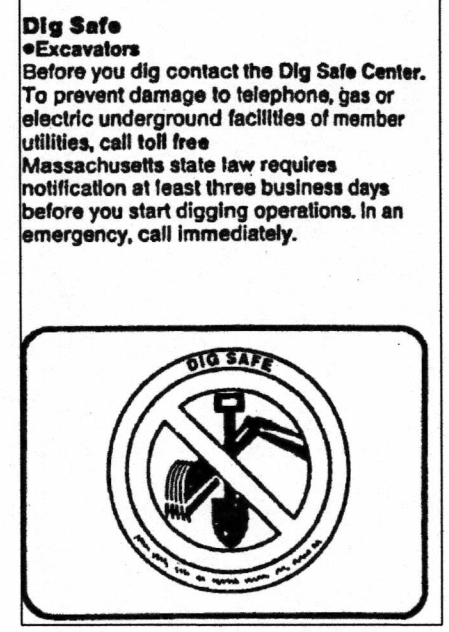
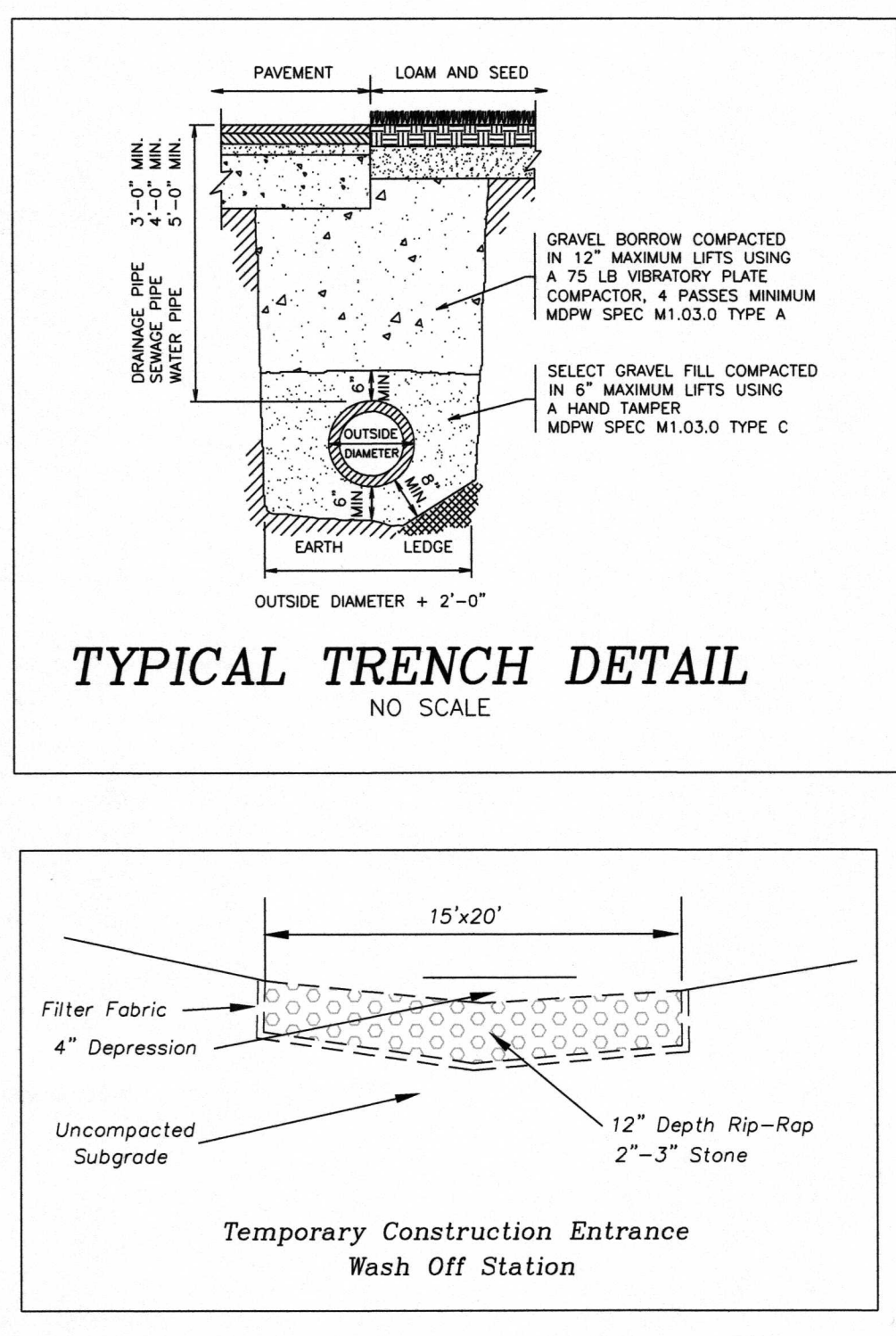
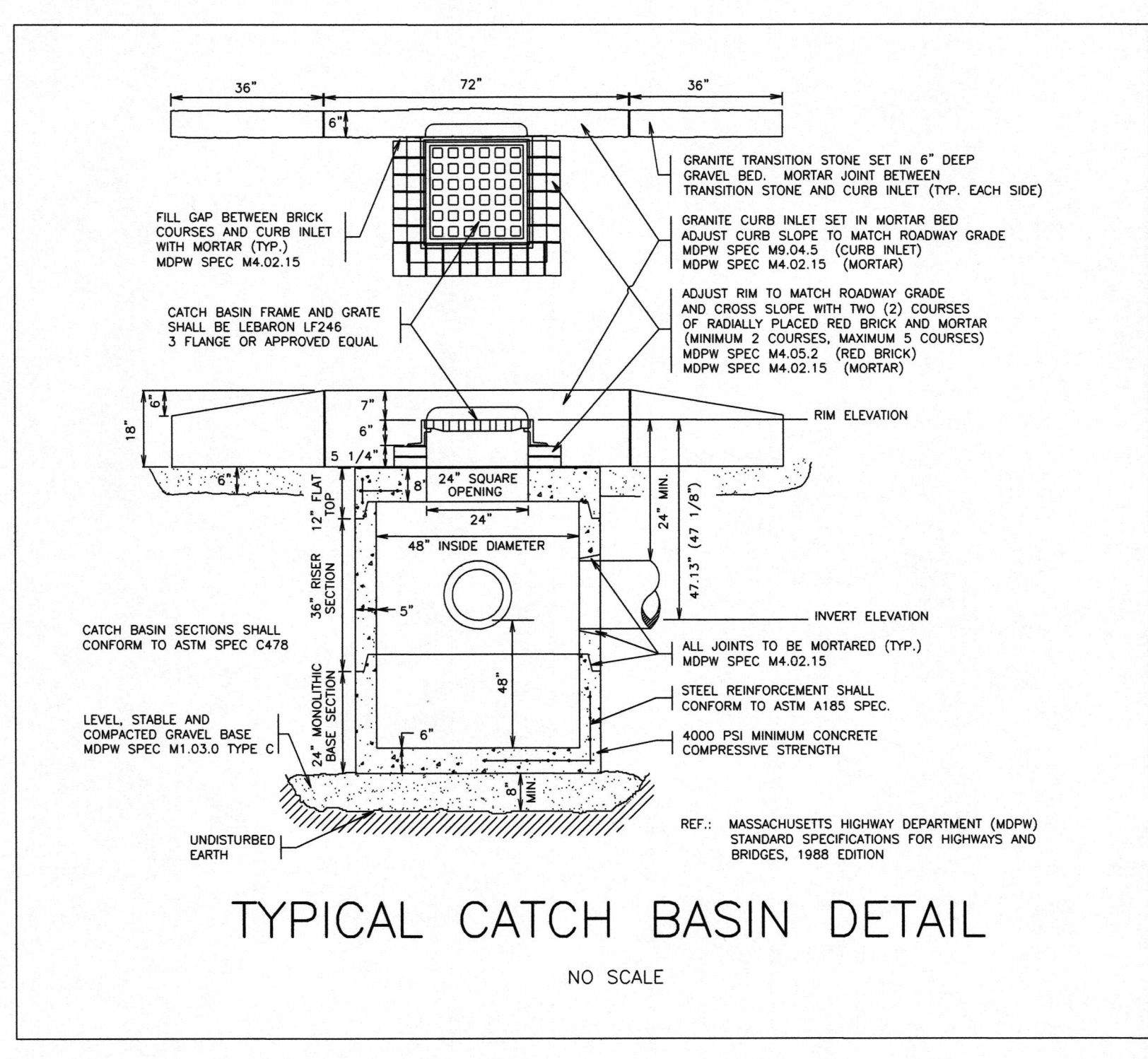
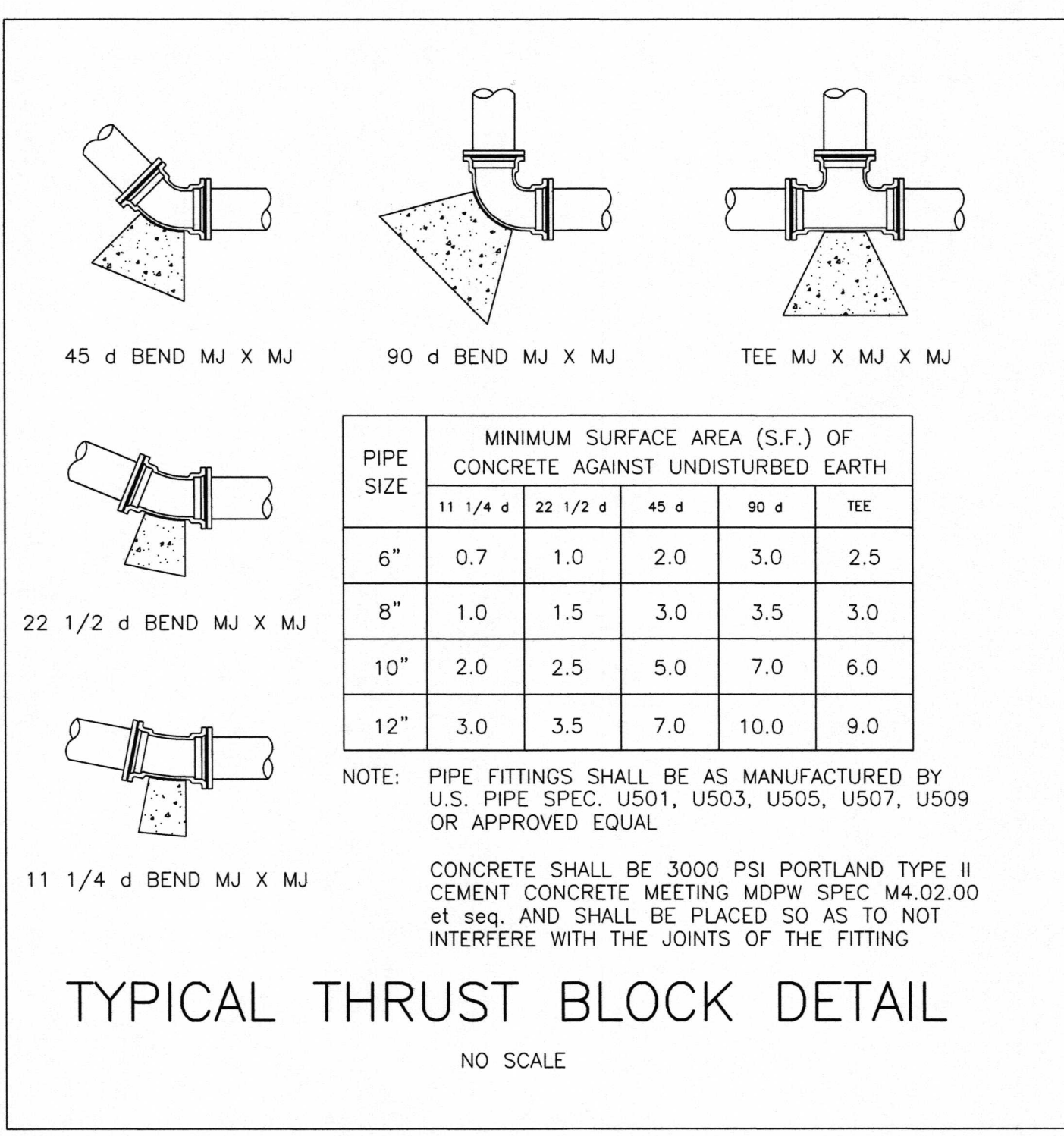
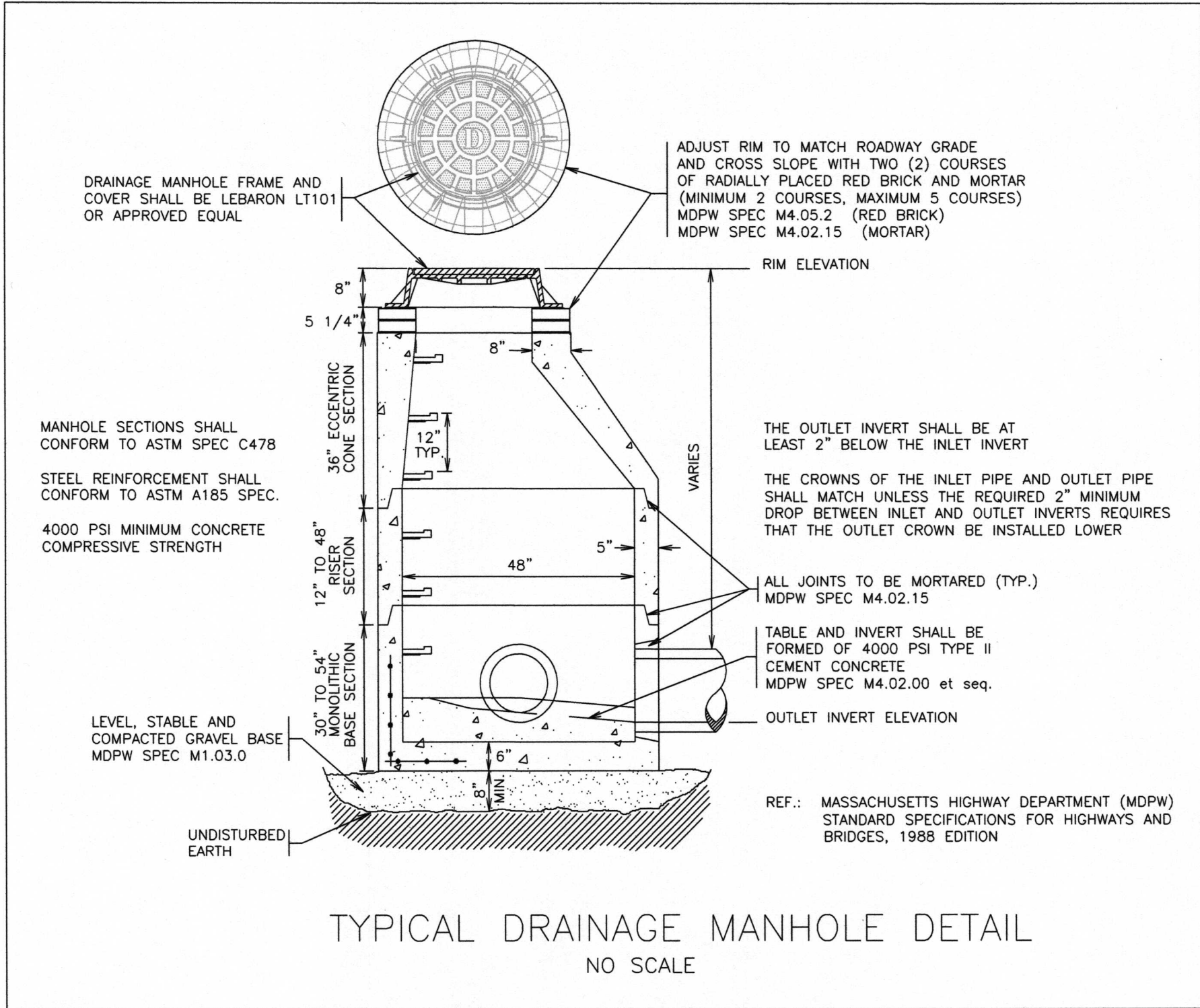
APPROVED:

Owner/Applicant:  
Brian Connaughton  
920 South Street  
Needham, Ma. 02492  
Cert. #207299



|                                                                                            |                                                            |
|--------------------------------------------------------------------------------------------|------------------------------------------------------------|
| ~Plan, Profile & Detail Sheet~                                                             |                                                            |
| 920 South Street                                                                           |                                                            |
| Needham, Massachusetts                                                                     |                                                            |
| Scale: As Noted                                                                            | September 9, 2022                                          |
| VERNE T. PORTER Jr, PLS                                                                    |                                                            |
| Land Surveyors - Civil Engineers                                                           |                                                            |
| 354 Elliot Street, Newton, Ma. 02464                                                       |                                                            |
| <br>0 | Project: 22019<br>Desinged By:<br>Drawn By:<br>Checked By: |
| Sheet <u>6</u> of <u>8</u>                                                                 |                                                            |





DIRECTOR OF PUBLIC WORKS

DATE APPROVED

TOWN ENGINEER

DATE APPROVED

I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE

DATE

TOWN CLERK

APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED

TOWN OF NEEDHAM PLANNING BOARD

BY:

APPROVED:

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

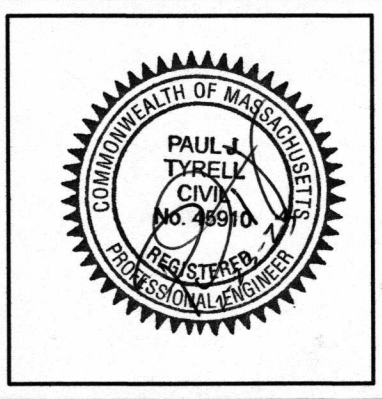
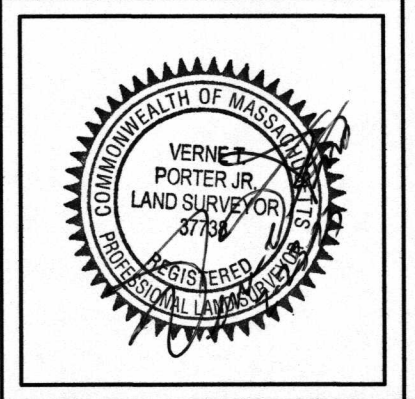
*Brian Connaughton* 2-23-23

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

*Brian Connaughton* 2-23-23

Owner/Applicant:  
Brian Connaughton  
920 South Street  
Needham, Ma. 02492  
Crt. #207299

| REVISIONS |                   |
|-----------|-------------------|
| DATE      | DESCRIPTION       |
| 1-19-23   | NO REVISIONS MADE |
| 2-23-23   | NO REVISIONS MADE |
|           |                   |
|           |                   |
|           |                   |



~Detail Sheet~

920 South Street

Needham, Massachusetts

Scale: As Noted September 9, 2022

VERNE T. PORTER Jr, PLS

Land Surveyors - Civil Engineers

354 Elliot Street, Newton, Ma. 02464

Project:22019

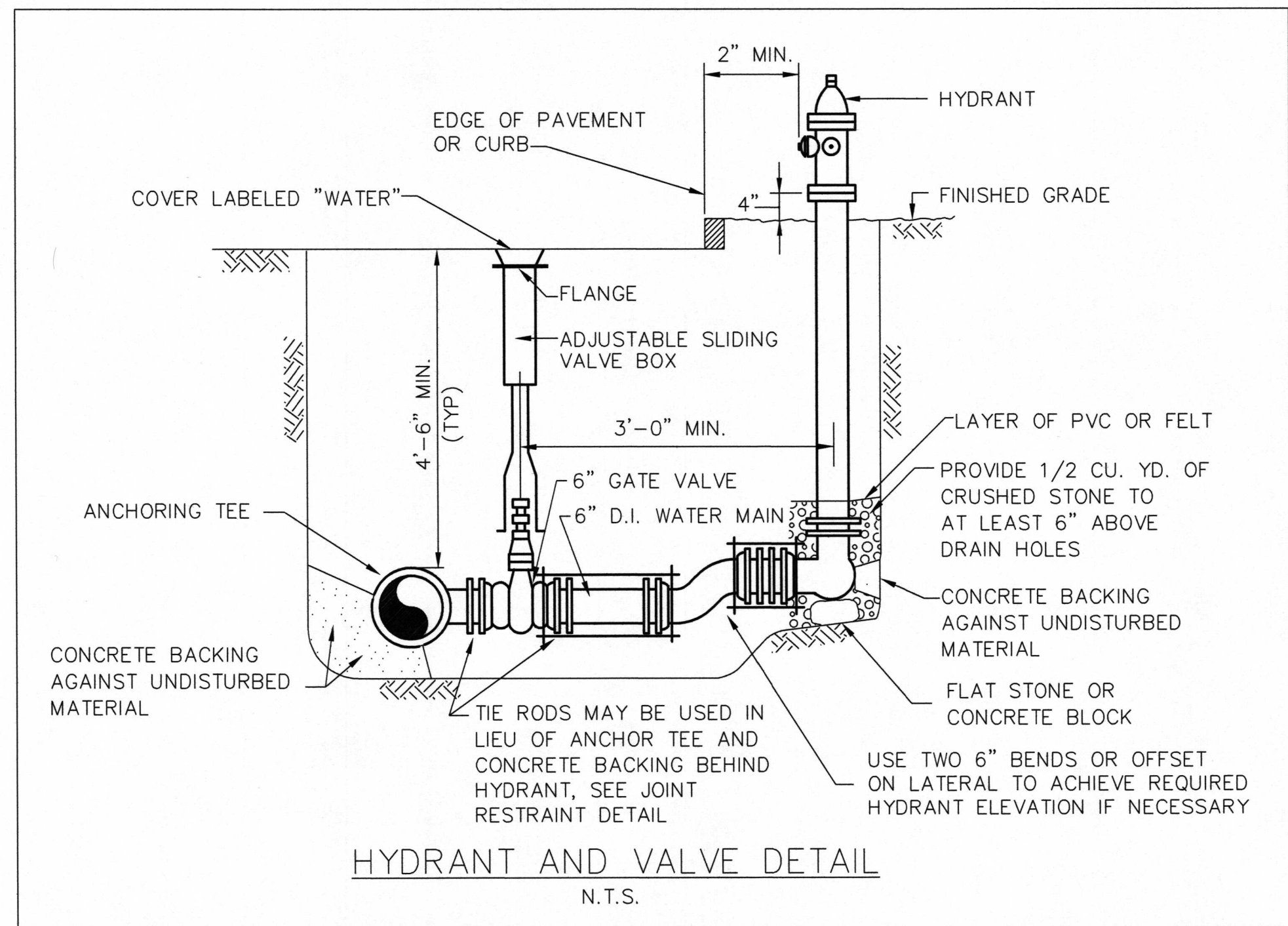
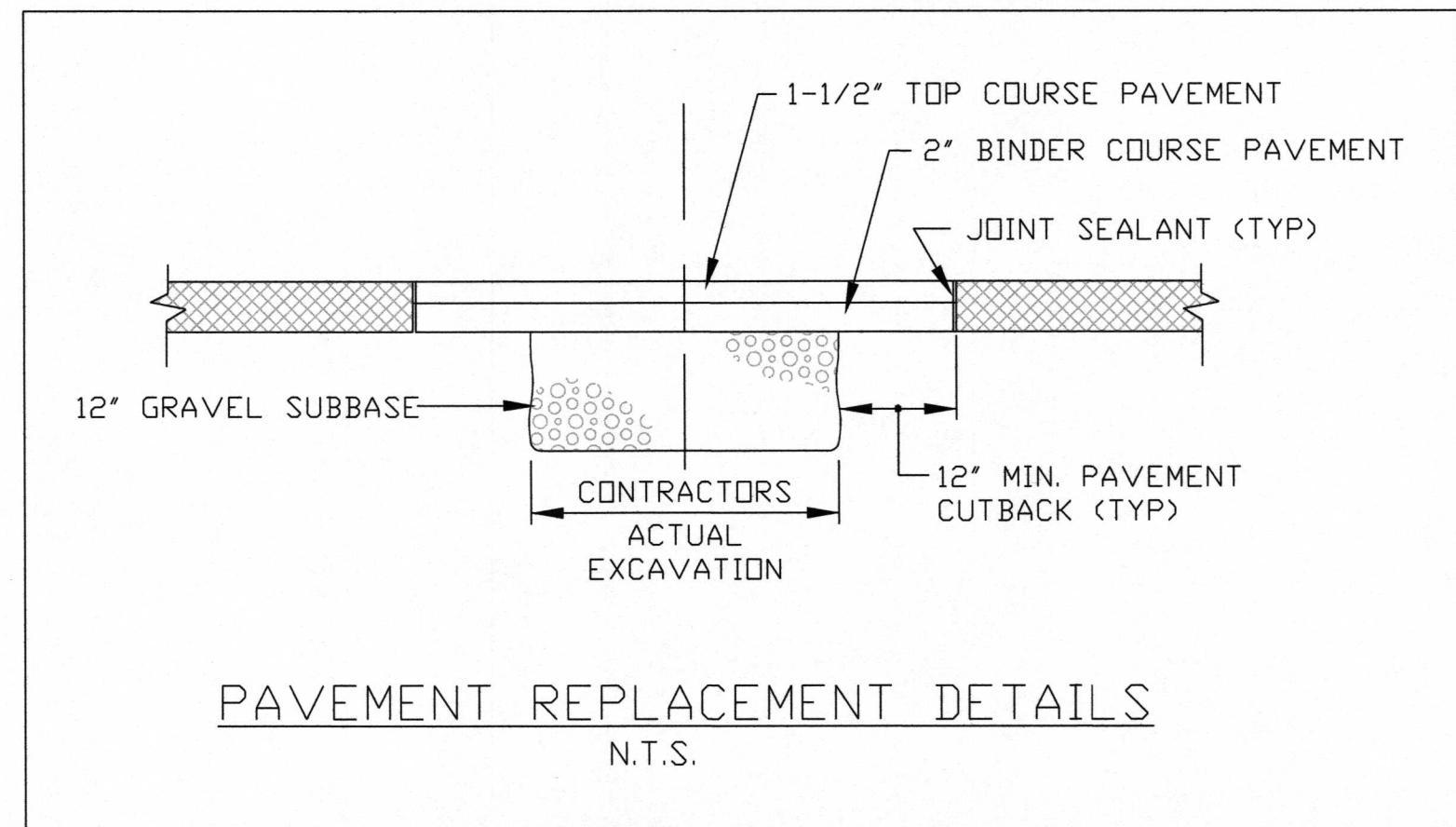
Desinged By:

Drawn By:

Checked By:

Sheet 7 of 8





|                                                                                                                                                                                                                                                 |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| DIRECTOR OF PUBLIC WORKS                                                                                                                                                                                                                        |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| TOWN ENGINEER                                                                                                                                                                                                                                   |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE |            |
| DATE                                                                                                                                                                                                                                            | TOWN CLERK |

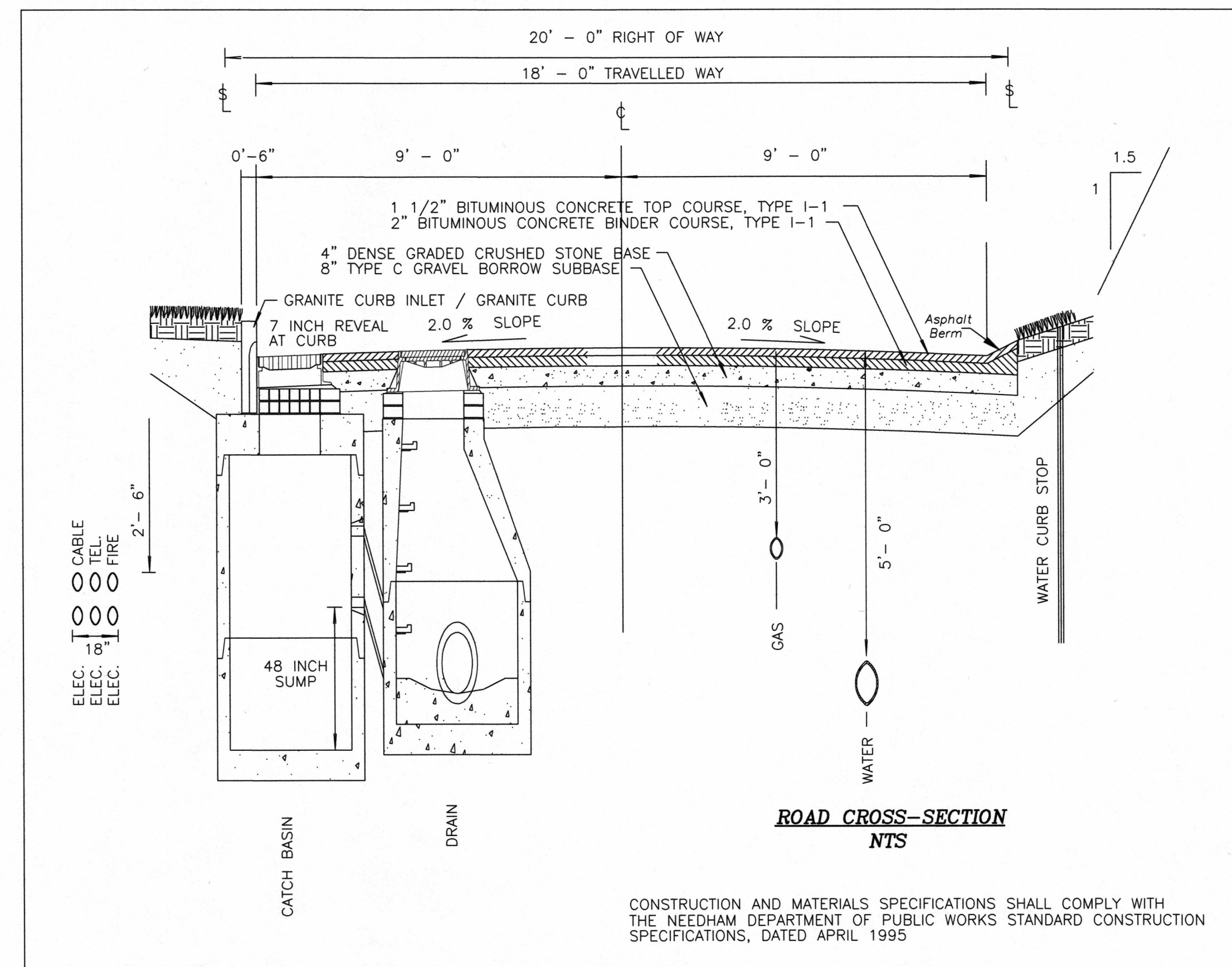
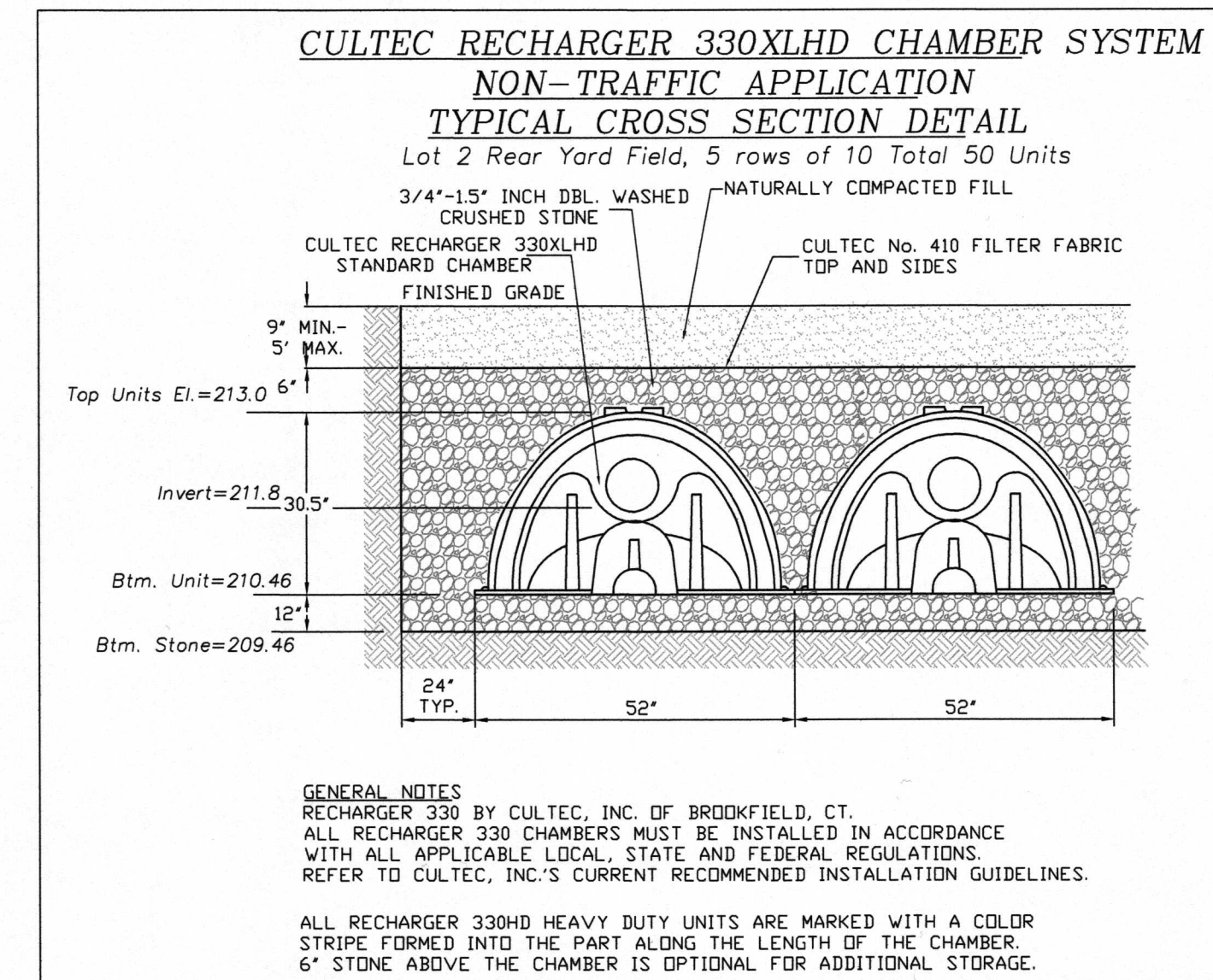
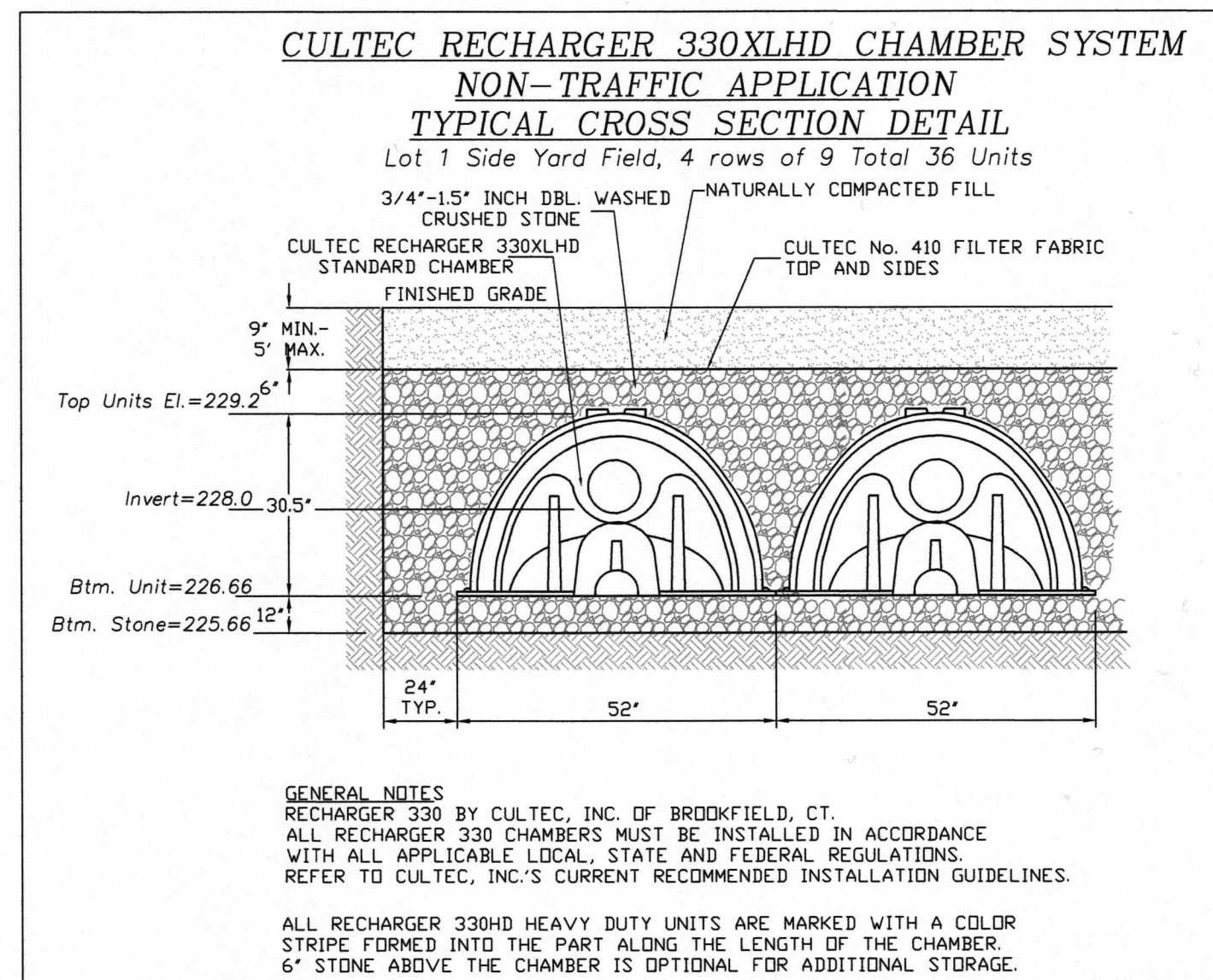
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|---------------------------------------------------------------------------------------|--|
| APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED |  |
| TOWN OF NEEDHAM PLANNING BOARD                                                        |  |
| BY:                                                                                   |  |
|                                                                                       |  |
|                                                                                       |  |
|                                                                                       |  |
|                                                                                       |  |
| APPROVED:                                                                             |  |

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD

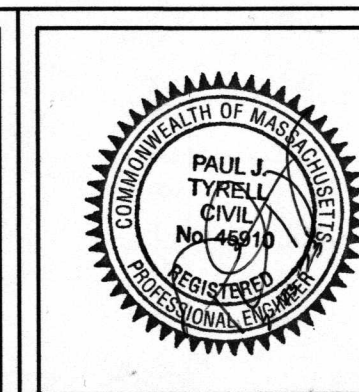
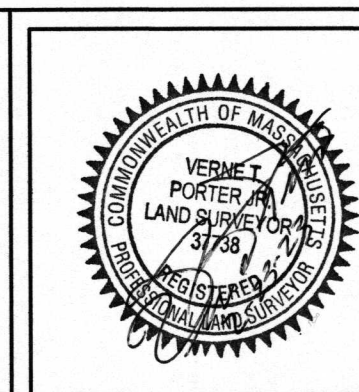
*Verne T. Porter Jr.* 2-23-23

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

*Verne T. Porter Jr.* 2-23-23



| REVISIONS |                        |
|-----------|------------------------|
| DATE      | DESCRIPTION            |
| 1-19-23   | NO REVISIONS MADE      |
| 2-23-23   | DRAINAGE DETAILS ADDED |
|           |                        |
|           |                        |
|           |                        |
|           |                        |

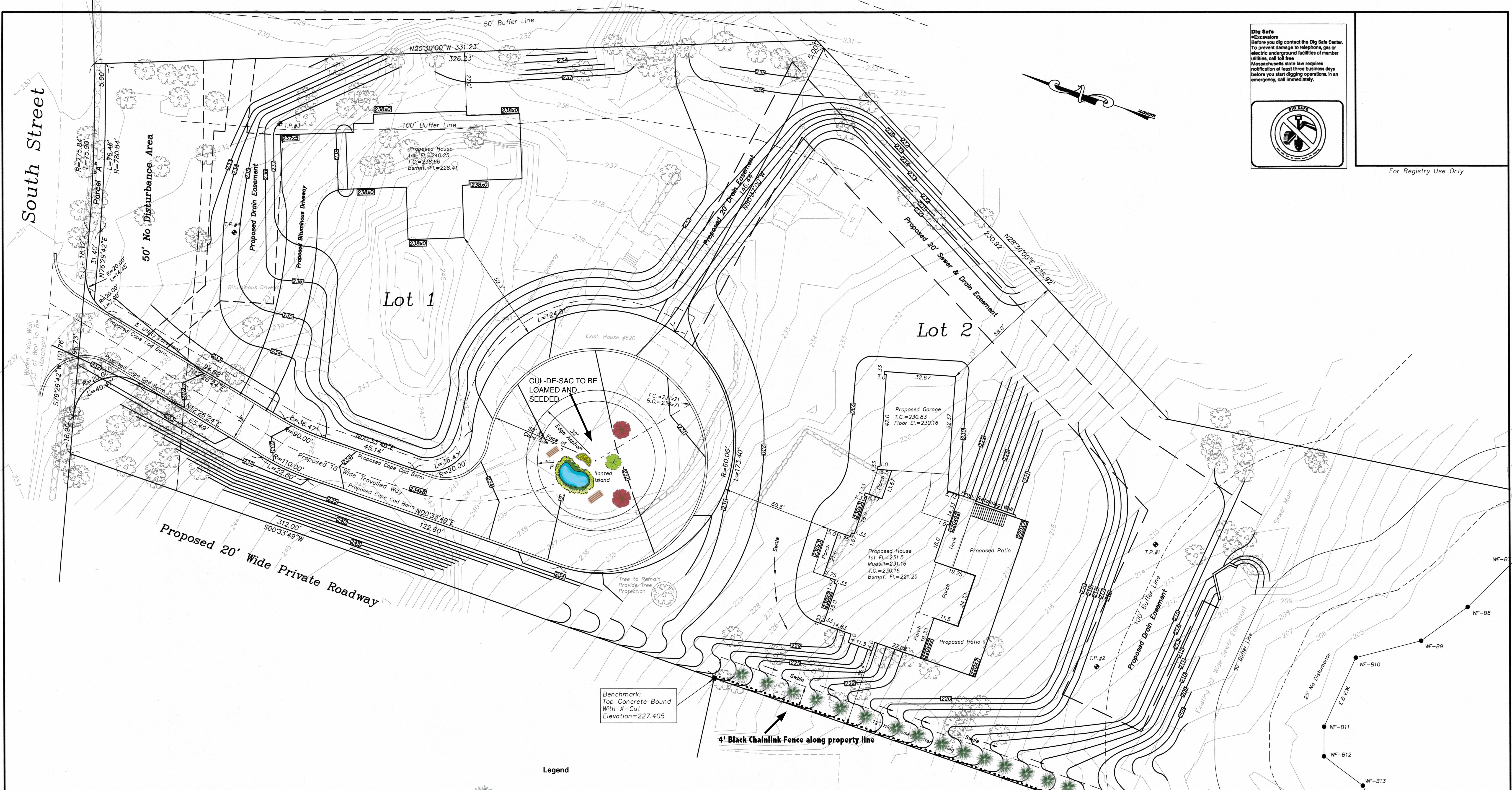


|                                      |                   |
|--------------------------------------|-------------------|
| ~Detail Sheet~                       |                   |
| 920 South Street                     |                   |
| Needham, Massachusetts               |                   |
| Scale: As Noted                      | September 9, 2022 |
| VERNE T. PORTER Jr, PLS              |                   |
| Land Surveyors - Civil Engineers     |                   |
| 354 Elliot Street, Newton, Ma. 02464 |                   |
| Project: 22019                       |                   |
| Designed By:                         |                   |
| Drawn By:                            |                   |
| Checked By:                          |                   |

**Dig Safe**  
 •Excavators  
 Before you dig contact the Dig Safe Center.  
 To prevent damage to telephone, gas or electric underground facilities of member utilities, call toll free  
 Massachusetts state law requires notification at least three business days before you start digging operations. In an emergency, call immediately.







**Dig Safe**  
Excavators  
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before you start digging operations. In an  
emergency, call immediately.



For Registry Use Only

|                                                                                                                                                                                                                                                 |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| DIRECTOR OF PUBLIC WORKS                                                                                                                                                                                                                        |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| TOWN ENGINEER                                                                                                                                                                                                                                   |            |
| DATE APPROVED                                                                                                                                                                                                                                   |            |
| I, TOWN CLERK OF THE TOWN OF NEEDHAM, HEREBY CERTIFY THAT THE NOTICE OF THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE |            |
| DATE                                                                                                                                                                                                                                            | TOWN CLERK |

|                                                                                       |  |
|---------------------------------------------------------------------------------------|--|
| APPROVAL IN ACCORDANCE WITH SECTION 91-U OF CHAPTER 41 OF THE GENERAL LAWS AS AMENDED |  |
| TOWN OF NEEDHAM PLANNING BOARD                                                        |  |
| BY:                                                                                   |  |
|                                                                                       |  |
|                                                                                       |  |
|                                                                                       |  |
|                                                                                       |  |
| APPROVED:                                                                             |  |

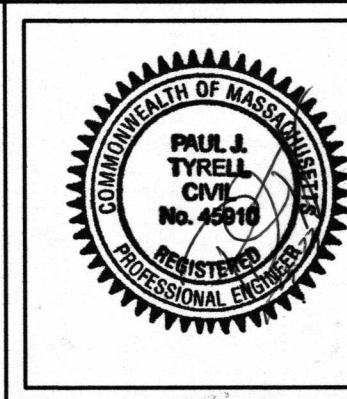
- Legend**
-  Picea abies 'Cupressina' B&B 7-8"
  -  Pinus parviflora 'Tempelhof' B&B 8-10"
  -  Cercis canadensis 'Forest Pansy' 2.5-3"
  -  Annual Bed

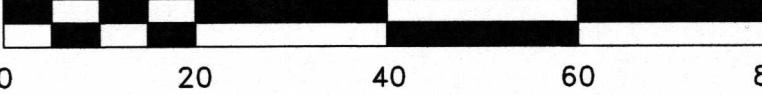
I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY THE SUBDIVISION REGULATIONS AND PROCEDURAL RULES OF THE NEEDHAM PLANNING BOARD.

*Brian Connaughton*

Owner/Applicant:  
Brian Connaughton  
920 South Street  
Needham, Ma. 02492  
Cert. #207299

| REVISIONS |                                       |
|-----------|---------------------------------------|
| DATE      | DESCRIPTION                           |
| 1-19-23   | ADDED HOUSE FOOTPRINTS & GRADING      |
| 2-23-23   | LOT & ROAD GRADING, ELEVATIONS, SWALE |
|           |                                       |
|           |                                       |
|           |                                       |



|                                                                                       |                   |
|---------------------------------------------------------------------------------------|-------------------|
| ~Proposed Grading Plan~                                                               |                   |
| 920 South Street                                                                      |                   |
| Needham, Massachusetts                                                                |                   |
| Scale: 1"=20'                                                                         | September 9, 2022 |
| VERNE T. PORTER Jr, PLS                                                               |                   |
| Land Surveyors - Civil Engineers                                                      |                   |
| 354 Elliot Street, Newton, Ma. 02464                                                  |                   |
| Project:22019                                                                         |                   |
| Desinged By:                                                                          |                   |
| Drawn By:                                                                             |                   |
| Checked By:                                                                           |                   |
|  |                   |
| Sheet 4 of 8                                                                          |                   |





View from Marant  
Drive\_6.4.2024





View from South  
Street\_6.4.2024



# KEEGAN WERLIN LLP

ATTORNEYS AT LAW  
99 HIGH STREET, SUITE 2900  
BOSTON, MASSACHUSETTS 02110

— — —  
(617) 951-1400

TELECOPIER:  
(617) 951- 1354

May 6, 2024

## BY ELECTRONIC MAIL

[aclee@needhamma.gov](mailto:aclee@needhamma.gov)

Town of Needham Planning Board  
c/o Alexandra Clee  
1471 Highland Avenue  
Needham, MA 02492

Re: 920 South Street Definitive Subdivision

Dear Planning Board Members:

This letter is sent on behalf of Serguei Aliev, owner of the property at 31 Marant Drive, regarding the Planning Board's review of a new landscaping plan for the referenced subdivision. Dr. Aliev received a copy of the latest landscaping plan submitted to the Planning Board. As set forth below, Dr. Aliev has objections to this plan and is concerned that this plan also is not in compliance with the conditions of the Planning Board's decision dated April 25, 2023 (the "Decision").

The new plan consists of the Proposed Grading Plan for the subdivision, originally dated September 9, 2022, and last revised September 23, 2023, modified to include a plant "Legend" and icons for plantings on the cul-de-sac and on the buffer strip along Dr. Aliev's property. For the latter, the plan shows 15 specimens of *Picea abies* 'Cupressina' (Norway spruce), seven to eight feet in height, along a distance of ~150 feet on the property boundary. The plan also shows a proposed 4-foot black chain-link fence placed on the property line for that same distance.

First, Condition #40 of the Decision requires the following:

*#40. The Petitioner shall deliver to the Board for its approval ... a Buffer Planting Strip Covenant and Restriction. The Documents shall be subject to review and approval of the Board prior to endorsement of the Plan. The Documents shall be referenced on the Plan and all documents shall be recorded with the Plan.*

It appears the applicant still has not submitted a *Buffer Planting Strip Covenant and Restriction*. In addition, the Plan as submitted does not include a reference to a *Covenant and Restriction*.

Letter to Needham Planning Board  
Re: 920 South Street Definitive Subdivision  
May 6, 2024  
Page 2 of 2

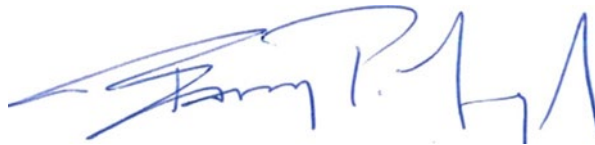
Second, although the number of Norway spruce has been increased from eleven to 15, the density of the trees has been reduced. The prior plan showed eleven plants within a distance of 60 feet, while the new plan shows 15 plants located over a distance of 150 feet. Dr. Aliev believes the number of trees should be increased to 25 and planted six-feet on center (and staggered in two rows) so they will provide a true visual barrier when the trees grow to full size. In addition, the Board should require that planting of these trees is supervised by an arborist who can ensure proper planting techniques are followed.

Third, the proposal to place a chain-link fence on the boundary line serves no purpose. It is not necessary and the proposal to place it there is offensive.

In summary, Dr. Aliev is requesting that the Planning Board require the applicant to modify this plan to increase the number of trees on the boundary, to remove the proposal to place a fence on the boundary, to establish the "Buffer Planting Strip Covenant and Restriction" that ensures in perpetuity the maintenance of the plantings and replacement of any tree that dies or becomes diseased. This should be required as soon as possible so there is some chance for the planting in the buffer strip to be done before the end of the 2024 spring planting season.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry P. Fogel", with a stylized flourish at the end.

Barry P. Fogel

cc: Dr. Serguei Aliev  
George Giunta, Jr., Esq.



BUFFER PLANTING STRIP COVENANT AND RESTRICTION  
River Run Road

This Declaration is made this                    day of October, 2023, by Brian Connaughton of 19 Walsingham St, Newton MA 02462 (hereinafter, the “Declarant”).

WHEREAS the Declarant is the fee owner of a portion of the private way known and designated as River Run Road (the “Private Way”), shown as “Proposed 20’ Wide Private Roadway”, and certain land situated in Needham, Norfolk County, Massachusetts, shown as Lots 1 and 2, inclusive, on plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 2, entitled "Existing Conditions Site Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 3, entitled "By Right Subdivision Plan of Land," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 4, entitled "Proposed Lotting Plan," dated September 9, 2022, revised October 5, 2022, January 19, 2023 and February 23, 2023; Sheet 5, entitled "Proposed Grading Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 6, entitled "Proposed Utilities Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 7, entitled "Plan, Profile & Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 8, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 9, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; which Sheet 4 shall be recorded herewith, and all of which Sheets are hereinafter referred to as the “Plan”;

WHEREAS the Town of Needham Planning Board approved the Plan subject to certain conditions and waivers as set forth in the Board’s decision dated April 25, 2023, entitled “Definitive Subdivision Decision, 920 South Street” (hereinafter the “Decision”), said Decision recorded herewith;

WHEREAS pursuant to Paragraph 40 of the “Decision”, the Planning Board required, in pertinent part, that the Owner deliver to the Board, a certain Buffer Planting Strip Covenant and Restriction,

WHEREAS, the within by the Owner is intended to comply with the aforesaid requirement of the Planning Board, as stated in Paragraph 40 of the Decision;

NOW THEREFORE, the Declarant hereby declares that Lot 2, as shown on the Plan, shall be held, sold and conveyed subject to the following covenants, restrictions and conditions, for the benefit of the Town of Needham, its successors and assigns, said restrictions and conditions to run with the Lot and to be binding on all parties having any right, title or interest in the Lots or any part thereof, their heirs, successors and assigns, in perpetuity.

1. That portion of Lot 2 shown on the Plan as “10’ Raised Buffer / Planting Strip”, and “Swale”, situated along a portion of the Westerly boundary of said Lot 2, shall be graded and landscaped in accordance with the Plan;

2. Following completion of grading and installation of landscaping as set forth above, neither the owner(s) of Lot 2 nor the Trustees of the River Run Road Homeowner’s Trust shall cause, permit or allow any changes to be made to such grading and landscaping.

3. Any deed or other instrument purporting to transfer or convey any interest in Lot 2 which does not expressly refer to and incorporate these conditions shall nevertheless be deemed to contain the same and in all events shall be subject thereto.

16. This Buffer Planting Strip Covenant and Restriction shall be recorded in the Registry of Deeds and shall run with the land and shall be enforceable by the Town of Needham. This Buffer Planting Strip Covenant and Restriction shall be referenced on the Plan and shall be recorded therewith. This Restrictive Covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

For Declarant’s title see Deed filed with the Norfolk County Registry District of the Land Court as Document No. 1501178 and Certificate of Title No. 207299.

- BALANCE OF PAGE INTENTIONALLY LEFT BLANK —



IN WITNESS WHEREOF, the said Brian Connaughton has hereunto set his hand and seal this day of October, 2023.

---

Brian Connaughton

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS

October , 2023

Then personally appeared before me the above named Brian Connaughton, personally known to me or proved to me through the production of sufficient evidence to be the person whose signature is affixed above, and acknowledged that he signed the foregoing document freely for its stated purpose.

---

Notary Public  
My commission expires:

Approved as to Form:

---

David Tobin  
Town Counsel

## ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Declaration of Restrictive Covenants hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM  
By Its Selectboard

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## COMMONWEALTH OF MASSACHUSETTS

[illegible]

On this \_\_\_\_ day of October, 2023, before me, the undersigned notary public, personally appeared \_\_\_\_\_, Selectperson of the Town of Needham, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public  
My commission expires:



BUFFER PLANTING STRIP COVENANT AND RESTRICTION  
River Run Road

This Declaration is made this            day of ~~October,~~ 2023DATE, by Brian Connaughton of 19 Walsingham St, Newton MA 02462 (hereinafter, the “Declarant” or “Owner”).

WHEREAS the Declarant is the fee owner of a portion of the private way known and designated as River Run Road (the “Private Way”), shown as “Proposed 20’ Wide Private Roadway”, and certain land situated in Needham, Norfolk County, Massachusetts, shown as Lots 1 and 2, inclusive, on plan set consisting of 9 sheets, prepared by Verne T. Porter, 354 Elliot Street, Newton, MA: Sheet 1, Title Sheet, dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 2, entitled "Existing Conditions Site Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 3, entitled "By Right Subdivision Plan of Land," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 4, entitled "Proposed Lotting Plan," dated September 9, 2022, revised October 5, 2022, January 19, 2023 and February 23, 2023; Sheet 5, entitled "Proposed Grading Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 6, entitled "Proposed Utilities Plan," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 7, entitled "Plan, Profile & Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 8, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; Sheet 9, entitled "Detail Sheet," dated September 9, 2022, revised January 19, 2023 and February 23, 2023; which Sheet 4 shall be recorded herewith, and all of which Sheets are hereinafter referred to as the “Plan”;

WHEREAS, the Town of Needham Planning Board (the “Board”) approved the Plan subject to certain conditions and waivers as set forth in the Board’s decision dated April 25, 2023, entitled “Definitive Subdivision Decision, 920 South Street” (hereinafter the “Decision”), said Decision recorded herewith;

WHEREAS, pursuant to Paragraph 2 of the “Decision”, the Planning Board required, in pertinent part, that the Owner to cause the Plan to be revised to show the following additional or revised information subject to review and approval of the Board prior to endorsement of the Plan: (2) a landscaping plan for the 10 foot Raised / Buffer Planting Strip, located along a portion of the westerly boundary, as shown on the Plan;

WHEREAS, pursuant to Paragraph 40 of the “Decision”, the Planning Board required, in pertinent part, that the Owner deliver to the Board, a certain Buffer Planting Strip Covenant and Restriction;

WHEREAS, on [DATE, 2024,] the Owner submitted to the Board a revision to the Proposed Grading Plan showing, in pertinent part, proposed landscaping for the 10 foot Raised / Buffer Planting Strip located along a portion of the westerly boundary of Lot 2;

WHEREAS, on [DATE, 2024,] the Board approved the revision to the Proposed Grading Plan showing, in pertinent part, proposed landscaping for the 10 foot Raised / Buffer Planting Strip located along a portion of the westerly boundary of Lot 2;

WHEREAS, the declarations set forth herein ~~within~~ by the Owner ~~are~~ intended to comply with the aforesaid requirement of the Planning Board, as stated in Paragraph 40 of the Decision;

NOW THEREFORE, the Declarant hereby declares that Lot 2, as shown on the Plan, shall be held, sold and conveyed subject to the following covenants, restrictions and conditions, for the benefit of the Town of Needham, its successors and assigns, said restrictions and conditions to run with the Lot 2 and to be binding on all parties having any right, title or interest in ~~the~~ Lots 2 or any part thereof, their heirs, successors and assigns, in perpetuity.

1. That portion of Lot 2 shown on the Plan as “10’ Raised Buffer / Planting Strip”, and “Swale”, situated along a portion of the Westerly boundary of said Lot 2, shall be graded and landscaped in accordance with the Plan approved by the Board;
2. Following completion of grading and installation of landscaping as set forth above and as shown on the approved Plan, neither the owner(s) of Lot 2 nor the Trustees of the River Run Road Homeowner’s Trust shall cause, permit or allow any changes to be made to such grading and landscaping, except in connection with maintenance of the condition of the area as shown on the approved Plan.
- 2.3. The Owner and all future owners of Lot 2 shall be obligated to maintain the condition of the grading and landscaping of the area shown on the approved Plan as “10’ Raised Buffer / Planting Strip” so that it provides a reasonable physical and visual buffer to the adjacent property, including by protecting and restoring the condition and stability of the grading and landscaping, such as promptly replacing any dead or diseased plants with the same species.
- 3.4. Any deed or other instrument purporting to transfer or convey any interest in Lot 2 which does not expressly refer to and incorporate these conditions shall nevertheless be deemed to contain the same and in all events shall be subject thereto.
- 4.5.16 This Buffer Planting Strip Covenant and Restriction shall be recorded in the Registry of Deeds and shall run with the land and shall be enforceable by the Town of Needham. This Buffer Planting Strip Covenant and Restriction shall be referenced on the Plan and shall be recorded therewith. This Restrictive Covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

For Declarant’s title see Deed filed with the Norfolk County Registry District of the Land Court as Document No. 1501178 and Certificate of Title No. 207299.



IN WITNESS WHEREOF, the said Brian Connaughton has hereunto set his hand and seal this  
day of ~~October, 2023~~DATE.

\_\_\_\_\_  
Brian Connaughton

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS

~~October~~, 2023DATE

Then personally appeared before me the above named Brian Connaughton,  
personally known to me or proved to me through the production of sufficient evidence to be the  
person whose signature is affixed above, and acknowledged that he signed the foregoing  
document freely for its stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires:

Approved as to Form:

\_\_\_\_\_  
David Tobin  
Town Counsel

ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Declaration of Restrictive Covenants hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM  
By Its Selectboard

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS

~~October~~ \_\_\_\_\_, 2023 DATE

On this \_\_\_\_ day of October, 2023, before me, the undersigned notary public, personally appeared \_\_\_\_\_, Selectperson of the Town of Needham, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My commission expires:



**From:** [algran13](#)  
**To:** [Alexandra Clee](#); [Lee Newman](#)  
**Cc:** [Barry Fogel](#)  
**Subject:** 920 South street, Needham  
**Date:** Wednesday, May 29, 2024 1:21:06 PM

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Hi Alex,

Hope you had a good long weekend.

My wife for many years has been struggling with allergies to dust and this her condition is properly reflected in her medical records for many years.

With hot summer weather and recent high winds dust from 920 South street construction site started to affect my wife health tremendously. She is on one medication now and most likely will need to add another one. She is seeing her doctor next week again for this matter. However, it is also harmful for her to take these medications for a long time.

I do not see that the developer doing any site mitigation or is protecting the site in any way. The developer excavated tons of soil creating sand mountains on the site which are in many cases within very close proximity to our house. The developer did not make any attempts to remove excessive soil, debris from the site or grade the site. Not only it is an eye sore, but now it is started to affect my wife's health.

Creation of the vegetation buffer zone between our properties, as it was required by the Definitive Subdivision Decision by the Planning Board would have helped somewhat, but the developer is in no rush to comply with this requirement either. However, appropriate site mitigation is a must. I believe the Developer also required to do so by the Definitive Subdivision Decision ( pp.17, 20 section C).

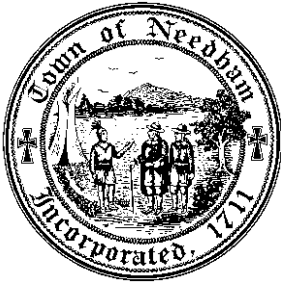
I kindly ask you to distribute this note to the Board members for their review and if possible make it a permanent record in 920 South street file.

If I need to approach other departments in the Town regarding this issue please let me know.

Probably, I need to send the note to the Town Health Department as well.

Best regards,

Serguei Aliev,  
31 Marant Drive, Needham



PLANNING & COMMUNITY DEVELOPMENT  
PLANNING DIVISION

**Memorandum**

TO: Tim McDonald - Director, Health and Human Services  
Tara Gurge – Assistant Director, Health Division

FROM: Planning Department 

DATE: January 24, 2024

SUBJECT: Surety – Cedar Street and Homsy Lane  
Request to Release Off-Street Drainage Surety

---

The Town of Needham currently holds \$7,000.00 for off-street drainage in accordance with the recommendations of the Board of Health. The off-street drainage surety is being held for Lots 13A and 13B, inclusive.

A written request has been received from Mr. Mashhour Moukaddem, Whittenton Management, LLC, seeking the release of the off-street drainage bond for Lots 13A and 13B as shown on the above-named subdivision plan. The surety amount for each lot is set at \$3,500.00. Mr. Moukaddem has requested the release of the full \$7,000.00 off-street drainage bond at this time. Please provide the Planning Board with a recommendation as to the release of the above described off-street drainage surety.

(Please note that the original agreement was with 250 Cedar Street Realty LLC. Through a document entitled “Assignment of Permits, Plans and Approvals” dated April 28, 2016, the redemption of the cash surety was assigned to Whittenton Management, LLC from 250 Cedar Street Realty LLC, all of which our Town Counsel will approve before the release is final.)

I have attached a copy of Mr. Moukaddem’s request as contained in his correspondence directed to my attention dated January 9, 2024.

Thank you for your attention to this matter.

cc: Thomas Ryder, Town Engineer  
Mashhour Moukaddem, Whittenton Management, LLC



January 9, 2024

Town of Needham  
Planning and Community Development  
500 Dedham Ave  
Needham, MA 02492

Re: Request for Release of Off-Street Surety  
Cedar Street and Homsy Lane  
Lots 13A (5 Homsy Lane) and 13B (11 Homsy Lane)

Dear Planning and Community Development:

The work covered under this surety is complete. In accordance with the *Policy for Off-Street Drainage Bonds, #HHS-PH-EH-110*, we are requesting release of said surety and are submitting information on the two lots referenced above, and the three lots (abutters) that directly touch Lots 13A and 13B.

Lot 13A – 5 Homsy Lane, Needham MA 02492

Douglas A. Sapphire  
Rachel R. Sapphire  
Phone unavailable  
Email unavailable

Lot 13B – 11 Homsy Lane, Needham 02492

James Simpson  
Denise Simpson  
(781) 290-6500  
Email unavailable

Abutter 1 – 19 Homsy Lane, Needham 02492

Joel E. Goldberg  
Hilary J. Goldberg  
(781) 400-5021  
Email unavailable

Abutter 2 – 1 Polaris Circle, Wellesley 02481

Arshad Siddiqui  
Farzana Masood  
Phone unavailable  
Email unavailable

Abutter 3 – 3 Polaris Circle, Wellesley 02481

Rana PS Chaudhuri

Rimi Chaudhuri

Phone unavailable

Email unavailable

Please contact me, or Bill Keaton (508) 948-8042, if you have any questions or need additional information.

Regards,

Mashhour Moukaddem

Whittenton Management, LLC

200 Lexington Street

Weston, MA 02493

(508) 333-1058

Cc: Mark A. Kablack, Esq.

Bill Keaton



## ASSIGNMENT OF PERMITS, PLANS AND APPROVALS

THIS IS AN ASSIGNMENT dated as of APRIL 28, 2016, by 250 Cedar Street Realty, LLC, a Massachusetts limited liability company with offices at 250 Cedar Street, Needham, MA (the "Assignor") to Whittenton Management, LLC, a Massachusetts limited liability company, with offices at 823 Newton Street, Chestnut Hill, MA, its successors and assigns ("Assignee").

### BACKGROUND

A. Assignor and Assignee, entered into a Purchase and Sale Agreement dated April 8, 2016 (the "Agreement") whereby Assignor agreed to sell to Assignee certain property, with the improvements thereon, known as Lots 13A and 13B Homsy Lane, Needham, MA, as described in Book 33375, Page 517 and Book 33327, Page 41, recorded with the Norfolk Registry of Deeds, together with all of Assignor's right, title and interest in and to the permits and approvals, and other agreements, for the construction of residential houses on said lots, and the improvements to the roadway and infrastructure of Homsy Lane (collectively, the "Property").

B. Assignor is the recipient of definitive subdivision approval from the Needham Planning Board, pursuant to an Amended Certificate of Action No. 6, recorded with said Registry at Book 33261, Page 230, as reflected on Plans recorded in Plan Book 639, Page 64-68, together with all other permits and approvals from local, regional, state and federal governmental authorities, quasi-governmental authorities, utility companies and such other entities for the development of the Property into single family homes with supporting subdivision infrastructure (collectively, the "Permits and Approvals").

C. Assignor has certain rights and obligations pursuant to various easements, covenants and agreements for the development of the residential lots, together with improvements to Homsy Lane, including but not limited to agreements with the Cedar Street Sewer Association (collectively, the "Agreements").

NOW, THEREFORE, in consideration of the terms and conditions contained in the Agreement, and intending to be legally bound, the parties hereby agree as follows:

### TERMS

1. In connection with the closing on the Property, Assignee will compensate Assignor in the amount of \$7,000, reflecting the amount of the cash surety, posted with the Town of Needham, as reflected in the letter from the Town of Needham, dated July 22, 2015.

2. Assignor hereby assigns, transfers and conveys unto Assignee any and all of Assignor's right, title and interest in and to the Permits and Approvals and Agreements, including Assignor's rights in the redemption of a cash surety posted with the Town of Needham, in the amount of \$7,000, for off-street drainage.

3. Assignor represents and warrants to Assignee that full and accurate copies of all the permits and approvals have been provided to Assignee, and Assignor agrees to cooperate with Assignor on providing any and all evidence to the permitting and approval authorities that this Assignment is in full force and effect.

3. Assignor represents and warrants to Assignee that (a) the Plans being assigned hereby are free and clear of any and all liens or claims by Engineer, (b) Assignee has received copies of all of the Plans, and (c) Assignee shall have the right to use the Plans.

4. Assignor shall execute and deliver such further and additional instruments, agreements and other documents as may be necessary to evidence or carry out the provisions of this Assignment at the request of Assignee and at no expense to Assignor.

IN WITNESS WHEREOF, and intending to be legally bound, the undersigned has executed this Assignment as of the date first above written.

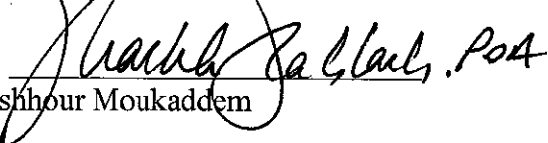
ASSIGNOR:

250 CEDAR STREET REALTY LLC

By:  POA  
Dennis Paul, Manager

ASSIGNEE:

WHITTENTON MANAGEMENT LLC

By:  POA  
Mashhour Moukaddem



## 250 CEDAR STREET AGREEMENT

AGREEMENT made this 29<sup>th</sup> day of June, 2015 by and between the TOWN OF NEEDHAM, a municipal corporation located in Norfolk County, Massachusetts, acting through its Planning Board (hereinafter referred to as the "TOWN") and 250 CEDAR STREET REALTY, LLC, DENNIS PAUL, MANAGER, a Massachusetts corporation with a principal place of business at 250 Cedar Street, Needham, Massachusetts, (hereinafter referred to as the "OWNER").

WHEREAS, the Owner is the owner of record of Lots 13A and 13B as shown on a certain plan of land in said Needham, the plan being entitled: Subdivision Plan consisting of 5 sheets, prepared by Field Resources, Inc., 281 Chestnut St., Needham, MA, Sheet 1, Cover Sheet, entitled, "Subdivision Name, Definitive Subdivision Plan," dated March 28, 2014, revised June 5, 2015; Sheet 2, Sheet 1 of 2, "Plan of Land," dated March 26, 2014, revised June 5, 2015; Sheet 3, Sheet 2 of 2, "Topographic Plan of Land," dated March 26, 2014, revised June 5, 2015; Sheet 4, Sheet 1 of 2, "Plan of Land," dated March 26, 2014; and Sheet 5, Sheet 2 of 2, "Topographic Plan of Land," dated March 26, 2014; which Plan Sheet 2 has been recorded with the Norfolk County Registry of Deeds in Plan Book 639, Page 65 and which Plan Sheet 4 has been recorded with the Norfolk County Registry of Deeds in Plan Book 639, Page 67.

and

WHEREAS, the Owner has furnished to the Town, as part of the consideration of this Agreement, and in accordance with the provisions of subsection (1) of Section 81-U of Chapter 41 of the Massachusetts General Laws, to secure faithful performance of the work required within the time limit specified by virtue of the Definitive Subdivision Decision by the Needham Planning Board dated November 18, 2014 of the 250 Cedar Street Subdivision recorded with the Norfolk County Registry of Deeds in Book 33261, Page 230 (hereinafter referred to as the "Decision"), and in accordance with the provisions of Condition #11 of the Decision to secure off-street drainage surety during the construction of the subdivision, a surety bond in the total combined amount of \$ 7,000.00 is provided.

NOW THEREFORE, said Owner and their successors and assigns covenant and agree as follows:

1. The Town will release **Lots 13A and 13B** from the conditions as to building and sale which were included in the Subdivision Covenant for the above-referenced Subdivision.
2. The provisions of the Decision, in which the Planning Board approved the subdivision as shown on the Subdivision Plans, and any subsequent amendments remain in full force and effect until such time as the Owner provides satisfactory evidence to the Town that all stipulated requirements have been completed.
3. The Owner will, within a period of two years from the date of the endorsement by the Planning Board of the approved Definitive Plan, said period being the time specified by the Planning Board for the completion of said work in accordance with the provisions of Section 81-U, General Laws, Chapter 41, perform and complete all work required in accordance with the Subdivision Regulations and Procedural Rules of the Planning Board and to the satisfaction of the Director of Public Works of the Town of Needham with respect to these lots, excepting the work satisfactorily completed as of the date of this Agreement, but including the maintenance and repairs necessary to maintain the municipal services and streets in satisfactory condition until the release by the Town of the surety furnished by the Owner to guarantee the completion of the requirements of this Agreement.
4. That the aforementioned surety shall be held by the Town of Needham as security for the performance by the Owner of all required work and as authorized by Section 81-U of the General Laws, Chapter 41, and that upon

satisfactory completion by the Owner of all said requirements within the time specified, or within such further time as the Planning Board of said Town of Needham may permit, said surety shall be returned to the Owner by the Town; however, upon breach of any terms or conditions of this Agreement, or upon failure of said Owner to perform within the time specified or within such further time as the Planning Board shall permit, the Town of Needham shall have the right to apply said surety for the benefit of the Town to the extent necessary to compensate the Town for the reasonable cost to the Town of completing such unfinished work and legal fees incurred by the Town in the enforcement of this Agreement.

5. Furthermore, the Town of Needham shall have the right to reestablish the amount of said surety as a condition of extending the completion date beyond the date specified herein or within such further time and date as the Owner may request, and the Planning Board of said Town of Needham may permit, as security for the performance by the Owner of said requirements as herein authorized and selected by the Owner, including the maintenance and repairs necessary to maintain the municipal services and streets within that portion of Cedar Street and Homsy Lane as shown on said plans and described herein in satisfactory condition and any increased costs resulting from the Owner's failure to complete said requirements within the time specified herein or within such further time as the Planning Board of said Town of Needham may permit, said reestablished surety to be determined by the Director of Public Works and estimated on the reasonable cost to complete such unfinished work and after such determination shall be construed as if said increased amount were originally set forth herein.

EXECUTED AS A SEALED INSTRUMENT on the day and year first above written.

OWNER

By: [Signature]  
Name: Dennis Paul, Manager  
250 Cedar Street Realty, LLC

PLANNING BOARD  
TOWN OF NEEDHAM

[Signature]  
[Signature]  
[Signature]  
[Signature]

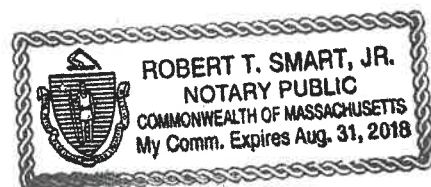
COMMONWEALTH OF MASSACHUSETTS

Norfolk ss

June 29, 2015

On this 29<sup>th</sup> day of June, 2015, before me, the undersigned notary public, personally appeared Dennis Paul, proved to me through satisfactory evidence of identification, which was my personal knowledge of his identity, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Manager of 250 Cedar Street Realty, LLC.

[Signature]  
Robert T. Smart, Jr.  
My Commission Expires:





COMMONWEALTH OF MASSACHUSETTS

Norfolk ss

July 21, 2015

On this 21 day of ~~June~~ <sup>July</sup>, 2015, before me, the undersigned notary public, personally appeared Jeanne McKnight, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.

Alexandra Oll  
Notary Public

My Commission Expires: March 18, 2022

Approved as to form:

David Tobin

David Tobin  
Town Counsel



# Needham Public Health Division

Prevent. Promote. Protect.



## MEMO

**To:** Lee Newman, Planning Board  
Alex Clee, Planning Board  
**From:** Tara Gurge, Public Health Division  
**Date:** May 13, 2024  
**Subject:** Surety – Cedar Street/Homsy Lane Subdivision- Release of Off-Street Drainage Bond for Lots 13A and 13B (#5 & #11 Homsy Lane)

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The Public Health Division received a request from the developer to release the performance off-street drainage bonds for the definitive subdivision lots noted above. We understand that the Town is currently holding \$3,500.00 per lot, for a total of \$7,000.00.

At our recent Board of Health meeting that was conducted on Friday, May 10, 2024, the Board voted to release the off-street drainage bonds for the following lots noted below.

Lots for Bond Release Cedar St./Homsy Lane Subdivision –

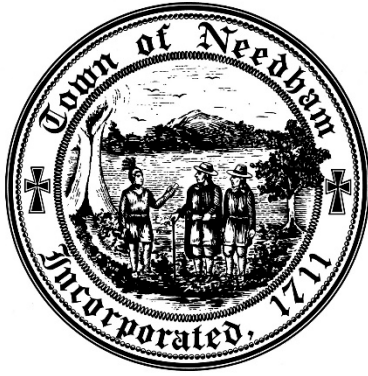
- Lot 13A (#5 Homsy Lane);
- Lot 13B (#11 Homsy Lane).

This is a total off-street drainage bond release amount of \$7,000.00.

Please contact me, at the Public Health Division, if you have any questions or need any additional information from us on that decision.

cc: Mr. Mashhour Moukaddem, Whittenton Management, LLC  
Mr. Bill Keaton, Advance Building Components  
Mr. Timothy McDonald, Health and Human Services Department





# **Town of Needham**

## **Planning Board Code of Conduct**

### **Adopted: Month, Day, 2024**

In its role as a planning body for the Town of Needham, the Planning Board establishes the following Code of Conduct. This self-enforcing set of guidelines is designed to supplement all relevant state laws and regulations governing the conduct of public bodies and elected officials, to include (but not limited to) the Open Meeting Law ([G.L. c.30A, §§18-25](#)), the Public Records Law ([G.L. c.66](#)), the Campaign Finance Law ([G.L. c.55](#)), and the Conflict of Interest Law ([G.L. c.268A](#)). Members are expected to familiarize themselves with and adhere to both the above listed laws and other relevant statutes. The purpose of this Code of Conduct is to set forth the Board's expectations of member conduct and responsibilities, as well as to maintain public trust in the Planning Board and Town government.

#### **1. General**

1.1 Planning Board members will act honestly, conscientiously, reasonably, and in good faith at all times having regard to their responsibilities, the interests of the Town, and the welfare of its residents.

1.2 Planning Board members will conduct themselves in a manner that cultivates an environment of dignity and mutual respect, in which every person feels welcomed, safe, and valued.

1.3 All members of the Planning Board will fully comply with all applicable Town personnel policies, to include (but not limited to) Policies #202 ([Sexual Harassment](#)), #205 ([Harassment of Individuals in Protected Classes](#)), and #426 ([Workplace Violence Policy](#)).

#### **2. Preparation for Meetings**

2.1 All members of the Planning Board will arrive for meetings having prepared themselves for discussion on any and all items scheduled to be discussed on the agenda.

2.2 Pursuant to the Open Meeting Law, members will limit discussion of agenda items and matters within the Planning Board's jurisdiction outside of posted public meetings. This includes, for example, refraining from discussion of agenda topics and matters within the Planning Board's jurisdiction with more than one other member outside of a public

Date

meeting. This includes discourse and deliberation on such topics in person, via email, using messaging tools, or posting on social media.

2.3 In preparation for public meetings, members will refrain from taking public stances on pending agenda items and are encouraged to enter each meeting open-minded, ready to hear new information.

2.4 Members will notify the Chair and Office of the Planning Board as soon as possible if they are unable to attend a scheduled meeting or require remote participation, if permitted by Planning Board Member Remote Participation in Public Meetings Policy ([SB-ADMIN-008](#)), Office of the Attorney General regulations governing remote participation in public meetings ([940 CMR 29.10](#)), the Open Meeting Law ([G.L. c.30A, §§18-25](#)), and any other applicable regulation or law governing remote participation.

### **3. Conduct at Meetings**

3.1 The Planning Board seeks to be a deliberative body in which various opinions may be shared in an environment of dignity and respect. The Board understands that there is space for disagreement amongst its members, but that dissent and debate will take place in a civil manner with a focus on policy over personality.

3.2 Board members will refrain from comments on the individual personality or character of a fellow Board member, other Town elected or appointed official, and Town staff.

3.3 Members will not use messaging apps or other media to communicate with each other in private during Planning Board meetings.

3.4 In accordance with the purpose of [G.L. c.30A, §22\(f\)](#), following all Executive Sessions, members will keep the contents of discussions privileged and confidential unless and until the minutes of said session are released to the public.

3.5 Further, in accordance with [G.L. c.268A, §23\(c\)\(1\) and \(2\)](#), members will refrain from disclosing confidential information gained by reason of their official position or duties.

3.6 The Chair or individual Board members are expected to immediately address conduct or language by invited participants and members of the public who are disrespectful, demeaning, inappropriate, or otherwise in violation of community standards.



3.7 The Board affirms that its members will act in good faith to share all relevant information they may have to contribute to a discussion and will disclose to other members and the public any conflicts of interest, either actual or perceived, in matters before the Board.

3.8 In response to a self-identified determined or perceived conflict of interest by a Board member, it is incumbent upon said Board member to seek advice from the State Ethics Commission and/or Town Counsel before participating in the particular matter. Further, a Board member is always welcome to obtain a written opinion from the State Ethics Commission and/or Town Counsel before participating in a matter when they believe a written opinion would be beneficial to their potential participation in the matter.

3.9 Should a Board member believe a colleague may be in jeopardy of violating State Ethics Law, they should inform that member before the Board discusses the agenda item in question as both a courtesy and opportunity for education.

3.10 Should a Board member believe that a colleague has violated this Code of Conduct, they may request that the Chair place an item on a Planning Board agenda so that the Board may discuss the member's concern and take any actions deemed necessary.

#### **4. Conduct Outside of Meetings**

4.1 Members of the Planning Board are always permitted to voice their opinions on issues at hand in their capacity as a private citizen or candidate for office. In these capacities, members may participate in partisan political events, take positions on candidates for office or ballot measure, and other related actions, but must exercise care to ensure that they are speaking on behalf of themselves in their private capacity, and not as a member or representative of the Planning Board. Members are encouraged to seek advice from Town Counsel or the State Ethics Commission if they have questions.

4.2 When acting in their capacity as members of the Planning Board, members should speak on behalf of the Board's decisions and actions, even when their personal position was not in the majority opinion. If a member is attending an event as a private citizen, members of the public still may address them in their official capacity – in this circumstance, members should take care to represent the Board in their official capacity.

4.3 At times, the Planning Board may be asked to attend community events. The Planning Board Chair will designate a member (or members) to attend. Some of these events may involve a cost to the attending member(s). The member's annual stipend is expected to cover the cost of such events. In other cases, members may attend events for which they are offered free admission to events in exchange for providing a service

(e.g. moderating a panel or acting as master of ceremonies). Without limiting the foregoing expectations, members should consult Town Counsel or the State Ethics Commission before accepting payment for, or waiver of, fees for admission to an event from outside persons or organizations.

4.4 When the Board as a body is asked questions by the public (through email, mail, or other means), the Chair will either respond directly or designate a Board member to respond. If the question is related to the operations of Town government, the Chair may ask the Director of Planning and Community Development to respond on behalf of the Board.

## **5. Policymaking versus Administration of Policy**

5.1 The Planning Board is a policymaking body. The Director of Planning and Community Development oversees administration of the Planning and Community Development department. Members will generally direct questions or concerns relative to department administration and operations to the Director of Planning and Community Development.

## **6. Use of Town Counsel**

6.1 Members of the Planning Board will engage with Town Counsel to resolve any questions they may have relating to potential or perceived conflicts of interest, and regarding rules and requirements of the Board as a public body subject to relevant state law.

## **7. Public Records**

7.1 Members will archive and provide upon request any documents, texts, emails, or other communications contained or stored by the member on their premises, private devices, or private accounts that constitute public records in accordance with relevant law and regulation, to include (but not limited to) the Public Records Law ([G.L. c.66](#)); Statutes ([G.L. c.4](#)); and Office of the Secretary of the Commonwealth regulations governing public records access ([950 CMR 32](#)) .

7.2 Members shall not delete such documents, texts, emails, or other communications, whether stored on Town-issued or private email systems or devices, unless it is in accordance with the [Municipal Records Retention Schedule](#).

## **8. Trainings and Acknowledgements**

8.1 All members are required to complete the initial and bi-annual Conflict of Interest Law education requirements as mandated by the State Ethics Commission. Members are encouraged to take advantage of the confidential phone advice provided by the State

Date

Ethics Commission (617-371-9500) and to periodically review "The Summary of the Conflict of Interest Law for Municipal Employees" and "The Municipal Officials Guide to Avoiding Conflicts of Interest" to be cognizant of any potential ethical issue.

8.2 All new members are required to complete the Certificate of Receipt of Open Meeting Law materials as required by the Office of the Attorney General.

**AGREED TO BY:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

**Member, Needham Planning Board**



## FOR PB USE ONLY

### NEEDHAM ZONING BOARD OF APPEALS AGENDA

Thursday, June 20, 2024 - 7:30PM

|                                                                                                                                  |                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Charles River Room</b><br><b>Public Services Administration Bldg.</b><br><b>500 Dedham Avenue</b><br><b>Needham, MA 02492</b> | <b>Also livestreamed on Zoom</b><br><b>Meeting ID: 869-6475-7241</b><br><b>To join the meeting click this link:</b><br><a href="https://us02web.zoom.us/j/86964757241">https://us02web.zoom.us/j/86964757241</a> |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- 1. Minutes**      Review and approve Minutes from the May 16, 2024 meeting.
- 2. 7:30 PM – 37 Moseley Avenue (Continued from May 16, 2024)**  
Saybrook Construction, LLC, applied for a Variance pursuant to Sections 7.5.3, and MGL40A, Section 10, from the following provisions of Section 4.2.3 and any other applicable sections of the By-Law to permit the demolition of a deteriorated single family residential dwelling with detached garage and shed and to allow the construction of a new single-family residential dwelling with a side setback of 13.8 feet where 25 feet are required and a front yard setback of 20 feet where 30 feet are required. The lot contains 35,726 square feet, less than the required 43,560 square feet. The property is located at 37 Moseley Avenue, Needham, MA in the Single Residence A (SRA) Zoning District.
- 3. 7:45 PM - 45 Fourth Avenue**  
Boston Swim School, LLC, (d/b/a Goldfish Swim School) applied for a Special Permit Amendment under Sections 3.2.4.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit a private school to adjust hours of operation, increase limit on number of students to 50, increase limit on number of staff to 28, and allow “family swims” and birthday parties as a form of open swim without direct instruction or class, accessory to the main use; and amend the existing Special Permit pursuant to waiving strict adherence to the number of required parking and the parking plan and design requirements. The property is located at 45 Fourth Avenue, Needham, MA in the New England Business Center (NEBC) Zoning District.
- 4. 8:00 PM – 315 Chestnut Street**  
Adam Dangelo, applied for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit use of the second floor space for a private school tutoring children in the third to eighth grades, to permit for more than one

**Next ZBA Meeting – Thursday, June 18, 2024**  
Charles River Room, PSAB, 500 Dedham Ave, Needham

non-residential use on a lot and waiving strict adherence to the number of required parking and the parking plan and design requirements. The property is located at 315 Chestnut Street, Needham, MA in the Chestnut Street Business (CSB) Zoning District.

**5. 8:15 PM – 1257 Highland Avenue**

Needbobcon, Inc, applied for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2., 5.1.3 and any other applicable sections of the By-Law to permit for a restaurant serving meals for consumption on the premises and at tables with service provided by wait staff; to permit a take-out operation accessory to a restaurant; to permit for more than one non-residential use on a lot; and waiving strict adherence to the number of required parking and the parking plan and design requirements. The relief sought is associated with redevelopment of the premises for the location of Conrad's a full-service "casual dining" restaurant. The property is located at 1257 Highland Avenue, Needham, MA in the Business (B) Zoning District.

**Next ZBA Meeting – Thursday, June 18, 2024**

Charles River Room, PSAB, 500 Dedham Ave, Needham

**GEORGE GIUNTA, JR.**  
ATTORNEY AT LAW\*  
281 CHESTNUT STREET  
NEEDHAM, MASSACHUSETTS 02492  
\*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

May 24, 2024

Town of Needham  
Zoning Board of Appeals  
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Boston Swim School, LLC  
d/b/a Goldfish Swim School  
45 Fourth Avenue, Needham, MA

Dear Mrs. Collins,

Please be advised this office represents Boston Swim School, LLC (hereinafter, interchangeably, the "Applicant" and "Boston Swim") with respect to its swim school at the property known and numbered 45 Fourth Avenue, Needham, MA (hereinafter the "Premises"). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of site plan;
3. Seven copies of Memorandum in Support of Application for Amendment;
4. Seven copies of authorization letter from property owner; and
4. Check in the amount of \$200 for the applicable filing fee.

The Premises is situated in the New England Business Center Zoning District and has been used and occupied by the Applicant since approximately 2014 for swim school purposes, as a Goldfish Swim School. The Applicant was previously issued special permits for such use pursuant to Decision of the Board of Appeals dated September 18, 2014, filed with the Town Clerk on October 7, 2014, as affected by Amendment dated October 16, 2014, filed with the Town Clerk on November 3, 2014 (said Decision and Amendment hereinafter referred to together as the "Decision"). The Decision imposed a number of different conditions and restrictions on the use, including, inter alia, the hours of operation, the number of students in the pool at any given time, the number of staff on site at any given time, and the form of swim allowed.



During a regular inspection by the Board of Health in February 2024, it appeared that several aspects of the current operation were inconsistent with the conditions and limitations contained in the Decision. After investigation and analysis, several aspects of the use were identified that would require clarification or modification of the Decision, including the hours of operation, the number of students in the pool, the number of staff, and the inclusion of forms of open swim on weekends.

Because the issues requiring review included the number of students and the number of staff on site at any given time, it was determined that a parking study would be a necessary step prior to seeking any further review. That study was performed by MDM Transportation Consultants, Inc. and is provided herewith. As set forth in detail in the Memorandum provided herewith, that study determined that there is adequate parking on site and in the vicinity of the Premises to support the use, as it is actually conducted at present.

As a result, Boston Swim is hereby requesting to clarify, modify and amend the Decision to reflect the use as currently operating, by (1) adjusting the allowed hours of operation to run 7:00 AM to 8:30 PM, seven days a week<sup>1</sup>, (2) increasing the allowed number of students in the pool at any given time from 30 to 50, (3) increasing the allowed number of staff on site at any one time from 12 to 28, and (4) allowing “family swims” and birthday parties as allowed forms of “open swim”, accessory to the main use of swim instruction. In connection therewith, amendment of both the existing use related special permit and the existing parking waiver special permit are required.

Kindly schedule this matter for the next hearing of the Board of Appeals. If you have any comments, questions or concerns, or if you require any further information in the meantime, please contact me so that I may be of assistance.

Sincerely,



George Giunta, Jr.

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<sup>1</sup> The hours of operation vary from day to day, and are subject to change, with only Thursday currently starting as early as 7:15 AM and ending as late as 8:15 PM. Current hours of operation are: Monday 12:00 – 7:30 PM, Tuesday 9:00 AM – 7:30 PM, Wednesday, 12:00 PM – 7:30 PM, Thursday, 7:15 AM – 8:15 PM, Friday, 10 AM – 6:00 PM, Saturday, 8:30 AM – 5:30 PM, and Sunday, 8:30 AM – 4:00 PM.



# ZBA Application For Hearing

**Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.**

## Applicant Information

|                                                                                                                                                                              |                                          |       |                                |       |         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------|--------------------------------|-------|---------|
| Applicant Name                                                                                                                                                               | Boston Swim School, LLC                  |       |                                | Date: | 5/24/24 |
| Applicant Address                                                                                                                                                            | 747 Puritan Avenue, Birmingham, MI 48009 |       |                                |       |         |
| Phone                                                                                                                                                                        | 248-226-1842                             | email | Peter.J.Kepic@colliers.com     |       |         |
| Applicant is <input type="checkbox"/> Owner; <input checked="" type="checkbox"/> Tenant; <input type="checkbox"/> Purchaser; <input type="checkbox"/> Other_____             |                                          |       |                                |       |         |
| If not the owner, a letter from the owner certifying authorization to apply must be included                                                                                 |                                          |       |                                |       |         |
| Representative Name                                                                                                                                                          | George Giunta, Jr., Esq.                 |       |                                |       |         |
| Address                                                                                                                                                                      | 281 Chestnut Street, Needham, MA 02492   |       |                                |       |         |
| Phone                                                                                                                                                                        | 617-840-3570                             | email | george.giuntajr@needhamlaw.net |       |         |
| Representative is <input checked="" type="checkbox"/> Attorney; <input type="checkbox"/> Contractor; <input type="checkbox"/> Architect; <input type="checkbox"/> Other_____ |                                          |       |                                |       |         |
| Contact <input type="checkbox"/> Me <input checked="" type="checkbox"/> Representative in connection with this application.                                                  |                                          |       |                                |       |         |

## Subject Property Information

|                                                                                                                                                                                                                                                                                      |                     |                  |                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------|-----------------------------------|
| Property Address                                                                                                                                                                                                                                                                     | 45 4th Avenue       |                  |                                   |
| Map/Parcel Number                                                                                                                                                                                                                                                                    | Map 300 / Parcel 20 | Zone of Property | New England Business Center (NBC) |
| Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                |                     |                  |                                   |
| Is property <input type="checkbox"/> Residential or <input checked="" type="checkbox"/> Commercial                                                                                                                                                                                   |                     |                  |                                   |
| If residential renovation, will renovation constitute "new construction"?<br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                |                     |                  |                                   |
| If commercial, does the number of parking spaces meet the By-Law requirement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                    |                     |                  |                                   |
| Do the spaces meet design requirements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                          |                     |                  |                                   |
| Application Type ( <i>select one</i> ): <input checked="" type="checkbox"/> Special Permit <input type="checkbox"/> Variance <input type="checkbox"/> Comprehensive Permit <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Appeal Building Inspector Decision |                     |                  |                                   |



# ZBA Application For Hearing

## Existing Conditions:

One story commerical building currently used and occupied by applicant for purposes of a swim school pursuant to special permits previously issued by the Zoning Board of Appeals.

## Statement of Relief Sought:

1. Amend existing special permit pursuant to Section 3.2.4.2 for a private school, to adjust hours of operation, increase limit on number of students to 50, increase limit on number of staff to 28, and allow "family swims" and birthday parties as a form of "open swim" without direct instruction or class, accessory to the main use;
2. Amend existing special permit pursuant to Section 5.1.1.5 to include a waiver of strict compliance with the requirements of Section 5.1.2 (Required Parking); and
3. Any and all other relief as may be necessary and appropriate for the continued operation of the Goldfish Swim School

## Applicable Section(s) of the Zoning By-Law:

3.2.4.2, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Section or By-Law.

## If application under Zoning Section 1.4 above, list non-conformities:

|                                                                              | Existing Conditions | Proposed Conditions |
|------------------------------------------------------------------------------|---------------------|---------------------|
| Use                                                                          |                     |                     |
| # Dwelling Units                                                             |                     |                     |
| Lot Area (square feet)                                                       |                     |                     |
| Front Setback (feet)                                                         |                     |                     |
| Rear Setback (feet)                                                          |                     |                     |
| Left Setback (feet)                                                          |                     |                     |
| Right Setback (feet)                                                         |                     |                     |
| Frontage (feet)                                                              |                     |                     |
| Lot Coverage (%)                                                             |                     |                     |
| FAR (Floor area divided by the lot area)                                     |                     |                     |
| Numbers must match those on the certified plot plan and supporting materials |                     |                     |





## ZBA Application For Hearing

Date Structure Constructed including additions:

Date Lot was created:

| Submission Materials                                                                                                                                                                                                          | Provided |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Certified Signed Plot Plan of Existing and Proposed Conditions<br><i>(Required)</i>                                                                                                                                           |          |
| Application Fee, check made payable to the Town of Needham<br>Check holders name, address, and phone number to appear on<br>check and in the Memo line state: "ZBA Fee – Address of Subject<br>Property"<br><i>(Required)</i> |          |
| If applicant is tenant, letter of authorization from owner <i>(Required)</i>                                                                                                                                                  |          |
| Electronic submission of the complete application with attachments<br><i>(Required)</i>                                                                                                                                       |          |
| Elevations of Proposed Conditions <i>(when necessary)</i>                                                                                                                                                                     |          |
| Floor Plans of Proposed Conditions <i>(when necessary)</i>                                                                                                                                                                    |          |

Feel free to attach any additional information relative to the application.  
Additional information may be requested by the Board at any time during the  
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have  
reviewed the Board Rules and instructions.

I certify that I consulted generally with the Building Commissioner and  
subsequently provided detailed information on May 20, 2024.

Date: 5/24/24 Applicant Signature George Giunta Jr  
George Giunta, Jr.  
Attorney for Boston Swim School, LLC

*An application must be submitted to the Town Clerk's Office at  
[townclerk@needhamma.gov](mailto:townclerk@needhamma.gov) and the ZBA Office at [dcollins@needhamma.gov](mailto:dcollins@needhamma.gov)*

IC 45 Fourth Ave, LLC  
180 Wells Avenue, Suite 100  
Newton, MA 02459

May 16, 2024

Town of Needham  
Zoning Board of Appeals  
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: 45 Fourth Avenue  
Boston Swim School LLC d/b/a Goldfish Swim School  
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that IC 45 Fourth Ave, LLC, owner of the property known and numbered 45 Fourth Avenue, Needham, MA (the "Premises"), has authorized Boston Swim School, LLC, tenant, through its attorney George Giunta, Jr., Esquire, to make application for a special permit amendment and any and all other zoning, planning, general by-law and other relief that may be required to accommodate tenant's desire to modify the hours, activities and enrollment from those set forth in the original Special Permit, as previously amended. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Hearing.

IC 45 Fourth Ave, LLC  
By its Manager,  
Intrum Corp



Randy Goldberg, President

TO: THE MEMBERS OF THE BOARD OF APPEALS  
TOWN OF NEEDHAM, MA

May 24, 2024

MEMORANDUM IN SUPPORT OF  
APPLICATION FOR AMENDMENT  
Boston Swim School, LLC  
45 Fourth Avenue, Needham, MA

The applicant, Boston Swim School, LLC (hereinafter, interchangeably, the “Applicant” and “Boston Swim”), seeks amendment and modification of Special Permits issued pursuant to Section 3.2.4.2, for a private school specializing in individual and group swim instruction and, pursuant to Section 5.1.1.5, waiving strict adherence with off-street parking requirements, as well as any and all other relief as may be necessary and appropriate for the continued use of the property known and numbered 45 Fourth Avenue, Needham, MA (the “Premises”) as a Goldfish Swim School, as described herein.

**I. EXISTING CONDITIONS / BACKGROUND**

The Premises is located in the New England Business Center Zoning District and consists of a 13,138 square foot, one-story commercial building on a 45,041 square foot lot with 150 feet of frontage on Fourth Avenue. Since approximately 2014, the building has been used and occupied by Boston Swim School, LLC d/b/a Goldfish Swim School for purposes of a private school specializing in individual and group swim instruction. Such use was authorized pursuant to Decision of the Board of Appeals dated September 18, 2014, filed with the Town Clerk on October 7, 2014, as affected by Amendment dated October 16, 2014, filed with the Town Clerk on November 3, 2014 (said Decision and Amendment provided herewith and hereinafter referred to together as the “Decision”). The Decision imposed a number of different conditions and restrictions on the use, including, inter alia, the hours of operation, the number of students in the pool at any given time, the number of staff on site at any given time, and the form of swim allowed. The Decision also included a waiver from the off-street parking requirements, relating to the lack of compliance with applicable design guidelines.

During a regular inspection by the Board of Health in February 2024, it was discovered that several aspects of the current operation appeared to be inconsistent with the conditions and limitations contained in the Decision. After investigation and analysis, several aspects of the use were identified that did require clarification or modification of the Decision, including the hours



of operation, the number of students in the pool, the number of staff, and the inclusion of forms of open swim on weekends.

Because the issues requiring review included the number of students and the number of staff on site at any given time, it was determined that a parking study would be a necessary step prior to seeking any further review. That study was performed by MDM Transportation Consultants, Inc. (hereinafter “MDM”) and is provided herewith. As set forth in detail below, that study determined that there is adequate parking on site and in the vicinity of the Premises to support the use, as it is conducted at present.

## **II. PROPOSED AMENDMENT / MODIFICATION**

### **A. Use**

The Applicant is proposing to modify and amend several aspects of the Decision relative to the use of the Premises, but is not proposing any changes or alterations to the interior, exterior or site. First, while the current hours of operation are largely within the hours authorized in the Decision, the facility opens thirty minutes earlier on Sundays. As a result, and to take into account possible future adjustment to times of operation, Boston Swim is requesting to be allowed to operate 7:00 AM to 8:30 PM, seven days a week<sup>1</sup>. Second, Boston Swim is requesting to increase the maximum number of students in the pool at any one time, from 30 to 50, and to increase the maximum number of staff allowed on site at any one time from 12 to 28.

Third, Boston Swim is requesting clarification that it is permitted to operate two forms of “open swim” as accessory to the principal instructional use: “family swim” and birthday parties. These are considered “open swim” sessions as they lack direct or structured instruction and are open to non-members. However, staff are present and involved. Therefore, instruction is often provided, albeit more on an “ad-hoc” basis, without formal structure. The “family swim” sessions primarily provide an opportunity for enrolled students to practice their swimming with family involvement. However, they also act as a way for the swim school to obtain new members

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<sup>1</sup> The hours of operation vary from day to day, and are subject to change, with only Thursday currently starting as early as 7:15 AM and ending as late as 8:15 PM. Current hours of operation are: Monday 12:00 – 7:30 PM, Tuesday 9:00 AM – 7:30 PM, Wednesday, 12:00 PM – 7:30 PM, Thursday, 7:15 AM – 8:15 PM, Friday, 10 AM – 6:00 PM, Saturday, 8:30 AM – 5:30 PM, and Sunday, 8:30 AM – 4:00 PM.

and to evaluate the swimming level and ability of prospective students.<sup>2</sup> Family swim is currently only offered three days each week: Tuesday, Thursday and Sunday, for a period of one hour each day. Birthday parties, which can only be booked by members, are only offered Saturday afternoons, from 3:30 PM to 5:30 PM, with a maximum of 24 children. The parties serve both as an incentive to membership and as a way to obtain new members. Neither the family swim nor the birthday parties are a part of the main use, but rather, support and function as accessories to the main instructional use.

### **B. Parking**

There are currently 53 parking spaces on site and Boston Swim is not proposing to make any alterations or changes to the existing parking. Pursuant to the Decision, the Board determined that the parking demand applicable to the use as then proposed was 51 spaces, based on a determination of the Building Inspector. That determination was established by requiring one space for each student and each staff at peak operation, and then doubling the student count to take into account possible overlap in student. At the time, it was estimated that there would be a maximum of 20 students and 6 instructors, plus an additional 5 lifeguards and administrative staff. As a result, it was estimated there would be a maximum of 31 people on site at any given time, and doubling the 20 students resulted in a total count of 51. If this method were applied to the current request, the total parking demand would be 128, calculated as follows: 50 students x 2 = 100 spaces, plus 28 staff = 128.

While this approach attempts to account for overlap of students, it fails to account for carpooling by staff and students, use of alternative transportation by staff, or multi-child households.<sup>3</sup> As a result, it is not objectively accurate. Pursuant to the By-Law, there are two possible alternative established parking demand categories that might apply:

---

<sup>2</sup> While open to the public, primarily as a means to gain new members, the overwhelming majority of children participating in “family swim” are members. In addition, members of the public are only admitted on a session by session basis and must pre-register.

<sup>3</sup> Boston Swim has a robust program for staff to utilize alternative methods of transportation that do not require use of parking spaces.

1. "Colleges, vocational and high schools excluding boarding and office facilities which shall be computed separately in accordance with this section", requiring parking for one-half of the design or executed enrollment.<sup>4</sup> Under such standard, assuming maximum enrollment (i.e., 50 students), the calculated parking demand would be 25 parking spaces, which objectively seems to be a bit low.

2. "Indoor Athletic or Exercise Facility or Personal Fitness Service Establishment", requiring One space for each 150 square feet or fraction thereof of gross floor area and one space for each three employees to be employed or anticipated to be employed on the largest shift. Notwithstanding the above, in circumstances where facility size is known and occupancy and parking demand will be controlled by the method of operation, the Planning Board may reduce the number of parking spaces required for a personal fitness service establishment to one parking space per employee and visitor present on the site at any one time during the peak usage period. Under this standard, the parking demand would be either 98 or 78, depending on methodology.<sup>5</sup>

Whichever standard is applied, it does appear that there is insufficient parking on site to address applicable parking demand. However, there is on-street parking in vicinity of the Premises was provide a substantial amount of additional parking, and, as was determined by MDM this results in a total of 76 parking spaces available to support the use.

More importantly, as outlined in the report provided by MDM, based on multiple observations, the peak parking demand was 67 spaces. This was still less than the 76 available parking spaces and was only observed during the weekend morning period. As a result, whichever method is used to establish calculated parking demand, it appears that there is adequate parking available to support the revised number of students and staff.

### **III. CONCLUSION**

The Premises has been used since approximately 2014 as a swim school without incident or issue. While the enrollment and corresponding number of staff have grown, and while limited open swims have been offered as an accessory and adjunct to the principal instructional use, none have resulted in any problems, either from an operational perspective or with respect to parking. As result, Boston Swim asserts that revising the Decision to accurately reflect current

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<sup>4</sup> This standard has been used in connection with other similar activities, most recently including the Charles River Ballet Academy at 1154 Great Plain Avenue.



hours of operation, enrollment, staff and operations is proper and appropriate. Moreover, based on the MDM parking study, there is ample parking available to support the current level of enrollment and staff, and therefore good and sufficient reasons for amending and extending the parking waiver. As a result, Boston Swim asserts that the requested amendments and modifications to the Decision are both proper and appropriate and should be granted

Respectfully submitted,  
Boston Swim School, LLC  
by its attorney,

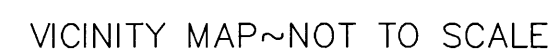


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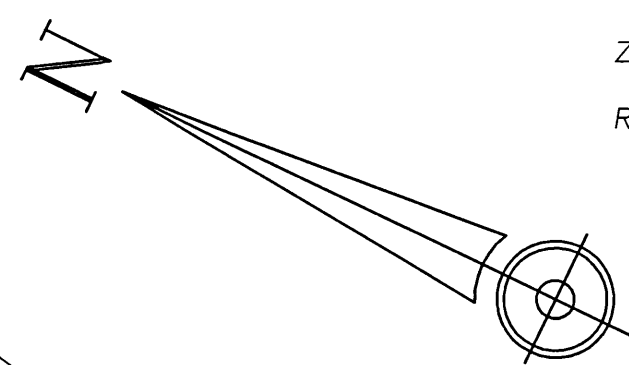
George Giunta, Jr., Esquire  
281 Chestnut Street  
Needham, Massachusetts 02492  
781-449-4520  
617-840-3570

---

<sup>5</sup> If based on square footage:  $13,138 \text{ square feet of space} \div 150 = 87.58 = 88 \text{ spaces}$ , and  $28 \text{ staff} \div 3 = 9.33 = 10 \text{ spaces}$ ;  $88 + 10 = 98 \text{ total spaces required}$ . If based on employees + visitors:  $50 \text{ students} + 28 \text{ staff} = 78 \text{ total spaces required}$ .



SECOND (PUBLIC ~ 36' WIDE) AVENUE



ZONE CLASSIFICATION ~ NEBC ~ NEW ENGLAND BUSINESS CENTER

**REQUIRED**

EXISTING

COMPLIANCE

MINIMUM LOT AREA = 40,000 S.F.  
MINIMUM LOT FRONTAGE = 100'  
MINIMUM FRONT YARD SETBACK = 15'  
MINIMUM SIDE YARD SETBACK = 20'  
MINIMUM REAR YARD SETBACK = 20'  
MAXIMUM LOT COVERAGE = 65%  
MAXIMUM FLOOR AREA RATIO = 1.00  
MAXIMUM HEIGHT = 72'  
MINIMUM PARKING = 1/300 for Office/R&D

LOT AREA = 45,041 S.F.  
LOT FRONTAGE = 150.00'  
FRONT YARD SETBACK = 27.8'  
SIDE YARD SETBACK = 15'  
REAR YARD SETBACK = 115.3'  
LOT COVERAGE = 29%  
FLOOR AREA RATIO = 0.29  
HEIGHT = 1 STORY  
PARKING = 53 SPACES

LOT AREA = COMPLIANT  
LOT FRONTAGE = COMPLIANT  
FRONT YARD SETBACK = COMPLIANT  
SIDE YARD SETBACK = PREEXISTING NON-CONFORMING  
REAR YARD SETBACK = COMPLIANT  
LOT COVERAGE = COMPLIANT  
FLOOR AREA RATIO = COMPLIANT  
HEIGHT = COMPLIANT  
PARKING = COMPLIANT

EXHIBIT A

*A certain parcel of land with the buildings and other improvements thereon situated in Needham, in the County of Norfolk, Massachusetts, shown as Lot 7 on a plan drawn by Cheney Engineering Co., dated March 16, 1959, October 27, 1959 and July 19, 1962, as approved by the Lnad Court, filed in the Land Registration Office as Plan No. 29185A, a copy of a portion of which is filed in Norfolk Registry District with Certificate No. 72051, Sheet 2, Book 361.*

Together with the benefit of easements contained in a Deed dated October 3, 1969 from Vappi Development Company, Inc. to the Trustee of the Camille V. Sanders Real Estate Trust filed as Document No. 303308.

LEGEND

- Bollard
- Sign
- ☒ Catch Basin
  - Stone Bound/Concrete Bound
  - Drill Hole (dh)
- ⚡ Electric Hand Hold
- ☀ Metal Light Pole
- ⚙ Post Indicator Valve
- ⚓ Hydrant
- ⚙ Water Control Valve
- ⚙ Water Gate
- ⚙ Wood Utility Pole
- ⚙ Wood Utility Pole w/ Light
- Ⓢ Sewer Manhole
- ① Telephone Manhole
- Ⓢ Water Manhole
- Ⓢ Electric Manhole
- ① Drain Manhole
- ① Concrete Manhole
- Stockade or Rail Fence (Typ)
- Chain Link Fence (CLF)-Typ.

The property shown  
lies within ZONE X UNSHADED (area outside 0.2% annual chance floodplain)  
as shown on FLOOD INSURANCE RATE MAP  
for the TOWN OF NEEDHAM  
COMMUNITY 255215  
PANEL NUMBER 37E  
WITH EFFECTIVE DATE OF JULY 17, 2012

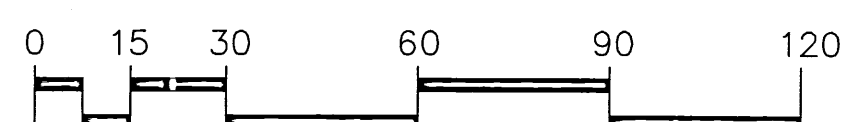
**PARKING SUMMARY:**

PARKING SUMMARY:  
53 PARKING SPACES  
3 BEING HANDICAPPED

### UNDERGROUND UTILITIES

— S — — D — — E —  
(Sewer, Drain, Electric, Gas, Water, Telephone, Cable Etc.)

 Handicap Parking



1 INCH = 30 FT.

N/F  
LOT 6  
33 FOURTH AVE  
PARCEL 199/300.0-0022  
IRWIN & SHELIA SHULKIN TRS.  
CRT. 143197

#45  
1 STORY BRICK  
BLDG. FOOTPRINT  
13,073 S.F.

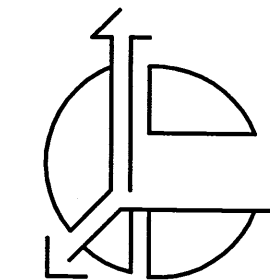
PROPOSED 65 SF ENTRY STRUCTURE.  
PROPOSED GLASS STOREFRONT  
AND CANOPY

N/F  
FOURTH AVE  
PARCEL 199/300.0-0070  
BLAKELEY, LINNELL ET AL, TS  
BOOK 283 PAGE 43

N/F  
189 B ST  
PARCEL 199/300.0-0018  
GENERAL DYNAMICS C4 SYSTEMS INC  
CRT. 164388

N/F  
53 FOURTH AVE  
PARCEL 199/300.0-0009  
DIV NEEDHAM 53, LLC  
CRT. 152581

R.E. Cameron & Associates, Inc.  
LAND SURVEYORS - CIVIL ENGINEERS  
681 WASHINGTON STREET  
NORWOOD, MA 02062  
(781) 769-1777 Fax (781) 769-8644



SCALE: 1"=30'      DATE: 8/13/14

DRAWN BY: SLS                      MATH: SLS26/2

JOB NUMBER: 4001      CHECKED BY: *Mr*

COUNTY: NORFOLK

TITLE:

27.2

**PROPOSED  
SITE PLAN  
NEW ENTRY STRUCTURE  
45 FOURTH AVENUE  
NEEDHAM, MASSACHUSETTS**

4001SP5B

[illegible]

|               |  |
|---------------|--|
| SHEET NUMBER: |  |
|---------------|--|

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4001

## MEMORANDUM

**DATE:** May 14, 2024

**TO:** Mr. Peter Kepic  
Boston Swim School, LLC  
747 Puritan Avenue  
Birmingham, MI 48009

**FROM:** Robert J. Michaud, P.E. – Managing Principal   
Daniel A. Dumais, P.E. – Senior Project Manager

**RE:** **Goldfish Swim School – Parking Evaluation**  
45 Fourth Avenue, Needham, Massachusetts

---

MDM Transportation Consultants, Inc. (MDM) has conducted a parking evaluation in support of the existing Goldfish Swim School located at 45 Fourth Avenue in Needham, Massachusetts. The location of the site relative to the adjacent roadway network is shown in **Figure 1**. This memorandum documents parking demand characteristics of the existing Goldfish Swim School to validate that available on-site and immediately proximate public curbside parking supply adequately supports current Goldfish School staffing levels and instructional programming.

In summary, inventoried parking supply supporting the Goldfish School facility provides at least 76 spaces comprised of 53 on-site surface parking spaces and 23 curbside parking spaces along Fourth Avenue within 200 feet of the main facility entry. Observed peak parking demands of the school under current staffing levels and peak enrollment instructional programming occur on weekday evenings and weekend morning and midday periods which are adequately supported by on-site and immediately proximate curbside parking that exists along Fourth Avenue. The observed peak parking demand during the critical weekend morning period of 67 spaces represents an existing surplus of at least 9 parking spaces in the immediate area (approximate 12% vacancy rate).





Figure 1

## PROJECT DESCRIPTION

The Site consists of approximately 1.03± acres of land located along the western side of Fourth Avenue. The existing Site includes a 13,075± sf building which houses the Goldfish Swim School of Needham. Access/egress to the Site is provided via a single, full-access, driveway along Fourth Avenue. The Site is currently supported by approximately 53 on-site parking spaces with supplemental curbside parking along Fourth Avenue. The existing site layout prepared by R.E. Cameron & Associates; Inc. is presented in **Figure 2**.

### *Current Facility Programming*

Data provided by the Goldfish Swim School of Needham for the winter season (December through March) indicates class enrollment levels of approximately 15 students per session and up to 18 staff per shift Monday through Thursday; no classes offered on Fridays; and approximately 30 students per session and up to 18 staff per shift on weekends (Saturday and Sunday). The highest enrollment currently occurs on Weekend mornings/midday periods. These weekend classes generally currently operate at or near capacity for student enrollment during the core winter season. The operational data for the winter season is provided in the **Attachments**.

Data were provided to identify detailed student enrollment and staffing levels for the swim sessions by Goldfish Swim School of Needham on Thursday, March 7, 2024 (see **Figure 3**) and Saturday, March 9, 2024 (see **Figure 4**). The operational data is provided in the **Attachments**. The weekday (Thursday) highest activity period occurred between 4:00 PM to 5:30 PM with 20 to 27 students per session and 18 staff; the highest weekend (Saturday) activity period occurred from 8:30 AM to 12:30 PM with 35 to 45 students per session and 28 staff.

The Goldfish School operates under an incentivized transportation policy for staff (see **Attachments**) to promote alternative transportation modes such as carpooling, bicycling, and public transportation. The school provides transportation network company/"TNC" travel options (Uber, Lyft and equivalent) for those staff that require the service on an occasional basis. Data provided by the Goldfish Swim School of Needham indicates that approximately 30 percent of the staff drive and park at the facility; the majority (approximately 70%) of the staff either carpool, use alternative transportation modes, TNC or get dropped off by a parent. Most of the staff are high school aged students who don't own a vehicle.



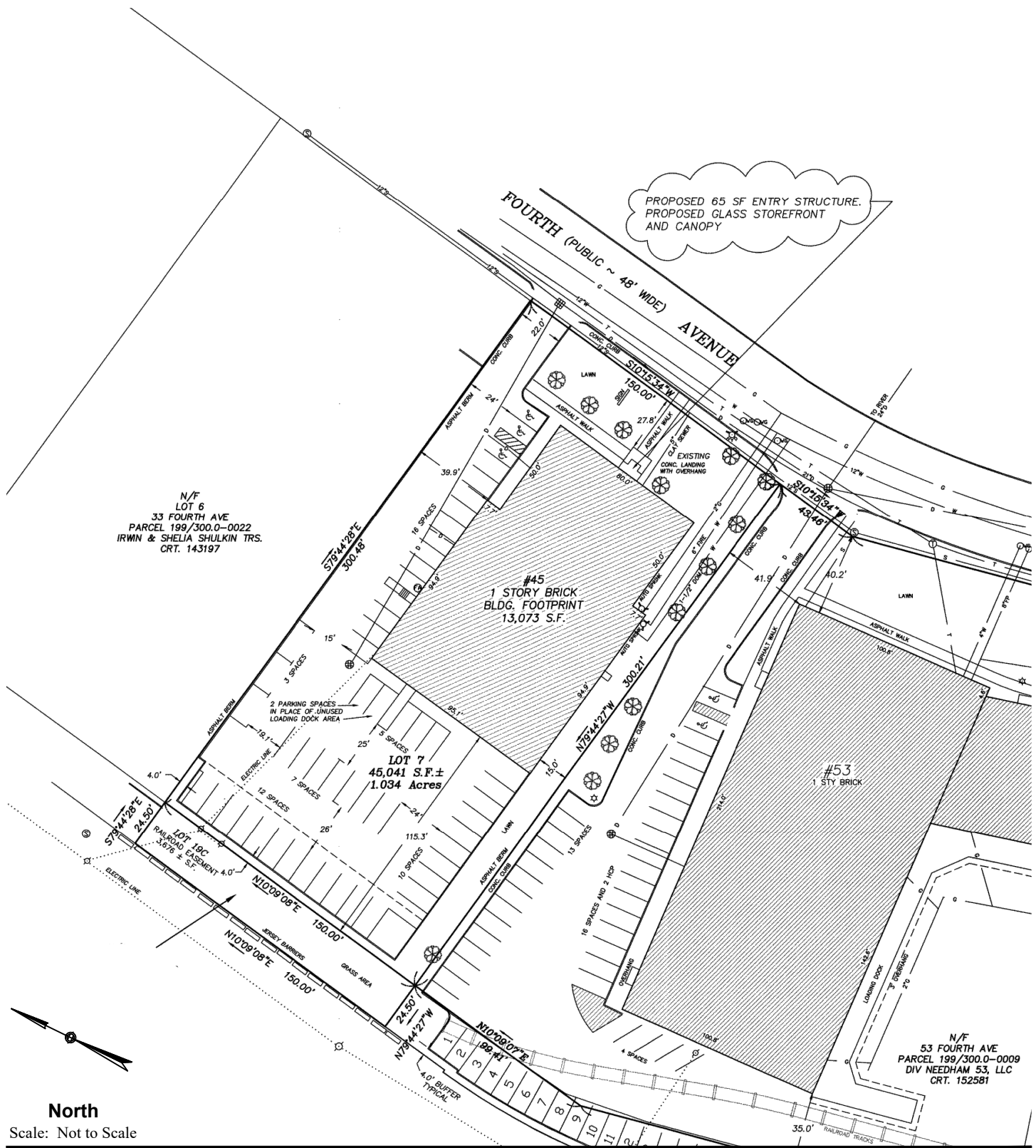


Figure 2

Existing Site Layout



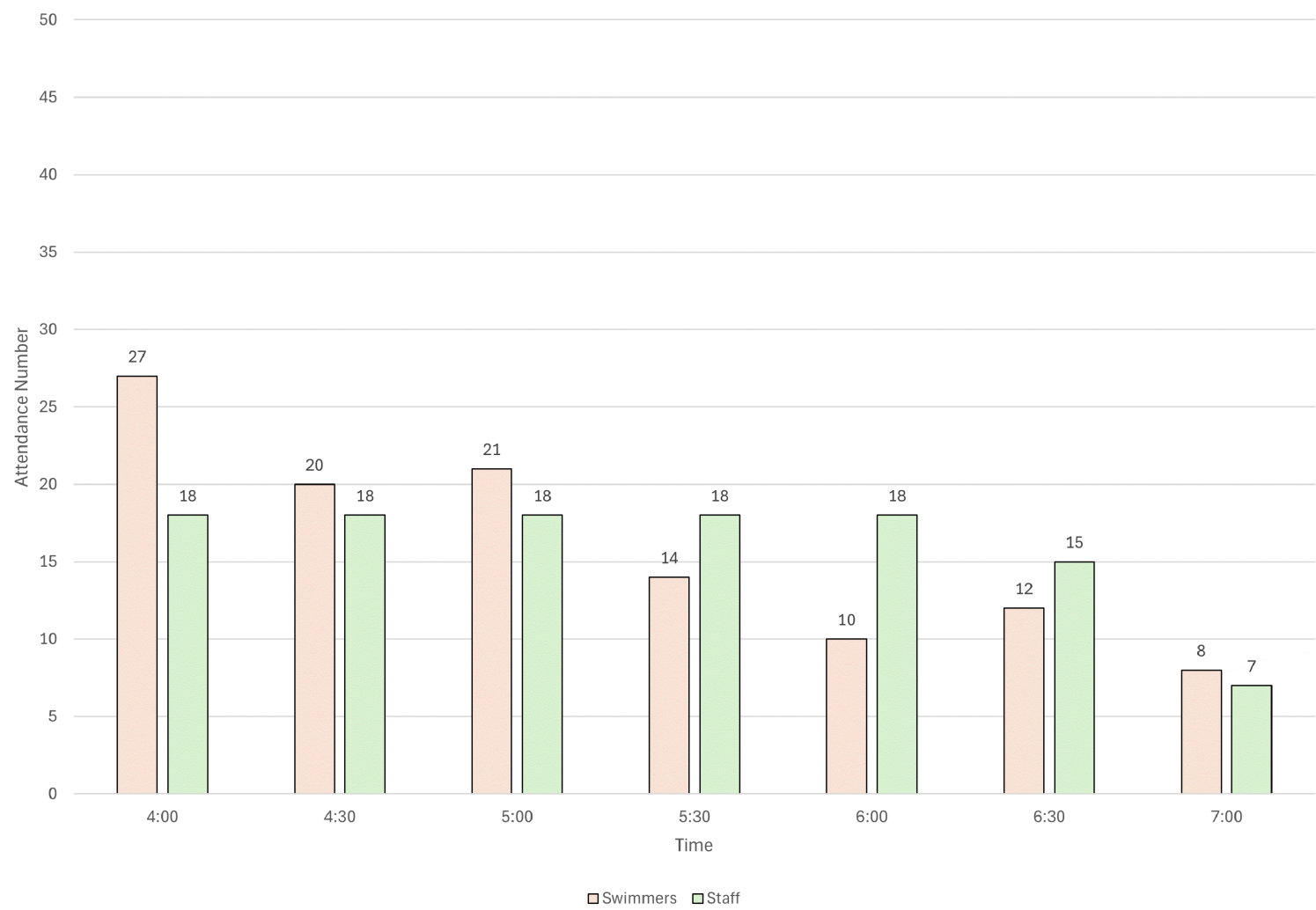


Figure 3

Swimmer & Staff Attendance  
Thursday, March 7, 2024

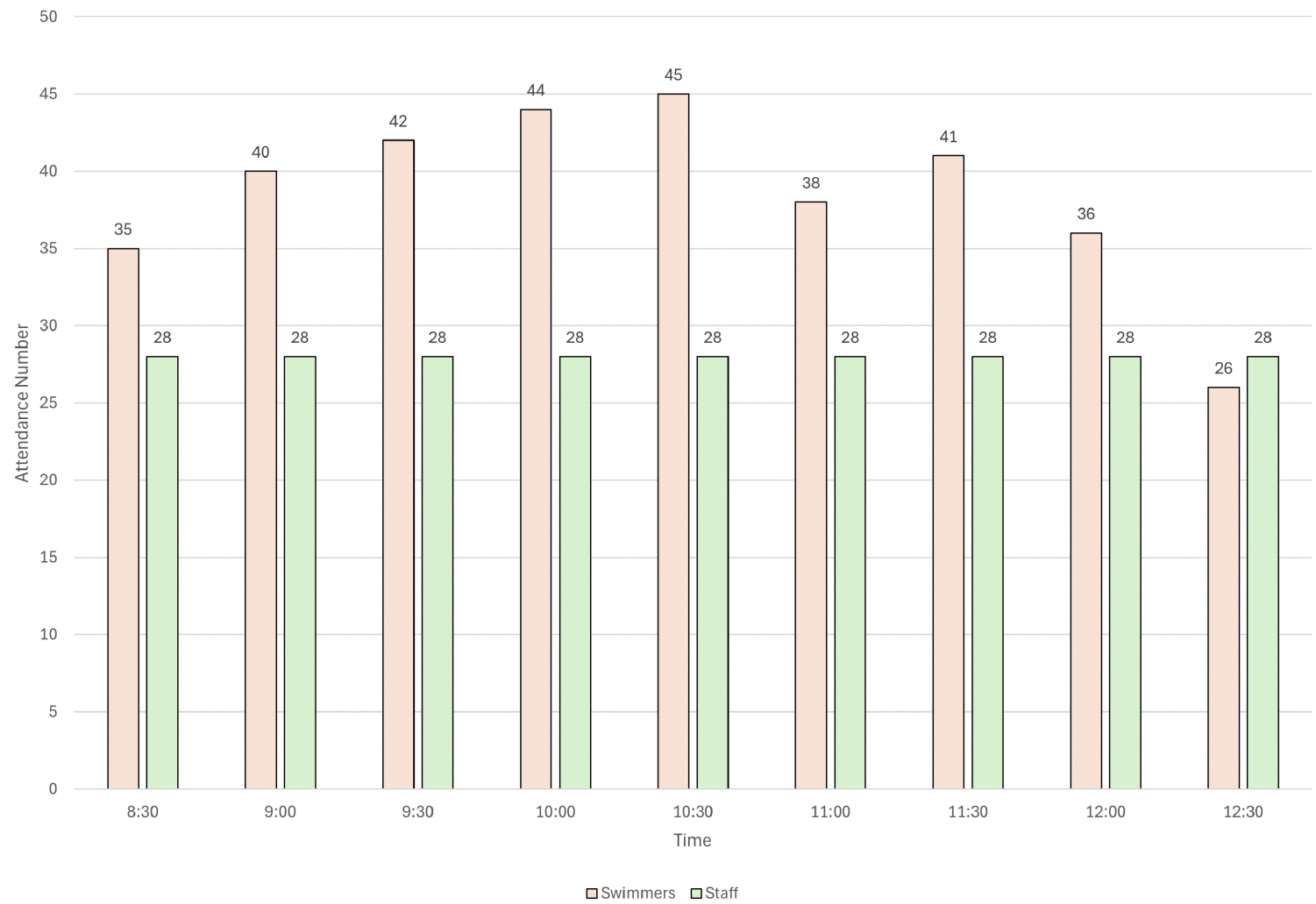


Figure 4

Swimmer & Staff Attendance  
Saturday, March 9, 2024

### *Future Enrollment*

Any expansion of the swim school business relate to class offerings where services are not currently available; however these expanded class offerings would not result in additional staffing requirements beyond those in place currently. For example, the swim school is primarily closed most of the day on Fridays, but retains the option of offering classes in the future within the existing operating hours set by the Town. The swim school is committed to not adding more students to existing class times which are operating at or near operational capacity on weekends.

### **Existing Parking Inventory**

A parking accumulation survey was conducted to identify parking trends at the Goldfish Swim School of Needham on Thursday, March 7, 2024, Friday, March 8, 2024, and Saturday, March 9, 2024, and included detailed within the off-street parking lot and on-street parking along Fourth Avenue located within approximately 200 feet of the main entrance. Detailed parking observations are provided between 7:00 AM and 8:30 PM are broken down by zones for inventory purposes as presented in **Figure 5**. A review of seasonal enrollment levels for 2017-2019, and 2023 (see **Attachments**) indicates that March is an above average month (9 percent above average month and 3 percent below peak month). No seasonal adjustment was provided to the observed parking activity. Detailed parking observations are presented in the **Attachments**.

### *On-site Parking Lot Survey Results*

Results of the on-site parking inventory are presented in **Figure 6** (Thursday), **Figure 7** (Friday), and **Figure 8** (Saturday).

A summary of peak parking activity at the Site is as follows:

- *Thursday*. On a Thursday, parking activity occurred on the Site between 10:30 AM and 8:30 PM with an average hourly demand of 20 vehicles. The peak parking demand period occurs from 4:30 PM to 6:00 PM with between 42 and 47 parked vehicles on the Site representing a surplus of at least 6 parking spaces within the 53-space lot (approximate 89% utilization rate).
- *Friday*. Goldfish School programming on Fridays is limited but may be expanded in the future to staffing and enrollment levels typical of Monday through Thursday operations. On the surveyed Friday in March, on-site parking demand was observed between 9:30 AM and 6:30 PM with an average hourly demand of 6 vehicles. The peak parking demand period occurs from 4:00 PM to 5:30 PM with between 11 and 13 parked vehicles on the Site representing an existing surplus of at least 41 parking spaces within the 53-space lot (approximate 25% utilization rate).





Figure 5

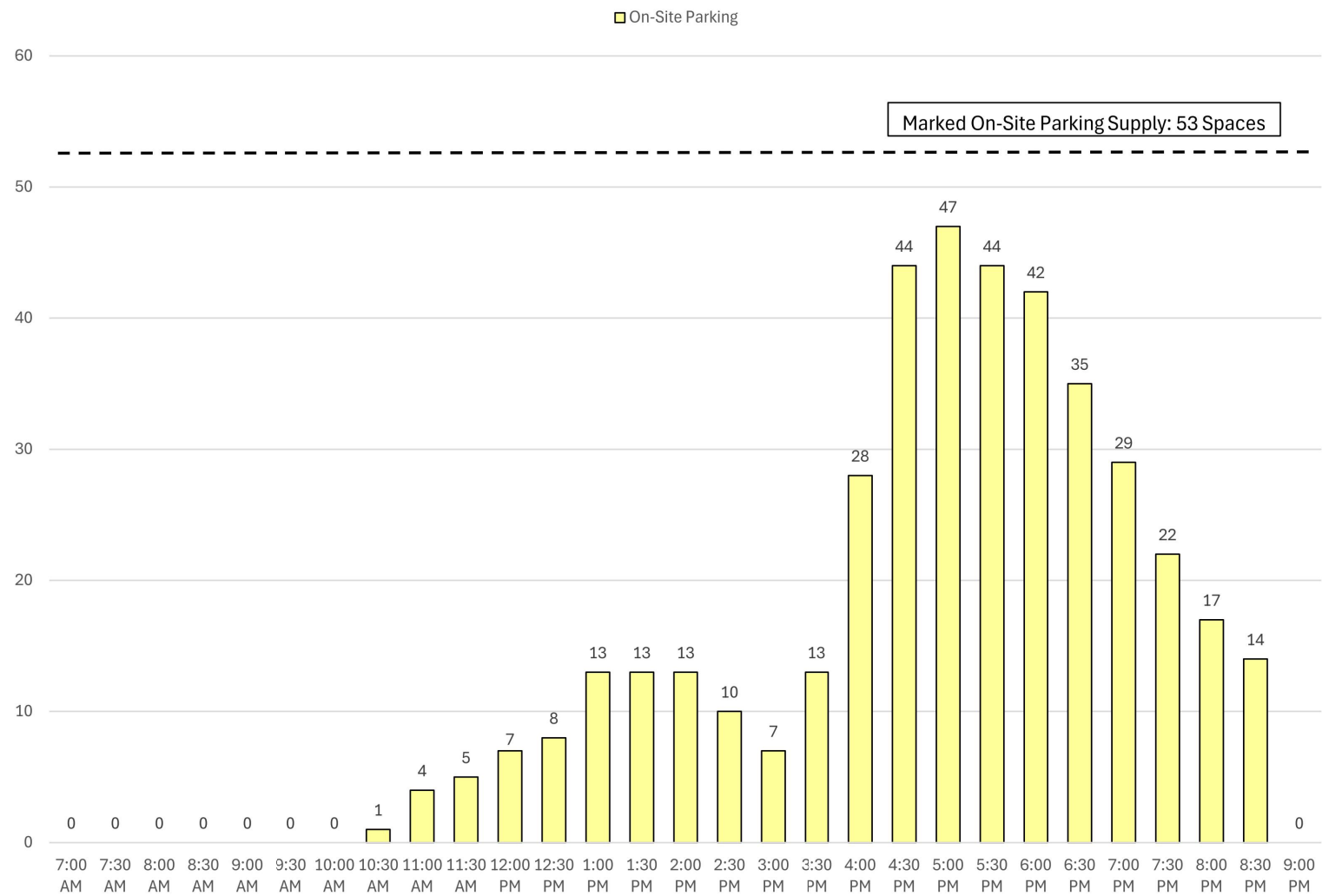


Figure 6

On-Site Parking  
Thursday, March 7, 2024

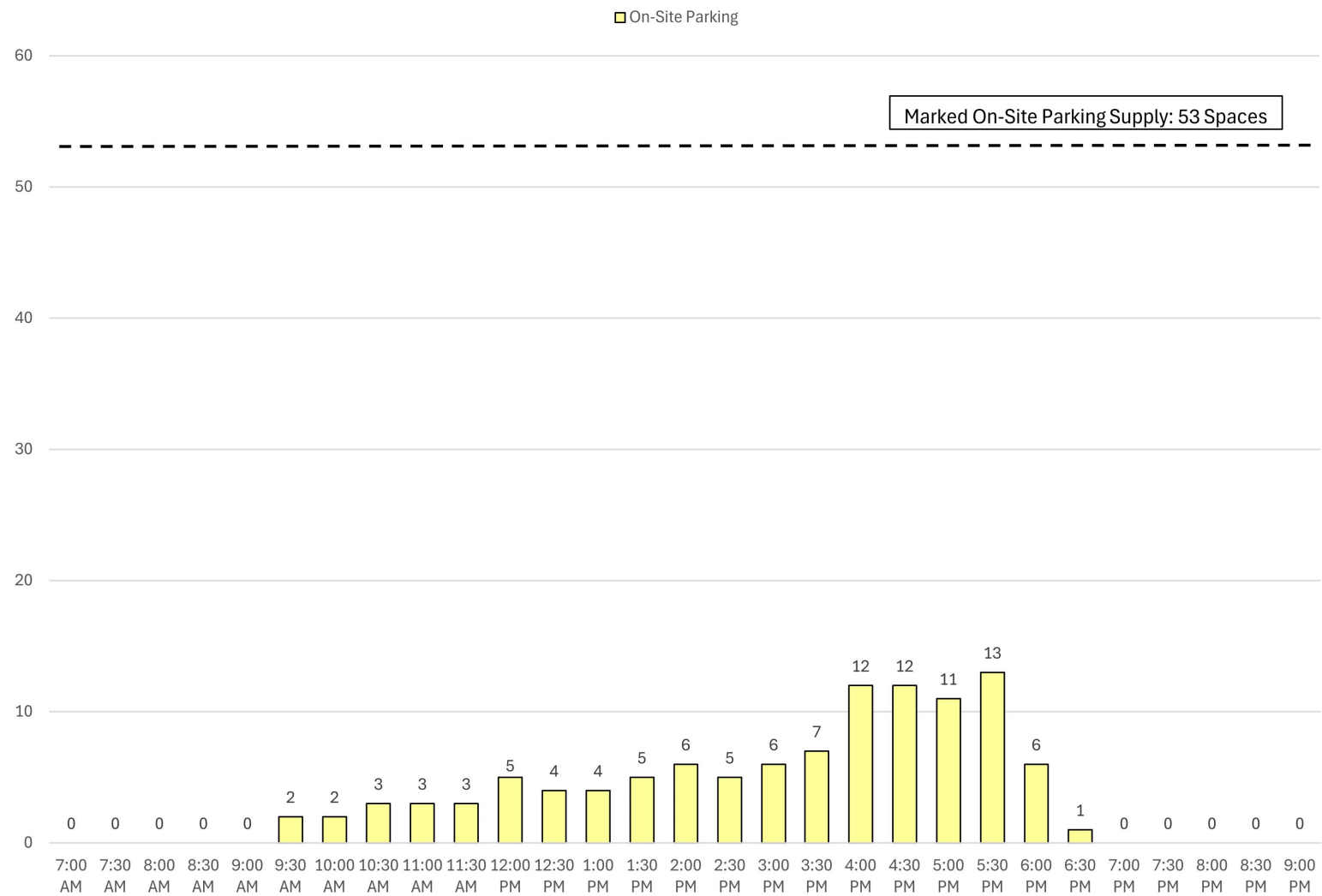


Figure 7

On-Site Parking  
Friday, March 8, 2024



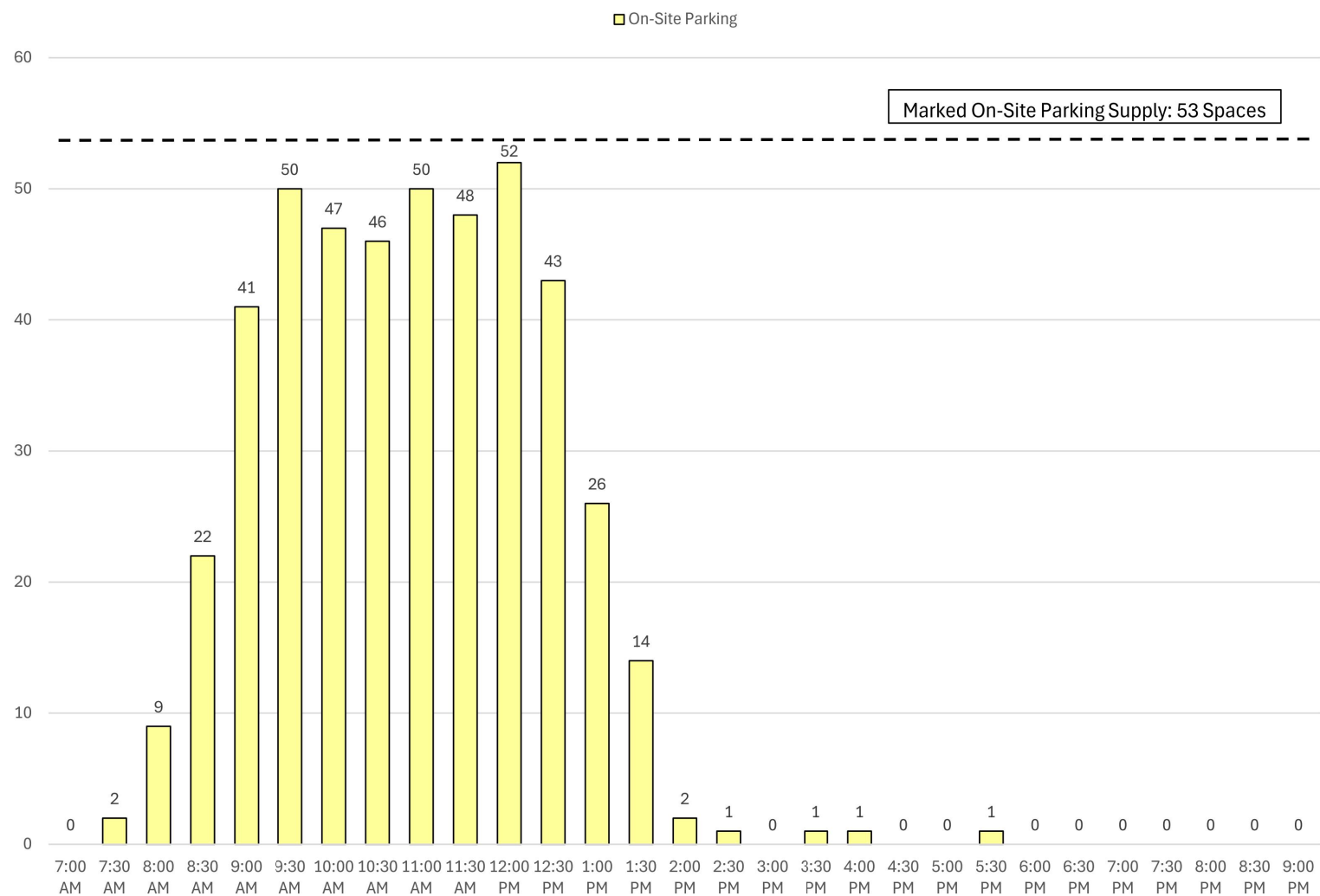


Figure 8

**On-Site Parking**  
**Saturday, March 9, 2024**

- *Saturday.* On a Saturday, parking on the Site occurred between 7:30 AM and 5:30 PM with an average hourly demand of 27 vehicles. The peak parking demand period occurs from 9:00 AM to 12:30 PM with between 41 and 52 parked vehicles on the Site representing full utilization of the lot.

#### *Curbside Parking – Fourth Avenue Results*

Parking along Fourth Avenue within approximately 200 feet of the main building entrance total approximately 23 spaces; inventory results are presented in **Figure 9** (Thursday), **Figure 10** (Friday), and **Figure 11** (Saturday).

A summary of curbside parking activity along Fourth Avenue is as follows:

- *Thursday.* On a Thursday, parking was observed curbside between 10:30 AM and 8:30 PM with an average hourly demand of 2 vehicles. The peak parking demand period occurs from 3:30 PM to 4:30 PM with between 4 and 7 parked vehicles representing a reserve of at least 16 available parking spaces within the 23-vehicle curbside capacity (approximate 30% utilization rate).
- *Friday.* On a Friday, parking was observed along Fourth Avenue between 11:00 AM and 2:00 PM with an average hourly demand of 2 vehicles. The peak hourly parking demand period occurs from Noon to 1:00 PM with between 2 and 3 parked vehicles representing a reserve of at least 20 available parking spaces within the 23-vehicle curbside capacity (approximate 13% utilization rate).
- *Saturday.* On a Saturday, parking was observed on the Site between 8:00 AM and 1:30 PM with an average hourly demand of 10 vehicles. The peak parking demand period occurs from 9:00 AM to 12:30 PM with between 10 and 20 parked vehicles along Fourth Avenue representing a reserve of at least 3 parking spaces within the 23-vehicle curbside capacity (approximate 87% utilization rate).

#### *Staff Parking*

The parking data indicates that on a weekday approximately 7 staff vehicles are parked at the school (6 on-site and 1 curbside) prior to the initial swim session, indicating that approximately 40% of the 18 staff members park a vehicle at the Site. Similarly, on a Saturday approximately 12 staff vehicles are parked at the school (10 on-site and 2 curbside) prior to the initial swim session, indicating that approximately 40% of the 28 staff members park a vehicle at the Site. These observations indicate that the majority (approximately 60%) of staff are non-drivers, validating mode share data for staff as provided by the school.

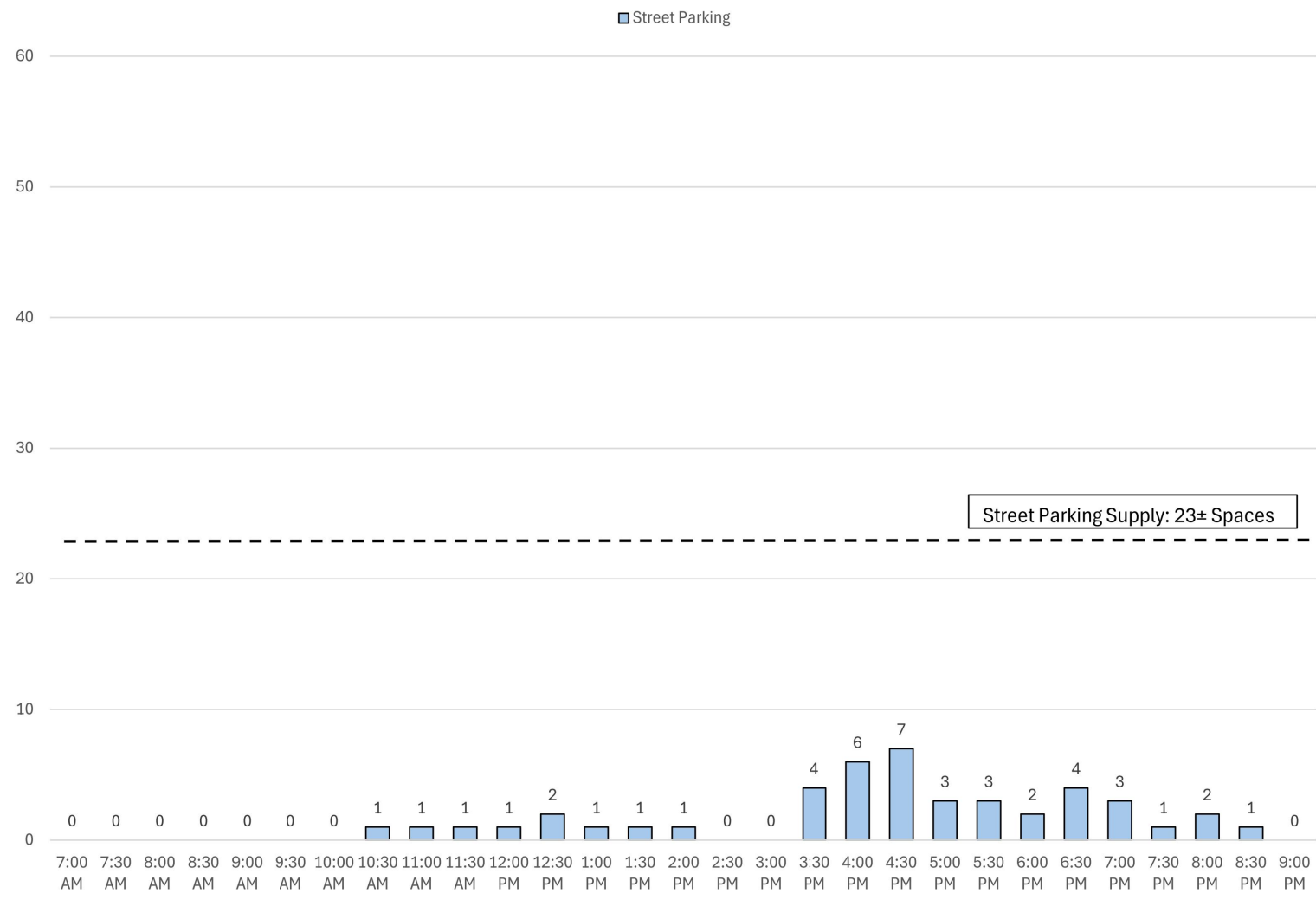


Figure 9

Street Parking  
Thursday, March 7, 2024



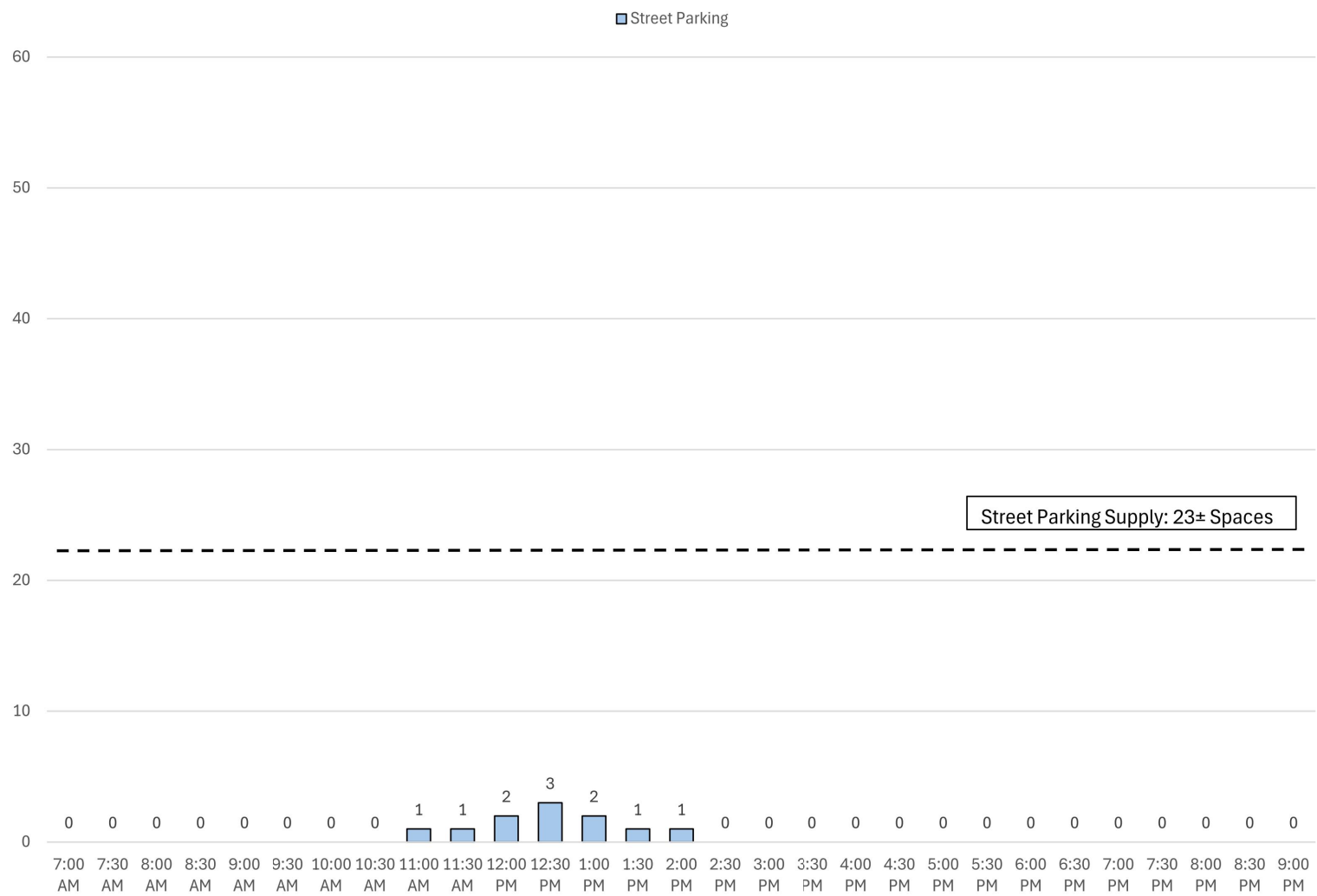


Figure 10  
Street Parking  
Friday, March 8, 2024

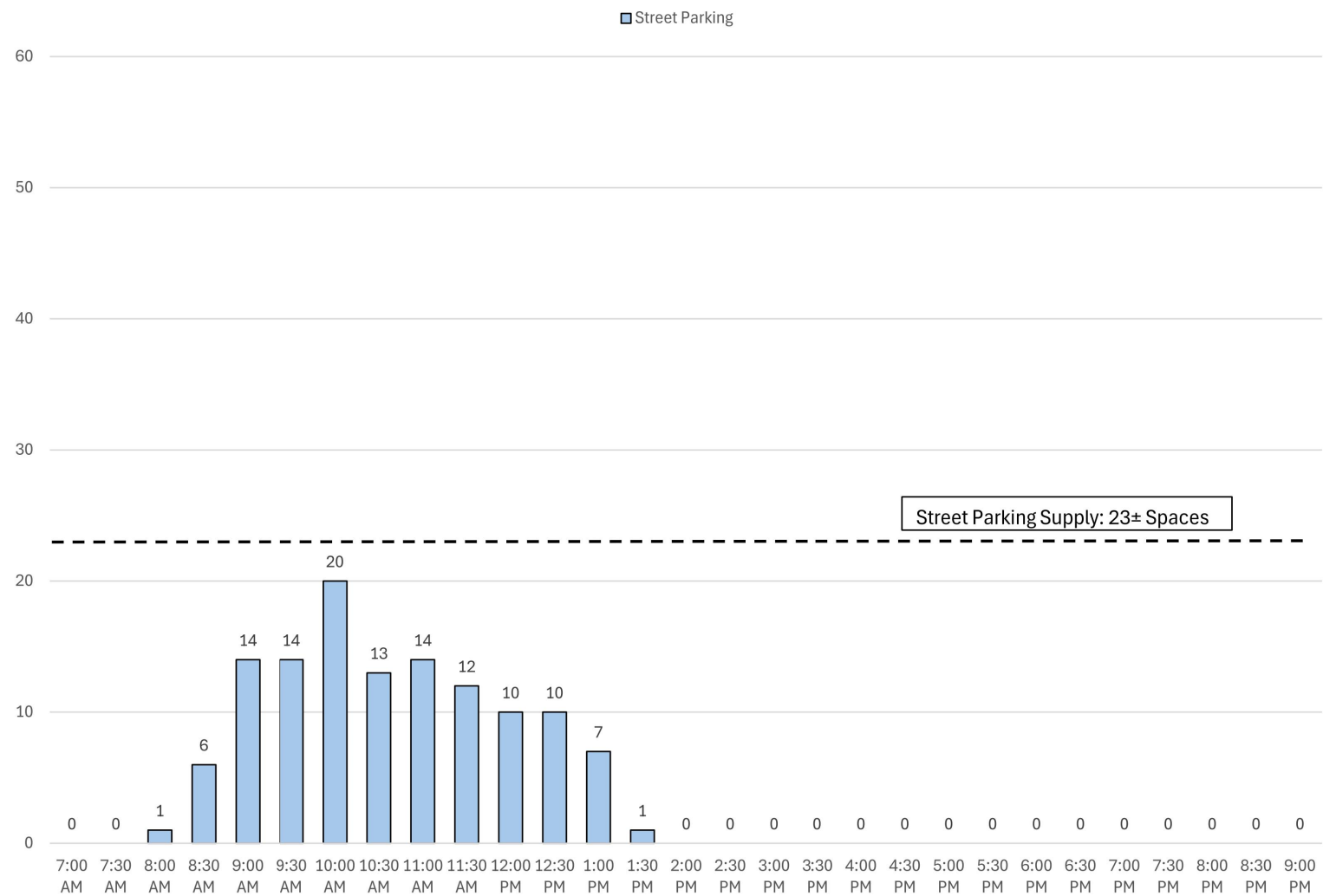


Figure 11

Street Parking  
Saturday, March 9, 2024

### **Parking Summary – Combined Supply Analysis**

On-site parking and proximate curbside parking effectively provide capacity to accommodate 76 vehicles within and immediately proximate to the Gold Fish School to support its current programming. Parking inventory for the combined parking areas serving the site is presented in **Figure 12** (Thursday), **Figure 13** (Friday), and **Figure 14** (Saturday).

Observed peak parking activity occurred at 4:30 PM on Thursday with a parking demand of 51 spaces; 5:30 PM on Friday with a parking demand of 13 spaces; and 10:30 AM on Saturday with a parking demand of 67 spaces. The data indicates that the existing parking supply within the site and immediately proximate along Fourth Avenue adequately supports peak operational periods of the swim school.

### **RECOMMENDATIONS AND CONCLUSIONS**

In summary, inventoried parking supply supporting the Goldfish School facility provides at least 76 spaces comprised of 53 on-site surface parking spaces and 23 curbside parking spaces along Fourth Avenue within 200 feet of the main facility entry. Observed peak parking demands of the school under current staffing levels and peak enrollment instructional programming occur on weekday evenings and weekend morning and midday periods which are adequately supported by on-site and immediately proximate curbside parking that exists along Fourth Avenue. The observed peak parking demand during the critical weekend morning period of 67 spaces represents an existing surplus of at least 9 parking spaces in the immediate area (approximate 12% vacancy rate).



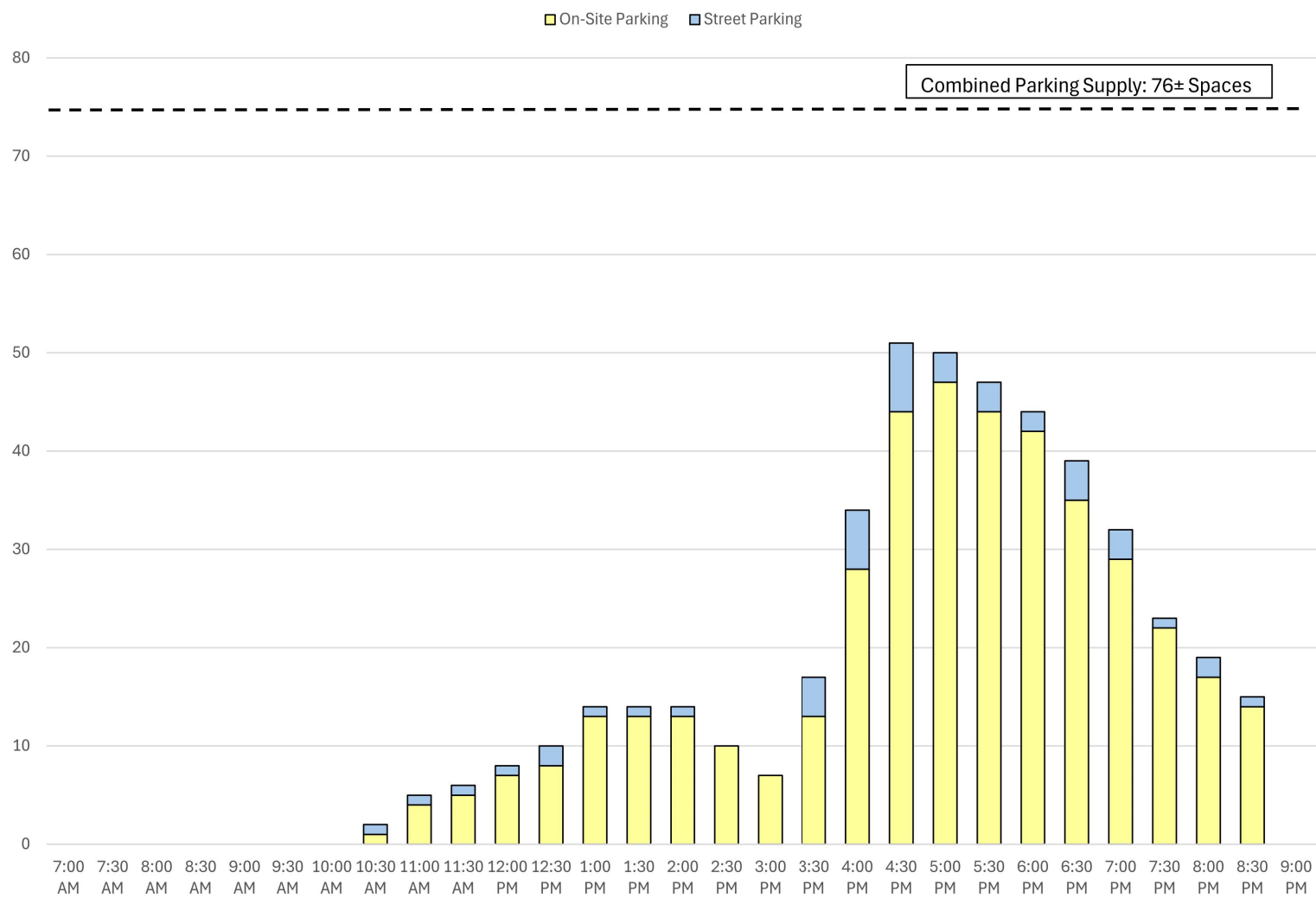


Figure 12

Combined Parking  
Thursday, March 7, 2024

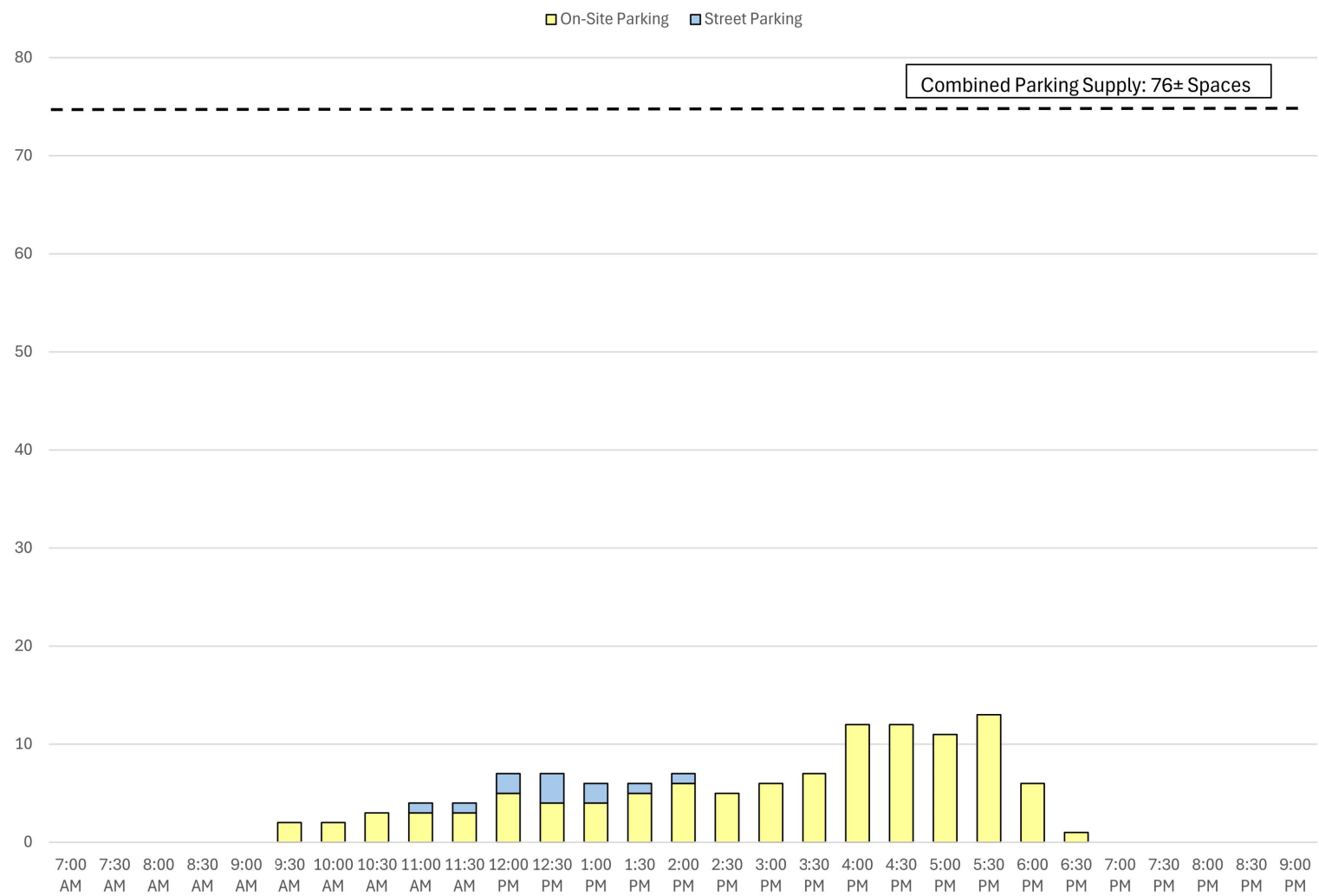


Figure 13

Combined Parking  
Friday, March 8, 2024

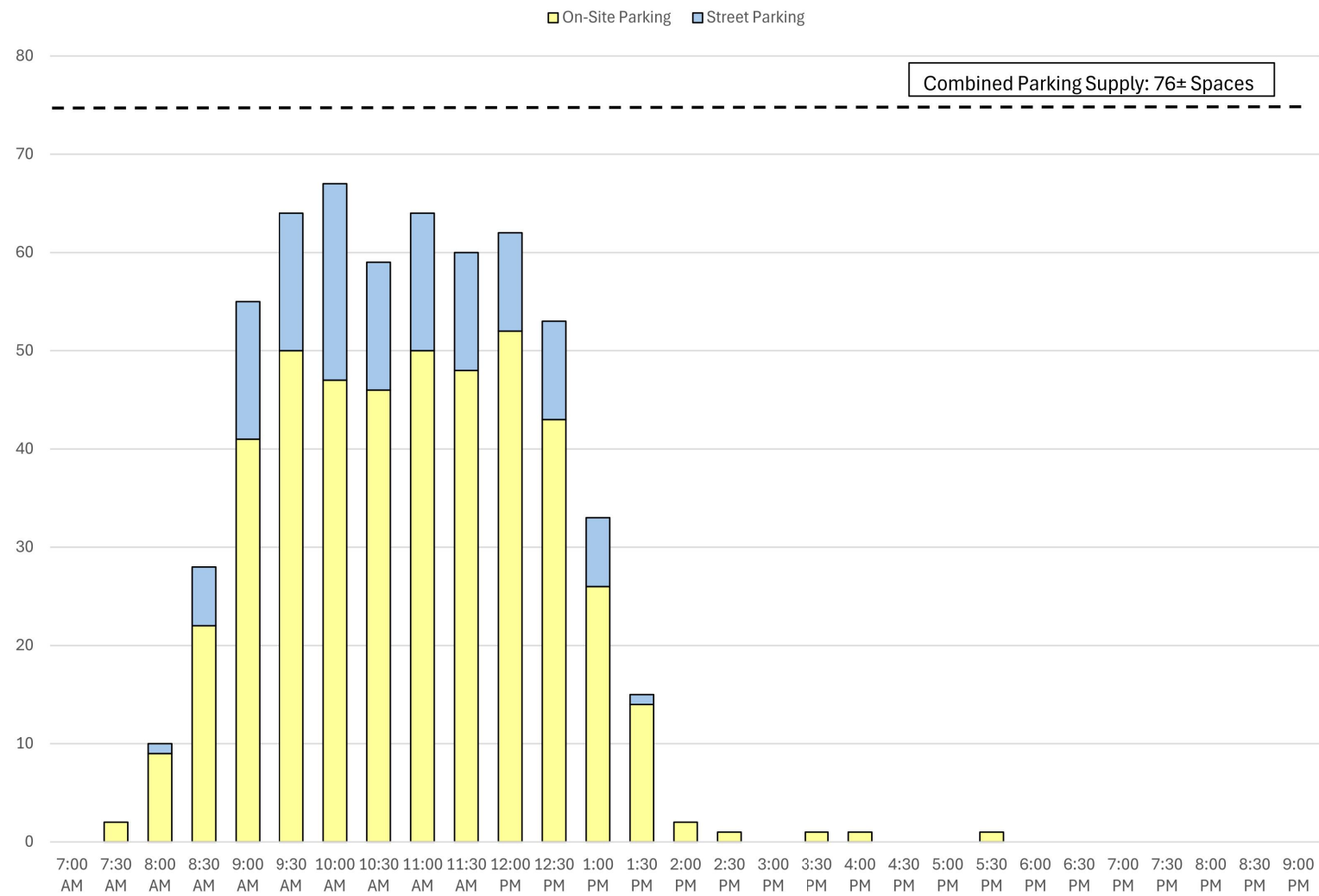


Figure 14

Combined Parking  
Saturday, March 9, 2024



# ATTACHMENTS

- ☐ Staff Transportation Policy
- ☐ Student Enrollment Data
- ☐ Parking Observations

- Staff Transportation Policy

## Goldfish Swim School Staff Transportation Policy

Goldfish Swim School is committed to promoting environmentally friendly practices and reducing our carbon footprint. One significant aspect of achieving this goal is by encouraging sustainable transportation methods among our employees. This policy outlines guidelines and incentives for staff to utilize alternative transportation options such as carpooling, biking, and using public transportation.

### Policy Statement:

#### Alternative Transportation Options:

Employees are encouraged to consider alternative transportation options such as carpooling, biking, walking, or using public transportation to commute to and from work whenever feasible.

#### Carpooling:

a. Employees are encouraged to form carpools with colleagues who live in close proximity or along similar commuting routes.

#### Bicycle Commuting:

- a. Employees are encouraged to bike to work whenever possible.
- b. Goldfish has a secure location within the building for all employees who ride their bike to work.

#### Public Transportation:

Employees are encouraged to utilize public transportation

#### Incentives:

- a. Employees who regularly utilize alternative transportation methods will be eligible for incentives such as:
  - i. Preferential parking for carpool vehicles.
  - ii. Recognition and rewards for sustainable commuting behavior.



b. Goldfish Swim School will periodically review and update incentive programs to ensure effectiveness and alignment with sustainability goals.

Flexibility:

a. Goldfish Swim school acknowledges that certain circumstances may require employees to use personal vehicles for commuting. However, employees are encouraged to prioritize alternative transportation options whenever possible.

Compliance:

a. All employees are expected to comply with the provisions outlined in this policy.

b. Managers and supervisors are responsible for promoting awareness of the policy and providing support to employees in adopting sustainable transportation practices.

□ Student Enrollment Data

| Attendance/Enrollment Data |          |       |       |
|----------------------------|----------|-------|-------|
| Thursday -<br>March 7th    | Swimmers | Staff | Total |
| 4:00                       | 27       | 18    | 45    |
| 4:30                       | 20       | 18    | 38    |
| 5:00                       | 21       | 18    | 39    |
| 5:30                       | 14       | 18    | 32    |
| 6:00                       | 10       | 18    | 28    |
| 6:30                       | 12       | 15    | 27    |
| 7:00                       | 8        | 7     | 15    |
|                            |          |       |       |
|                            |          |       |       |
| Saturday -<br>March 9th    | Swimmers | Staff | Total |
| 8:30                       | 35       | 28    | 63    |
| 9:00                       | 40       | 28    | 68    |
| 9:30                       | 42       | 28    | 70    |
| 10:00                      | 44       | 28    | 72    |
| 10:30                      | 45       | 28    | 73    |
| 11:00                      | 38       | 28    | 66    |
| 11:30                      | 41       | 28    | 69    |
| 12:00                      | 36       | 28    | 64    |
| 12:30                      | 26       | 28    | 54    |

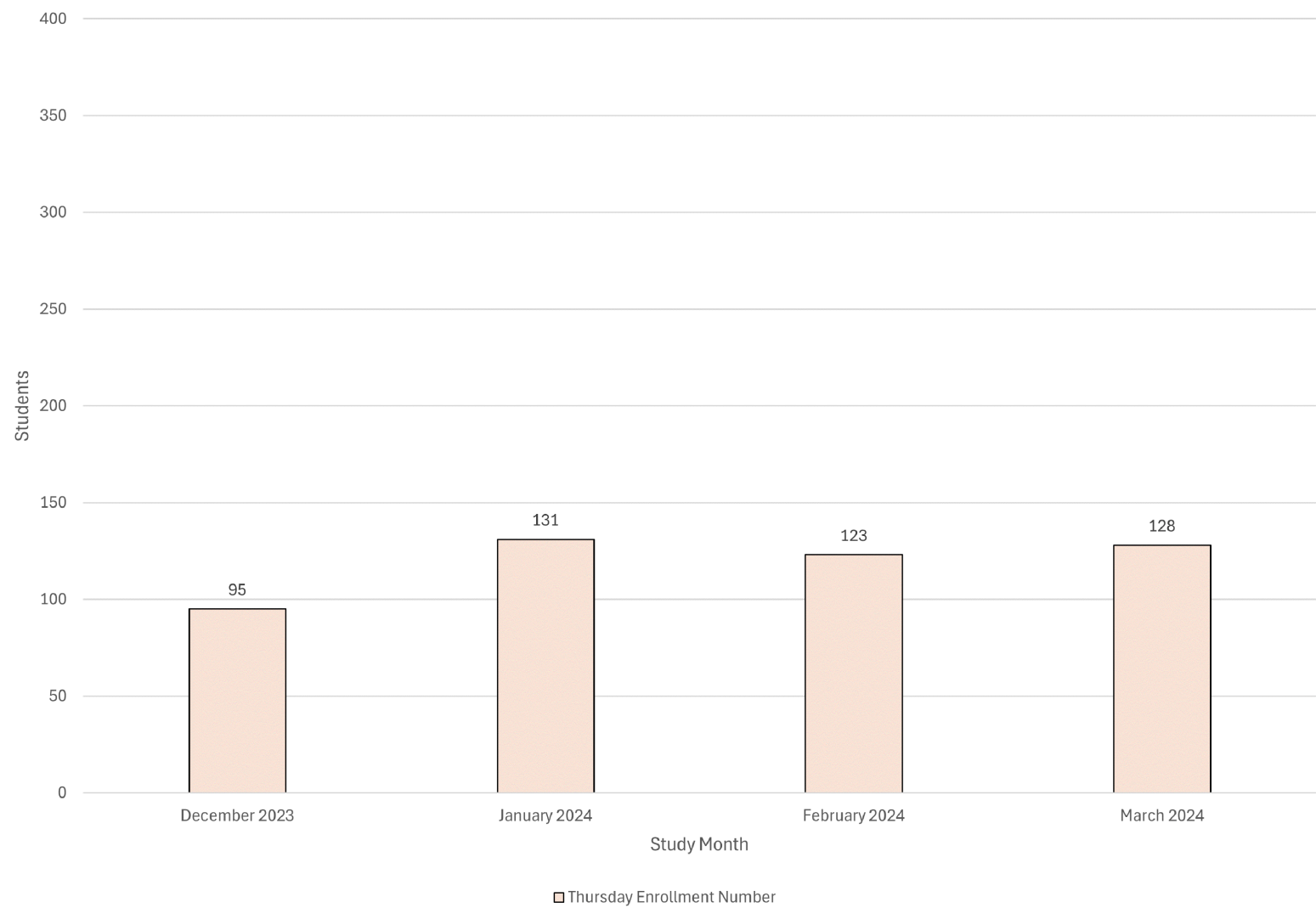


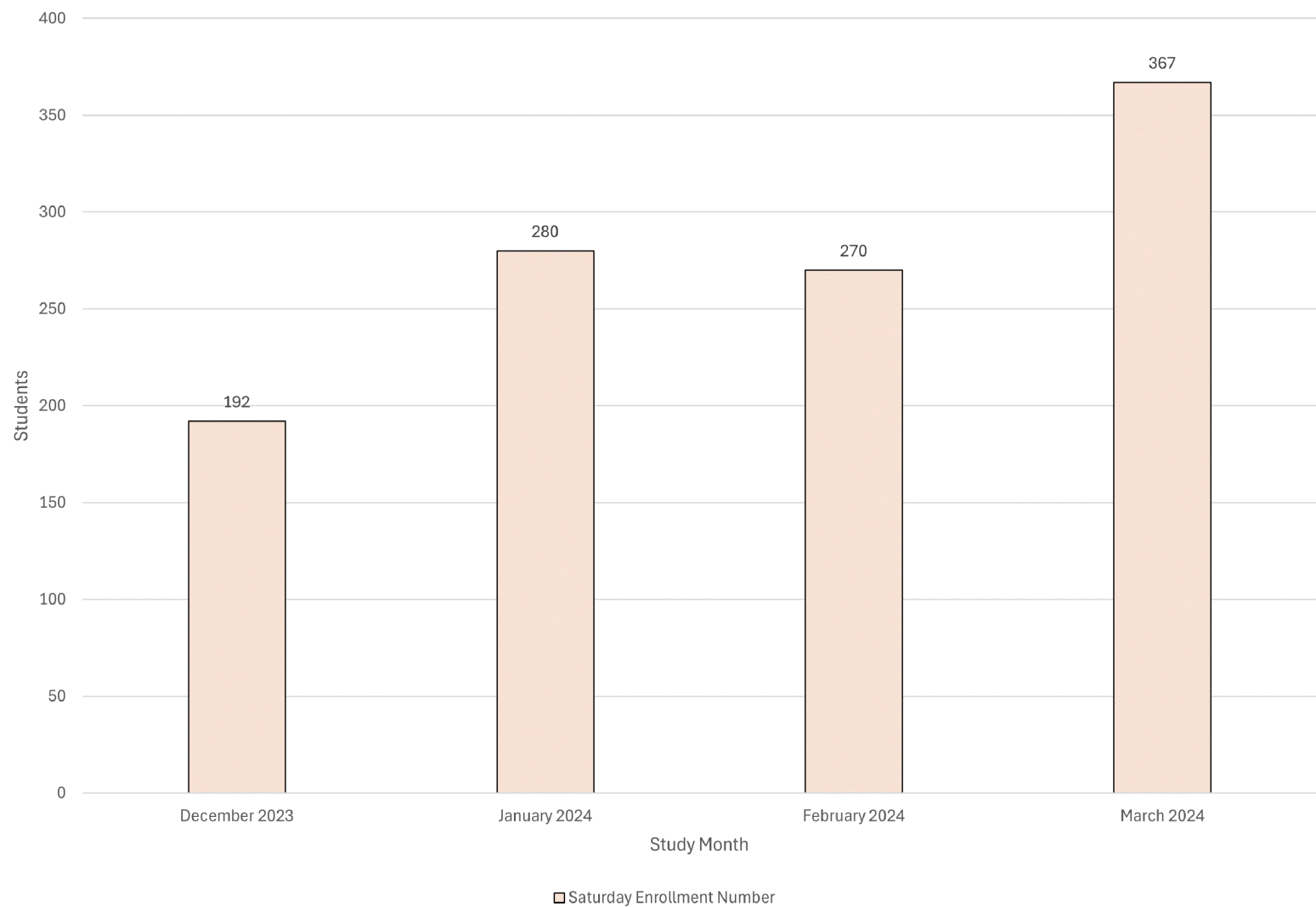
## Monthly Enrollment/Staff Data

|                  | December 2023                | January 2024 | February 2024 | March 2024 |
|------------------|------------------------------|--------------|---------------|------------|
| <i>Monday</i>    |                              |              |               |            |
| Enrollment       | 75                           | 112          | 108           | 122        |
| Students/Sesion  | 11                           | 13           | 16            | 16         |
| Staff/Shift      | 18                           | 18           | 18            | 18         |
|                  |                              |              |               |            |
| <i>Tuesday</i>   |                              |              |               |            |
| Enrollment       | 122                          | 138          | 142           | 137        |
| Students/Sesion  | 9                            | 8            | 11            | 11         |
| Staff/Shift      | 18                           | 18           | 18            | 18         |
|                  |                              |              |               |            |
| <i>Wednesday</i> |                              |              |               |            |
| Enrollment       | 105                          | 134          | 120           | 131        |
| Students/Sesion  | 11                           | 13           | 12            | 12         |
| Staff/Shift      | 18                           | 18           | 18            | 18         |
|                  |                              |              |               |            |
| <i>Thursday</i>  |                              |              |               |            |
| Enrollment       | 95                           | 131          | 123           | 128        |
| Students/Sesion  | 16                           | 22           | 20            | 20         |
| Staff/Shift      | 18                           | 18           | 18            | 18         |
|                  |                              |              |               |            |
| <i>Friday</i>    | <i>No Lessons on Fridays</i> |              |               |            |
| Enrollment       |                              |              |               |            |
| Students/Sesion  |                              |              |               |            |
| Staff/Shift      |                              |              |               |            |
|                  |                              |              |               |            |
| <i>Saturday</i>  |                              |              |               |            |
| Enrollment       | 192                          | 280          | 270           | 367        |
| Students/Sesion  | 21                           | 31           | 30            | 30         |
| Staff/Shift      | 28                           | 28           | 28            | 28         |
|                  |                              |              |               |            |
| <i>Sunday</i>    |                              |              |               |            |
| Enrollment       | 182                          | 232          | 323           | 371        |
| Students/Sesion  | 20                           | 26           | 36            | 36         |
| Staff/Shift      | 28                           | 28           | 28            | 28         |

Note: No lessons on Sunday March 31, 2024

| Enrollment | December 2023 | January 2024 | February 2024 | March 2024 |
|------------|---------------|--------------|---------------|------------|
| Thursday   | 95            | 131          | 123           | 128        |
| Saturday   | 192           | 280          | 270           | 367        |

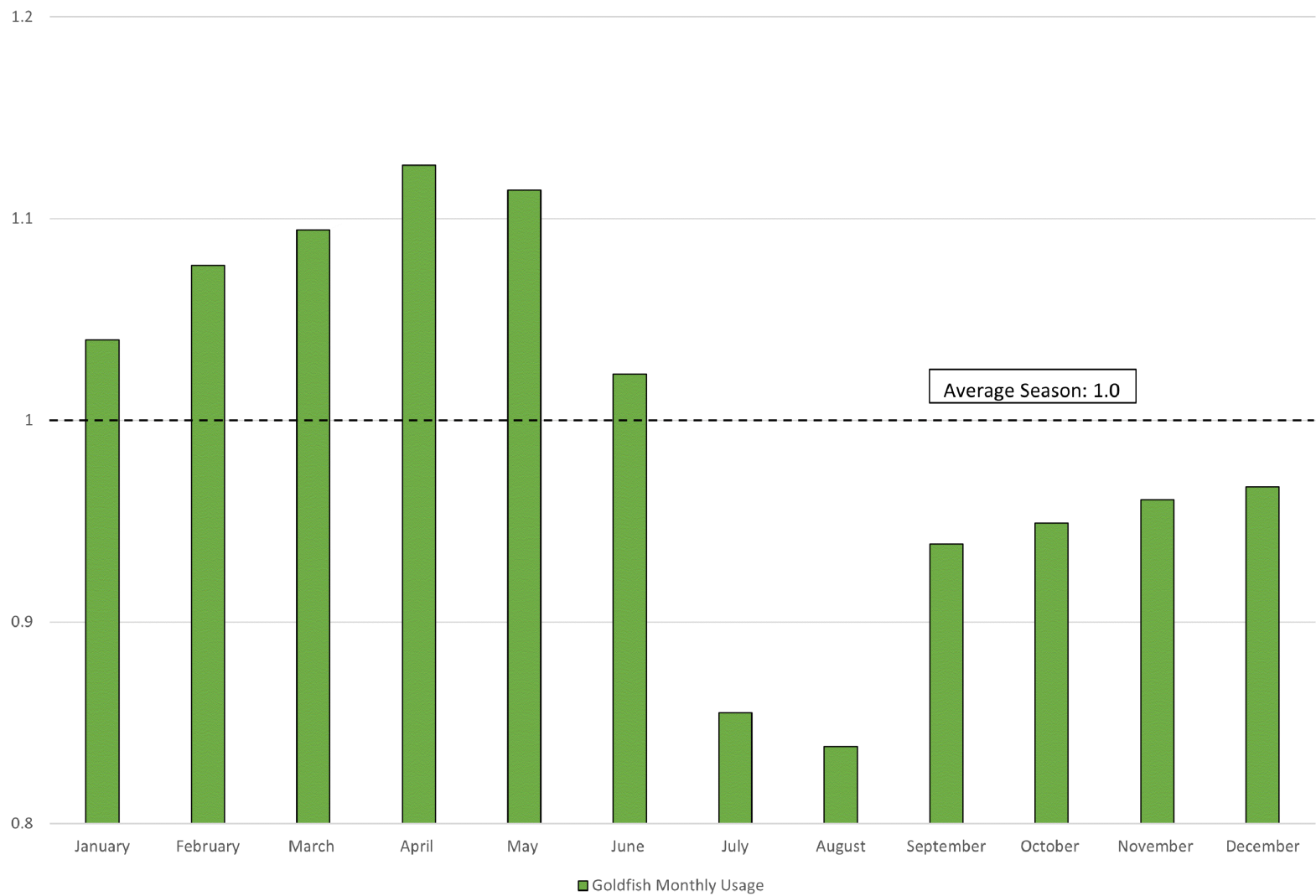






Goldfish Swim School of Needham  
Fourth Avenue  
Enrollment Levels Per Day Open

|           | Open<br>Days<br>in Month (±) | 2017 |      | 2018 |      | 2019 |      | 2023 |      | Adjustment to<br>Average<br>Season | Adjustment to<br>Peak<br>Season |
|-----------|------------------------------|------|------|------|------|------|------|------|------|------------------------------------|---------------------------------|
| January   | 24                           | 82   | 1.03 | 84   | 0.89 | 77   | 0.96 | 68   | 0.97 | 0.96                               | 1.08                            |
| February  | 24                           | 90   | 0.94 | 86   | 0.87 | 79   | 0.94 | 68   | 0.96 | 0.93                               | 1.05                            |
| March     | 26                           | 91   | 0.93 | 86   | 0.87 | 82   | 0.90 | 69   | 0.95 | 0.91                               | 1.03                            |
| April     | 26                           | 93   | 0.91 | 87   | 0.86 | 86   | 0.86 | 71   | 0.92 | 0.89                               | 1.00                            |
| May       | 27                           | 94   | 0.89 | 87   | 0.86 | 84   | 0.88 | 69   | 0.95 | 0.90                               | 1.01                            |
| June      | 25                           | 85   | 1.00 | 76   | 0.99 | 78   | 0.95 | 67   | 0.97 | 0.98                               | 1.10                            |
| July      | 26                           | 69   | 1.23 | 61   | 1.24 | 64   | 1.15 | 61   | 1.06 | 1.17                               | 1.32                            |
| August    | 27                           | 71   | 1.19 | 59   | 1.27 | 62   | 1.19 | 58   | 1.13 | 1.19                               | 1.34                            |
| September | 24                           | 82   | 1.03 | 67   | 1.12 | 69   | 1.08 | 63   | 1.03 | 1.07                               | 1.20                            |
| October   | 27                           | 84   | 1.00 | 69   | 1.09 | 69   | 1.08 | 63   | 1.04 | 1.05                               | 1.19                            |
| November  | 25                           | 85   | 0.99 | 69   | 1.09 | 70   | 1.06 | 64   | 1.02 | 1.04                               | 1.17                            |
| December  | 22                           | 87   | 0.97 | 70   | 1.07 | 70   | 1.06 | 63   | 1.04 | 1.03                               | 1.16                            |
|           | Average                      | 84   |      | 75   |      | 74   |      | 65   |      |                                    |                                 |



## □ Parking Observations



| Time     | Parked Cars in Lot<br>at Beginning of<br>Interval (Thursday<br>March 7) | On Street | Total |
|----------|-------------------------------------------------------------------------|-----------|-------|
| 9:30 AM  | 0                                                                       | 0         | 0     |
| 9:45 AM  | 0                                                                       | 0         | 0     |
| 10:00 AM | 0                                                                       | 0         | 0     |
| 10:15 AM | 0                                                                       | 1         | 1     |
| 10:30 AM | 0                                                                       | 1         | 1     |
| 10:45 AM | 0                                                                       | 1         | 1     |
| 11:00 AM | 2                                                                       | 1         | 3     |
| 11:15 AM | 3                                                                       | 1         | 4     |
| 11:30 AM | 5                                                                       | 1         | 6     |
| 11:45 AM | 4                                                                       | 1         | 5     |
| 12:00 PM | 5                                                                       | 1         | 6     |
| 12:15 PM | 6                                                                       | 2         | 8     |
| 12:30 PM | 7                                                                       | 2         | 9     |
| 12:45 PM | 8                                                                       | 2         | 10    |
| 1:00 PM  | 12                                                                      | 1         | 13    |
| 1:15 PM  | 12                                                                      | 2         | 14    |
| 1:30 PM  | 11                                                                      | 1         | 12    |
| 1:45 PM  | 13                                                                      | 1         | 14    |
| 2:00 PM  | 11                                                                      | 1         | 12    |
| 2:15 PM  | 10                                                                      | 1         | 11    |
| 2:30 PM  | 5                                                                       | 0         | 5     |
| 2:45 PM  | 5                                                                       | 0         | 5     |
| 3:00 PM  | 6                                                                       | 0         | 6     |
| 3:15 PM  | 6                                                                       | 1         | 7     |
| 3:30 PM  | 8                                                                       | 4         | 12    |
| 3:45 PM  | 12                                                                      | 4         | 16    |
| 4:00 PM  | 25                                                                      | 6         | 31    |
| 4:15 PM  | 28                                                                      | 6         | 34    |
| 4:30 PM  | 41                                                                      | 7         | 48    |
| 4:45 PM  | 40                                                                      | 6         | 46    |
| 5:00 PM  | 43                                                                      | 3         | 46    |
| 5:15 PM  | 44                                                                      | 3         | 47    |
| 5:30 PM  | 42                                                                      | 3         | 45    |
| 5:45 PM  | 41                                                                      | 4         | 45    |
| 6:00 PM  | 41                                                                      | 2         | 43    |
| 6:15 PM  | 35                                                                      | 2         | 37    |
| 6:30 PM  | 31                                                                      | 4         | 35    |
| 6:45 PM  | 29                                                                      | 3         | 32    |
| 7:00 PM  | 18                                                                      | 3         | 21    |
| 7:15 PM  | 20                                                                      | 2         | 22    |
| 7:30 PM  | 18                                                                      | 1         | 19    |
| 7:45 PM  | 17                                                                      | 1         | 18    |
| 8:00 PM  | 16                                                                      | 2         | 18    |
| 8:15 PM  | 14                                                                      | 2         | 16    |
| 8:30 PM  | 13                                                                      | 1         | 14    |
| 8:45 PM  | 0                                                                       | 0         | 0     |
| 9:00 PM  | 0                                                                       | 0         | 0     |
| 9:15 PM  | 0                                                                       | 0         | 0     |
| 9:30 PM  | 0                                                                       | 0         | 0     |
| 9:45 PM  | 0                                                                       | 0         | 0     |
| 10:00 PM | 0                                                                       | 0         | 0     |
| 10:15 PM | 0                                                                       | 0         | 0     |
| 10:30 PM | 0                                                                       | 0         | 0     |
| 10:45 PM | 0                                                                       | 0         | 0     |
| 11:00 PM | 0                                                                       | 0         | 0     |
| 11:15 PM | 0                                                                       | 0         | 0     |
| 11:30 PM | 0                                                                       | 0         | 0     |
| 11:45 PM | 0                                                                       | 0         | 0     |

| Time     | Parked Cars in Lot<br>at Beginning of<br>Interval (Saturday<br>March 9) | On Street | Total |
|----------|-------------------------------------------------------------------------|-----------|-------|
| 12:00 AM | 1                                                                       | 0         | 1     |
| 12:15 AM | 1                                                                       | 0         | 1     |
| 12:30 AM | 1                                                                       | 0         | 1     |
| 12:45 AM | 0                                                                       | 0         | 0     |
| 1:00 AM  | 0                                                                       | 0         | 0     |
| 1:15 AM  | 0                                                                       | 0         | 0     |
| 1:30 AM  | 0                                                                       | 0         | 0     |
| 1:45 AM  | 0                                                                       | 0         | 0     |
| 2:00 AM  | 0                                                                       | 0         | 0     |
| 2:15 AM  | 0                                                                       | 0         | 0     |
| 2:30 AM  | 0                                                                       | 0         | 0     |
| 2:45 AM  | 0                                                                       | 0         | 0     |
| 3:00 AM  | 0                                                                       | 0         | 0     |
| 3:15 AM  | 0                                                                       | 0         | 0     |
| 3:30 AM  | 0                                                                       | 0         | 0     |
| 3:45 AM  | 0                                                                       | 0         | 0     |
| 4:00 AM  | 0                                                                       | 0         | 0     |
| 4:15 AM  | 0                                                                       | 0         | 0     |
| 4:30 AM  | 0                                                                       | 0         | 0     |
| 4:45 AM  | 0                                                                       | 0         | 0     |
| 5:00 AM  | 0                                                                       | 0         | 0     |
| 5:15 AM  | 0                                                                       | 0         | 0     |
| 5:30 AM  | 0                                                                       | 0         | 0     |
| 5:45 AM  | 0                                                                       | 0         | 0     |
| 6:00 AM  | 0                                                                       | 0         | 0     |
| 6:15 AM  | 0                                                                       | 0         | 0     |
| 6:30 AM  | 0                                                                       | 0         | 0     |
| 6:45 AM  | 0                                                                       | 0         | 0     |
| 7:00 AM  | 0                                                                       | 0         | 0     |
| 7:15 AM  | 0                                                                       | 0         | 0     |
| 7:30 AM  | 1                                                                       | 0         | 1     |
| 7:45 AM  | 1                                                                       | 0         | 1     |
| 8:00 AM  | 5                                                                       | 1         | 6     |
| 8:15 AM  | 10                                                                      | 2         | 12    |
| 8:30 AM  | 16                                                                      | 6         | 22    |
| 8:45 AM  | 22                                                                      | 10        | 32    |
| 9:00 AM  | 39                                                                      | 14        | 53    |
| 9:15 AM  | 41                                                                      | 10        | 51    |
| 9:30 AM  | 47                                                                      | 14        | 61    |
| 9:45 AM  | 46                                                                      | 14        | 60    |
| 10:00 AM | 43                                                                      | 20        | 63    |
| 10:15 AM | 36                                                                      | 15        | 51    |
| 10:30 AM | 43                                                                      | 13        | 56    |
| 10:45 AM | 43                                                                      | 12        | 55    |
| 11:00 AM | 49                                                                      | 14        | 63    |
| 11:15 AM | 38                                                                      | 15        | 53    |
| 11:30 AM | 42                                                                      | 12        | 54    |
| 11:45 AM | 44                                                                      | 14        | 58    |
| 12:00 PM | 49                                                                      | 10        | 59    |
| 12:15 PM | 43                                                                      | 13        | 56    |
| 12:30 PM | 37                                                                      | 10        | 47    |
| 12:45 PM | 26                                                                      | 8         | 34    |
| 1:00 PM  | 20                                                                      | 7         | 27    |
| 1:15 PM  | 14                                                                      | 6         | 20    |
| 1:30 PM  | 6                                                                       | 1         | 7     |
| 1:45 PM  | 1                                                                       | 0         | 1     |
| 2:00 PM  | 1                                                                       | 0         | 1     |
| 2:15 PM  | 1                                                                       | 0         | 1     |
| 2:30 PM  | 2                                                                       | 0         | 2     |
| 2:45 PM  | 1                                                                       | 0         | 1     |
| 3:00 PM  | 1                                                                       | 0         | 1     |
| 3:15 PM  | 1                                                                       | 0         | 1     |
| 3:30 PM  | 1                                                                       | 0         | 1     |
| 3:45 PM  | 1                                                                       | 0         | 1     |
| 4:00 PM  | 0                                                                       | 0         | 0     |
| 4:15 PM  | 0                                                                       | 0         | 0     |
| 4:30 PM  | 0                                                                       | 0         | 0     |
| 4:45 PM  | 0                                                                       | 0         | 0     |
| 5:00 PM  | 0                                                                       | 0         | 0     |
| 5:15 PM  | 0                                                                       | 0         | 0     |
| 5:30 PM  | 0                                                                       | 0         | 0     |
| 5:45 PM  | 0                                                                       | 0         | 0     |
| 6:00 PM  | 0                                                                       | 0         | 0     |
| 6:15 PM  | 0                                                                       | 0         | 0     |
| 6:30 PM  | 0                                                                       | 0         | 0     |
| 6:45 PM  | 0                                                                       | 0         | 0     |

GEORGE GIUNTA, JR.  
ATTORNEY AT LAW\*  
281 CHESTNUT STREET  
NEEDHAM, MASSACHUSETTS 02492  
\*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

May 24, 2024

Town of Needham  
Zoning Board of Appeals  
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Adam Dangelo  
315 Chestnut Street, Needham, MA

Dear Ms. Collins,

Please be advised this office represents Adam Dangelo (hereinafter the Applicant and “Dangelo”) with respect to the second floor commercial space at the property known and numbered 315 Chestnut Street, Needham, MA (hereinafter the “Premises”). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of plot plan;
3. Seven copies of Memorandum in Support of Application for Special Permits;
4. Seven copies of authorization letter from property owner; and
4. Check in the amount of \$500 for the applicable filing fee.

The Premises is situated in the Chestnut Street Business (CSB) Zoning District and is occupied by an existing two-story commercial that appears to have been built in 1950. The first floor of the building contains two tenant spaces, with the second floor containing just one tenant space. Since construction of the building, some or all appear to have been used for various commercial purposes, including, without limitation, a veterinary office, an engineering company, a shade and linoleum store, a hairdresser, a dry cleaner, and an architect's office. At present, one of the first-floor spaces is used and occupied by Kostas Pizza and Seafood, pursuant to special permits

issued by the Zoning Board of Appeals<sup>1</sup>, and the other first floor space is used and occupied by a coin and jewelry store. The second floor space is current vacant, but was most recently used and occupied for office purposes.

The Applicant desires to use and occupy the entire second floor space as a private school offering tutoring and other educational services; primarily to students in grades 3 through 8, inclusive. Instruction will be provided both individually and in small classes, with a maximum of 5 students in a class. There will be a total maximum of 10 students and 3 staff at any one time, although most of the time there will only be 2 staff. Hours of operation will generally be 2 PM until 7 PM, except on early dismissal days, and possibly holidays and weekends when hours will vary.

The use is allowable by special permit, and same is requested. In addition, even though total parking demand will decrease from current requirements (as set forth in the memo provided herewith), the number of spaces on site will remain less than such demand. In addition, the existing spaces do not comply with the design requirements. As a result, a special permit parking waiver is also required.

Kindly schedule this matter for the next hearing of the Board of Appeals. If you have any comments, questions or concerns, or if you require any further information in the meantime, please contact me so that I may be of assistance.

Sincerely,



George Giunta, Jr.

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<sup>1</sup> See Decision d. August 30, 1988, filed with the Town Clerk October 3, 1988, issued to L. Petrini & Son, Inc, Decision d. September 1, 1992, filed with the Town Clerk May 17, 1993, issued to Diomedes Logothetis d/b/a Mom & Pop's Pizza, and Decision d. November 21, 1996, filed with the Town Clerk December 2, 1996, issued to Diomedes Logothetis d/b/a Mom & Pop's Pizza.





# ZBA Application For Hearing

**Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.**

## Applicant Information

|                                                                                                                                                                              |                                        |       |                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------|--------------------------------|
| Applicant Name                                                                                                                                                               | Adam Dangelo                           | Date: | 5/24/24                        |
| Applicant Address                                                                                                                                                            | 24 Nichols Street, Norwood, MA 02062   |       |                                |
| Phone                                                                                                                                                                        | 339-364-9890                           | email | whoisadamdangelo@gmail.com     |
| Applicant is <input type="checkbox"/> Owner; <input checked="" type="checkbox"/> Tenant; <input type="checkbox"/> Purchaser; <input type="checkbox"/> Other_____             |                                        |       |                                |
| If not the owner, a letter from the owner certifying authorization to apply must be included                                                                                 |                                        |       |                                |
| Representative Name                                                                                                                                                          | George Giunta, Jr., Esq.               |       |                                |
| Address                                                                                                                                                                      | 281 Chestnut Street, Needham, MA 02492 |       |                                |
| Phone                                                                                                                                                                        | 617-840-3570                           | email | george.giuntajr@needhamlaw.net |
| Representative is <input checked="" type="checkbox"/> Attorney; <input type="checkbox"/> Contractor; <input type="checkbox"/> Architect; <input type="checkbox"/> Other_____ |                                        |       |                                |
| Contact <input type="checkbox"/> Me <input checked="" type="checkbox"/> Representative in connection with this application.                                                  |                                        |       |                                |

## Subject Property Information

|                                                                                                                                                                                                                                                                           |                     |                  |                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------|--------------------------------|
| Property Address                                                                                                                                                                                                                                                          | 315 Chestnut Street |                  |                                |
| Map/Parcel Number                                                                                                                                                                                                                                                         | Map 46 / Parcel 51  | Zone of Property | Chestnut Street Business (CSB) |
| Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                     |                     |                  |                                |
| Is property <input type="checkbox"/> Residential or <input checked="" type="checkbox"/> Commercial                                                                                                                                                                        |                     |                  |                                |
| If residential renovation, will renovation constitute "new construction"?<br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                     |                     |                  |                                |
| If commercial, does the number of parking spaces meet the By-Law requirement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                         |                     |                  |                                |
| Do the spaces meet design requirements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                               |                     |                  |                                |
| Application Type ( <i>select one</i> ): <input checked="" type="checkbox"/> Special Permit <input type="checkbox"/> Variance <input type="checkbox"/> Comprehensive Permit <input type="checkbox"/> Amendment <input type="checkbox"/> Appeal Building Inspector Decision |                     |                  |                                |



# ZBA Application For Hearing

## Existing Conditions:

Two story commercial building with two tenant spaces on the first floor and one tenant space on the second floor. One first floor space occupied by pizza / sandwich shop pursuant to existing special permits. Remaining first floor space occupied by coin and jewelry store. Second floor space currently vacant, most recently used and occupied for office purposes.

## Statement of Relief Sought:

1. Special permit pursuant to Section 3.2.2 to permit the use of the second floor space for a private school, to wit, a tutoring business focussing primarily on children in the 3rd through 8th grades, inclusive;
2. ~~Special permit pursuant to Section 3.2.2 for more than one non-residential use on a lot;~~
3. Special permit pursuant to Section 5.1.1.5 waiving strict adherence to the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements);
4. All other relief that is or may be necessary for the use of the second floor for purposes of a private school.

## Applicable Section(s) of the Zoning By-Law:

3.2.2, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Section or By-Law.

## If application under Zoning Section 1.4 above, list non-conformities:

|                                                                              | Existing Conditions | Proposed Conditions |
|------------------------------------------------------------------------------|---------------------|---------------------|
| Use                                                                          |                     |                     |
| # Dwelling Units                                                             |                     |                     |
| Lot Area (square feet)                                                       |                     |                     |
| Front Setback (feet)                                                         |                     |                     |
| Rear Setback (feet)                                                          |                     |                     |
| Left Setback (feet)                                                          |                     |                     |
| Right Setback (feet)                                                         |                     |                     |
| Frontage (feet)                                                              |                     |                     |
| Lot Coverage (%)                                                             |                     |                     |
| FAR (Floor area divided by the lot area)                                     |                     |                     |
| Numbers must match those on the certified plot plan and supporting materials |                     |                     |



## ZBA Application For Hearing

Date Structure Constructed including additions:

Date Lot was created:

| Submission Materials                                                                                                                                                                                                          | Provided |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Certified Signed Plot Plan of Existing and Proposed Conditions<br><i>(Required)</i>                                                                                                                                           |          |
| Application Fee, check made payable to the Town of Needham<br>Check holders name, address, and phone number to appear on<br>check and in the Memo line state: "ZBA Fee – Address of Subject<br>Property"<br><i>(Required)</i> |          |
| If applicant is tenant, letter of authorization from owner <i>(Required)</i>                                                                                                                                                  |          |
| Electronic submission of the complete application with attachments<br><i>(Required)</i>                                                                                                                                       |          |
| Elevations of Proposed Conditions <i>(when necessary)</i>                                                                                                                                                                     |          |
| Floor Plans of Proposed Conditions <i>(when necessary)</i>                                                                                                                                                                    |          |

Feel free to attach any additional information relative to the application.  
Additional information may be requested by the Board at any time during the  
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have  
reviewed the Board Rules and instructions.

I certify that the Applicant consulted with Erik J. Tardif, Assistant Building Commissioner,  
on May 14, 2024, and detailed information was provided to the Building Commissioner on  
May 20, 2024.

Date: 5/24/24 Applicant Signature George Giunta Jr  
George Giunta, Jr.  
Attorney for Adam Dangelo

*An application must be submitted to the Town Clerk's Office at  
[townclerk@needhamma.gov](mailto:townclerk@needhamma.gov) and the ZBA Office at [dcollins@needhamma.gov](mailto:dcollins@needhamma.gov)*



315 Chestnut Street Needham, LLC  
16 Main Street  
Dennis Port, MA 02639

May 21, 2024

Town of Needham  
Zoning Board of Appeals  
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: 315 Chestnut Street, Needham, MA  
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that 315 Chestnut Street Needham, LLC, owner of the property known and numbered 315 Chestnut Street, Needham, MA (the "Premises"), has authorized Adam Dangelo, 24 Nichols Street, Norwood, MA 02062, tenant, through his attorney, George Giunta, Jr., Esquire, to make application for special permits and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the use of the second floor at the Premises for private educational purposes. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Hearing.

Sincerely,

315 Chestnut Street Needham LLC

A handwritten signature in black ink, appearing to read 'Daniel Pogorelc', with a long horizontal stroke extending to the right.

By Daniel Pogorelc, Manager

TO: THE MEMBERS OF THE BOARD OF APPEALS  
TOWN OF NEEDHAM, MA

May 24, 2024

MEMORANDUM IN SUPPORT OF  
APPLICATION FOR SPECIAL PERMITS

Adam Dangelo  
315 Chestnut Street, Needham, MA

The applicant, Adam Dangelo (hereinafter, interchangeably, the “Applicant” and “Dangelo”), seeks a Special Permit pursuant to Section 3.2.2 for a private school, a Special Permit pursuant to Section 5.1.1.5, waiving strict adherence with the off-street parking requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements), and any and all other relief as may be necessary for the use and occupancy of the second floor commercial space at 315 Chestnut Street (the “Premises”) for private school purposes, offering tutoring and other forms of instruction primarily to students in the 3<sup>rd</sup> through 8<sup>th</sup> grades, inclusive.

BACKGROUND

The Premises is situated in the Chestnut Street Business Zoning District. It is identified as Parcel 51 on Town of Needham Assessor’s Map No. 46 and is situated on the corner of Chestnut Street and Marsh Road with approximately 75 feet of frontage on Chestnut Street and 85 feet of frontage on Marsh Road. The Premises consists of approximately 7,500 square feet of land and is occupied by an existing two-story commercial building and associated off-street parking. There is no existing landscaping on site. The building consists of approximately 2,400 square feet of space on the first floor with 1,552 square feet on the second floor.

The first floor is divided into two tenant spaces, one of which is currently used and occupied by Kostas Pizza and Seafood, pursuant to multiple special permits issued by the Zoning Board of Appeals<sup>1</sup>. The other first floor space, which was vacant for a time after having been used for dry cleaning purposes, is currently occupied by a coin and jewelry store. The second

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<sup>1</sup> See Decision d. August 30, 1988, filed with the Town Clerk October 3, 1988, issued to L. Petrini & Son, Inc, Decision d. September 1, 1992, filed with the Town Clerk May 17, 1993, issued to Diomedes Logothetis d/b/a Mom & Pop’s Pizza, and Decision d. November 21, 1996, filed with the Town Clerk December 2, 1996, issued to Diomedes Logothetis d/b/a Mom & Pop’s Pizza.

floor space, which has been used for a variety of purposes over the years, including a hairdresser, was most recently used for office purposes.<sup>2</sup>

### PROPOSED USE

The Applicant is proposing to use and occupy the entire second floor space as a private school, offering a variety of instruction, primarily focused on children in grades 3 through 8, inclusive. While the educational services offered will include traditional tutoring and homework help, the focus will be more on enhancements for high achievers. Individualized curricula will be developed for each student, based on a multi-disciplinary approach, and students will be taught individually and in small groups, with a maximum of 5 students in a group. The maximum number of groups at any given time will be 2 groups of 5 and the maximum number of students on site at any given time will be 10. The maximum number of staff on site at any given time will be 3, although most of the time no more than 2 staff are expected. Hours of operation are currently anticipated to be approximately 2 PM through 7 PM, with earlier start times on early dismissal days, and possibly holidays and weekends.

No changes are proposed or anticipated to either the interior of the space or the exterior of the building, other than signage.<sup>3</sup> The space is currently served by an existing set of stairs, accessed from a door in the front of the building, located between the doors to the first-floor commercial tenants. This will remain the primarily entry to the space. In addition, there is also an emergency egress / fire escape at the rear of the space.

### PARKING

There are a total of 8 existing parking spaces at the Premises, including two parallel spaces along the fence at the rear of the property and six head-in spaces along the left, southerly side of the building. None of these spaces comply with the parking design requirements set forth at Section 5.1.3. The parallel spaces are shorter than the 22 feet required by Section 5.1.3(f) and are not setback a minimum of 4 feet from the rear lot line as required by Section 5.1.3(j). The six spaces along the side of the building are not setback the required minimum 20 feet from Chestnut

---

<sup>2</sup> The Board recently issued special permits authorizing the conversion, use and occupancy of the second-floor space for residential purposes as a single 3 bedroom apartment. However, no action has been taken to effectuate those permits and same would be superseded by the relief requested herein.

<sup>3</sup> See Exhibit A for existing floorplan.



Street, nor the minimum of 5 feet from the building, both as required by Section 5.1.3(j). No landscaped areas are provided, as required by Section 5.1.3(k), nor trees as required by Section 5.1.3(l).

In addition to the existing design nonconformities, the total number of spaces is currently less than required pursuant to the By-Law. At present, based on the most recent use of the second-floor space for office purposes, the overall parking demand for the building was 25 spaces, calculated as follows:

Kostas Pizza and Seafood: 15 seats @ 1 space / 3 seats = 5 spaces + 10 spaces for take-out = 15 total spaces  
First Floor Retail (coin and jewelry store): 1,200 square feet @ 1 space / 300 SF = 4 spaces  
Second Floor Office – 1,552 square feet @ 1 space / 300 SF = 5.17 spaces = 6 spaces (rounded up)  
15 + 4 + 6 = 25 total spaces required.

Therefore, the Premises currently has a shortfall of 17 parking spaces.<sup>4</sup>

There is no category in Section 5.1.3 (Required Parking) of the By-Law that is clearly applicable to the proposed use. The closest category would appear to be "Colleges, vocational and high schools excluding boarding and office facilities which shall be computed separately in accordance with this section", which requires parking calculated based on one-half of the design or expected enrollment. Based on a maximum enrollment of 10 students, the calculated parking demand would therefore be 5 parking spaces: being one-half of maximum enrollment.

In the alternative, given the nature of the use and the age of the students, it would be logical to apply the same parking demand standard as was applied to Code Wiz, an educational business that teaches robotics and programming to children ages 7-17.<sup>5</sup> The parking standard applied in that case was 1 space for each member of staff and 1 space for every 5 students. Using this standard, the total parking demand for the proposed use would still be 5 spaces, calculated as follows: 10 students @ 1 space / 5 students = 2 spaces + maximum 3 staff @ 1 space / 1 staff = 5 total spaces.

Therefore, the parking shortfall would be slightly improved with the proposed use, as the total parking demand will decrease to 24 spaces, calculated as follows:

---

<sup>4</sup> Note that this shortfall is currently addressed, in part, through the parking waivers granted in connection with Kostas Pizza and Seafood use and in part, through the pre-existing, non-confirming nature of the building relative to parking requirements.

<sup>5</sup> Code Wiz is located in the building next door, at 329 Chestnut Street, and was granted special permits, including parking waivers, by Decision of the Board dated April 28, 2022, recorded Norfolk Deeds in Book 41204, Page 60.

Kostas Pizza and Seafood: 15 seats @ 1/3 seats = 5 spaces + 10 spaces for take-out = 15 total spaces  
First Floor Retail: 1,200 square feet @ 1 space / 300 SF = 4 spaces  
Second Floor Private School @ 5 spaces  
15 + 4 + 5 = 24 total spaces.

Thus, while a parking waiver from the number of required spaces is still required, the size of the waiver is now 16, a net reduction of one space from the current waivers.

Furthermore, because of the age of the students, none will be driving. As a result, the parking demand associated with the students will likely be transitory, of a highly limited nature in connection with drop-offs and pick-ups, as opposed to long term. To this end, the owner of the property has agreed to designate the two parallel parking spaces at the back of the building as short-term, drop-off / pick-up spaces. No drop-off or pick-up will be allowed or permitted on Chestnut Street and such restriction will be duly communicated to all parents.

## LAW

Massachusetts General Laws, Chapter 40A, Section 9 states as follows: “Special Permits may be issued only for uses that are in harmony with the general purpose and intent of the ordinances of the by-law, and shall be subject to general or specific provisions set forth therein; and that such permits may also impose conditions, safeguards, and limitations on time and use.”

Pursuant to Section 3.2.2 of the By-Law, the request for a special permit for a private school is to be evaluated pursuant to the standards of Section 7.5.2 of the By-law. That Section requires that all use related aspects:

- (a) comply with such criteria or standards as may be set forth in the section of the By-Law which refers to the granting of the requested special permit;
- (b) are consistent with: 1) the general purposes of the By-Law as set forth in subparagraph 1.1, and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth elsewhere in the By-Law, such as, but not limited to, those at the beginning of the various sections; and
- (c) are designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area

Section 5.1.1.5 authorizes and empowers the Board to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 where a particular use, structure, or lot, owing to special circumstances, does not warrant the application of the parking requirements of Section 5.1.2 or the design requirements contained in Section 5.1.3. In addition, pursuant to Section 5.1.1.5 the Board is directed to consider whether the issuance of the special permit would be detrimental to

the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses and is further consistent with the intent of the Zoning By-Law.

## ARGUMENT / ANALYSIS

### I. USE

The proposed use of the second-floor space at the Premises for a private school is consistent with both the general and specific purposes of the By-Law. Provision of tutoring and other educational services to students will promote the welfare and interests of the residents of the Town of Needham by providing and equipping young students with tools to grow and exceed expectations.

The Premises is in a highly developed area, within a well-developed, existing commercial zoning district that contemplates a mixture of uses, specifically including private schools. It is bordered to the south by a commercial building, and to the west and north by small residential dwellings. The proposed use of the second floor is compatible with the spirit and intent of the Zoning District as well as the characteristics of the surrounding area. Therefore, the Applicant asserts that the proposed use and occupancy of the second-floor space as a small private school use as described complies with the applicable provisions of both Chapter 40A and the By-Law and should be allowed.

### II. PARKING

The current / most recent use of the Premises requires a total of 25 parking spaces, with only 8 spaces available on site. As a result, there is currently a shortfall of 17 spaces. However, the use of the second-floor space for a small private school will reduce this shortfall to 16 spaces; a measurable improvement. Moreover, it is contemplated that due to the age of the students, parking demand will be of a short-term nature only, and the owner of the property has agreed to designate two parking spaces as short pick-up / drop-off spaces.

Therefore, Dangelo asserts that, owing to the special circumstances applicable to the proposed use of the second-floor space, the application of the parking requirements of Section 5.1.2 are not warranted and the requested waiver is appropriate. Furthermore, issuance of such waiver will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses and will be consistent with the intent of the Zoning By-Law.



The parking area on site is fully developed and has been in existence since prior to the adoption of parking design guidelines in the 1980s. Whereas no changes are proposed to the parking area other than designation of two short-term parking spaces, Dangelo asserts that a parking waiver from the applicable design requirements contained in Section 5.1.3 is appropriate. If the parking area were forced to comply with current design requirements, due to the small size of the lot and the location and layout of the existing building, nearly all, if not all the existing parking would need to be removed.

### CONCLUSION

Educational services that function outside of regular classroom instruction provide numerous benefits to students, and therefore the community. The more traditional aspects of these services help students prepare students for tests and exams which typically leads to better grades. They also provide tools and instill habits that make future academic success more likely and easier for the student. More modern aspects instill confidence and self-assurance while developing critical thinking and problem-solving skills that are crucial for success in both advanced academic settings as well as life. As a result, both the individual students and the community at large are served. Therefore, there are good and sufficient reasons for granting the requested use special permit.

Furthermore, in as much as the proposed use will result in a net decrease in parking demand, and whereas actual demand in practice is likely to be reduced further due to its anticipated short term nature, there are good and sufficient reasons for granting the requested parking waivers. As a result, Dangelo asserts that the requested zoning relief is both proper and appropriate and should be granted.

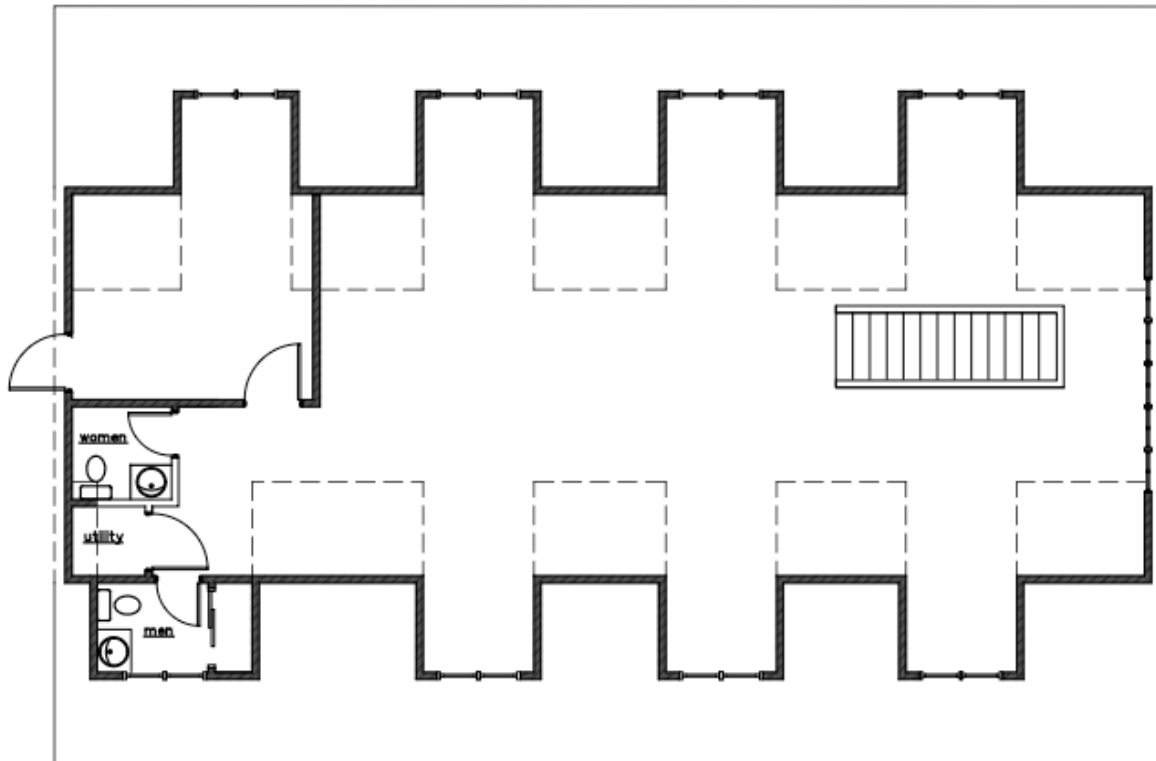
Respectfully submitted,  
Adam Dangelo  
by his attorney,



---

George Giunta, Jr., Esquire  
281 Chestnut Street  
Needham, Massachusetts 02492  
617-840-3570

EXHIBIT A  
Existing Floor Plan





GENERAL NOTES:

1. THE EXISTING CONDITIONS INFORMATION SHOWN HEREON ARE THE RESULTS OF AN ON THE GROUND SURVEY ON APRIL 15, 2022.

2. ALL DEED REFERENCES ARE TO NORFOLK COUNTY REGISTRY OF DEEDS UNLESS OTHERWISE NOTED.

3. LOCUS OWNER OF RECORD:

315 CHESTNUT STREET NEEDHAM LLC  
DEED BOOK 40551 PAGE 214  
PARCEL ID NO.1990460005100000

4. TOPOGRAPHY, CONTOURS AND BENCHMARKS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). TEMPORARY BENCHMARKS, REFERENCED TO THE DATUM ARE INDICATED ON THE SURVEY.

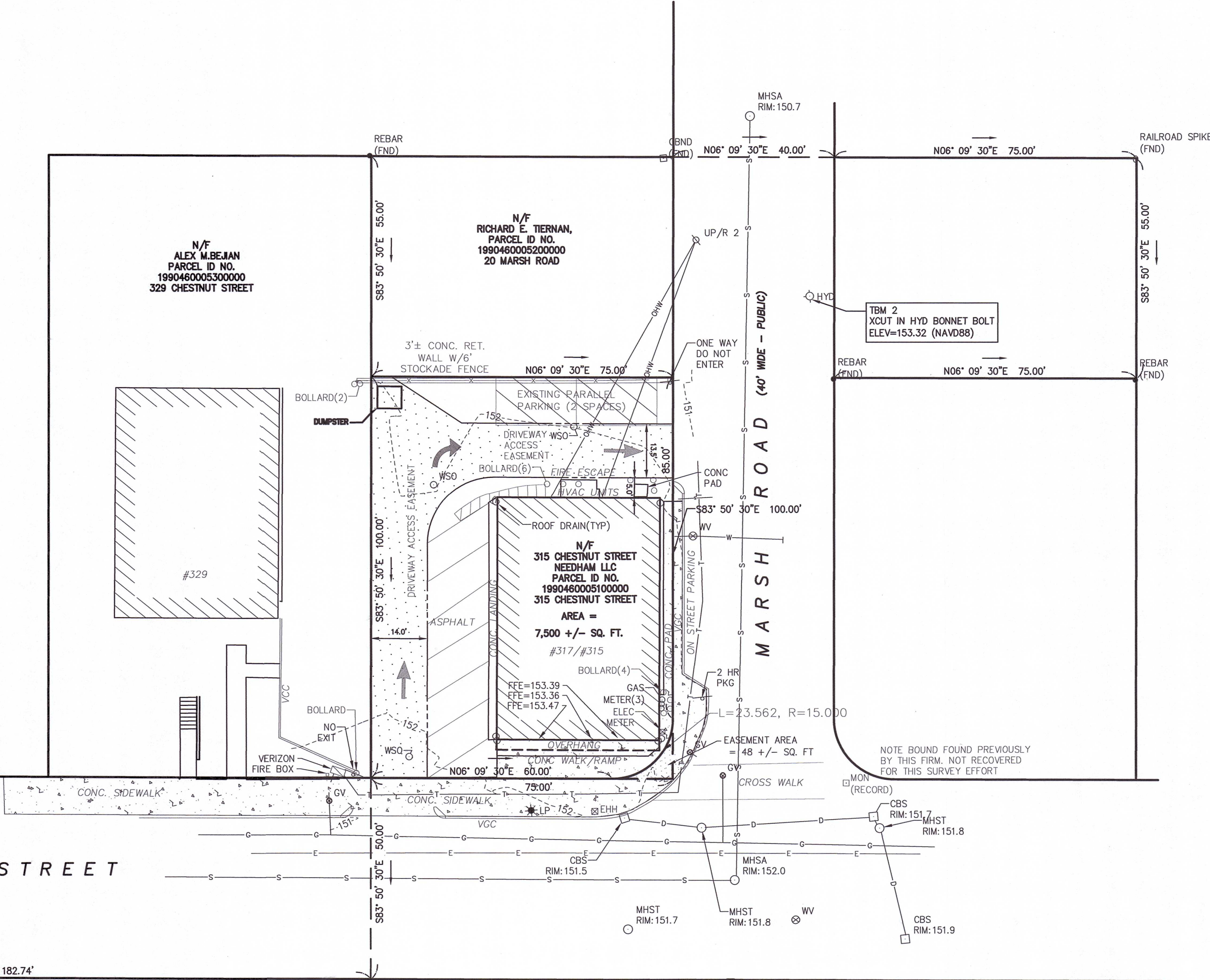
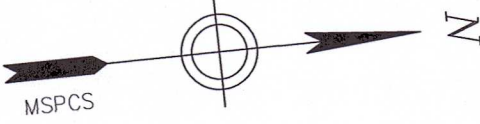
5. THE PROJECT AREA IS LOCATED IN FLOOD ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP FOR NORFOLK COUNTY, COMMUNITY PANEL NUMBER 25021C0038E, EFFECTIVE DATE 7/17/2012.

6. THE LOCUS PARCEL IS LOCATED IN THE TOWN OF NEEDHAM CHESTNUT STREET BUSINESS DISTRICT (LOWER CHESTNUT STREET OVERLAY DISTRICT) AS DEFINED BY THE TOWN OF NEEDHAM ZONING MAP REVISED MARCH 1, 2020.

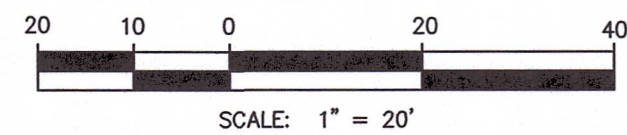
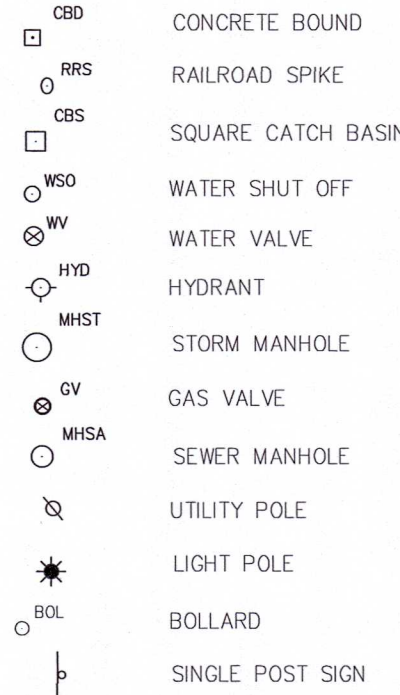
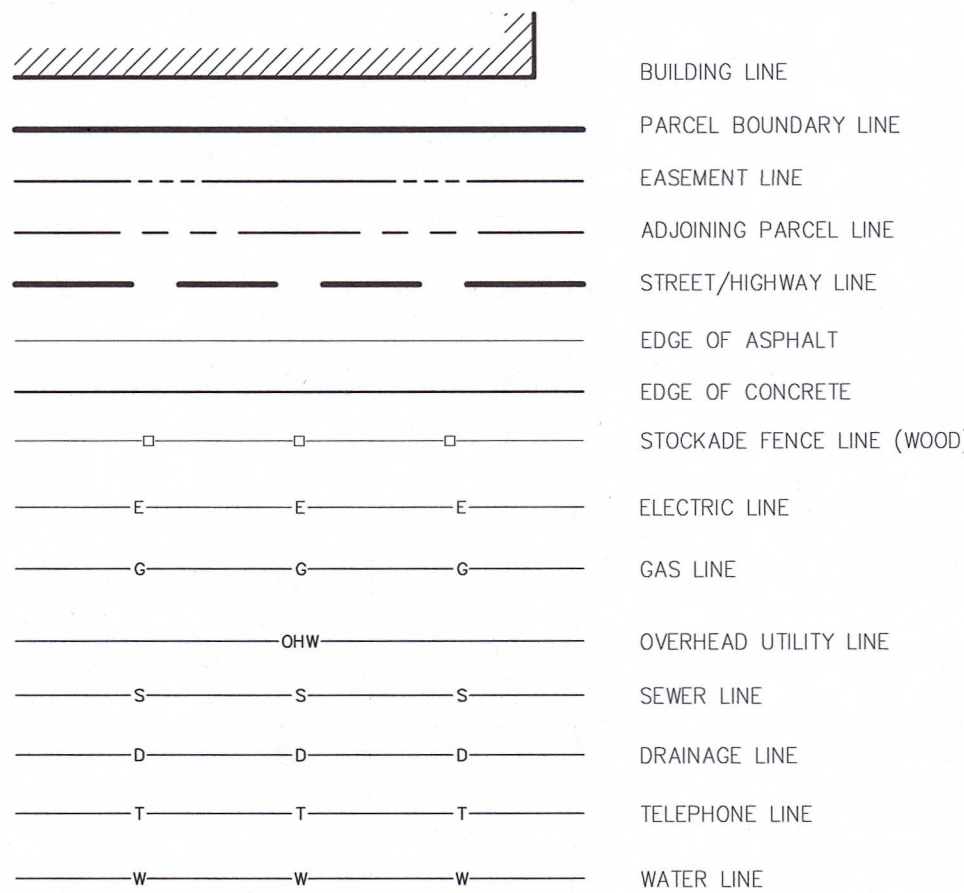
7. LOCATION OF SUBSURFACE UTILITIES SHOWN HEREON ARE APPROXIMATE AND ADDITIONAL UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS PLAN. LOCATIONS ARE COMPILED FROM UTILITY PLANS OF RECORD AND DIG-SAFE FIELD MARKINGS. RIM AND INVERT INFORMATION HAS BEEN COMPILED AND FIELD VERIFIED WHERE POSSIBLE. THIS INFORMATION IS NOT TO BE USED FOR CONSTRUCTION. PRIOR TO ANY CONSTRUCTION, CONTACT DIG-SAFE (811) TO FIELD VERIFY LOCATION OF ALL UTILITIES.

8. PLAN REFERENCES:

PLAN BOOK 404 PAGE 92  
PLAN BOOK 359 PAGE 1153  
PLAN BOOK 203 PAGE 370



LEGEND:



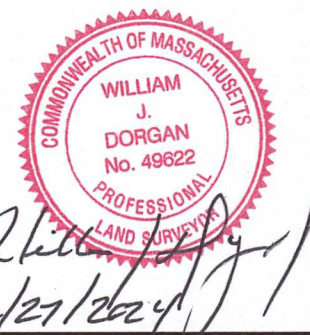
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**CHA**  
141 Longwater Drive - Suite 104  
Norwell, MA 02061  
781.982.5400 • www.chacompanies.com

PREPARED FOR:

315  
CHESTNUT  
STREET NEEDHAM  
LLC

315 CHESTNUT  
STREET NEEDHAM  
MA 02492



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT OR LAND SURVEYOR TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION: 'ALTERED BY [NAME] [DATE]'. THE DATE OF SUCH ALTERATION AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

TITLE

PLAN OF LAND  
315 CHESTNUT STREET  
NEEDHAM, MA  
NORFOLK COUNTY

| No. | Submittal / Revision | App'd | By  | Date       |
|-----|----------------------|-------|-----|------------|
| 0   | DRAFT                | WJD   | WJD | 04/07/2022 |
| 1   | PROGRESS PRINT       | WJD   | SBH | 04/19/2022 |
| 2   | CLIENT COMMENTS      | WJD   | SBH | 04/29/2022 |
| 3   | CLIENT COMMENTS      | WJD   | WJD | 10/11/2023 |
| 4   | CLIENT COMMENTS      | WJD   | WJD | 1/19/2024  |

315-317 CHESTNUT STREET  
NEEDHAM, MA

|                     |                      |                    |
|---------------------|----------------------|--------------------|
| Designed By:<br>--- | Drawn By:<br>SBH     | Checked By:<br>WJD |
| Issue Date:<br>X    | Project No:<br>78330 | Scale:<br>1" = 20' |

Drawing No.:

SHEET 1 OF 1



**GEORGE GIUNTA, JR.**  
ATTORNEY AT LAW\*  
281 CHESTNUT STREET  
NEEDHAM, MASSACHUSETTS 02492  
\*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

May 24, 2024

Town of Needham  
Zoning Board of Appeals  
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Needbobcon, Inc.  
1257 Highland Avenue, Needham, MA

Dear Ms. Collins,

Please be advised this office represents Needbobcon, Inc. (hereinafter, interchangeably, the “Applicant” and “Conrad”) with respect to the commercial space at the property known and numbered 1257 Highland Avenue, Needham, MA formerly used and occupied by the Bertucci’s Restaurant (hereinafter the “Premises”). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of site plan, elevation plan and floor plan;
3. Seven copies of Memorandum in Support of Application for Special Permits;
4. Seven copies of authorization letter from property owner; and
4. Check in the amount of \$500 for the applicable filing fee.

The Premises is situated in a Business (B) Zoning District and is part of a larger plaza containing several commercial tenants. From approximately 2002 until March, 2023, the Premises was used and occupied as a Bertucci’s Restaurant as a full-service restaurant with dine-in and take-out. The Bertucci’s Restaurant included 130 seats and one take-out station and was open seven days a week.

The Applicant desires to use and occupy the Premises as a Conrad’s restaurant as a full service restaurant with dine-in and take out. The proposed restaurant will include 157 seats and one take-out station and will be open seven days a week. Conrad’s has been in business for approximately 15 years and currently operates locations in Norwood, Walpole and Foxborough.

The use is allowable by special permit, and same is requested, together with a special permit for more than one non-residential use on the lot. In addition, because the plaza is already deficient in the number of parking spaces required pursuant to the Zoning By-Law, and because the existing spaces do not comply with all design requirement, a special permit waiving strict adherence with the off-street parking requirements is also required and same is requested.

In part due to the shortfall in parking spaces, a parking study was commissioned, performed by Vanasse & Associates, Inc. ("VAI") who have a history working with the plaza. The study, which is provided herewith, indicated that there is more than sufficient parking available between the spaces in the plaza and the on-street parking within reasonable walking distance. Moreover, they evaluated the Norwood Conrad's location, which is similar, although larger, with more seats, and determined the parking to be adequate for the proposed use.

Kindly schedule this matter for the next hearing of the Board of Appeals. If you have any comments, questions or concerns, or if you require any further information in the meantime, please contact me so that I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "George Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.



# ZBA Application For Hearing

**Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.**

## Applicant Information

|                                                                                                                                                                              |                                        |       |                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------|--------------------------------|
| Applicant Name                                                                                                                                                               | Needbobcon, Inc.                       | Date: | 5/24/24                        |
| Applicant Address                                                                                                                                                            | 91 Millbrook Avenue, Walpole, MA 02081 |       |                                |
| Phone                                                                                                                                                                        | 617-257-5001                           | email | bob-conrad@comast.net          |
| Applicant is <input type="checkbox"/> Owner; <input checked="" type="checkbox"/> Tenant; <input type="checkbox"/> Purchaser; <input type="checkbox"/> Other_____             |                                        |       |                                |
| If not the owner, a letter from the owner certifying authorization to apply must be included                                                                                 |                                        |       |                                |
| Representative Name                                                                                                                                                          | George Giunta, Jr., Esq.               |       |                                |
| Address                                                                                                                                                                      | 281 Chestnut Street, Needham, MA 02492 |       |                                |
| Phone                                                                                                                                                                        | 617-840-3570                           | email | george.giuntajr@needhamlaw.net |
| Representative is <input checked="" type="checkbox"/> Attorney; <input type="checkbox"/> Contractor; <input type="checkbox"/> Architect; <input type="checkbox"/> Other_____ |                                        |       |                                |
| Contact <input type="checkbox"/> Me <input checked="" type="checkbox"/> Representative in connection with this application.                                                  |                                        |       |                                |

## Subject Property Information

|                                                                                                                                                                                                                                                                           |                      |                  |              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------|--------------|
| Property Address                                                                                                                                                                                                                                                          | 1257 Highland Avenue |                  |              |
| Map/Parcel Number                                                                                                                                                                                                                                                         | Map 52 / Parcel 3    | Zone of Property | Business (B) |
| Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                     |                      |                  |              |
| Is property <input type="checkbox"/> Residential or <input checked="" type="checkbox"/> Commercial                                                                                                                                                                        |                      |                  |              |
| If residential renovation, will renovation constitute "new construction"?<br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                     |                      |                  |              |
| If commercial, does the number of parking spaces meet the By-Law requirement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                         |                      |                  |              |
| Do the spaces meet design requirements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                               |                      |                  |              |
| Application Type ( <i>select one</i> ): <input checked="" type="checkbox"/> Special Permit <input type="checkbox"/> Variance <input type="checkbox"/> Comprehensive Permit <input type="checkbox"/> Amendment <input type="checkbox"/> Appeal Building Inspector Decision |                      |                  |              |





# ZBA Application For Hearing

## Existing Conditions:

Commercial space in one story commercial building, previously occupied by Bertucci's as a dine-in / take-out eating establishment pursuant to special permits issued by the Planning Board.

## Statement of Relief Sought:

1. Special permit pursuant to Section 3.2.2 for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter;
2. Special permit pursuant to Section 3.2.2 for a take-out operation accessory to a restaurant use;
3. Special permit pursuant to Section 3.2.2 for more than one non-residential use on a lot;
4. Special permit pursuant to Section 5.1.1.5 waiving strict adherence with the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Off Street Parking Requirements); and
5. All other relief necessary and appropriate to permit the use of the Premises as a restaurant with both dine in and take-out service.

## Applicable Section(s) of the Zoning By-Law:

3.2.2, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable Section or By-Law.

## If application under Zoning Section 1.4 above, list non-conformities:

|                                                                              | Existing Conditions | Proposed Conditions |
|------------------------------------------------------------------------------|---------------------|---------------------|
| Use                                                                          |                     |                     |
| # Dwelling Units                                                             |                     |                     |
| Lot Area (square feet)                                                       |                     |                     |
| Front Setback (feet)                                                         |                     |                     |
| Rear Setback (feet)                                                          |                     |                     |
| Left Setback (feet)                                                          |                     |                     |
| Right Setback (feet)                                                         |                     |                     |
| Frontage (feet)                                                              |                     |                     |
| Lot Coverage (%)                                                             |                     |                     |
| FAR (Floor area divided by the lot area)                                     |                     |                     |
| Numbers must match those on the certified plot plan and supporting materials |                     |                     |



## ZBA Application For Hearing

Date Structure Constructed including additions:

Date Lot was created:

| Submission Materials                                                                                                                                                                                                          | Provided |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Certified Signed Plot Plan of Existing and Proposed Conditions<br><i>(Required)</i>                                                                                                                                           |          |
| Application Fee, check made payable to the Town of Needham<br>Check holders name, address, and phone number to appear on<br>check and in the Memo line state: "ZBA Fee – Address of Subject<br>Property"<br><i>(Required)</i> |          |
| If applicant is tenant, letter of authorization from owner <i>(Required)</i>                                                                                                                                                  |          |
| Electronic submission of the complete application with attachments<br><i>(Required)</i>                                                                                                                                       |          |
| Elevations of Proposed Conditions <i>(when necessary)</i>                                                                                                                                                                     |          |
| Floor Plans of Proposed Conditions <i>(when necessary)</i>                                                                                                                                                                    |          |

Feel free to attach any additional information relative to the application.  
Additional information may be requested by the Board at any time during the  
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have  
reviewed the Board Rules and instructions.

I certify that I consulted generally with the Building Commissioner and  
subsequently provided detailed information on May 20, 2024.

Date: 5/24/24 Applicant Signature George Giunta Jr  
George Giunta, Jr.  
Attorney for Needbobcon, Inc.

*An application must be submitted to the Town Clerk's Office at  
[townclerk@needhamma.gov](mailto:townclerk@needhamma.gov) and the ZBA Office at [dcollins@needhamma.gov](mailto:dcollins@needhamma.gov)*

**South Street 4414 Holdings, LLC**  
c/o The Grossman Companies, Inc.  
One Adams Place  
859 Willard Street, Suite 501  
Quincy, MA 02169

May 16, 2024

Town of Needham  
Zoning Board of Appeals  
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: 1257 Highland Avenue  
Needbobcon, Inc.  
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that South Street 4414 Holdings, LLC, owner of the property known and numbered 1257 Highland Avenue, Needham, MA (the "Premises"), has authorized Needbobcon, Inc., tenant, through its attorney George Giunta, Jr., Esquire, to make application for special permits and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the use of the Premises for a restaurant, including, without limitation, eat-in and take-out service. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'DBG', followed by a long horizontal line extending to the right.

South Street 4414 Holdings, LLC  
By David B. Grossman  
Authorized Signatory



TO: THE MEMBERS OF THE BOARD OF APPEALS  
TOWN OF NEEDHAM, MA

May 24, 2024

MEMORANDUM IN SUPPORT OF  
APPLICATION FOR SPECIAL PERMITS  
Needbobcon, Inc.  
1257 Highland Avenue, Needham, MA

The applicant, Needbobcon, Inc. (hereinafter, interchangeably, the “Applicant” and “Conrad”), seeks a Special Permit pursuant to Section 3.2.2 for a restaurant serving meals for consumption on the premises and at table with service provided by waiter or waitress, a Special Permit pursuant to Section 3.2.2 for a take-out operation accessory to a restaurant use, a Special Permit pursuant to Section 3.2.2 for more than one non-residential use on a lot, a Special Permit pursuant to Section 5.1.1.5, waiving strict adherence with the off-street parking requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements), and any and all other relief as may be necessary and appropriate for the use of the former Bertucci’s Restaurant location at the property known and numbered 1257 Highland Avenue (the “Premises”) as a Conrad’s restaurant with dine-in and take-out service.

**I. EXISTING CONDITIONS / BACKGROUND**

The Premises consists of approximately 6,165 square feet of interior floor area, and is one of three tenants spaces within an existing commercial building. It is located on property identified as Parcel 3 on Town of Needham Assessor’s Map No. 52 and is part of a larger, multi-tenant plaza (the “Property”). The plaza is split into two sides; the north side containing the Premises, numbered 1257 Highland Avenue, which also contains Cookie Monstah and Needham Wine and Spirits, and the opposite, south side, numbered 1299 Highland Avenue, containing Mathnasium, Supercuts, Needham Nail and Skin Care, and Pure Hockey. In between the two sides is a large parking lot containing approximately 88 parking spaces.<sup>1</sup>

From approximately 2002 until March of 2023, the Premises was used and occupied by Bertucci’s Restaurant as a full-service restaurant with take-out service pursuant to Decision issued by the Planning Board, Application No. 2002-1, filed with the Town Clerk on March 20,

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<sup>1</sup> While there are 88 spaces located within the plaza, one space is currently occupied by a recycling bin, and therefore, there are 87 spaces available for use for parking.

2002. Prior to that, it was used and occupied for several years as a Brooks Pharmacy. The Bertucci's Restaurant included a total of 130 seats and one take-out station and operated seven days a week from 10 AM until 11 PM.

## **II. PROPOSED USE / CHANGE**

The Applicant is proposing to continue the long-standing use of the Premises for food service purposes by redeveloping same as a "Conrad's" location. Conrad's is a full-service, "casual dining" restaurant that has been in operation for over 15 years. It is family owned and family friendly and currently operates in three locations: Norwood, Walpole and Foxboro. The menu and operation of the Needham location will be substantially similar to Norwood, featuring a range of different food with something for just about everyone.<sup>2</sup>

The proposed restaurant will consist of 157 interior seats, divided between booths, tables and bar seats and there will be one take-out station. The interior will be changed and altered to provide a different layout than Bertucci's. However, the Applicant does not anticipate any exterior or site changes with the exception of signage.<sup>3</sup> The restaurant is anticipated to be open Sunday through Wednesday, 11:30 AM to 9:30 PM and Thursday through Saturday, 11:30 AM to 10:00 PM. If a limitation is to be imposed on hours of operation, Conrad requests that it be within the hours of 10 AM and 11 PM, to provide adequate flexibility and time for opening and closing activities.

## **III. PARKING**

As mentioned above, the plaza contains several different businesses, all of which share a common parking lot in the middle. In 2021, as set forth in the Decision relative to Cookie Monstah, the Board found and determined that the overall parking demand for the plaza, including the Cookie Monstah use and the former Bertucci's Restaurant, was 134 parking spaces. Since that time, the overall mix of uses has remained functionally the same, and as a result, the base parking demand has also remained the same.

The Bertucci's Restaurant included 130 seats and one take-out station. The proposed Conrad's Restaurant will include 157 seats and one take out station, for an increase of 27 seats. This represents a net increase in parking demand of 9 spaces, based on the applicable standard of

---

<sup>2</sup> However, Norwood includes approximately 1,635 square feet more space, with 79 more seats.

1 space for every 3 seats set forth at Section 5.1.3 of the By-Law. As a result, the parking demand applicable to the Premises will increase from 54 parking spaces to 63 spaces, and the parking demand applicable to the plaza will increase from 134 parking spaces to 143 spaces.

As indicated above and shown on the site plan submitted herewith, there are currently 88 parking spaces on site, with all but one available for parking.<sup>4</sup> In addition, there are also 94 on-street parking spaces within an approximate 3 to 5 minute walking distance from the Premises. As a result, there are approximately 181 parking spaces available to businesses in the plaza, far exceeding the number of spaces required. However, given the nature of the on-street spaces and the fact that the calculated parking demand is increasing due to the proposed additional seating, Vanasse & Associates, Inc. (“VAI”) were hired to perform a parking analysis, the results of which are submitted herewith.

As set forth in detail in their report, VAI concluded that “more than sufficient parking is available within the Project site to accommodate the predicted parking demands of the proposed restaurant with additional on-street public parking available to accommodate potential parking demand fluctuations”. It is significant that VAI did not just take parking counts at the Property and nearby on-street parking and match them with the parking demand required by the By-Law. They also made observations at the Norwood Conrad’s location, which is larger and includes more seats than the proposed Needham location. Thus, notwithstanding the increase in parking demand resulting from the standards in the By-Law, Conrad is of the opinion that adequate parking exists to support the proposed restaurant, including the additional seats.<sup>5</sup>

#### **IV. LAW**

Massachusetts General Laws, Chapter 40A, Section 9 states as follows: “Special Permits may be issued only for uses that are in harmony with the general purpose and intent of the ordinances of the by-law, and shall be subject to general or specific provisions set forth therein; and that such permits may also impose conditions, safeguards, and limitations on time and use.”

---

<sup>3</sup> The Owner of the Property is currently finalizing aesthetic changes to the façade of the Building, as shown on the plans submitted herewith, which will need to be reviewed and approved by the Design Review Board.

<sup>4</sup> See Footnote 1 above.

<sup>5</sup> There also remains an issue with the By-Law’s arbitrary assignment of 10 parking spaces to a take-out station. Notwithstanding the By-Law, in practice a 150+ seat full service restaurant will seldom require 10 actual spaces to support accessory take-out.



Pursuant to Section 3.2.2 of the By-Law, the request for special permits for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter, for a take-out operation accessory thereto, and for more than one non-residential use on a lot are to be evaluated pursuant to the standards of Section 7.5.2 of the By-law. That Section requires that the use related aspects:

- (a) comply with such criteria or standards as may be set forth in the section of the By-Law which refers to the granting of the requested special permit;
- (b) are consistent with: 1) the general purposes of the By-Law as set forth in subparagraph 1.1, and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth elsewhere in the By-Law, such as, but not limited to, those at the beginning of the various sections; and
- (c) are designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area

Section 5.1.1.5 authorizes and empowers the Board to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 where a particular use, structure, or lot, owing to special circumstances, does not warrant the application of the parking requirements of Section 5.1.2 or the design requirements contained in Section 5.1.3. In addition, pursuant to Section 5.1.1.5 the Board is directed to consider whether the issuance of the special permit would be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses and is further consistent with the intent of the Zoning By-Law.

## **V. ARGUMENT / ANALYSIS**

### **A. Use**

Section 3.2.2 of the By-Law allows for the proposed restaurant use to be allowed by special permit, but does not impose any specific criteria or other standards. Moreover, the issuance of such special permits is consistent with the general purposes of the By-Law in that it promotes the convenience and welfare of the inhabitants of Needham while simultaneously being a highly appropriate use of the Premises. The issuance of such special permits serves to preserve and increase amenities within the Town by facilitating the availability of additional food choices and promoting commerce. Therefore, provided the requested special permits are approved and issued, the use of the Premises for a full-service restaurant with accessory take-out service will comply with the By-Law.

## **B. Parking**

As discussed above, there is currently a shortfall in the number of spaces available on site to serve the previous uses (which includes the former Bertucci's Restaurant). However, there is a substantial amount of on-street parking spaces within convenient walking distance. Moreover, based upon the current tenants and uses, the actual, practical demand within the parking lot, combined with the on-street parking, is more than adequate to meet both the calculated parking demand, based on the Zoning By-Law, and the anticipated actual demand, based on observations at the existing Conrad's Restaurant in Norwood. Finally, the parking demand calculation required pursuant to the By-Law assigns ten parking spaces for a take-out station. This is an arbitrary number and rarely required in practice for a full-service restaurant of the type proposed here. Therefore, sufficient special circumstances existing in this case to justify the granting of the requested parking waiver.

## **V. CONCLUSION**

From approximately 2002 until March, 2023, the Premises was used continuously for food service purposes by Bertucci's Restaurant. Now, a new restaurant desires to utilize the building for substantially the same general purposes, without making any substantial or material changes to the exterior of the building, site layout, or parking, with the exception only of signage. While a few more seats are proposed than the prior restaurant, the use is allowable pursuant to a special permit and is consistent with both the underlying purpose of the Business zoning district and the characteristics of the surrounding area. As a result, as set forth above, the Applicant is of the opinion that the applicable requirements relative to use have been met. Moreover, while parking waivers are necessary, as demonstrated by the VAI parking study, there is adequate parking on-site and within walking distance of the Premises to support the proposed additional seats. Therefore, there are good and sufficient reasons for the granting of the waivers. As a result, Conrad asserts that the requested zoning relief is both proper and appropriate and should be granted.

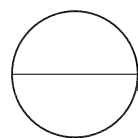
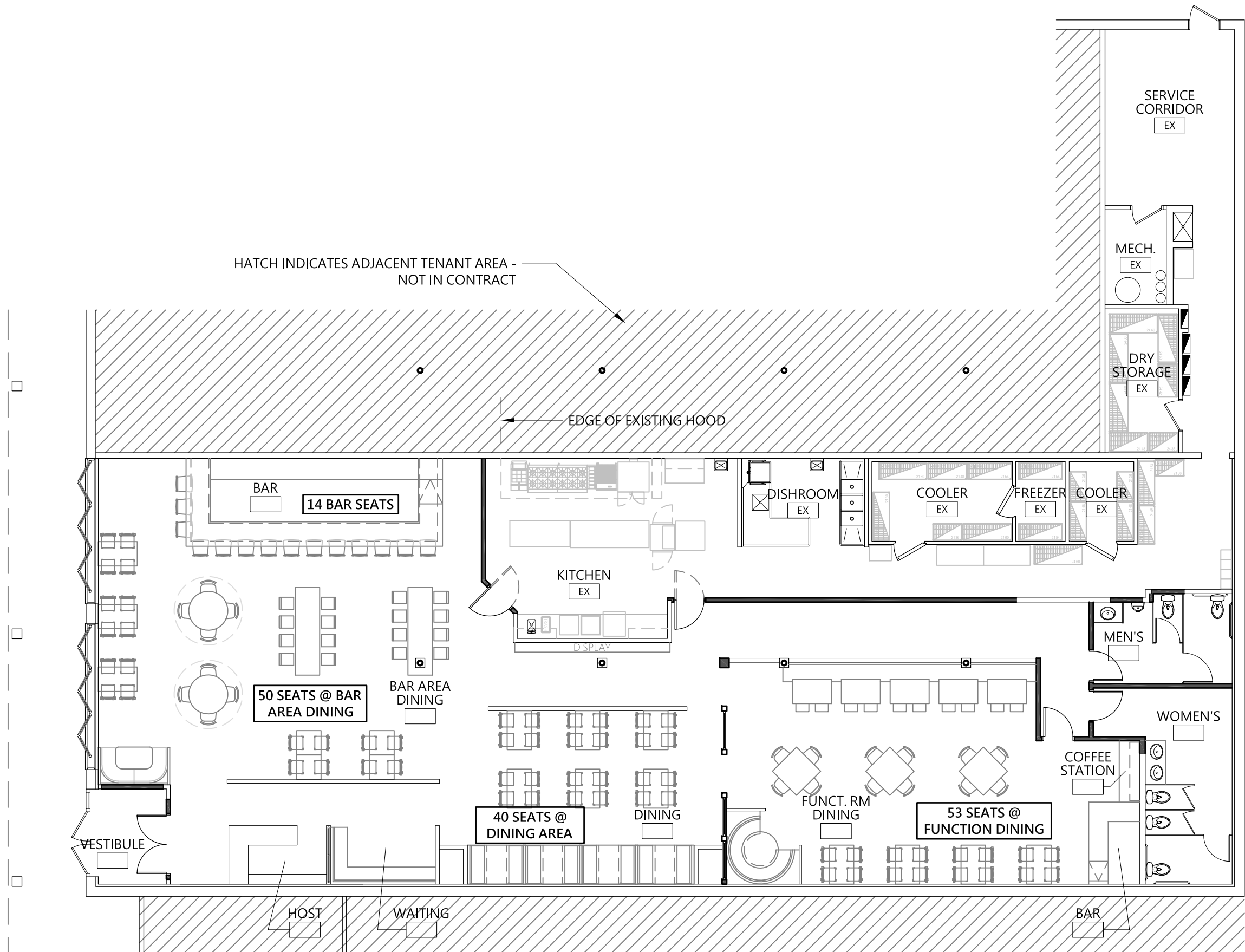
Respectfully submitted,  
Needbobcon, Inc.  
by its attorney,



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George Giunta, Jr., Esquire  
281 Chestnut Street  
Needham, Massachusetts 02492  
781-449-4520  
617-840-3570

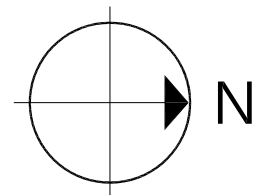


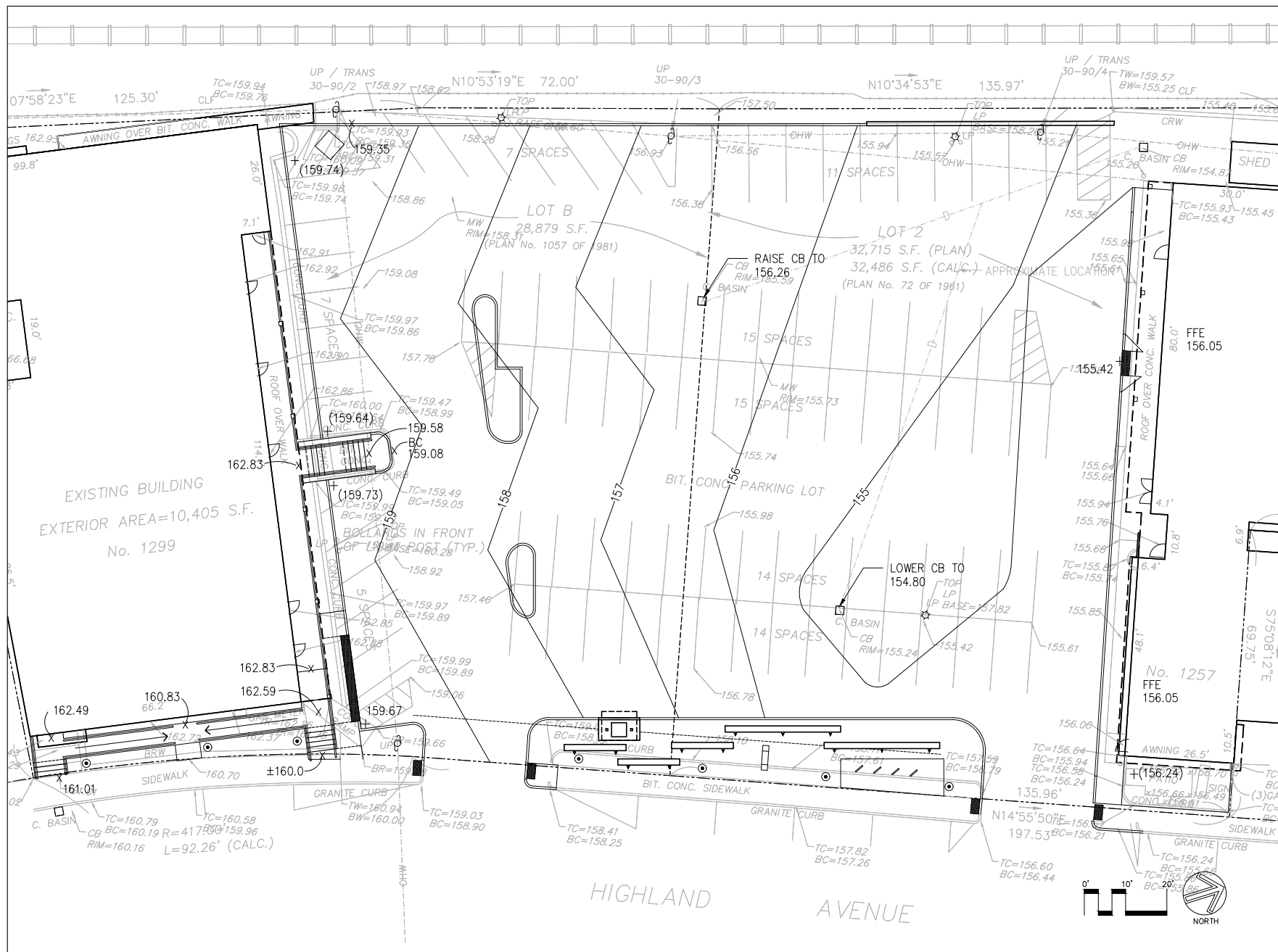


# PROPOSED FLOOR PLAN

SCALE: Not to Scale

157 SEATS TOTAL SHOWN  
TOILET ROOMS SHOWN  
ACCOMMODATE 200 OCCUPANTS





# Highland Ave. Plaza Upgrades 1253-1259 Highland Avenue Needham, MA

Client

## The Grossman Companies

1 Adams Place  
859 Willard Street, Suite 501  
Quincy, MA 02169

Landscape Architect



Radner Design  
Associates, Inc.  
3 Allied Drive, Suite 303  
Dedham, MA 02026  
508.736.6144  
www.RadnerDesign.com

Revision:

Drawn: kc

Checked: mr

Scale: 1"=10'-0"

Sheet Name:  
Grading Plan

Project No.:  
21-20

Issue Date:  
March 15, 2022

Sheet No.:  
L3

Drawings and Design © 2022 Radner Design Associates, Inc.

OVERALL TENANT SIGN STRATEGY BUILDING 1257



EXISTING CONDITION



## 1257 / ENLARGED FACADE VIEW



1257 / WALL SIGN DETAILS (ENLARGED)



**Sign type:**  
TI  
Primary tenant identity (typical)

**1** TI: Primary tenant identity sign (Bldg. 1257)  
Scale: 1/2"= 1'-0"

**Fabrication details (conceptual) :**  
Tenant logo and lettering: dimensional, cut acrylic or metal; painted  
Sign backer: brakedformed aluminum, .125" thick (min.); removable  
Slats: extruded aluminum, depth TBD

**Color specifications:**  
Tenant logo and lettering: per tenant branding  
Sign backer & slats: color TBD, based on facade color

**Mounting method:**  
Tenant logo and lettering: blind threaded studs; to backer  
Sign backer: counter-sunk mechanical fasteners to slats  
Slats: mounting TBD

**Special notes:**  
Details are conceptual; to be finalized in collaboration with architect and GC

**Total sign area:**  
30SF, as shown  
Maximum permitted sign area: 32 SF



**Proposed light fixture:**  
BK Lighting SignStar™ Style C Single (LED)

## MEMORANDUM

**TO:** Needbobcon dba Conrad's Restaurant  
c/o Mr. Robert Conrad  
President  
Conrad's Restaurant  
91 Millbrook Ave  
Walpole, MA 02081

**FROM:** Mr. Jeffrey S. Dirk, P.E.\*, PTOE, FITE   
Managing Partner and  
Mr. Andrew J. Arseneault  
Senior Transportation Engineer  
Vanasse & Associates, Inc.  
35 New England Business Center Drive  
Suite 140  
Andover, MA 01810-1066  
(978) 269-6830  
[jdirk@rdva.com](mailto:jdirk@rdva.com)  
*\*Professional Engineer in CT, MA, ME, NH, RI and VA*

**DATE:** May 16, 2024

**RE:** 9934

**SUBJECT:** Parking Demand Analysis  
Proposed Restaurant - 1257 Highland Avenue  
Needham Massachusetts

---

Vanasse & Associates, Inc. (VAI) has completed a parking demand assessment in support of the proposed Conrad's Restaurant to be located in the former Bertucci's restaurant tenant space at 1257 Highland Avenue in Needham, Massachusetts (hereafter referred to as the "Project"). Specifically, this assessment: i) evaluates the parking requirements for the proposed restaurant pursuant to the Zoning By-Law of the Town of Needham; ii) presents the results of parking demand observations at a comparable Conrad's Restaurant in Norwood, Massachusetts, which will offer a substantially similar dining concept and menus to that of the Project; and iii) reviews the availability of off-street parking within the surface parking lot that serves the Project site (1257-1299 Highland Avenue) and on-street parking that is located within a reasonable walking distance of the Project site.

Based on this assessment, we have concluded the following with respect to the Project and parking availability in the vicinity of the Project site:

1. On-site parking is provided for 87 vehicles, including four (4) handicapped accessible spaces, to support the uses located at 1257-1299 Highland Avenue, including the subject tenant space. An additional 94 on-street parking spaces are located within a reasonable walking distance of the Project site;
2. Parking demand observations conducted at the existing Conrad's Restaurant in Norwood indicate that the restaurant has a peak parking demand of 12 vehicles during the weekday midday peak period, a peak parking demand of 35 vehicles during the weekday evening peak period, a peak parking demand of 36 vehicles during the Saturday midday peak period and a peak parking demand of 35 vehicles during the Saturday evening peak period;
3. Based on parking demand observations conducted within the surface parking lot that provides parking for the uses at 1257-1299 Highland Avenue, including the subject tenant space, a minimum of 53 parking spaces were observed to be available during the weekday midday peak period, a





minimum of 54 parking spaces were available during the weekday evening peak period, a minimum of 49 parking spaces were available during the Saturday midday peak period and a minimum of 65 parking spaces were available during the Saturday evening peak period, which is more than sufficient to accommodate the peak parking demands that were observed at the Conrad's restaurant Norwood location; and

4. Within a 3 to 5-minute walking distance of the Project site (between Rosemary Street and May Street), a minimum of 56 on-street public parking spaces were observed to be available during the weekday midday peak period, a minimum of 60 parking spaces were available during the weekday evening peak period, a minimum of 71 parking spaces were available during the Saturday midday peak period and a minimum of 77 parking spaces were available during the Saturday evening peak period.

Based on these findings, ***it has been concluded that more than sufficient parking is available within the Project site to accommodate the predicted parking demands of the proposed restaurant with additional on-street public parking available to accommodate potential parking demand fluctuations.***

The following details our assessment of the parking demands for the Project.

## **PROJECT DESCRIPTION**

The Project will entail the renovation of the approximately 6,165± square feet (sf) of vacant restaurant space located at 1257 Highland Avenue in Needham, Massachusetts, that was formerly occupied by the Bertucci's restaurant to accommodate a Conrad's Restaurant with approximately 155 seats and one (1) take-out station. The building that contains the tenant space that will be renovated to accommodate the Project includes approximately 11,758± sf of commercial space with multiple tenants that include the Cookie Monstah bakery/restaurant (1,430± sf containing 18 seats and one (1) take-out station) and Needham Wine & Spirits (a 4,163± sf liquor store) in addition to the 6,165± sf vacant restaurant space.

A surface parking lot is situated within the Project site that provides 87 parking spaces, including four (4) handicapped accessible spaces, that are shared with the adjacent 10,100± sf commercial building located at 1299 Highland Avenue which contains a mix of retail (Pure Hockey) and service tenants (Needham Nails, Supercuts, and Mathnasium). Access to the Project site and the surface parking lot is provided by way of one-way entrance and exit driveways that intersect the west side of Highland Avenue approximately 170 feet and 300 feet south of Oakland Avenue, respectively.

## **ZONING BY-LAW PARKING REQUIREMENTS**

The parking requirements for the Project (restaurant) are defined in Section 5.1.2, *Required Parking*, of the Zoning By-Law of the Town of Needham. The parking requirements of the existing uses that share the surface parking lot (1257–1299 Highland Avenue) and those of the proposed Conrad's restaurant were calculated using the parking requirements defined in the By-Law for similar land uses (Restaurant and Retail, wholesale stores or services) and are summarized in Table 1.



**Table 1**  
**NEEDHAM ZONING BY-LAW PARKING REQUIREMENTS**

| <b>Tenant</b>                     | <b>Size</b>                     | <b>Zoning Requirement</b>                          | <b>Parking Requirement<br/>(No. of Parking Spaces)</b> |
|-----------------------------------|---------------------------------|----------------------------------------------------|--------------------------------------------------------|
| <i>Conrad's Restaurant</i>        | 155 seats<br>1 take-out station | 1 space per 3 seats plus<br>10 spaces for take-out | 62                                                     |
| <i>Cookie Monstah</i>             | 18 seats<br>1 take-out station  | 1 space per 3 seats plus<br>10 spaces for take-out | 16                                                     |
| <i>Needham Wine &amp; Spirits</i> | 4,163± sf                       | 1 space per 300 sf                                 | 14                                                     |
| <i>1299 Highland Avenue</i>       | 10,100± sf                      | 1 space per 300 sf                                 | 34                                                     |
| <b>TOTAL:</b>                     |                                 |                                                    | <b>126 spaces</b>                                      |

As can be seen in Table 1, a total of 126 parking spaces are required under the Zoning By-Law to accommodate the mix of uses that will be served by the surface parking lot that accommodates parking for 1257–1299 Highland Avenue with the renovation of the vacant restaurant space to accommodate the Conrad's Restaurant. Given that 87 parking spaces are provided, the number of parking spaces in the surface parking lot is less than the 126 parking spaces required under the Zoning By-Law. This theoretical parking differential (39 parking spaces) is satisfied through on-street public parking along Highland Avenue, of which there are 94 parking spaces located within an approximate 3 to 5-minute walking distance of the Project site (between Rosemary Street and May Street).

### **PARKING DEMAND OBSERVATIONS**

In order to establish the anticipated parking requirements for the proposed Conrad's Restaurant and to determine the availability of parking to satisfy the peak parking demands of the existing uses and the proposed restaurant, parking demand observations were performed in April 2024. The parking demand observations were conducted at the Conrad's Restaurant in Norwood, Massachusetts, within the surface parking lot that serves 1257 – 1299 Highland Avenue, and for on-street parking along Highland Avenue between Rosemary Street and May Street and along Oakland Avenue between Highland Avenue and Kingsbury Street. The following summarizes the parking demand observations.

#### **Conrad's Restaurant Parking Demands**

Parking demand observations were performed at the Conrad's Restaurant located at 728 Washington Street in Norwood, Massachusetts, between 12:00 PM and 2:00 PM and between 5:00 PM and 7:00 PM on Thursday, April 11, 2024 and on Saturday, April 20, 2024. These time periods encompass the peak-parking demand periods for the restaurant. The Conrad's Restaurant Norwood location is slightly larger in size (7,800± sf) than the proposed restaurant (6,165± sf) provides 236 seats, including 22 bar seats, to accommodate dine-in patrons, provides one (1) take-out station, and is supported by a 39 parking space



surface lot. Table 2 summarizes the parking demands observed at the Norwood restaurant during the observation periods.

**Table 2**  
**CONRAD'S RESTAURANT NORWOOD**  
**PARKING DEMAND OBSERVATIONS**

| Time     | Weekday <sup>a</sup>      |                                                 | Saturday <sup>b</sup>     |                                                 |
|----------|---------------------------|-------------------------------------------------|---------------------------|-------------------------------------------------|
|          | Number of Vehicles Parked | Number of Available Parking Spaces <sup>c</sup> | Number of Vehicles Parked | Number of Available Parking Spaces <sup>c</sup> |
| 12:00 PM | 5                         | 34                                              | 27                        | 12                                              |
| 12:15    | 5                         | 34                                              | 27                        | 12                                              |
| 12:30    | 6                         | 33                                              | 27                        | 12                                              |
| 12:45    | 9                         | 30                                              | 28                        | 11                                              |
| 1:00     | 9                         | 30                                              | 31                        | 8                                               |
| 1:15     | 9                         | 30                                              | 31                        | 8                                               |
| 1:30     | 10                        | 29                                              | <b>36</b>                 | <b>3</b>                                        |
| 1:45     | 10                        | 29                                              | 36                        | 3                                               |
| 2:00     | <b>12</b>                 | <b>27</b>                                       | 34                        | 5                                               |
| 5:00 PM  | 24                        | 15                                              | 11                        | 28                                              |
| 5:15     | 25                        | 14                                              | 17                        | 22                                              |
| 5:30     | 28                        | 11                                              | 20                        | 19                                              |
| 5:45     | <b>35</b>                 | <b>4</b>                                        | <b>35</b>                 | <b>4</b>                                        |
| 6:00     | 33                        | 6                                               | 35                        | 4                                               |
| 6:15     | 30                        | 9                                               | 35                        | 4                                               |
| 6:30     | 32                        | 7                                               | 35                        | 4                                               |
| 6:45     | 28                        | 11                                              | 34                        | 5                                               |
| 7:00     | 23                        | 16                                              | 32                        | 7                                               |

<sup>a</sup>As observed on Thursday April 11, 2024

<sup>b</sup>As observed on Saturday April 20, 2024

<sup>c</sup>Based on a total of 39 parking spaces

As can be seen in Table 2, the observed peak parking demand at the Conrad's Restaurant in Norwood on a weekday occurred at 2:00 PM during the midday peak period with 12 parking spaces occupied and at 5:45 PM during the evening peak period with 35 parking spaces occupied. On a Saturday, the observed peak parking demand occurred at 1:30 PM during the midday peak period with 36 parking spaces occupied and at 5:45 PM during the evening peak period with 35 parking spaces occupied.

***The peak parking demand observed at the Conrad's Restaurant Norwood location (36 parking spaces) is well below the 82 parking spaces that are required for the use under the Norwood Zoning By-Law<sup>1</sup> and is also well below the 62 parking spaces required by the Needham Zoning By-Law.***

<sup>1</sup>For restaurants, the Norwood Zoning Bylaw requires 1 parking spaces for every three (3) seats, plus three spaces for each take out station.





## **Parking Availability**

In order to determine the availability of parking in the vicinity of the Project site, parking demand observations were performed within the surface parking lot that serves the uses at 1257 – 1299 Highland Avenue and for on-street public parking along Highland Avenue and a portion of Oakland Avenue. The parking demand observations were performed between 12:00 PM and 2:00 PM and between 5:00 PM and 7:00 PM on Saturday, April 6<sup>th</sup>, 2024 and on Tuesday, April 9<sup>th</sup>, 2024, to coincide with the peak parking demand periods for Conrad's Restaurant. The limits of the study area for the parking demand observations were determined based on the distance that a pedestrian would reasonably be expected to walk to reach the Project (3 to 5-minutes).

The study area for the parking demand observations was split into four (4) zones which are shown on Figure 1 and defined as follows: **Zone 1** - the surface-street parking lot serving the Project site (1257 Highland Avenue) and the adjacent commercial property (1299 Highland Avenue); **Zone 2** - Highland Avenue between Rosemary Street and Oakland Avenue; **Zone 3** - Oakland Avenue between Highland Avenue and Kingsbury Street; and **Zone 4** - Highland Avenue between Oakland Avenue and May Street.

The number of on-street parking spaces located within each zone was obtained from a field inventory undertaken in April 2024 prior to the parking demand observations. The number of on-street parking spaces located within Zone 3 was determined by assuming that a parked vehicle would occupy 22 linear feet of curbside space (the length on an on-street parking space) where parking is allowed and would not interfere with access to abutting properties, turning maneuvers or two-way travel. Based on this approach and as summarized on Figure 1, Zone 1 (surface parking lot) was found to accommodate 87 parking spaces; Zone 2 accommodates 32 parking spaces; Zone 3 accommodates 19 parking spaces; and Zone 4 accommodates 43 parking spaces; or a total of 181 parking spaces within the parking study area, 87 of which are located within the Project site (Zone 1).

Tables 3 and 4 summarize the number of available (unoccupied) parking spaces within the study area as observed on a weekday and on Saturday, respectively, along with the overall parking occupancy during the observation period. Figures 2 through 4 graphically depict the number of vehicles parked (occupying) the four (4) parking zones during the weekday midday; weekday evening; Saturday midday; and Saturday evening observation periods, respectively. The detailed parking observations are provided as an attachment.





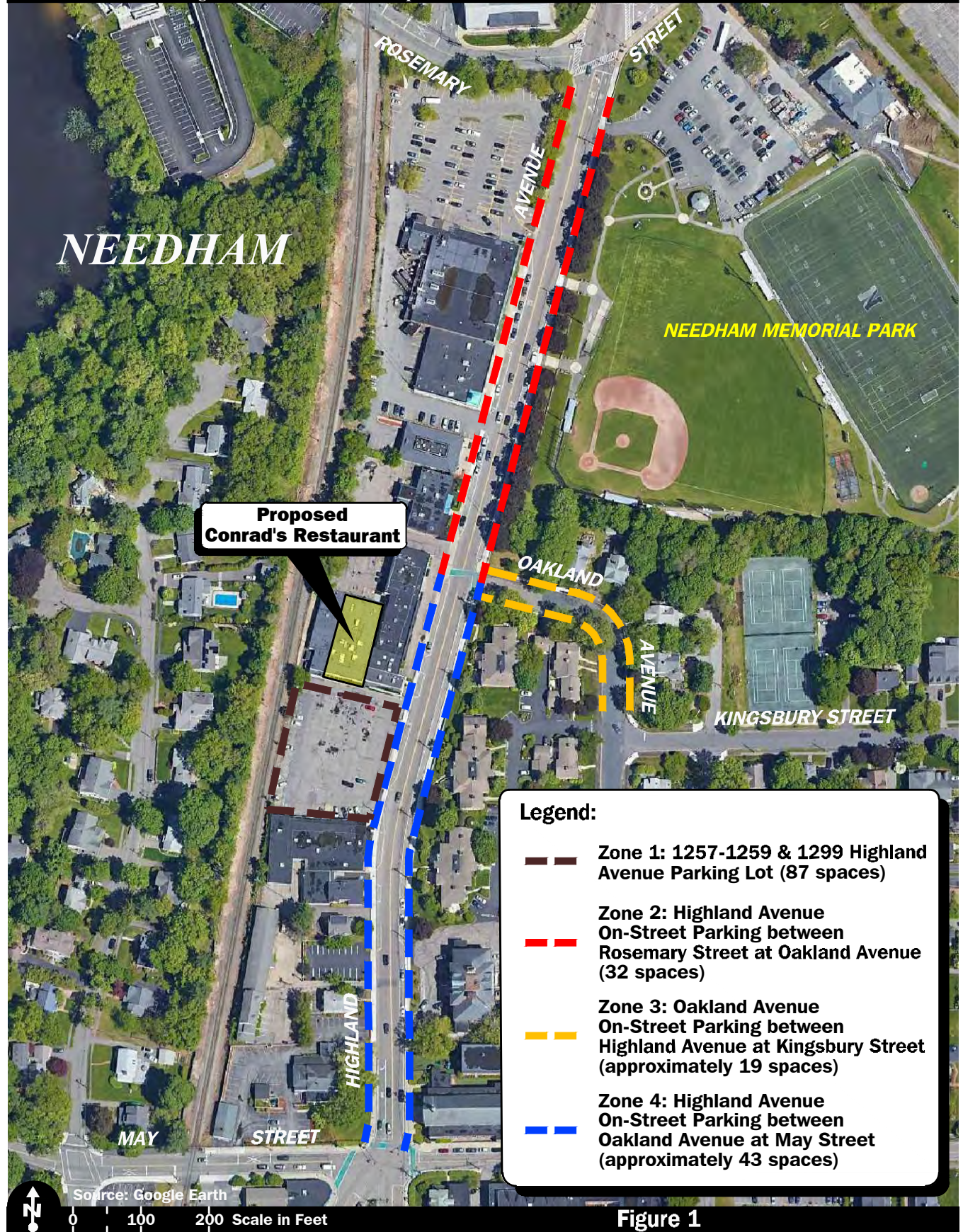


Figure 1

Parking Study Area

**Table 3**  
**PARKING OBSERVATIONS**  
**TUESDAY, APRIL 9, 2024**

| Time     | No. of Unoccupied (Available) Parking Spaces |                       |                       |                       | Total<br>(181 spaces) | Percent<br>Occupancy |
|----------|----------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------|
|          | Zone 1<br>(87 spaces)                        | Zone 2<br>(32 spaces) | Zone 3<br>(19 spaces) | Zone 4<br>(43 spaces) |                       |                      |
| 12:00 PM | 53                                           | 14                    | 13                    | 29                    | 109                   | 39.8%                |
| 12:15    | 58                                           | 18                    | 13                    | 32                    | 121                   | 33.1%                |
| 12:30    | 56                                           | 17                    | 14                    | 32                    | 119                   | 34.3%                |
| 12:45    | 57                                           | 17                    | 14                    | 32                    | 120                   | 33.7%                |
| 1:00     | 56                                           | 17                    | 13                    | 32                    | 118                   | 34.8%                |
| 1:15     | 60                                           | 18                    | 13                    | 32                    | 123                   | 32.0%                |
| 1:30     | 61                                           | 17                    | 13                    | 31                    | 122                   | 32.6%                |
| 1:45     | 63                                           | 17                    | 16                    | 28                    | 124                   | 31.5%                |
| 2:00     | 61                                           | 14                    | 15                    | 28                    | 118                   | 34.8%                |
| 5:00 PM  | 54                                           | 14                    | 15                    | 31                    | 114                   | 37.0%                |
| 5:15     | 61                                           | 15                    | 17                    | 33                    | 126                   | 30.4%                |
| 5:30     | 61                                           | 15                    | 17                    | 36                    | 129                   | 28.7%                |
| 5:45     | 58                                           | 12                    | 17                    | 33                    | 120                   | 33.7%                |
| 6:00     | 61                                           | 12                    | 17                    | 39                    | 129                   | 28.7%                |
| 6:15     | 70                                           | 9                     | 18                    | 38                    | 135                   | 25.4%                |
| 6:30     | 72                                           | 13                    | 18                    | 39                    | 142                   | 21.5%                |
| 6:45     | 72                                           | 11                    | 18                    | 39                    | 140                   | 22.7%                |
| 7:00     | 69                                           | 13                    | 18                    | 38                    | 138                   | 23.8%                |

As can be seen in Table 3, the overall peak parking demand within the parking study area was identified to occur at 12:00 PM during the weekday midday peak period, during which 109 of the 181 total parking spaces were found to be unoccupied and available. The overall peak parking demand during the evening peak period was identified to occur at 5:00 PM, during which 114 of the 181 total parking spaces were found to be unoccupied and available.

Focusing on the surface parking lot that serves the Project site (1257 Highland Avenue) and the adjacent commercial property (1299 Highland Avenue) (Zone 1), the peak parking demand was observed to occur at 12:00 PM during the weekday midday peak period with 53 of the 87 parking spaces available, and at 5:00 PM during the weekday evening peak period with 54 parking spaces available.





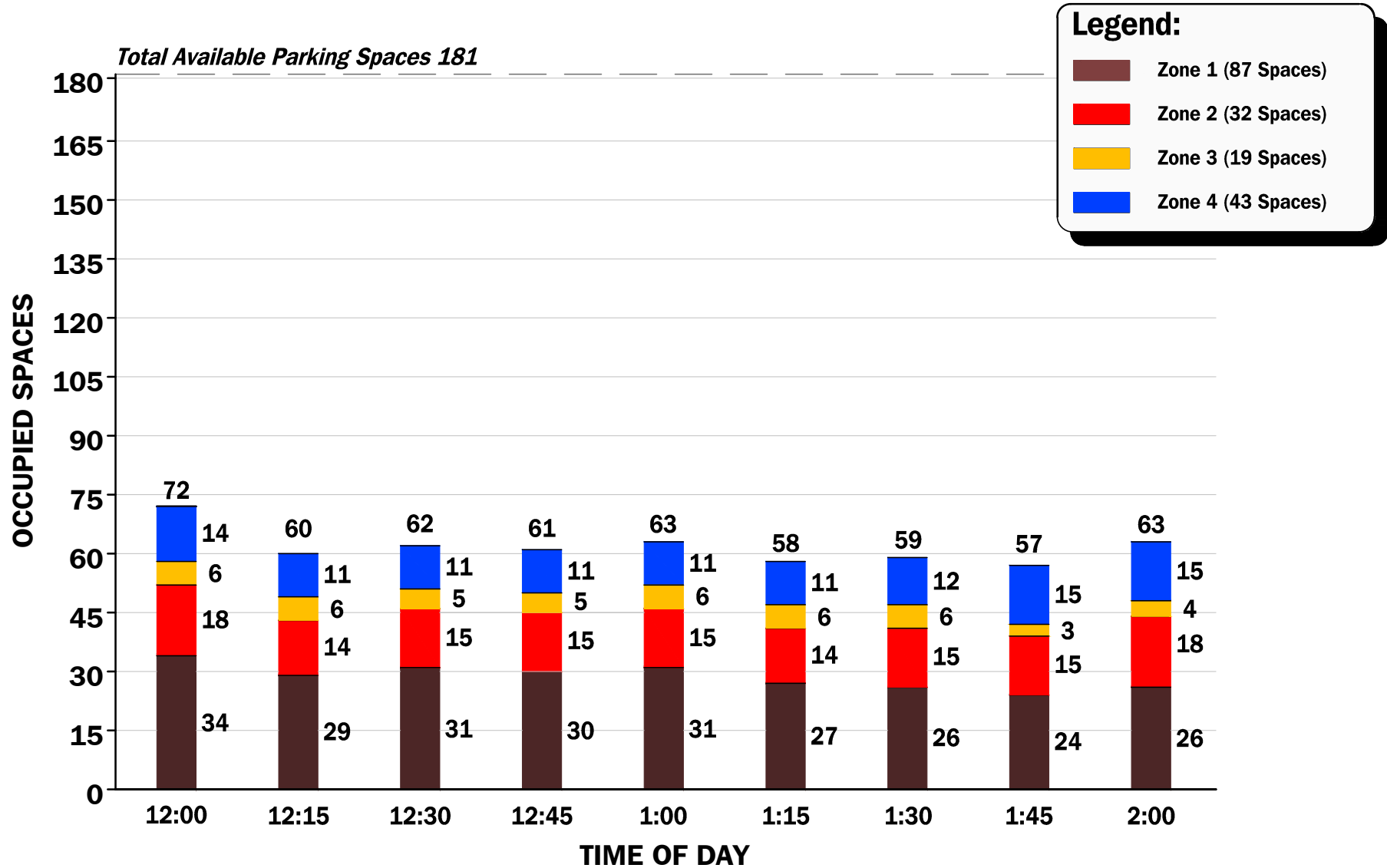
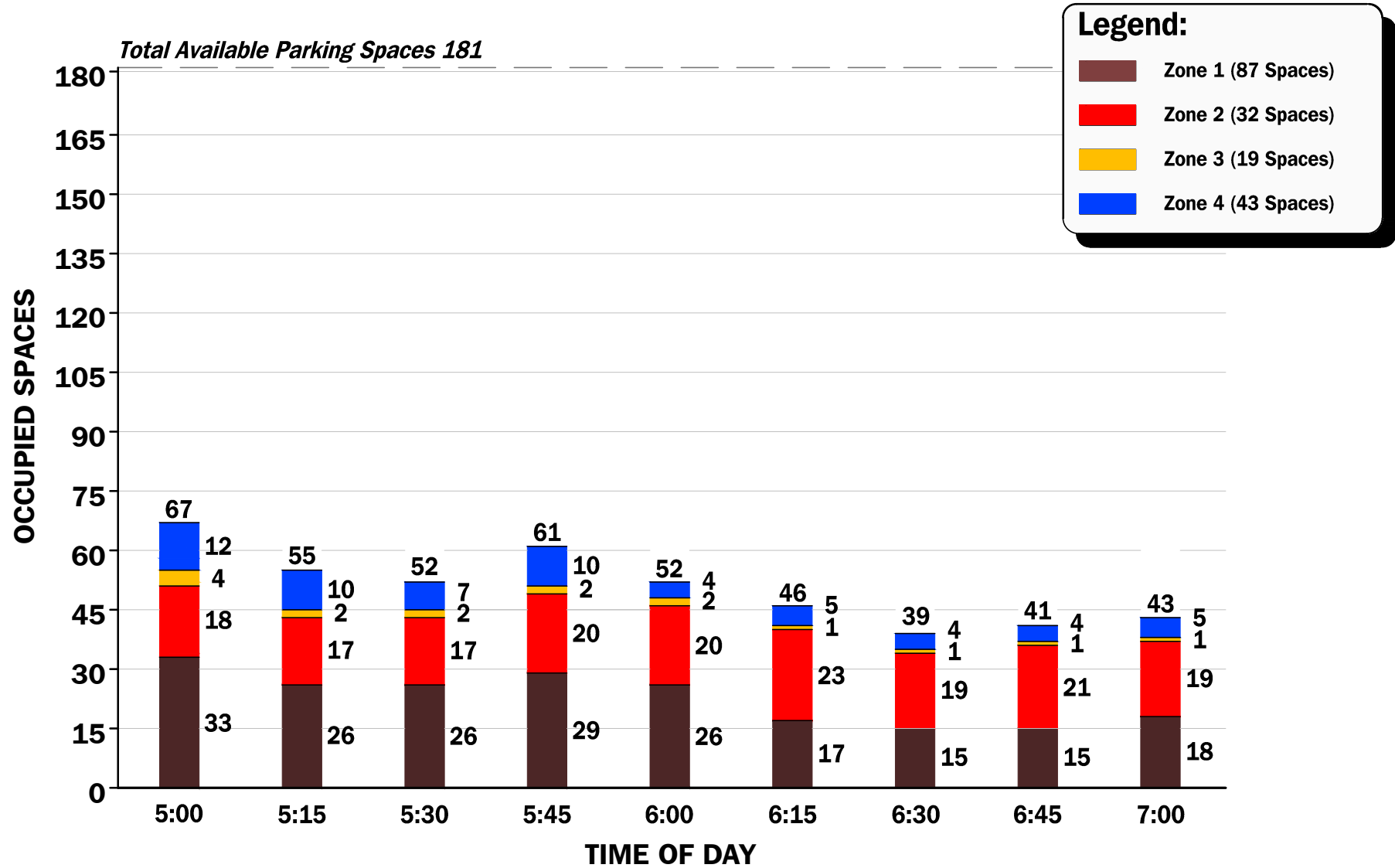


Figure 2

Parking Observations  
Tuesday, April 9, 2024  
12:00-2:00 PM



Not To Scale

**Figure 3**

**Table 4**  
**PARKING OBSERVATIONS**  
**SATURDAY, APRIL 6, 2024**

| Time     | No. of Unoccupied (Available) Parking Spaces |                       |                       |                       | Total<br>(181 spaces) | Percent<br>Occupancy |
|----------|----------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|----------------------|
|          | Zone 1<br>(87 spaces)                        | Zone 2<br>(32 spaces) | Zone 3<br>(19 spaces) | Zone 4<br>(43 spaces) |                       |                      |
| 12:00 PM | 58                                           | 14                    | 18                    | 42                    | 132                   | 27.1%                |
| 12:15    | 52                                           | 16                    | 18                    | 41                    | 127                   | 29.8%                |
| 12:30    | 63                                           | 16                    | 18                    | 41                    | 138                   | 23.8%                |
| 12:45    | 54                                           | 11                    | 18                    | 42                    | 125                   | 30.9%                |
| 1:00     | 57                                           | 15                    | 17                    | 39                    | 128                   | 29.3%                |
| 1:15     | 58                                           | 19                    | 19                    | 41                    | 137                   | 24.3%                |
| 1:30     | 55                                           | 17                    | 19                    | 40                    | 131                   | 27.6%                |
| 1:45     | 59                                           | 18                    | 19                    | 41                    | 137                   | 24.3%                |
| 2:00     | 49                                           | 16                    | 19                    | 40                    | 124                   | 31.5%                |
| 5:00 PM  | 65                                           | 22                    | 18                    | 37                    | 142                   | 21.5%                |
| 5:15     | 66                                           | 19                    | 19                    | 41                    | 145                   | 19.9%                |
| 5:30     | 67                                           | 17                    | 19                    | 40                    | 143                   | 21.0%                |
| 5:45     | 69                                           | 21                    | 19                    | 41                    | 150                   | 17.1%                |
| 6:00     | 67                                           | 19                    | 19                    | 41                    | 146                   | 19.3%                |
| 6:15     | 73                                           | 17                    | 19                    | 43                    | 152                   | 16.0%                |
| 6:30     | 69                                           | 23                    | 19                    | 42                    | 153                   | 15.5%                |
| 6:45     | 82                                           | 22                    | 19                    | 42                    | 165                   | 8.8%                 |
| 7:00     | 80                                           | 24                    | 19                    | 43                    | 166                   | 8.3%                 |

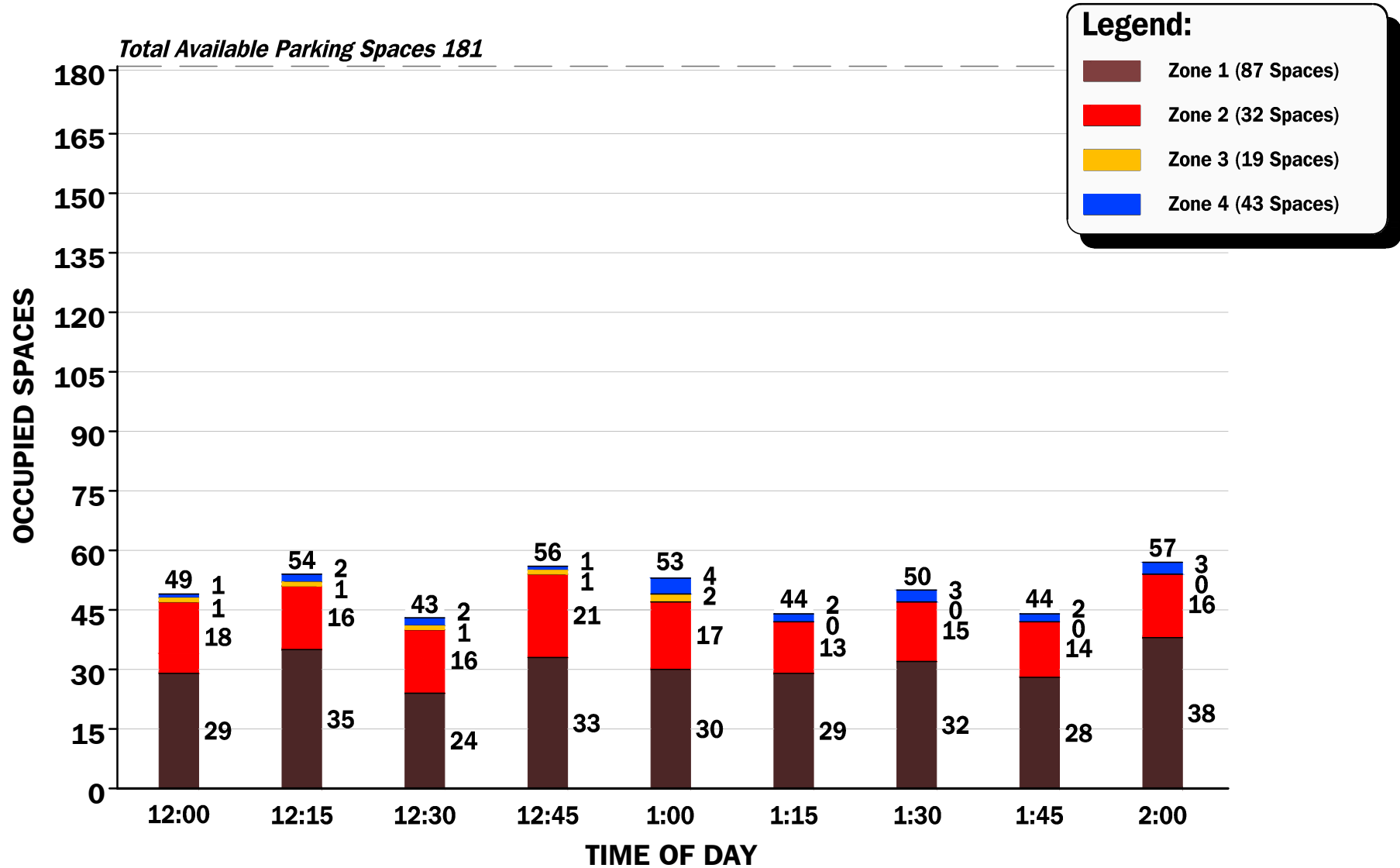
As can be seen in Table 4, the overall peak parking demand within the parking study area was identified to occur at 2:00 PM during the Saturday midday peak period, during which 124 of the 181 total parking spaces were found to be unoccupied and available. The overall peak parking demand during the evening peak period was identified to occur at 5:00 PM, during which 142 of the 181 total parking spaces were found to be unoccupied and available.

Focusing on the surface parking lot that serves the Project site and the adjacent commercial property (Zone 1), the peak parking demand was observed to occur at 2:00 PM during the Saturday midday peak period with 49 of the 87 parking spaces available, and at 5:00 PM during the Saturday evening peak period with 65 parking spaces available.

***Based on a review of parking availability during the peak parking demand periods, it is apparent that there is more than sufficient parking available within the surface parking lot that serves the uses at 1257-1299 Highland Avenue to accommodate the peak parking demands of Conrad's Restaurant as observed at the Norwood location (up to 36 parking spaces), with ample on-street public parking available within a 3 to 5-minute walking distance to accommodate parking demand fluctuations.***

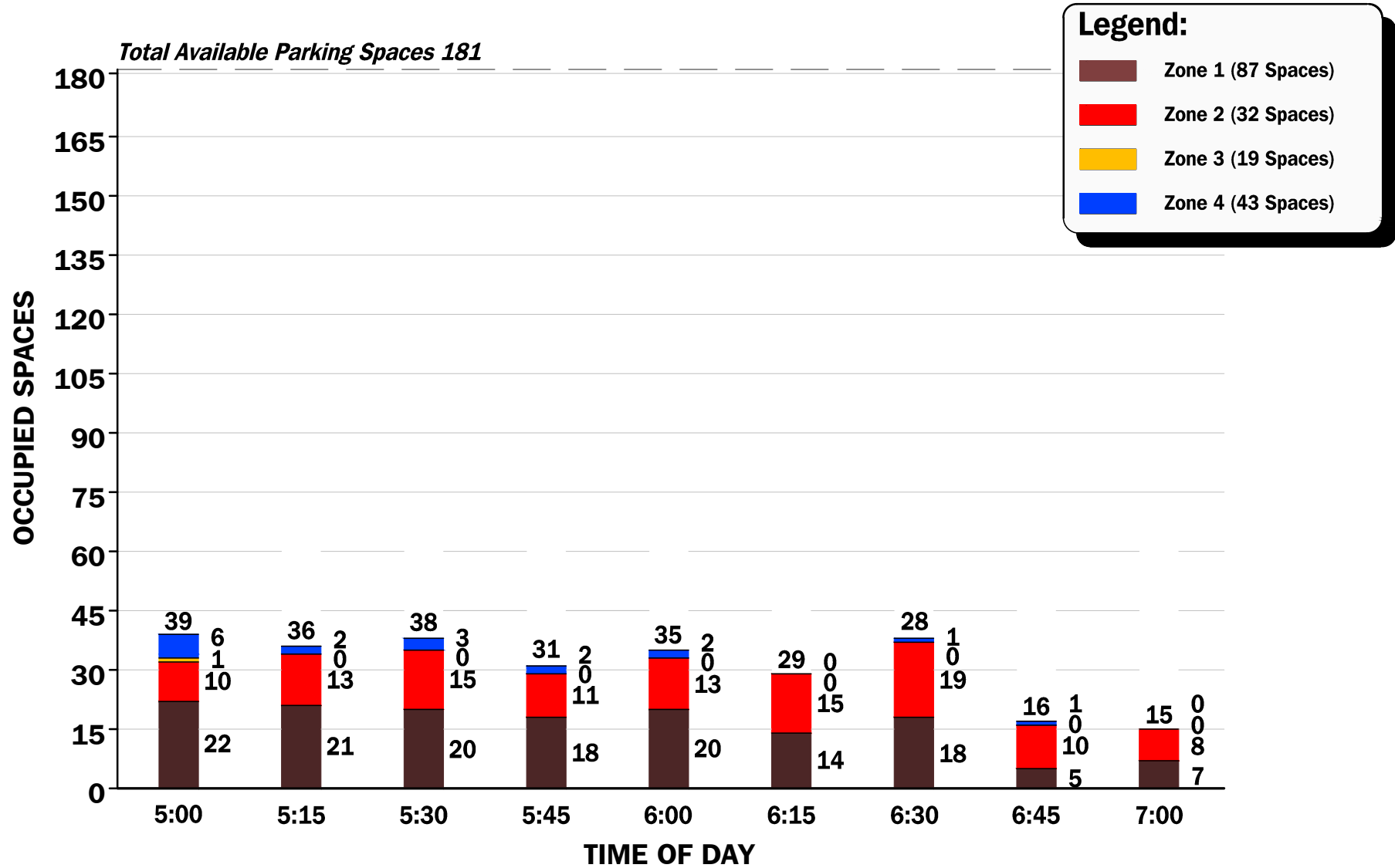






Not To Scale

**Figure 4**



Not To Scale

Figure 5

## SUMMARY

VAI has completed a parking demand assessment in support of the proposed Conrad's Restaurant to be located in the former Bertucci's restaurant tenant space at 1257 Highland Avenue in Needham, Massachusetts. Specifically, this assessment has: i) evaluated the parking requirements for the proposed restaurant pursuant to the Zoning By-Law of the Town of Needham; ii) presented the results of parking demand observations at a comparable Conrad's Restaurant in Norwood, Massachusetts; and iii) reviewed the availability of off-street parking within the surface parking lot that serves the Project site (1257-1299 Highland Avenue) and on-street parking that is located within a reasonable walking distance of the Project site. Based on this assessment, we have concluded the following with respect to the Project and parking availability in the vicinity of the Project site:

1. On-site parking is provided for 87 vehicles, including four (4) handicapped accessible spaces, to support the uses located at 1257-1299 Highland Avenue, including the subject tenant space. An additional 94 on-street parking spaces are located within a reasonable walking distance of the Project site;
2. Parking demand observations conducted at the existing Conrad's Restaurant in Norwood indicate that the restaurant has a peak parking demand of 12 vehicles during the weekday midday peak period, a peak parking demand of 35 vehicles during the weekday evening peak period, a peak parking demand of 36 vehicles during the Saturday midday peak period and a peak parking demand of 35 vehicles during the Saturday evening peak period;
3. Based on parking demand observations conducted within the surface parking lot that provides parking for the uses at 1257-1299 Highland Avenue, including the subject tenant space, a minimum of 53 parking spaces were observed to be available during the weekday midday peak period, a minimum of 54 parking spaces were available during the weekday evening peak period, a minimum of 49 parking spaces were available during the Saturday midday peak period and a minimum of 65 parking spaces were available during the Saturday evening peak period, which is more than sufficient to accommodate the peak parking demands that were observed at the Conrad's restaurant Norwood location; and
4. Within a 3 to 5-minute walking distance of the Project site (between Rosemary Street and May Street), a minimum of 56 on-street public parking spaces were observed to be available during the weekday midday peak period, a minimum of 60 parking spaces were available during the weekday evening peak period, a minimum of 71 parking spaces were available during the Saturday midday peak period and a minimum of 77 parking spaces were available during the Saturday evening peak period.

Based on these findings, ***it has been concluded that more than sufficient parking is available within the Project site to accommodate the predicted parking demands of the proposed restaurant with additional on-street public parking available to accommodate potential parking demand fluctuations.***

Attachments





## ATTACHMENTS

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EXISTING CONRAD'S RESTARUANT PARKING OBSERVATIONS  
PROJECT SITE PARKING OBSERVATIONS



## EXISTING CONRAD'S RESTAURANT PARKING OBSERVATIONS



Prepared by National Data & Surveying Services

**Parking Study**

Project ID: 24-430017

City: Norwood, MA

Date: 4/11/2024

Day: Thursday

| Space Type | Lot-002 |          |
|------------|---------|----------|
|            | Regular | Handicap |
| Time       | 39      | 1        |
| 12:00 PM   | 5       | 0        |
| 12:05 PM   | 4       | 0        |
| 12:10 PM   | 4       | 0        |
| 12:15 PM   | 5       | 0        |
| 12:20 PM   | 4       | 0        |
| 12:25 PM   | 4       | 0        |
| 12:30 PM   | 6       | 0        |
| 12:35 PM   | 6       | 0        |
| 12:40 PM   | 8       | 0        |
| 12:45 PM   | 9       | 0        |
| 12:50 PM   | 9       | 0        |
| 12:55 PM   | 8       | 0        |
| 1:00 PM    | 9       | 0        |
| 1:05 PM    | 8       | 0        |
| 1:10 PM    | 9       | 0        |
| 1:15 PM    | 9       | 0        |
| 1:20 PM    | 8       | 0        |
| 1:25 PM    | 10      | 0        |
| 1:30 PM    | 10      | 0        |
| 1:35 PM    | 11      | 0        |
| 1:40 PM    | 12      | 0        |
| 1:45 PM    | 10      | 0        |
| 1:50 PM    | 12      | 0        |
| 1:55 PM    | 12      | 0        |
| 5:00 PM    | 24      | 1        |
| 5:05 PM    | 24      | 1        |
| 5:10 PM    | 25      | 1        |
| 5:15 PM    | 25      | 1        |
| 5:20 PM    | 24      | 1        |
| 5:25 PM    | 27      | 1        |
| 5:30 PM    | 28      | 1        |
| 5:35 PM    | 32      | 1        |
| 5:40 PM    | 33      | 1        |
| 5:45 PM    | 35      | 1        |
| 5:50 PM    | 34      | 1        |
| 5:55 PM    | 34      | 1        |
| 6:00 PM    | 33      | 1        |
| 6:05 PM    | 36      | 1        |
| 6:10 PM    | 33      | 1        |
| 6:15 PM    | 30      | 1        |
| 6:20 PM    | 31      | 1        |
| 6:25 PM    | 32      | 1        |
| 6:30 PM    | 32      | 1        |
| 6:35 PM    | 30      | 1        |
| 6:40 PM    | 29      | 1        |
| 6:45 PM    | 28      | 1        |
| 6:50 PM    | 25      | 1        |
| 6:55 PM    | 23      | 1        |



Prepared by National Data & Surveying Services

**Parking Study**

Project ID: 24-430017

City: Norwood, MA

Date: 4/20/2024

Day: Saturday

| Space Type | Lot-002 |          |
|------------|---------|----------|
|            | Regular | Handicap |
| Interval   | 39      | 1        |
| 12:00 PM   | 27      | 1        |
| 12:05 PM   | 27      | 1        |
| 12:10 PM   | 27      | 1        |
| 12:15 PM   | 27      | 1        |
| 12:20 PM   | 28      | 1        |
| 12:25 PM   | 28      | 1        |
| 12:30 PM   | 27      | 1        |
| 12:35 PM   | 28      | 1        |
| 12:40 PM   | 28      | 1        |
| 12:45 PM   | 28      | 1        |
| 12:50 PM   | 28      | 1        |
| 12:55 PM   | 29      | 1        |
| 1:00 PM    | 31      | 1        |
| 1:05 PM    | 31      | 1        |
| 1:10 PM    | 31      | 1        |
| 1:15 PM    | 31      | 1        |
| 1:20 PM    | 33      | 1        |
| 1:25 PM    | 34      | 1        |
| 1:30 PM    | 36      | 1        |
| 1:35 PM    | 36      | 1        |
| 1:40 PM    | 35      | 1        |
| 1:45 PM    | 36      | 1        |
| 1:50 PM    | 33      | 1        |
| 1:55 PM    | 34      | 1        |
| 5:00 PM    | 11      | 0        |
| 5:05 PM    | 16      | 0        |
| 5:10 PM    | 17      | 0        |
| 5:15 PM    | 17      | 0        |
| 5:20 PM    | 19      | 0        |
| 5:25 PM    | 20      | 0        |
| 5:30 PM    | 20      | 0        |
| 5:35 PM    | 23      | 0        |
| 5:40 PM    | 28      | 0        |
| 5:45 PM    | 35      | 1        |
| 5:50 PM    | 37      | 1        |
| 5:55 PM    | 37      | 1        |
| 6:00 PM    | 35      | 1        |
| 6:05 PM    | 36      | 1        |
| 6:10 PM    | 36      | 1        |
| 6:15 PM    | 35      | 1        |
| 6:20 PM    | 37      | 1        |
| 6:25 PM    | 37      | 1        |
| 6:30 PM    | 35      | 1        |
| 6:35 PM    | 36      | 1        |
| 6:40 PM    | 34      | 1        |
| 6:45 PM    | 34      | 1        |
| 6:50 PM    | 36      | 1        |
| 6:55 PM    | 32      | 1        |

## PROJECT SITE PARKING OBSERVATIONS

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**Date:** 4/6/2024  
**Day:** Saturday

[illegible]



Prepared by National Data & Surveying Services

Parking Study

Project ID: 24-430018  
City: Needham, MA

Date: 4/9/2024  
Day: Tuesday

| Segment | Street       | From                                      | To                                    | Curb Type | Side of the Street | Marked/Unmarked | Restriction    | Measurement (ft.) | Spaces | 12:00 PM | 12:15 PM | 12:30 PM | 12:45 PM | 1:00 PM | 1:15 PM | 1:30 PM | 1:45 PM | 2:00 PM | 5:00 PM | 5:15 PM | 5:30 PM | 5:45 PM | 6:00 PM | 6:15 PM | 6:30 PM | 6:45 PM | 7:00 PM |
|---------|--------------|-------------------------------------------|---------------------------------------|-----------|--------------------|-----------------|----------------|-------------------|--------|----------|----------|----------|----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| OSP-001 | Highland Ave | Rosemary St                               | Subdury Farms Needham Dwy             | Regular   | West               | Unmarked        | No Parking     | 0'                | 0      | 0        | 0        | 0        | 0        | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| OSP-002 | Highland Ave | Subdury Farms Needham Dwy                 | Harvey Family Dental                  | Regular   | West               | Marked          | No Restriction |                   | 5      | 4        | 2        | 3        | 4        | 3       | 2       | 3       | 4       | 4       | 2       | 4       | 3       | 5       | 5       | 4       | 3       | 3       | 3       |
| OSP-003 | Highland Ave | Harvey Family Dental                      | Harvey Family Dental Dwy              | Regular   | West               | Marked          | No restriction |                   | 4      | 3        | 4        | 3        | 3        | 4       | 2       | 3       | 3       | 4       | 3       | 3       | 4       | 3       | 1       | 3       | 2       | 3       | 4       |
| OSP-004 | Highland Ave | Harvey Family Dental Dwy                  | Knights of Columbus Dwy               | Regular   | West               | Marked          | 2 hr Parking   |                   | 7      | 6        | 4        | 5        | 5        | 5       | 5       | 7       | 6       | 6       | 4       | 3       | 3       | 4       | 3       | 4       | 4       | 4       | 3       |
| OSP-005 | Highland Ave | Knights of Columbus Dwy                   | B in Touch Massage Therapy            | Regular   | West               | Marked          | No Restriction |                   | 3      | 3        | 3        | 3        | 3        | 2       | 2       | 3       | 3       | 3       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 1       |
| OSP-006 | Highland Ave | B in Touch Massage Therapy                | The Cookie Monstah                    | Regular   | West               | Marked          | No Restriction |                   | 2      | 2        | 2        | 2        | 2        | 2       | 2       | 2       | 2       | 2       | 1       | 0       | 0       | 1       | 0       | 0       | 0       | 1       | 1       |
| OSP-007 | Highland Ave | Parking Lot Entrance                      | Parking Lot Exit                      | Regular   | West               | Marked          | No Restriction |                   | 4      | 2        | 2        | 2        | 2        | 2       | 2       | 2       | 3       | 4       | 3       | 3       | 0       | 2       | 0       | 0       | 0       | 0       | 0       |
| OSP-008 | Highland Ave | Parking Lot Exit                          | Mathnasium                            | Regular   | West               | Marked          | No Restriction |                   | 2      | 0        | 0        | 0        | 0        | 0       | 0       | 0       | 0       | 0       | 2       | 2       | 2       | 2       | 1       | 0       | 0       | 0       | 0       |
| OSP-009 | Highland Ave | Mathnasium                                | George F. Doherty & Sons Funeral Home | Regular   | West               | Marked          | No Restriction |                   | 1      | 0        | 0        | 0        | 0        | 0       | 0       | 0       | 0       | 0       | 1       | 0       | 0       | 1       | 0       | 0       | 0       | 0       | 0       |
| OSP-010 | Highland Ave | George F. Doherty & Sons Funeral Home Dwy | Driveway                              | Regular   | West               | Marked          | No Restriction |                   | 2      | 1        | 0        | 0        | 0        | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| OSP-011 | Highland Ave | Driveway                                  | May St                                | Regular   | West               | Unmarked        | No Parking     | 0'                | 0      | 0        | 0        | 0        | 0        | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| OSP-012 | Highland Ave | May St                                    | Needham Public Schools Dwy            | Regular   | East               | Marked          | No Restriction |                   | 3      | 2        | 2        | 2        | 2        | 2       | 2       | 2       | 2       | 2       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| OSP-013 | Highland Ave | Needham Public Schools Dwy                | Oakland Ave                           | Regular   | East               | Marked          | 2 hr Parking   |                   | 23     | 4        | 2        | 2        | 2        | 3       | 3       | 3       | 5       | 4       | 4       | 4       | 4       | 3       | 2       | 4       | 3       | 2       | 3       |
| OSP-014 | Highland Ave | Oakland Ave                               | Driveway                              | Regular   | East               | Marked          | 2 hr Parking   |                   | 16     | 5        | 4        | 4        | 3        | 3       | 5       | 2       | 2       | 4       | 9       | 7       | 7       | 8       | 11      | 12      | 10      | 11      | 9       |
| OSP-015 | Highland Ave | Driveway                                  | Rosemary St                           | Regular   | East               | Unmarked        | No Parking     | 0'                | 0      | 0        | 0        | 0        | 0        | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| OSP-016 | Oakland Ave  | Highland Ave                              | Rosemary St                           | Regular   | North              | Unmarked        | No Restriction | 191'              | 10     | 3        | 3        | 2        | 2        | 3       | 3       | 3       | 2       | 3       | 3       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 1       |
| OSP-017 | Oakland Ave  | Rosemary St                               | Highland Ave                          | Regular   | South              | Unmarked        | No Restriction | 290'              | 15     | 3        | 3        | 3        | 3        | 3       | 3       | 3       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 0       | 0       | 0       | 0       |



Prepared by National Data & Surveying Services

**Parking Study**

Project ID: 24-430018  
City: Needham, MA

Date: 4/9/2024  
Day: Tuesday

| Lot     | Space Type | Spaces | 12:00 PM | 12:15 PM | 12:30 PM | 12:45 PM | 1:00 PM | 1:15 PM | 1:30 PM | 1:45 PM | 2:00 PM | 5:00 PM | 5:15 PM | 5:30 PM | 5:45 PM | 6:00 PM | 6:15 PM | 6:30 PM | 6:45 PM | 7:00 PM |
|---------|------------|--------|----------|----------|----------|----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Lot-001 | Regular    | 83     | 33       | 28       | 30       | 29       | 30      | 26      | 25      | 23      | 25      | 32      | 25      | 25      | 28      | 26      | 17      | 15      | 15      | 18      |
|         | Handicap   | 4      | 1        | 1        | 1        | 1        | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 1       | 0       | 0       | 0       | 0       | 0       |

# NEEDHAM PLANNING BOARD MINUTES

April 2, 2024

The Needham Planning Board meeting, held in person in the Charles River Room at the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, April 2, 2024, at 7:00 p.m. with Messrs. Crocker and Alpert, Ms. McKnight, Planner, Ms. Newman and Assistant Planner, Ms. Clee. Ms. Espada arrived at 7:33 p.m.

Mr. Block noted this is an open meeting that is being held in a hybrid manner per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes two public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

**Decision: Amendment to Major Project Site Plan Special Permit No. 2009-06: Needham Farmer's Market, Inc., 227 Eliot Street, Ashland, MA, 01721 and Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioners (Property located at 1471 Highland Avenue, Needham, Massachusetts). Regarding request to permit the operation of a farmers market on a small portion of the Town Common and Garrity's Way.**

There were no Board member comments.

Upon a motion made by Ms. McKnight, and seconded by Mr. Crocker, it was by a vote of the four members present unanimously:

VOTED: to grant: (1) the requested Major Project Site Plan Review Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2009-06, dated November 17, 2009, amended March 2, 2010, November 26, 2010, June 21, 2011, May 1, 2012, April 25, 2017, May 1, 2018, May 20, 2020, March 2, 2021, December 21, 2021, July 12, 2022 and May 16, 2023; (2) the requested Special Permit under Section 3.2.2 of the Needham By-Law for a farmers market in the Center Business District; (3) the requested Special Permit under Section 3.2.2 of the By-Law for more than one use on a lot; and (4) the requested Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Sections 5.1.2 (Required Parking) and 5.1.3 of the By-Law (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

Upon a motion made by Mr. Crocker, and seconded by Ms. McKnight, it was by a vote of the four members present unanimously:

VOTED: to approve the decision as written in packet.

## **Board of Appeals – April 24, 2024**

### **315 Chestnut Street – 315 Chestnut Street Needham LLC**

Ms. Newman noted the applicant wants to convert the second story office to residential. Mr. Alpert commented this is exactly the purpose the Planning Board had when rezoning to have a mixed-use. He is pleasantly surprised. All agreed.

Upon a motion made by Mr. Crocker, and seconded by Mr. Alpert, it was by a vote of the four members present unanimously:

VOTED: "No comment."

### **37 Moseley Avenue – Saybrook Construction, LLC**



Ms. McKnight stated she reviewed this. Section 1.4.7.3 of the Planning Board By-Law's which precludes reconstruction of non-conforming, pre-existing if setbacks are violated. Ms. Newman noted that is why the applicant is asking for a variance.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the four members present unanimously:

VOTED: "No comment."

### **Public Hearing:**

#### **7:10 p.m. – Article 1: Citizen's Petition/Amend Zoning By-Law – Dimensional Regulations.**

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a vote of the four members present unanimously:

VOTED: to waive the reading of the public hearing notice.

Mr. Block stated this is designed to include attic space and space in the basement in the Floor Area Ratio (FAR). Joe Matthews, of 31 Rosemary Street and Town Meeting member, is the proponent of the Citizen's Petition. He stated the current By-Laws are overly permissive and do not appropriately regulate house size. It is detrimental to the towns' goal of affordability and has negative impacts on residents. He feels the town needs to target FAR. His hope is this will restrict house sizes and disincentivize demolition of small and medium houses, which frequently happens as part of the construction of over sized houses. He showed pictures of tear downs and replacement houses. All the houses in his slides of new builds were found on Zillow with no end user and were not built for anyone. This is not isolated to Needham. There was an article in the Boston Magazine that included Wellesley which said it is all about building extra square footage. There is an issue for affordability. The Housing Working Group acknowledged replacing older homes with larger homes drives up housing prices and erodes housing options.

Mr. Matthews stated this petition would need a 2/3 vote at Town Meeting. He feels this is one way to tackle their objectives – affordability to protect median and below median housing stock, environment as tear downs frequently alter landscape, resilience as it may exacerbate the impact of flooding events, design to maintain the character of neighborhoods and to not disturb long-time residents with light and vision, and market to signal developers to focus on net addition to housing stock via the MBTA Communities. He reviewed what the Large House Review Committee did in 2014-2017. He assumes they are talking a median house of 4 beds and 3 baths. FAR is not suggested to be the overall size control. He discussed the materials from 2017. The analysis includes all finished space minus the garage as this got dropped by the end. Town Meeting in May 2017 established an FAR of 0.38 in Single Residence B (SRB) District lots of up to 12,000 square feet and 0.36 for lots of 12,000 square feet and above. This was intended to address the issue of small homes replaced by larger homes and it passed unanimously at Town Meeting. When it went to Town Meeting, Chapter 4 for Dimensional Regulations, was redefined and changed so basements, attics, half stories above the second floor, unenclosed porches and up to 600 square feet of floor area intended for parking autos were excluded.

Mr. Matthews noted the general principal is if people are living in it and walking around in it it counts. The trend is upward for large houses. He is only talking about SRB District. The houses are much larger in the Single Residents A (SRA) District. His take away from zoning in residential is it does not control the size of houses at all. If nothing is done he feels houses could get even bigger. He suggests swapping out the paragraph that defines FAR to include all areas in a structure with an interior ceiling height of 5 feet or above. This is only in the SRB District due to the structure of paragraph 5 in the By-Law. He stated he will submit his slide show to the Board. Mr. Block noted the following correspondence for the record: a memo from Caren and Stu Carpenter, dated 3/25/24, regarding supporting the Citizen's Petition; an email from Dan Katcher, dated 3/26/24 with comments; an email from Nick Tatar, dated 3/26/24, in support of updating the language; an email from Henry Ragin, dated 3/31/24, in support; a letter from Louis Wolfson, undated, expressing concern about the Citizen's Petition; and an email from Ed Quinlan, dated 4/2/24, regarding FAR regulations and tear downs.

Ms. Espada arrived at 7:33 p.m.

Mr. Block reviewed the procedures for public comment. John Bulian, of 86 Peacedale Road, thanked Mr. Matthews. This has to be looked at. Then it should be referred back to the Planning Board to have a robust discussion regarding an issue of this magnitude. This would change the size of houses. He asked the Planning Board to take this back and have a robust public process similar to HONE. There needs to be many meetings for the public to look at it. The Planning Board needs to look at lot coverage, setbacks, height and storm water management. Massive houses being built on tiny lots has become an issue and it needs to be dealt with in a community way. Scott Livingston, of 3 Tolman Street, is a former developer and understands where the petitioner is trying to go. It seems they are trying to redefine a universally acceptable definition of living area used by the American National Standard Institute. The Appraisal Institute is consistent with the American National Standard Institute. He noted it seems this is the wrong thing to do. Mr. Alpert would like more information on how FAR is defined. Mr. Livingston noted the Appraisal Institute is gross living area, total areas of above grade living space calculated by outside perimeter of a structure and only living space. In 1996, the National Association of Home Builders noted square footage and FAR are aligned in finished space counts as useable but unfinished space does not count.

Mark Gluesing, of 48 Mackintosh Avenue, stated he was on the last study committee that proposed the conditions that are in place. There was a lot of discussion on what was the baseline of a building market rate house. There was pressure to make sure garages were big enough for storage. He does not think attic and basement were an issue. This is a very complicated issue. He gave Mr. Matthews a lot of credit for studying this as this issue needs to be looked at but much more nuanced. He would rather regulate the size and say this is how you are going to do it. Good points have been brought up. He agrees with Mr. Bulian it needs to be looked at again. What was done before can be tweaked to come up with a reasonable set of regulations. Ms. McKnight noted Mr. Gluesing said they could change size factors. Does he mean primarily reduce the FAR? Mr. Gluesing discussed what counts in FAR and noted a 5-foot space cannot be finished. Ms. McKnight stated he is speaking in opposition and commented size factors could be changed. Mr. Gluesing noted it could be changed with the same regulations and not include attic or basement.

Mr. Crocker would like Mr. Matthews to restate the purpose of the 2017 Article, what was worded and what was brought to Town Meeting. Mr. Matthews noted the Zoning By-Law amendment is intended to address concerns with demolition of existing smaller homes being replaced with larger homes in the existing neighborhood with a loss of character in the neighborhood occurring as a result of this process. It is a very clear mandate. Joni Schockett, of 174 Evelyn Road, is glad this is being discussed. Her street is mostly one or 2 story homes. A lot of houses are being built with full basements and are actually 4 stories high. A lot of landfill is being brought in to build the lots up then putting in full basements. A lot of homes have lost sunshine and have had drainage issues. No one has the right to say a person cannot build but the Board can make reasonable laws that the houses cannot be so big all the trees have to be cut down and the house blocks every bit of sunshine. People need to weigh in and maybe have a townwide vote. She thanked Mr. Matthews for doing this.

Louis Wolfson, of 29 Cimino Road, stated he has built some large homes in Needham and understands the need for them. Just because a person has a large home does not mean they are not concerned. They could have 5 kids, a home office and play space. The market dictates demand and Needham is in demand. There are about 5,200 homes that are not affected by this and about 1/3 will be affected. He feels the petition is extreme. His small cape would be penalized if he wants to expand it to make it more functional because he has a small house on a small lot. He should not be penalized. The Board needs to see how it could work for all. He suggests the word "basement" be moved and be included in the excluded section. Priscilla Cahn, of 19 Oak Knoll Terrace, supports Mr. Matthew's petition. She is disgusted with the size of houses around town. She feels 10 feet from the property line and the size is overwhelming. They are not being taxed on rooms in the attic and basement which is unfair to the rest of the townspeople.

Mary LeMay, 11 Nardone Road, agrees with the prior speaker. She stated this may not affect you but it certainly affects your neighbors. She is seeing this on Nardone Road where houses are massive, trees are being cut down and water flies down the street during storms. She is a master gardner and is very concerned the environment is being changed in a bad way. Nick Tatare, of 14 Standish Road, supports Mr. Matthews wholeheartedly. He is vested in doing this right. He agrees with the previous speakers. They need to flush out loopholes and promote and support the idea of more meetings to get this right. The current practice will continue and he fears these changes will accelerate and the changes will be forever changes. Justin McCullen, of 22 Miller Street and Town Meeting member, urged the Board to support to refer this amendment. A significant amount of work was done but he feels it needs to be studied more. There are significant hydrology impacts being done with the current zoning. This needs to be looked at holistically and the Tree By-Law needs to be looked at. They need to study what the impacts are and how we respond as a community.

Laura Bucci, of 144 Laurel Drive, supports the petition. She has seen the changes over recent years and this needs to be addressed holistically. She has a Real Estate license and spaces are included as to what is being sold but that needs to count toward square footage also. Oscar Mertz, of 67 Rybury Hillway, commended Mr. Matthews. He agrees with the discussion regarding looking at it holistically. His was a small house neighborhood and all but 2 were clear cut to build large homes. It changes the character of the neighborhood. There needs to be an appropriateness to scale in neighborhoods and they need to find a balance to find the correct sale price and scales of lots and overall environment. He likes the pause concept but feels it will not happen. Nothing seemed to happen from the By-Law. This needs to be looked at since the math does not work.

Don Anderson, of 31 Willow Street, stated he agrees with the petitioner. Garrett Federow, of 146 South Street, stated people do not like change. Needham used to be mostly farmland but was clear cut to build houses. What would people prefer? He agrees it needs to be looked at further. Allison Borelli, of 1175 Great Plain Avenue, asked how this impacts the Accessory Dwelling Units (ADUs) part of FAR? In SRA it is not included, and she wants to know why and wants it included. Paula Dickerman, of 20 Burnside Road, stated it is not just that the houses are big but the trees are going down and stormwater is being affected. Many of the homes being replaced are starter homes and more affordable. That is a motivating factor for doing something. She feels a variety of price points should be kept in Needham. Bill Paulson, of 111 Sutton Road, stated Town Meeting recently voted to enact specialized code for making homes more environmentally friendly. He worries there may be some homes that get caught in the middle between the rules and economics. The town needs to think carefully. He is in support of the concept to make homes smaller. They are talking an end around the product. They have a bigger problem and need to look at it more carefully. The town is doing 1% a year of new homes. Sometimes a home buyer does not want the small homes.

Mr. Crocker asked Mr. Matthews what he found out about towns around Needham, their definition of FAR and how they deal with this. Mr. Matthews stated there is no universal definition for FAR. In Wellesley it is the total livable area and some Associations have their own definition. Most include all livable space. Needham has discounted basements and the third floor even if it is livable. Mr. Crocker stated there is some confusion on the 5-foot height. He asked why that was chosen. Mr. Matthews stated, in the definition of the 2½ stories, 5 feet is what triggers that definition, so it is for consistency. He is not entirely opposed to going higher for a roof but once you hit 7 feet it creates loopholes. Five feet could never be converted to habitable area.

Ms. McKnight stated she was a member of the Large House Committee and she seconds what Mr. Gluesing said. It was said the charge was not to reduce teardowns but to create a better design for new houses, have a concern for setbacks, encourage porches, windows and bay windows and certain designs to make new houses more attractive. That was not the concern then. This discussion is about teardowns. Mr. Block stated the Planning Board chose to have this as one of their priorities and have it on the calendar to discuss later this year. Eric Ostroff, of 89 Elder Road, stated his road has totally changed since he moved in in 1982. There were 30 ranches and they are down to maybe 12 ranch houses. Six trees next to him are gone. The other side has an 8,000 square foot house and he sees a wall from his son's room now. Ms. Schockett stated it is clear people are against developers. Many speaking have been impacted. She urges people to look at this and use common sense. Basements are now full living spaces. She feels trees should be looked at as trees are needed. She thanked Mr. Matthews for doing such a great job.

Mr. Matthews thanked all for their comments. He will send the presentation to the Planning Board. He asked how the Planning Board can reconcile the objectives of improving housing affordability in town with the weekly replacement of small and medium houses with \$3 million houses. In 2017 Town Meeting approved a policy which they were told would result in smaller new construction. The opposite has happened. Why is the town not fixing the zoning policy to match the will of Town Meeting? The town needs to go back and fix it. He asked what the consequences are of not doing anything. Mr. Alpert commented he has been on the Planning Board for 9 years. This is the best public hearing he has attended. It was well run, thoughtfully presented by the proponent and there were 100% of thoughtful comments from the public. He applauds the public for working with the Board and Mr. Matthews in bringing this forward.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:

VOTED:           to close the hearing.

The Board took a 5 minute recess.

**Public Hearing:**

**7:45 p.m. – Major Project Site Plan Special Permit No. 20094-01: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 609 Webster Street, Needham, Massachusetts). Regarding request to renovate 4 existing tennis courts, add 4 new tennis courts, install stormwater management improvements, ADA accessible walkways and landscape improvements. This hearing has been continued from the meeting of March 19, 2024.**

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:

VOTED: to waive the reading of the public hearing notice.

Jonathan Charwick, landscape architect at Activitas, Inc., gave an overview of the existing tennis courts. There are 4 existing courts and a large grass area. They are looking to expand the tennis courts. There is a 25-foot rear and side setback and they are staying outside the setbacks. The current courts will be reconstructed in kind. There will be post tension concrete. There will be 4 new courts just west of the original courts. All fencing will be replaced with new 12 foot chain link fence that will go down to a 4 foot chain link fence in a few areas in the middle of the court areas. All courts will have full handicap accessibility. A shade structure the town currently has will be installed. The storm water design has been reviewed by the town. Meg Buczynski, Civil Engineer at Activitas, Inc., stated there will be an increase in impervious surface with the 4 new courts and some accessible walkways going to them. All water on the courts is being collected and will drain down to a channel drain on the left with flow toward the parking lot and will be collected in the channel drain. An infiltration detention system is being proposed in the parking lot that meets all regulations for the state and local. They are reducing the volume of run off to the town system.

Mr. Charwick noted the tennis courts will be striped but there will be no pickle ball striping on any courts. Mr. Alpert asked him to explain the difference between striping for tennis and for pickle ball. They are the same sized courts. Mr. Charwick stated pickleball is a much smaller court. Each tennis court could be 2 pickleball courts. Ms. McKnight asked if lighting was part of the project and was informed it was not. There are a few lights there that will remain in place. Ms. Espada noted the tennis courts are lower than the new, then slope in back toward the houses. Are there any mitigations? Mr. Charwick stated the existing courts pitch toward the parking lot and the new courts will also. They are not doing anything outside the fence line. The current retaining wall will remain in place. With the pitch of the court being improved there is no way the water could pond and go back up. Mr. Alpert asked what the area the new courts will be in is used for now. Stacey Mulroy, Director of Park and Recreation, stated there are wellness classes and club sports for the High School.

Mr. Crocker stated there are houses next to the tennis courts now that get a lot of tennis balls in their yards. He asked if there were any plans to put up netting to prevent that. Ms. Mulroy there are no plans as of now and it is not in the budget. The 12-foot-high fences usually take the bulk of it. Mr. Crocker stated it does not need to be anything expensive. It could just be netting. Ms. Mulroy will look into that. Mr. Alpert asked if the courts are used by the public or just the schools and was informed they are open to the public after school hours. Mr. Crocker stated when he was on the CPC maintenance of the courts was a concern as they were not maintained. Ms. Mulroy stated there is a maintenance plan built into all new plans. There is no maintenance for 25 years with post tension concrete. Asphalt is 12 years. The courts would only need the painting of lines when they fade from the sun. Mr. Alpert asked why there is a need for more courts. Ms. Mulroy noted the courts at the High School are not able to be used now because of the cracking so they are using the courts at Mills Field and Newman. The 8 courts would allow them to all play together and the courts would be available to the public.

Mr. Alpert asked, if the courts are for education use, and those are protected under the Dover Amendment, why was there a special permit originally and why is one being requested now? Town Counsel Christopher Heep stated the town is asking for an amendment to the special permit tonight. He does not know why it was a special permit originally. The town is not requesting this under the Dover Amendment. Ms. McKnight asked if it was true the High School cannot hold tournaments there now because of the courts and was informed that is true. There need to be at least 5 courts to have tournaments. Julie Dannenberg, of 36 Rosemary Street, wants to work together as she is pro tennis and pro school. She does not want any



detrimental effects to the High School. She is ok with a waiver but would like a noise study. A previous study says there are no detrimental effects but she disagrees. The proponent says there are no plans for pickleball but that could change. She feels the 8 courts would eventually be pickleball and that is an unreasonable sound. Currently there are lines on a couple of the courts and she can hear it.

Mr. Alpert asked if the High School courts are being used for pickleball now. Ms. Dannenberg stated the courts are being used for pickleball now on 2 of the 4 pickleball courts and it is a harsh loud sound. One idea is there is a minimum of 5 courts needed for tournaments and they cannot be used for pickleball. If the courts are redesigned with only one extra there would be no pickleball in the future and there would be the field space available. Students are out there every day and there is no other option for field space. Another idea would be some legal document saying there would be no pickleball on these courts that cannot be amended without abutter approval. Ms. Dannenberg spoke of water issues. She stated she does not currently have a water issue and does not want to have them. She asked, if there are issues, who would be responsible? She hopes they can all come up with a good plan together. Ms. McKnight asked if the proponent would be comfortable with a condition there would never be pickleball sponsored by the town and the lines would not be painted for pickleball. Ms. Mulroy stated the tennis courts are under the jurisdiction of the Park and Recreation Department. There is a feasibility study looking for dedicated pickleball space.

Mr. Block asked Park and Recreation Chairman Christopher Gerstel is he would be ok with a condition to never have pickleball on these tennis courts. Mr. Gerstel stated he would be on board personally but would need to speak with the Board. He feels it would be favorable. Andrew Marr, of 124 Edgewater Drive, asked if there were going to be 8 courts why not make 3 of them for pickleball. He feels the students would be more interested in pickleball. John O'Leary, of 46 Rosemary Street, has been in Needham for 50 years. He asked the Planning Board to reject the town's request and to tell them to revise the plans to provide for reasonable accommodations for abutters while allowing for construction of one or 2 new courts in a place that is respectful for abutters. The courts will be 25 feet from his hammock. It seems there is more concern for cars than abutters. He submitted a letter with legal that there are terrible problems with pickleball and the sound. He asked why there are 4 new courts. He has not seen a study that there is this demand. He feels the town could add one or 2 new courts, not 25 feet setback. This is 25 feet setback from abutters but 35 to 40 feet from parking. He asked what sight and sound barriers have been put up other than a chain link fence. Maybe some arborvitae on the neighbor's side would be good. He requests it be sent back and have the town look into one or 2 courts. He would like a greater setback from the neighbor's property and greater sight and sound barriers. He feels the design does not seem neighborly. Mr. Crocker asked why the tennis courts are pushed to the neighbor's property and not the parking lot. Mr. Charwick noted the shade structure that is provided in that space. That is the only location it was appropriate and fit. They are trying not to disturb the memorial area and there is a grade change. Ms. Mulroy noted the shade structure is being repurposed. It does not fit where it was bought for.

Joe Matthews, of 31 Rosemary Street, stated he has the same concerns with the design. He is not sure why 8 courts are needed when only 5 are needed for matches. He showed a sketch where he did 6 courts. It is less cost, more reasonable and the field does not get used. They could host a 6 on 6 soccer game but are losing the use of the fields. The field should not be paved over if it is not necessary. There should be 5 or 6 courts and not 8 courts. The town should let retirees and work from home people use the courts during the school day. Maybe take it out of the schools' property and make a park. He echoed Mr. Crocker's comments regarding the shade structure. A tree is being taken down to put a shade structure. He stated pickleball is going to happen and it would be good to have a plan.

Kristin Collins, of 217 Edgewater Drive, stated designs should not be made to protect a mistake made on another project. This should go back and a different shade structure should be considered. Barbara Fitzgerald, of 30 Rosemary Street, stated she has 2 concerns. One is why 8 courts. The High School is not a public park and this should serve the High School primarily. Where do other clubs and teams practice if the field is taken? There is open space, and it is nice. As Mr. Matthews said the project could do 5 courts and still have open space. There is potential water to flow to her yard. She feels this is unnecessary. Ellen Dudley, of 567 Webster Street, is a 20-year resident. She stated there was a parking lot for teachers and kids, then tennis courts were built. She has suffered through mice and water and looks at a chain link fence. She would appreciate some kind of barrier. She has dozens of tennis balls in her yard all summer and people come in to retrieve them. It is completely inconvenient. She likes the idea of moving it to the other part of the lot.

Julia Salomone, of 18 Rosemary Street, stated she is a 4<sup>th</sup> generation resident. She echoes her neighbors. She is looking to be collaborative. She wants to make sure all options come to the table. They need to use resources as best as possible. The town needs 5 courts for tournaments. She wants all to remember this is a residential area. There needs to be open dialogue with the abutters and they need to preserve true green grass spaces. Jeff Heller, of 1092 Central Avenue, is a tennis player and has played at the High School. He sympathizes with the neighbors. The number of courts being created struck him. The courts are cockeyed and seem odd. He feels the courts should be oriented the same way and adding 2 more courts could be a better compromise. Do not fit the courts to the shade structure. He feels the proponent should think about the neighbors. The commitment to no pickleball should stay. Nancy O'Leary, of 46 Rosemary Street, noted the proponent stated there are no light concerns. She asked how they know with no changes in 10 to 15 years. She heard about the no pickleball but how will that be enforced. Who do they call if lines are put up? In her opinion they are over building courts. Town Counsel Heep stated if lights were ever proposed it would need to come back to the Board and be noticed to the abutters. Enforcement would be by the Planning Board and Park and Recreation. Mr. Block stated if the Planning Board received complaints, they would bring in the proponent and have a conversation. If the Board finds a violation the applicant has to come back into compliance and some activities have to cease and desist.

Ms. O'Leary asked if there could be signs that say no pickleball. Mr. Alpert asked if fines were imposed for people who play pickleball or do the Town By-Laws need to be revised to allow fines and enforcement of it? If people had to pay fines they may think about it. Mr. Block stated he has heard no compelling reason from the Town on the necessity of those number of courts. Maybe the 5 plus one. He asked why 8 courts are required. Ms. Mulroy stated there is no requirement for 8 courts but a desire for 8 courts if it could be fit. Mr. Alpert stated no one has heard from the Athletic Department. Green space is being taken away and he is concerned with preserving some of that space. It seems the High School students are using it from time to time. Ms. Mulroy had a conversation and the schools were comfortable with losing some green space for tennis courts. Ms. Buczynski stated she could provide the numbers of how many teams who are now playing off site could come back. All Board members felt that would be helpful.

Park and Recreation Chairman Christopher Gerstel, of 184 Maple Street, stated they have a park ranger. If they find unauthorized users using the space that are not supposed to they would be kicked off. Also, he would pull permits for groups that do not follow the rules. Ms. O'Leary commented she has never seen a town car there. Mr. Gerstel stated the ranger works Tuesday through Saturday. He has asked for a second ranger so it would be 7 days per week. Jeremy Chao, of 96 Maple Street, participated in the working committee for this. He likes the compromise of 6 courts rather than 8. He is concerned with taking away parking spaces from the High School with the new design. The Athletic Director stated he could find alternate space on the High School grounds for the users of that field. In terms of the use of athletic spaces, the Director felt he could reallocate to other parts of the grounds.

Linda Colbert Peterson, of 24 Rosemary Street, appreciated all the thoughtfulness and consideration being shown. She is concerned with the schools during the day and Park and Rec at night. How are all the pieces being kept in mind? She finds the High School to be a good neighbor. There is pickleball. It is in the High School curriculum and it is on evenings and weekends. There are bright security lights on the High School, so it makes people feel the courts are lit. She does not know how late the park ranger works. It is also all summer dawn to dark. They need to think about all uses. Mr. Alpert stated he would like to seriously consider fewer than 8 courts. He asked how many tennis teams the High School has and was informed there were 6 teams. Mr. Alpert commented with 8 courts the Varsity and JV teams could practice together or another combination. Ms. McKnight asked if they wanted to see the shade structure and say parking would not be affected. Mr. Block stated, if the Board does not want 8 courts, they would want them farther away from the abutters and closer to parking. The shade structure is secondary to the placement of the courts. He appreciates the repurposing of it but would like it relocated to another area. Mr. Crocker agreed.

Mr. Alpert asked if 6 courts were enough for 2 teams to practice together. He is not opposed to the idea of 8 but wants to know how many are actually needed. Mr. Block needs to understand the full impact if reduced from 8 courts to 6 courts. Mr. Heep stated they will take the comments into consideration. They are here tonight for the schools and Park and Recreation with a request for 8 courts. He will not commit to coming back in 2 weeks with less. The committee, including the Athletic Director, determined 8 courts was needed. He would suggest the Board approve an amendment in some form as a way of addressing the pickleball issue. There is no condition as of now for that. The team is happy to live with a condition there would be no pickleball. They are here to permit the 8 courts there appears to be a need for. Mr. Crocker

commented the town needs to show the need for 8 courts. Ms. Espada asked the timeline. Mr. Charwick stated a cost estimate needs to be put together and then get the money from Town Meeting. They hope to move as soon as possible.

Ms. McKnight stated at the last CPC meeting this was approved to be recommended to Town Meeting. Mr. Alpert stated he was not told this was a CPC Article that was already approved, and a Warrant Article already drafted. Ms. McKnight asked if there is any request for additional fencing. Mr. Block noted they were talking about netting. What type of structure is needed to hold additional netting? The Board discussed the timing and the CPC. Ms. Mulroy noted the CPC has approved 8 courts. Mr. Alpert stated it was not the Planning Board's fault the proponent went through the CPC process and is now coming to the Planning Board. CPC applications were due last Fall. This was discussed at CPC last December and the applicant is only coming now this late in the game. He would like to see a plan with 6 courts, but the applicant can show a need for 8 courts. Mr. Crocker echoed what Mr. Alpert said. This is the first time the neighbors are just speaking up now. He cannot make a decision when the neighbors have not heard and had a chance to speak. The proponent has had this a long time and the abutters have heard it tonight. A discussion ensued.

Mr. Heep stated he wants to get on the agenda for the next scheduled meeting. They have agreed to any condition regarding pickleball. The application has been carefully engineered for storm water. He understands the public hearing is when people hear and can respond. He felt they had a plan that was good for all. Mr. Block stated he wants to understand the actual programs and programs to be axed. He wants this as far away from abutters and as close to parking as possible and the shade structure is secondary to the courts.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:

VOTED: to continue the hearing to 4/24/24 at 7:30 p.m.

#### **Planning Board Recommendation:**

##### **Article 18: Amend Zoning By-Law – Affordable Housing District.**

Ms. Newman stated the language was changed in paragraph 4 and she wanted to codify it.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of the five members present unanimously:

VOTED: to change the language in paragraph 4, Article 4, in the way the Planning Director has redrafted it.

#### **Vote to change HONE composition: Convert Planning Board member designation to Planning Board appointee designation.**

Upon a motion made by Ms. Espada, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:

VOTED: to change the composition of HONE from a Planning Board member to a Planning Board appointee.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:

VOTED: to appoint Ms. McKnight as the Planning Board appointee to HONE.

#### **Report from Planning Director and Board members.**

Ms. Newman stated she is going tomorrow night to the Finance Committee and would like Ms. McKnight and Ms. Espada to join her if possible. Mr. Block stated Ms. Espada will let them know. He wants to chat with the Planning Director tomorrow.

#### **Correspondence**

Mr. Block noted the following correspondence for the record: a memo from Diana Babson, of 21 Mellen Street, dated 3/28/24; a legal notice from the City of Newton; an email from Janet Ferreira, of 62 North Hill Avenue, dated 3/26/24: an

email from Marianne Cooley, dated 4/2/24, regarding 100 West Street and HONE; and a notice from the League of Women Voters regarding warrant meetings 4/29/24 at 7:30 p.m. The Board discussed who would represent each precinct.

Mr. Block spoke of Ms. McKnight and noted he was honored to have worked with her. Mr. Alpert stated he has worked with Ms. McKnight for 9 years. They are friends and he will miss her, her humor, her municipal law expertise and her passion for what this Board has done. She has served this town well. Ms. McKnight stated she has had a pleasure serving this Board.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a vote of the five members present unanimously:

VOTED: to adjourn the meeting at 10:30 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

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Natasha Espada, Vice-Chairman and Clerk



DRAFT

# NEEDHAM PLANNING BOARD MINUTES

April 24, 2024

The Needham Planning Board meeting, held in person in the Charles River Room at the Public Services Administration Building and virtually using Zoom, was called to order by Adam Block, Chairman, on Tuesday, April 24, 2024, at 7:00 p.m. with Messrs. Alpert and McCullen, Ms. Espada, Planner, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Block noted this is an open meeting that is being held in a hybrid manner per state guidelines. He reviewed the rules of conduct for all meetings. This meeting includes two public hearings and public comment will be allowed. If any votes are taken at the meeting the vote will be conducted by roll call.

## **Public Hearing:**

**Amendment to Major Project Site Plan Special Permit No. 2001-02: Finitumus Associates Limited Partnership c/o Petrini Corporation, 187 Rosemary Street, Needham, MA, Petitioner (Property located at 464 Hillside Avenue, Needham, MA). Regarding request to convert approximately 815 square feet of general office space to medical office.**

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of the four members present unanimously:

VOTED: to waive the reading of the public hearing notice.

Mr. Block noted the following correspondence for the record: a letter from Attorney Evans Huber, dated 3/14/24; an email from Assistant Town Engineer Justin Savignano, dated 4/16/24; an email from Police Chief John Schlittler, dated 4/22/24; an email from Fire Chief Tom Conroy, dated 4/16/24; an email from Assistant Public Health Director Tara Gurge, dated 3/28/24; an email from Needham Building Commissioner Joseph Prondak, dated 3/28/24 and an email from Superintendent of Parks and Forestry Ed Olsen, dated 3/28/24.

Evans Huber, Attorney for the applicant, noted this is to amend the special permit. There is a mix of medical and regular office and the parking requirements are different. The parking requirement for medical is one space for every 300 square feet and general office is one space for every 200 square feet. There is an anticipated tenant for medical office. He noted 815 square feet is permitted as general office. The parking requirement will increase by one parking space. There are currently 166 spaces and there is a waiver of 15 spaces. The demand is 181. The demand is increasing by one space so the applicant is requesting an increase in the waiver by one space.

Robert Michaud, Managing Principal of MDM Transportation Consultants, Inc., stated the parcel adjoins Hillside Avenue. There are driveways on Hillside Avenue and Rosemary Street. There are garage spaces and surface spaces for a total of 166 spaces. He showed the garage layout. The current occupancy of the building is 46,817 square feet with vacancies totaling 22,000 square feet. The suite is 1,829 square feet zoned medical and 815 square feet is zoned general and they are requesting that be rezoned to medical. An inventory parking for current uses was done. He showed the calculations. The existing tenant peak demand is 71 spaces. If they re-tenant regular office, it would be plus 59 and to re-tenant medical office would be plus 8 for a total of 148. This is the total empirical standard. The Institute of Transportation Engineers (ITE) basis is 141. The parking supports the full occupancy of the building. The conclusion is there is a surplus of 25 spaces using either method. Mr. Block stated he has gone through the materials. There is an oversupply of parking, and he has no issues.

Upon a motion made by Mr. McCullen, and seconded by Mr. Alpert, it was by a vote of the four members present unanimously:

VOTED: to close the hearing.

Ms. Newman stated she will have a decision for the 5/14/24 meeting.

## **Planning Board Recommendation:**

### **Article 1: Citizen's Petition/Amend Zoning By-Law – Dimensional Regulations.**

## **Zoning Article Assignments for the Annual Town Meeting and further Board discussion on Warrant Articles.**

Mr. Block stated he would like to do the solar and affordable housing districts. The Board discussed having a split of presenters at Town Meeting and not having the Chairman present all. It was suggested Mr. Crocker present the solar. Mr. Block asked if that would be a conflict of interest. It was felt it would not be a conflict. It could be disclosed at the beginning of the meeting. Mr. Block will speak with Mr. Crocker this week and let the Planning Director know who will present. Mr. Block stated he will take the Citizen's Petition. He noted Article 44 is FAR for Single Family homes. The Board received additional comments from residents. There is a question about house size. This is a priority of the Planning Board for action later this year. He will set up a committee later this year. He noted the Board should approve, oppose or recommend to Town Meeting to refer back to the Planning Board for further study. No one supports the Petition in the current form. Mr. Alpert is not sure a motion to refer should come from the Planning Board as a Board but rather a Town Meeting member. He feels a motion to refer is very limited in scope to FAR and runs on a different path than where the Board wants to go. The presentation of just the FAR issue does not solve the problem. Ms. Espada agreed. Mr. Alpert noted lot area coverage is more relevant to the issue. He is in favor of the Planning Board having a recommendation it be rejected.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the four members present unanimously:

VOTED: to recommend Town Meeting reject Article 44.

Mr. Block wants to remind Town Meeting they are on the calendar to create a committee for a robust public process, there will be studies (fiscal impact and hydrology) and it will come back to Town Meeting in a reasonable time. He is not sure about money for the studies. Ms. Newman noted she will have an appropriation in July for studies.

## **Summer Schedule**

The Board will discuss this before Town Meeting and when Mr. Crocker is there. There have been a lot of inquiries regarding the Board's schedule.

## **Public Hearing:**

**7:30 p.m. – Amendment to Major Project Site Plan Special Permit No. 20094-01: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 609 Webster Street, Needham, Massachusetts). Regarding request to renovate 4 existing tennis courts, add 4 new tennis courts, install stormwater management improvements, ADA accessible walkways and landscape improvements. Note: This hearing has been continued from the Planning Board meetings of March 19, 2024 and April 2, 2024.**

Mr. Block stated this is a continued public hearing regarding tennis courts at the High School. He noted the following correspondence for the record: a letter from Director of Athletics Ryan Madden, dated 4/5/24; a letter dated 4/10/24 from Rosemary and Webster Street neighbors including Julie and Ross Dananberg, Nancy O'Leary, Linda and Christopher Kilburn-Peterson, Barbara FitzGerald and Harriet Dann; an email dated 4/3/24 from Ellen and Jim Dudley; an email dated 4/22/24 from Paul Siegenthaler; a letter dated 4/25/24 from Paul Siegenthaler and a letter dated 4/24/24 from Director of Park And Recreation Stacey Mulroy.

Jonathan Charwick, landscape architect at Activitas, Inc., stated the applicant came in previously with 8 courts. There were 5 concerns: pickleball, varsity tennis coaching here, sound and sight, maintenance and enforcement and placement of the courts. The proponent was asked to move the courts away from the abutters. They looked at shifting the 4 new courts and that gives them additional green space between the neighbors. The courts were 29 feet and are now 43 feet. Mr. Block asked if the courts could be moved 10 feet closer to the parking lot. Mr. Charwick stated they are staying away from the memorial area with the benches. The proposed fences are 12 feet high. There is a 3:1 slope and only about a 10 foot strip of grass so it would feel very pinched. This proposal is as close as they feel comfortable with. They may consider raising

the height of the fence to 14 or 16 feet if there is a ball issue. There will be a 12-foot fence on 3 sides adjacent to the neighbors and 4 feet on the walkway side.

Mr. Block asked what the material would be surrounding the tennis courts and was informed post tension concrete, concrete, loam and seed. He asked how much impervious surface is being added. Mr. Charwick noted the increase in impervious is being handled. Mr. Block asked if it is being pitched toward the parking lot. Mr. Charwick stated the existing courts pitch toward the parking lot currently. The grade of the new courts are pretty much the same and all are pitching toward the parking lot. Mr. Block asked if the left side elevations are higher than the right side courts. Mr. Charwick noted the courts are 2½ to 3 feet higher in elevation than the existing courts. Ms. Espada asked how the courts were accessed. Mr. Charwick stated there is an existing sidewalk that goes to the courts and a handicap access point along the parking.

Mr. Charwick stated Option 2 is removing the shade structure. That gives a little more space. The one option gives more green space between the courts and neighbors. They are also able to rotate the courts to keep in line. Option 3 is 29 feet from the existing property line. A lot more green space is gained between the courts and the back of the property. The size of the shade structure did not give the project the appropriate locations. Removing the shade structure gives better options. Mr. Block commented there are still a lot of feet between the courts and the parking lot. Mr. Charwick stated emergency vehicles can go through the walkway between the new courts if necessary. They could see if there is any more room to pinch but there are existing trees there. All the courts pitch toward the parking lots now and the shade structure has been moved all together. Ms. Espada asked if there was a way of creating a thicker walkway to allow handicap access for all to go through the same path if possible. Mr. Charwick feels they could move 5 or 10 feet over but this has a better walkway flow. He will look at it. Mr. Alpert stated Paul Siegenthaler suggested having 2 tennis courts and the bottom ones be singles rather than doubles. Has that been considered? Drew Lawrence, the boys tennis coach, stated his first thought is no. They looked at the whole facility in terms of matches. The default is always to double courts to get more bodies on the courts. Mr. Charwick stated the preferred design was presented. There were concerns and the applicant will provide a condition there will be no pickleball.

Mr. Block recommended any current reference to pickleball be immediately removed as of the date of this decision. Director of Park and Recreation Stacey Mulroy stated the Commission voted to remove the pickleball lines from the tennis courts. They are also in the process of updating their policies. Mr. Charwick reviewed the concerns including having the location of the courts as far away from abutters as possible. He will look at raising fence heights along the neighbors. Ms. Mulroy stated she met with different tennis court vendors and spoke of post tension concrete courts. These started in 1988, there is a 25-year warranty in place and there have been no issues. Post tension concrete is much more of a set it and forget it. The High School Athletics have recommended 8 courts as well as the Park and Recreation Department and Commission. There is a lot of opportunity for growth with Park and Recreation. They met with their neighbors a couple of weeks ago and sent a letter with the breakdown of numbers. Park and Recreation runs tennis lessons, and she showed the number of registrants and the number of people waitlisted. Leagues are run that they have not been able to participate in and cannot host due to the lack of courts. For the summer camp tennis academy there are a number of waitlisted. This will allow more residents to play and hire more counselors from the community.

Mr. Block opened the meeting to public comment and reviewed the process. He stated it is clear there will be no pickleball so there is no need to discuss that tonight. He wants to hear new comments. Julie Dananberg, of 36 Rosemary Street, stated there has been no talk about a sunset clause. She wants that as a condition. She would like to know where the teams and groups that use that green space would go. Ms. Mulroy noted she spoke with Director of Athletics Ryan Madden this week and he is confident he can find other spaces for them. That space is convenient, but the schools have access to all fields around town. Mr. Lawrence stated when groups have wanted to use that field other fields have been found for them. The space is relatively small and there are better fields for those uses. Ms. Mulroy noted the schools have the use of other fields and baseball fields.

Ms. Dananberg asked if it is possible to include more blockage than just fence like arborvitae. Assistant Athletic Director Richkaard Verrier noted this has been considered and it will be looked at, but they would not like the Planning Board to put a condition they plant arborvitae. The tennis courts have been moved away from the residents. He does not feel the additional would be added now but they will look into it for the future. Ms. Mulroy noted they would not want arborvitae to hinder the project and make the budget go so high they need to request more money. This will be looked at for the future.



Mr. Alpert stated there is a number to fund this project going to Town Meeting and landscaping is very expensive. He assumes the Town Meeting money does not include landscaping. Ms. Mulroy stated that is correct.

Ms. Dananberg stated going to Town Meeting with a dollar amount before the Planning Board approved it is out of order. She is having a hard time seeing how the water will not go on her property. Mr. Charwick stated there are currently 2 catch basins that catch all the water. There is a channel drain along the court that will go to the drainage system tied to the parking lot. The grade will not be touched for 25 feet near her property line. Mr. Block asked if the grade was being raised and got 2 answers. He asked if the elevation on the side near Rosemary Street is being raised. The grade is not being touched and it will be the same elevation. The other side is being re-graded to pitch toward the parking lot. Ms. Mulroy stated there is a Park Ranger and people using the courts need badges. There is currently one 40 hour a week Ranger and she is requesting more.

Paul Siegenthaler, of 1049 Webster Street, clarified his presentation. A determination for 8 courts was done in conjunction with the Athletic Department. He plays tennis and wants 8 courts. He did not realize there was a waiting list. Eight courts is the bare minimum. The High School renovation was done 13 years ago and it was rushed. Four tennis courts were thrown in as an afterthought. If this had been properly done there would have been 8 courts. With 6 courts the sound of tennis balls would continue later. Mr. Alpert thanked Mr. Siegenthaler for the presentation he sent and his suggestions. Mark Gluesing, of 48 Mackintosh Avenue, advocated for 8 courts. There are not a lot of courts in town. Newman and the High School are closed to the public during the school day and teams use Newman and Mills Field during the day. He would love to play tennis during the day, but the only place is Mills Field and it is shared with pickleball. If teams can go to the High School courts, it frees up the other courts for the townspeople. Tennis is one sport that runs both boys and girls teams together. That is a great thing for the kids to get together and support each other.

Julia Salamone, of 18 Rosemary Street, stated there are compelling reasons for 8 courts but the request at the last meeting was to see what 6 courts would look like. All were expecting to see that. She is a little disappointed something else was not presented. She heard the last time 5 courts were needed for tournaments and one was added for good measure. They do not have tennis facilities affecting the neighbors and their lives. She asked if any other locations were suggested for 8 tennis courts in town. Currently there are 4 at Mills Field and there is room to add more. That would not affect the abutters. Where else was considered? Mr. Block stated it is true the Planning Board asked to see a site plan for 6 courts. The Town, for recreation and academic programs, are advancing programs for 8 courts and that is not changing to 6 courts. Ms. Salamone stated it was not brought to the attention of neighbors that 6 courts was out of the question. She understands the desire for 8 but this is one particular space with many different interests. A lot of space is being devoted to one function. That is the only other non-vertical multi-purpose grass space.

Diane Fidurko, of 356 Hillcrest Road, stated she is the retired girl's tennis coach of 25 years. There is a need for 8 courts. There can be varsity and JV playing together. That used to be in different locations. It is good for building cohesiveness and also good to be at the High School. Cars were needed to drive kids to other locations. John O'Leary, of 46 Rosemary Street, is a 50-year resident and appreciates the chance to be heard. The public notice was the first the abutters heard about this and the first time seeing the plans was at the 4/2/24 meeting. Tonight, he is seeing for the first time where the courts will be located and now there are 2 plans. He asked how far from his house the courts are? Mr. Charwick stated it is 29 feet from the court to the property line. Mr. O'Leary commented that is very close. The first criteria is protection of abutting properties. The only sight and sound barrier is a chain link fence for him, his hammock and his chickens.

Mr. O'Leary stated this is a community athletic facility in the Single Residence B (SRB) neighborhood. He sees very little accommodation. It is unbalanced and there needs to be some balance with the neighborhood. This imposes on the quiet enjoyment of his property. He is disappointed he is seeing the plan for the first time tonight. He does not feel like this was the appropriate approach. There were no revisions to the plans and no signage. This is a dawn to dusk facility and there are no hour's limit. Dawn happens before sunrise. He appreciates the chance to be heard. He is fine with redoing the courts and adding a 5<sup>th</sup> or 6<sup>th</sup> court but this seems overbalanced. Summer and weekend use of the courts is dawn to dusk in an endless stream of people. He does not feel it is appropriate to rush this through and feels it could be pushed closer to the parking.

Ellen Dudley, of 567 Webster Street, asked how close the courts are to her property. Mr. Charwick stated the courts are currently within the 25-foot setback and that will remain the same. Ms. Dudley asked how that is ok. This was rushed

through the first time and has been an enormous inconvenience to people. She does not appreciate non-abutters not supporting this. Other sports play in different places and every sport has to drive. This should not disrupt personal space from dawn to dusk just for the High School. People play pickleball even without lines. She agrees this is being rushed through. They already made a mistake once. Mr. Verrier noted they can increase the height of the fence and asked if she would prefer 14 or 16 feet. Ms. Dudley stated she would like the fence further away from her property. It feels like a jail. The parking lot is being dug up so she suggests moving the courts into the parking lot and make the parking circle around the courts. For drainage, that is a walking puddle. She would guess it is maybe 5 feet off her property line.

Nancy O'Leary, of 40 Rosemary Street, agrees with Ms. Dudley. This cannot be approved without setbacks. It looks like this has not been moved from her property line. She came to see 6 courts. This is being done for a few teams that play in the Spring. The Board needs to look at setbacks. The additional wait list people could be accommodated with 6 courts and the Board needs to look at a 6-court option. That would be a happy medium. She stated she is a pickleball player and Park and Recreation was advertising pickleball and Play Time Scheduler, which is another group. Ms. Mulroy commented they have asked groups not to use Play Time Scheduler and not recognize it. That is not allowed by Park and Recreation. Ms. O'Leary stated the Planning Board cannot approve anything without design and setbacks.

Mr. Alpert asked the hours of the courts. There have been complaints that the courts are used from dawn to dusk. Mr. Siegenthaler suggested limiting the amount of time to start at 8:00 a.m. or later and kick people off earlier at perhaps 7:00 p.m. Could that be considered and practically enforced, or could there be locks on the gates? Ms. Mulroy stated they are looking for volunteer Park Rangers. With the changes last night all outdoor court policies are being looked at. Mr. Siegenthaler's recommendation seems reasonable. She does not feel people should be playing at 6:00 a.m. She looked at using scan cards but proponents who have used them found people leaving the gates open. All things are on the table and are being looked at but there will be updates to the policies. Mr. McCullen stated he would definitely say a higher fence should be considered up to 16 feet or a net at the top. There should be some sort of containment and some sort of privacy screen should be looked at. It is a cheaper solution in the beginning with additional funding in the future from Town Meeting.

Ms. Espada stated it is reasonable to change the hours. She prefers the perpendicular plan but still wonders if the courts could be moved over. She asked if parking could be reconfigured as they have the budget. Mr. Block noted the budget is not a Planning Board issue. Ms. Newman stated if it was a private developer cost would not be an issue for the Planning Board and it should be the same for the Town. Mr. Heep stated the parking configuration was considered when the High School was first designed. He would be reluctant to change the circulation of the parking. Ms. Espada asked what the setback on the north was. Mr. Heep stated it is pre-existing, non-conforming. This is not getting any closer to the property line. Ms. Newman would like to know if it is legally pre-existing, non-conforming. Mr. Heep noted it has been a permitted condition for at least 15 years. Mr. Alpert asked if the Planning Board knew the tennis court was over the setback line. Ms. Newman will look into it.

Ms. Espada would like to see if there is a way of moving the upper tennis courts closer to the parking. She agrees with a higher fence or some type of buffer. It could be temporary for now. She noted a 14-foot fence is not desirable. Mr. Block commented he is surprised the applicant does not have a properly measured site plan as would be expected from any other developer. He is hearing consensus from abutters and the Board to impose certain restrictions such as some sort of screening, controlling the hours and fencing be part of screening whether netting or additional fence. He feels site circulation would be a worse scenario if parking and courts were reversed with idling and such. He feels there is room to fix it up and it can be accommodated in a reasonable way to get closer to parking. Ms. Espada feels it would be too close to the original courts.

Mr. Charwick stated there needs to be adequate space for spectators. They do not want them going to the back of the courts near the abutters. Mr. Block stated one set of courts could be moved over. It seems like there is room, but it has not been measured. Mr. Alpert stated a lot of additional information has been asked for so the hearing should not be closed. Mr. Heep summarized the information needed as proposed hours of operation, screening plan and a site plan with measured setbacks and elevations. Mr. Block would like that information for all 3 options. Option 1 has 43 feet across the bottom in all new courts and Option 2 is 29 feet to the closest pinch point. Ms. Espada feels Option 2 is the best option. Mr. Alpert would like plans for Option 2. Mr. Block stated the hearing will be continued to another meeting. There will be another option for participation. He added people can provide written comments also. Ms. Newman noted this will be continued to the 5/14 meeting. There is a hearing for the hospital at 7:00 p.m.

Upon a motion made by Mr. Alpert, and seconded by Mr. McCullen, it was by a vote of the four members present unanimously:

VOTED: to continue the hearing to 5/14/24 at 7:45 p.m.

### **Correspondence**

Mr. Alpert noted there was a letter from the Attorney General's Office. There was a new definition of family but they seem to already have a definition of family. The Attorney General had approved the first time around but the Board expanded on that. It was expanded and not restricted. Mr. Heep stated the Attorney General reviews all By-Law changes for consistency with state law. Their jurisdiction is limited to changes and not existing portions of the By-Law. Three words for the change to family were stricken. The definition of family would remain valid in the By-Law. The Board should work on cleaning up the language for the next Town Meeting. Mr. Block will add to the Planning calendar to work with Mr. Heep. Mr. Heep will prepare a proposed new definition of family.

### **Minutes**

On page 2, 2<sup>nd</sup> paragraph in the solar zoning discussion, it should be "inconsistency" and not "consistency" On page 3, "it should be called out in the By-Law" should stay. The sentence noting "Mr. Heep stated if allowed for municipal it would need to be allowed for all uses" should say "would need to be allowed for all municipal uses." On page 4, Mr. Alpert's comment on the small scale setback should say "Industrial does not have a 5-foot setback requirement for accessory use so the property line is the setback for the district."

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of three of the four members present (Mr. McCullen abstained):

VOTED: to approve the minutes of 1/16/24 with the redline changes and the changes modified tonight.

On the minutes of 2/6/24, page 1 under HONE, Ms. Frail noted it was easier to pass compliance. It was agreed to take out the sentence "She feels it would be a short time to pass compliance." Mr. Block stated, on page 3, it should be "it is not clear whether amendments can be made." On page 4, strike "Neehigh" and "put public hearing for (the Highland Avenue address.)."

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a vote of three of the four members present (Mr. McCullen abstained):

VOTED: to approve the minutes of 2/6/24 as redlined in the packet and further revised at this meeting.

Upon a motion made by Ms. Espada, and seconded by Mr. Alpert, it was by a vote of three of the four members present (Mr. McCullen abstained):

VOTED: to approve the minutes of 2/27/24 as redlined in the packet.

### **Report from Planning Director and Board members.**

Ms. Newman noted there is a HONE meeting tomorrow night and it will be the final meeting. The draft report is out, the draft zoning is done and it went in the packet today. She feels comfortable with the draft. The draft zoning implements the base plan and all the map changes and legal descriptions associated with that, all zoning framework that actually implements the add on plan and all the map changes that are associated with that. The final report is done. The Committee will close out the work tomorrow night. She reminded the Board there is a meeting with the Select Board on 4/30/24 for presentation of the plan and to recommend zoning. The Finance Committee and Hone Committee will be there. All documents will be sent off right after that meeting. She noted the Warrant Meeting is on Monday, 4/29/24, and all have their assignments. Town Meeting starts 5/6/24 and the Board will meet at 7:00 p.m. prior to the meeting in case there is a need to vote on something.

Mr. Alpert noted the Board voted a recommendation for 2 Zoning Articles and was informed that was correct. He asked if the Board should make a recommendation for the Citizen's Petition for money for a planning person to review HONE. Ms.

Newman will wait on that. She is looking at using GPI to look at key intersections adjacent to the corridor. Ms. Clee noted the Board needs to sign the recommendation for the Citizen's Petition.

### **Correspondence**

Mr. Block noted the following correspondence for the record: a notice from the Attorney General requesting modification of the definition of family and an email, dated 4/1/24, from Louis Wolfson regarding Brookline Oriental as it straddles 2 zones. With the HONE changes Industrial on Crescent will change to Residential. Ms. Newman will need to follow the boundary of the lot for the MBTA Communities. Mr. Block asked if HONE should consider that. Ms. Newman will speak with Mr. Wolfson to clarify. Mr. Block noted another email from Louis Wolfson, dated 4/2/24, regarding the Citizen's Petition and emails from George Lynch, dated 4/2/24; Matt Hughes, dated 4/10/24; Mark Bees, dated 4/4/24; Dana Alexander, dated 4/2/24; Jennifer Adler dated 4/2/24 and Katherine Adams, dated 4/2/24 all regarding the Citizen's Petition.

Mr. Alpert appreciated the email from Mr. Hughes. He did a great job presenting the issue. He noted the Board gets a lot of emails from people complaining a lot about trees being taken down. He joined the Board 9 years ago and the Board talked a lot about a Tree By-Law and were told by the Select Board it was their jurisdiction. Nine years later nothing has been done. There was a Tree By-Law Committee, then nothing. He would like to tell people he has been in favor, but they need to speak to the Select Board. People keep complaining to the Planning Board but they need to speak with the Select Board. Ms. Espada noted the CAPC also discussed it. Mr. Block will put together a letter from the Planning Board Chair to the Select Board Chair requesting action. Ms. Newman commented the HONE Committee decided not to rezone any residential land which is why Brookline Oriental is not rezoned.

Upon a motion made by Mr. McCullen, and seconded by Ms. Espada, it was by a vote of the four members present unanimously:

VOTED: to adjourn the meeting at 9:40 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

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Natasha Espada, Vice-Chairman and Clerk



DRAFT

**Town of Needham**  
**Joint Meeting of the Select Board with the**  
**Planning Board, Finance Committee, and Housing Needham Advisory Group**  
**Minutes for Tuesday, April 30, 2024**  
**Powers Hall**  
**and**  
**Via ZOOM**  
<https://us02web.zoom.us/j/89068374046>

6:04 p.m.      Call to Order:  
A joint meeting of the Select Board, Planning Board, Finance Committee, and Housing Needham Advisory Group (HONE) was convened by Chair Marianne Cooley. Those present were Vice Chair Heidi Frail (also Co-Chair of HONE), Marianne Cooley, Joshua Levy, and Town Manager Kate Fitzpatrick. David Davison, Deputy Town Manager/Finance, Katie King, Deputy Town Manager, and Susan Metropol, Recording Secretary, were also in attendance. Heidi Frail called to order the meeting of the Housing Needham Advisory Group (HONE). Chair Adam Block called to order the meeting of the Planning Board. Chair Carol Fachetti called to order the meeting of the Finance Committee.

Also in attendance on the Finance Committee were Karen Calton, Vice- Chair (and also a member of HONE), John Connelly, Barry Coffman, and James Healy.

Also in attendance on the Planning Board were Paul Alpert, Artie Crocker, Vice Chair Natasha Espada (also Co-Chair of HONE), and Justin McCullen.

Also in attendance on the HONE Committee were Jeanne McKnight, Ronald Ruth, Michael Diener, and Bill Lovett.

Also in attendance were Eric Halvorsen, RKG Associates; Chris Heep, Town Counsel; Emily Innes, Innes Associates; Carys Lustig, Director of Public Works; and Lee Newman, Director of Planning & Community Development.

6:10 p.m.      Introduction:  
Heidi Frail provided an overview of the MBTA Communities Act. Ms. Frail noted that the draft zoning will be sent to the State tomorrow, May 1. Ms. Espada presented a timeline of HONE's activities with a focus on community engagement. The upcoming activities including State review of zoning, Planning Board finalizing the zoning article, Town Meeting voting, and Final State Review.

**HONE's Final Recommendations**

1. **Base Compliance Plan:** A scenario that adheres very closely to the zoning boundaries and dimensional standards in Needham's current Zoning Bylaw. This scenario is intended to meet the minimum compliance requirements of the MBTA Communities Act.

2. **Neighborhood Housing Plan:** A scenario that increases dimensional standards and the number of units that can be built on a parcel of land as a way to encourage housing production and respond to the goals in Needham's Housing Plan. This scenario is intended to meet and exceed the minimum compliance requirements of the MBTA Communities Act.

#### Article Overview

Lee Newman presented the recommendations that HONE is presenting to the Town advance four zoning amendments, which build on each other:

**Article 1:** Create a multi-family overlay district following the recommended district boundaries and dimensional standards in the Base Compliance Plan.

**Article 2:** The map change for the Base Compliance Plan to accompany Article 1.

**Article 3:** Amend Article 1 and inserts the dimensional standards of the Neighborhood Housing Plan.

**Article 4:** The map change for the Neighborhood Housing Plan to accompany Article 3.

Ms. Newman presented several maps which illustrate these scenarios, as well as a comparison of the scenarios and the parameters of both the Base Compliance Plan and the Neighborhood Housing Plan. She also outlined the recommendations of HONE to the Planning Board both within and outside of the MBTA Communities Act.

Eric Halvorsen then reviewed the Propensity for Change Analysis and Fiscal Impact Analysis conducted on HONE's two proposed scenarios. The Propensity for Change Analysis uses a financial feasibility model for multifamily development land value utilizing market return metrics, asking rents, and construction costs. Mr. Halvorsen presented a model demonstrating the potential change in value after the zoning change, with the model applied to each proposed district. The Fiscal Impact Analysis model was constructed to understand the potential tax revenues from new development compared to the municipal and school operational costs to support that development. The model considers Town tax rates, multi-family valuation, development program, incremental governmental expenditures, and student generation rates per unit.

Mr. Halvorsen also reviewed the Tax Implication Analysis methodology as applied to the Base Compliance Plan and the Neighborhood Housing Plan. Finally, Mr. Halvorsen reviewed HONE's Proposal for Affordability as required by the MBTA Communities Act, with the following components:

- Continue to require that 12.5% of all new units in buildings with 6 or more units are set aside as deed restricted affordable housing
- RKG's Economic Feasibility Analysis (EFA) supports HONE's recommendation to keep the current affordability requirements in place for MBTA Districts.
- Keeping the affordability set aside at 12.5% helps Needham continue to stay above the State's requirement of 10% affordability town wide.

Katie King then provided an overview of the Capital Impact Assessment, which considers Police, Fire/EMS, Schools, water and sewer, stormwater, and roadways. There are no anticipated capital impacts on Police, Fire/EMS due to recent investments. The School Department master plan for updating aging school facilities and creating enrollment capacity district-wide would be able to accommodate both zoning plans. The Town believes it has enough water capacity to support housing that may result from proposed zoning. Ms. King emphasized that stormwater and roadways will be prioritized for the foreseeable future.

Discussion ensued on a range of topics, with specific regard to zoning capacity, the size of parcels in various districts across Town, workforce housing, and the differences between the Base Plan and the Neighborhood Housing Plan. Another area of focus was an upcoming traffic study. The proposals put forward in this joint meeting are recommended for the October 2024 Special Town Meeting, following a preliminary review by the Executive Office of Housing and Livable Communities and the Planning Board's hearing process for zoning amendments.

**Motion by Mr. Levy that the Select Board accept the recommendations of the Housing Needham Advisory Group and send the Base Compliance Plan and the Neighborhood Housing Plan to the State for a preliminary review.**

**Second: Ms. Frail. Unanimously approved 4-0.**

8:02 p.m. Adjourn:

**Motion by Mr. Levy that the Select Board vote to adjourn the Special Joint Meeting of Tuesday, April 30, 2024.**

**Second: Ms. Frail. Unanimously approved 4-0.**

**Motion by Ms. Fachetti that the Finance Committee vote to adjourn the Joint Meeting of Tuesday, April 30, 2024.**

**Second: Ms. Calton. Unanimously approved 5-0.**

**Motion by Ms. Frail that the HONE Committee vote to adjourn the Joint Meeting of Tuesday, April 30, 2024.**

**Second: Mr. Diener. Unanimously approved 8-0.**

**Motion by Mr. Block that the Planning Board vote to adjourn the Joint Meeting of Tuesday, April 30, 2024.**

**Second: Mr. McCullen. Unanimously approved 5-0.**



To: Planning Board, Select Board

Hello,

I am writing to follow up on the May 2024 Town Meeting and next steps for reforming dimensional regulations. After delaying for a year, it is critical that the Planning Board, with support of the Select Board, deliver a real policy change for vote at the May 2025 Town Meeting.

The Planning Board has us on a path to convert every small and medium single detached residence into an extra-large luxury home available only to the wealthiest. This is simply not defensible given the housing crisis in the Greater Boston area which is increasingly being recognized as the serious threat to the economy and future of the region that it is.



*Here is Pinewood Rd., with that \$3 million house the first on the left. Under the Planning Board's policy, all of the other houses in this picture will be torn down and replaced by larger and much more expensive houses.*

In my presentations to the boards, I asked how the boards could reconcile the demolition of habitable small and medium houses to build \$3 million houses on Needham's small lots. I have yet to receive any kind of answer. Instead, all of the comments from the boards at Town Meeting were focused on the process or need to study, ignoring all of the previous work that had been done on the topic dating back to 2014.

## **Planning Board + Select Board Town Meeting Comments**

I want to address comments at Town Meeting because I had significant problems with them.

1) The Planning Board said: “The Planning Board acknowledges the concerns that residents have expressed” – I want to point out that addressing teardown and oversized house construction is a specific concern of the Needham town government per the town’s housing strategy developed by the Housing Plan Working Group in 2021-22, in addition to all the work from 2014-17. It is not fair for citizens to wait for two studies to take place on this topic and see no results. It did not escape me the Planning Board used the terms “before the year is out” and “the fall of next year” to downplay just how long they intend to take.

The Planning Board said they would report back at the May 2025 Town Meeting. It is not clear what this means. Town Meeting is for adopting articles, not making reports. There is a 0% chance the Planning Board is going to simply stand up in front of Town Meeting and talk about progress on oversized house construction at the May 2025 Town Meeting because that is not what Town Meeting is for.

The Select Board and Planning Board want robust public input. But what about the Questionnaire from 2016 on by-law reforms (<https://www.needhamma.gov/DocumentCenter/View/13739>)? Many people knew that the changes wouldn’t be impactful and that the FAR reforms were flawed. But their inputs were not taken, instead the opinions of pro-development members of town government and the developer/real estate community received higher weighting - and now look at the results. Maybe if the town government had actually taken public input more seriously we wouldn’t be in this situation. What about those who spoke at the April 2024 public hearing or all of the emails and letters sent to the boards over the past decade?

Everyone knows this is an issue and awareness is very high. All of the public hearings which took place in 2014-17 on this issue count towards awareness. All of the meetings and hearings related to the Housing Plan Working Group in 2021-22 count as well. The July 2023 Planning Board meeting, the legally-mandated Planning Board April 2024 public hearing, Select Board/Finance Committee April 2024 meetings all count. The coverage from the Needham Observer, Needham Channel – and yes Needham Times, because this problem is that old, all count. This issue has not only been discussed in the most visible arena in town government, the Annual Town Meeting, once, but twice!

When I hear those comments from the Select Board and the Planning Board, my main takeaway is that all the work from 2014-17, 2021-22, and what we just did was worthless.

2) The Planning Board said that FAR definitions and limits do not “does not change the size of the box on a lot.” **This is just wrong.** Using FAR to regulate the size of a house was a specific conclusion of the 2017 study and by-laws.

- *“The FAR is now suggested to be the overall size control, while setback exemptions and relaxed lot cover will allow design flexibility and encourage a variety of design features.”*

I suppose in some circumstances, such as massive lots or developers decide to construction large barn-like houses that could be true. But when we are dealing with a FAR limit of 0.38 and lots of 8,000-11,000 sf it is not. The FAR definition change would most certainly impact the size (and design) of new construction. The fact that the Chair of the Planning Board would feel comfortable making such a claim in front of Town Meeting should be a major red flag for anyone who cares about this issue.

Reforms always create pre-existing non-conforming structures – that has already been the case multiple times in Needham’s history and will undoubtedly be the case with any effective policy. It is also ironic to hear this concern, then hear the Planning Board suggest setback, height, lot coverage changes as if they wouldn’t present the same exact issue.

A suggestion – do not use the word “countless” and then immediately say a number of 8,000 single family residences. Moreover, this only applies to SRB, so that number is wrong. Whatever the number will be, it will be manageable.

3) I also want to speak to the comments by the Planning Board, Select Board, and Finance Committee about not following the right procedure, insufficient study, or public awareness. I want to remind them that these boards and committees control these processes and the town’s resources for these purposes.

I was disappointed to hear comments by these boards implying I had attempted to circumvent the government to bring a zoning change. I very much attempted to use the proper channels – **recall that this whole exercise is an attempt to get the town government to simply deliver on their own stated policy objectives and Town Meeting’s previous will.** Despite all this, I have yet to hear many of the members of the Planning Board or Select Board even admit there is a problem with oversized houses and teardowns.

4) A key problem with the Planning Board and many in town government is that they have been permitted to frame the proposal to regulate house size as a new and risky policy idea instead of a correction to the clear and obvious mistakes of the 2017 reforms. How is it fair that town government took three years to come up with a solution to a problem, only to make it worse, and then set more obstacles just to fix the problem?

What I did not hear from the Planning Board, or really anyone ever, was a defense of the Planning Board's current policy. That is because there is none, and everyone knows this policy needs to change. The Town does not need years to instill some basic concepts of balance into dimensional regulations after citizens have been waiting **more than ten years**.

Let's consider - in 2017, if Town Meeting knew the current situation would be the outcome, would the reforms have been accepted? The answer is obviously not. The Planning Board would have been told to go back and do it right ASAP.

Beyond the negative impacts and effects of the policy, it is not even written correctly. I hope that the flaw with the text from Chapter 4 of the zoning by-laws is apparent:

*"d) The maximum floor area ratio shall be as follows: for lots containing less than 12,000 square feet – .38; and for lots containing 12,000 or more square feet – .36."*

### **Regional Housing Crisis and MBTA Communities**

When I hear comments from the Planning Board saying concerns about "property rights" or "property values", this is yet another red flag as it demonstrates that there are people in town government who do not really understand why the MBTA Communities law was passed. There are at least three implicit understandings everyone should take away from the law's existence – let's see if they apply here:

- ☑ 1) The state could no longer trust local Planning Boards and Town Meetings to manage small and medium (market affordable) housing supply in the region
- ☑ 2) The sale price of housing (property values) has gotten so high that it has shifted from being a positive thing to a negative thing
- ☑ 3) The old way of doing things, including vague protestations over traffic, schools, property values, etc. are no longer sufficient to oppose housing reform

When the Planning Board says they are concerned over property rights, what are the concerns? I was specific in my comments – the right of a developer to build an oversized house on a small lot should not be guaranteed. The rights of longtime residents to enjoy their property and neighborhood should be protected. If longtime residents need some flexibility in expanding their home, then the town should include a process to do so, not give developers and investors carte blanche. Moreover, there is state law protecting pre-existing non-conforming structures and we have the ZBA to handle cases, despite the erroneous comments from multiple Town Meeting members.

What are the concerns about property values? **Even with the proposed by-law change, homeowners would always be getting fair value for their homes.** SRB lots are supposed



to be for reasonably-sized houses, not treated as development projects to be farmed for square footage.

The Planning Board said the proponent did not quantify adverse impacts to property values. Does this mean the Planning Board is zoning residential areas to make money for homeowners? I thought that we zoned for use, design, and dimensions first. Moreover, yes I did not try to quantify future property values. But it is worth noting in this entire process over the past year, some people have bothered to speak with specificity, do research, and propose real plans, while others have done none of that. It's pretty clear who belongs to each group.

The Planning Board and town government does not appear to appreciate that this overly permissive zoning policy is one of the drivers of the housing crisis in Massachusetts. Just imagine – what if we still had the ~1,000 units of small and medium housing destroyed over the past 15 years to make way for larger homes and all the time, money, effort, and resources poured into these larger houses instead went towards new small and medium housing?

### **The Needham Housing Market**

Here is a recent marketing video by a real estate agent:

***“Needham, MA - Pros and Cons of Living here”***

<https://youtu.be/3Jati3XZ21Y?si=tdSZ4lFcZ327qk3F>

The relevant parts are the first part – a tour of the typical new build. Floor plans which are available online show that new houses have features like large 3<sup>rd</sup> floors, 2<sup>nd</sup> floors where even children bedrooms have full bathrooms and walk-in closets, and other features typically associated with luxury/upper class homes.

The other relevant part is the end, where the agent notes how high-end the market it is, and basically laughs off the idea for first-time homebuyers or anyone who isn't a very wealthy buyer having a change to own a home in Needham.

Real estate investment funds, regional bank financing, investors, developers – this is what is going on with oversized houses. The status quo and pro-development group will claim that these are houses designed for clients with custom features, and while that does occur in some instances, everyone can clearly see that new construction is predominantly speculative building.

Money is flowing into the transformation of Needham's small and medium housing from the publicly-listed Needham Bank, opaque private real estate funds, and whoever else becomes interested after being pitched to by real estate agents through MLS.

*Open investment fund guaranteeing amazing returns for teardown projects – where is this money coming from? Where is the limit?*

Source: <https://nt-development.com/closed-1>



Source: Zillow

We know land acquisition prices, we can see construction cost estimates, and we can account for agent fees or carrying costs. This is low-risk, high-margin, low barrier to entry economic activity. **It is never going to stop until the law changes.**

If you are a developer, sure you might be able to build more units under the new zoning from the MBTA Communities law, but you may need to acquire multiple parcels. You may have to go through major site review process, or potentially a special permit process to make the project feasible. There could also be parking requirement burdens, traffic mitigation, affordable housing requirements, etc.

There will be some straightforward developments done by larger developers (such as what was proposed at 888 Great Plain Ave.). But for many smaller developers who are used to building oversized houses - why bother with when you can just keep turning over every single lot in Needham? I went for a run down Greendale the other week – I counted five parcels in various stages of the conversion process from small-medium to supersized.

## Current Projects

Edge Builders Corporation is a full service real estate and development company. We handle the entire process from the initial plans to the final construction and finishing touches of each project. We pride ourselves in bringing elegant class and artistry to every detail.

New projects will be listed shortly!



**741 GREENDALE AVE**

**FOR SALE - \$2,950,000**

Location: Needham, MA

Space: 7,230 sq ft

Bedrooms: 6-7

Baths: 8 Full

Lot Size: 10,143 sq ft



**280 GREENDALE AVE**

**FOR SALE - \$3,250,000**

Location: Needham, MA

Space: 7,772 sq ft

Bedrooms: 7-8

Baths: 8 Full, 1 Half

Lot Size: 10,755 sq ft



**29 TOLMAN ST**

**FOR SALE - \$3,250,000**

Location: Needham, MA

Space: 6,800 sq ft +/-

Bedrooms: 7-8

Baths: 7-8 Full, 1 Half

Lot Size: 12,299 sq ft

Source: <https://edgebuilderscorp.com/our-properties/#current-projects>

*Note the lot size*

The financing, labor, and resources to build the new housing is significant. The consumption of these resources tightens the market, increasing the costs for developers of projects under the MBTA Communities law. Many of the financiers, contractors, and real estate agents will simply stay in their existing paths and the town will lose 1-2 units of small and medium housing per week for the foreseeable future and the incentive for developers to take on more challenging but more beneficial projects will be reduced. It is entirely possible that the pace of teardowns exceeds the rate of small and medium housing added

under the MBTA Communities zoning. If one includes all such housing lost in the past 15 years, the town will never get back to its previous level of supply unless a policy change is made quickly. **The town should send a clear signal to the industry: stop destroying habitable small and medium homes and replacing them with oversized houses and focus on the housing made possible under the MBTA Communities law.**

### **Time For Action**

Some of the citizens used my research to point out that other towns are doing better than Needham on this issue. The thing is, even with better zoning policy, they are still not doing well by any means on oversized houses – it's that Needham's policy is just that bad.

It is entirely possible to bring a new proposal to the May 2025 Town Meeting. We can build from the principle of counting all finished/habitable basement and 3<sup>rd</sup> floor space. The height criteria was used in the past proposal – but a well enforced definition of finished or conditioned space could work just as well.

Some improvements to the proposed by-law change from May could include: 1) a clearly-defined mechanism for longtime residents to request some flexibility, 2) changing the FAR limit from 0.38 to one with tiers, where smaller lots have a bit more space and larger lots less, and 3) possibly not counting or otherwise discounting enclosed porches and some small spaces. I believe these changes, plus an improved year-long advocacy campaign, will be enough to bring onboard the additional Town Meeting Members required to pass.

I guess at the end of the day what others and I am looking for is leadership. Who is going to step up and get this done?

Regards,

Joe Matthews

Town Meeting Precinct I



P.S.

Here are some lovely new articles from 2012-16 documenting the concern about teardowns and large houses from years ago. Little has changed – in fact things are way worse now. Do these count as public input?

**Links:**

1. August 2016 – “Residents fight against the ‘monstrous’ homes popping up in Needham” – Boston.com

<https://www.boston.com/real-estate/real-estate-news/2016/08/25/needham-monstrous-homes-fight/>

2. May 2016 – “Needham: The Urge To Tear Down, The Desire To Build New” - WGBH

<https://www.wgbh.org/news/local/2016-05-11/needham-the-urge-to-tear-down-the-desire-to-build-new>

3. February 2012 - “Teardowns controversial for Needham” – Wicked Local

<https://www.wickedlocal.com/story/needham-times/2012/02/02/teardowns-controversial-for-needham/39669944007/>

4. February 2016 – “Needham letter: Teardowns will lead to one-class town” – Wicked Local

<https://www.wickedlocal.com/story/needham-times/2016/02/14/needham-letter-teardowns-will-lead/32526974007/>

5. March 2015 – “Tear Down or Renovate? That is the Question” – Boston.com

<https://www.boston.com/real-estate/real-estate-news/2015/03/16/tear-down-or-renovate-that-is-the-question/>

**From:** [Kay Cahill](#)  
**To:** [Planning](#)  
**Subject:** To: Planning Board, Large House review  
**Date:** Tuesday, May 28, 2024 2:29:50 PM

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Dear Planning Board,

I'd like to urge the Planning Board to prioritize the review of the large house regulations as discussed at Town Meeting this year. Our neighborhood around South Street near Great Plain Ave. is being transformed from a winding, historic, country road into a dense cluster of super-size homes spaced close together. The historic character of the road associated with Needham's famed N.C. Wyeth here is being lost. Older homes and 100-year old trees are falling as lots are clearcut (look at what is happening at 93 South St.: 2 large homes replacing one smaller home).

At the same time that Needham is working to improve the affordable housing situation with the MBTA multi family zoning, we are allowing our stock of smaller homes to disappear.

Please consider moving ahead with your review of the large house regulations.

Thanks very much!

Kay Cahill (The Excellent Precinct E).



COUNTY OF NORFOLK  
COUNTY OF PRESIDENTS  
REGISTRY OF DEEDS

NORFOLK REGISTRY DISTRICT OF THE LAND COURT

WILLIAM P. O'DONNELL  
REGISTER OF DEEDS  
ASSISTANT RECORDER OF THE  
LAND COURT

May 20, 2024

Mr. Lee Newman  
500 Dedham Avenue  
Needham, MA 02492

Dear Mr. Newman,

The fees for the Community Preservation Act are set by the State Legislature on land documents recorded here at the Norfolk County Registry of Deeds. I thought the chart on the reverse side would be of interest to you. It provides an illustration of the funds generated by the Community Preservation Act (CPA) in your community based on recorded real estate filings for that community during the 2023 calendar year.

The Community Preservation Act was signed into law on September 14, 2000. Today there are 196 Massachusetts communities that have adopted this act. Of the 28 communities that make up Norfolk County, 19 communities have adopted the law. As of December 31, 2019, fees collected for the Community Preservation Act were increased to \$50.00 for most land documents recorded and \$25.00 for municipal lien certificates. The Registry of Deeds, at no additional cost to the Commonwealth or local communities, collects these revenues once a land document is recorded and forwards the monies to the Massachusetts Department of Revenue on a monthly basis. The funds forwarded to the Commonwealth are then redistributed back to the communities that have adopted the Community Preservation Act.

The Norfolk County Registry of Deeds which is located at 649 High Street, Dedham, is the principal office for real property in Norfolk County. The Registry is a resource for homeowners, title examiners, mortgage lenders, genealogists, municipalities and others with a need for secure, accurate, accessible land record information. For assistance, please contact our Customer Service Center at (781) 461-6101, or visit our website at [www.norfolkdeeds.org](http://www.norfolkdeeds.org).

I hope you find this data to be informative and helpful. In the meantime, if I can be of assistance to you, please do not hesitate to contact me at 781-461-6116 or by email at [registerodonnell@norfolkdeeds.org](mailto:registerodonnell@norfolkdeeds.org). I wish you all the best.

Sincerely yours,

William P. O'Donnell  
Norfolk County Register of Deeds

WPO/jt

649 HIGH STREET, DEDHAM, MASSACHUSETTS 02026  
TELEPHONE: 781-461-6116 FAX: 781-326-4246  
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## NORFOLK COUNTY REGISTRY OF DEEDS

### COMMUNITY PRESERVATION ACT (CPA) SURCHARGES BY TOWN FOR CALENDAR YEAR 2023

| TOWN       | TOTAL        |
|------------|--------------|
| AVON       | \$32,275.00  |
| BELLINGHAM | \$123,950.00 |
| BRAINTREE  | \$186,775.00 |
| BROOKLINE  | \$286,925.00 |
| CANTON     | \$159,950.00 |
| COHASSET   | \$64,325.00  |
| DEDHAM     | \$143,525.00 |
| DOVER      | \$42,800.00  |
| FOXBOROUGH | \$96,050.00  |
| FRANKLIN   | \$179,050.00 |
| HOLBROOK   | \$78,900.00  |
| MEDFIELD   | \$75,250.00  |
| MEDWAY     | \$87,150.00  |
| MILLIS     | \$69,250.00  |
| MILTON     | \$148,650.00 |
| NEEDHAM    | \$183,000.00 |
| NORFOLK    | \$79,875.00  |
| NORWOOD    | \$147,225.00 |
| PLAINVILLE | \$49,025.00  |
| QUINCY     | \$422,175.00 |
| RANDOLPH   | \$180,775.00 |
| SHARON     | \$92,950.00  |
| STOUGHTON  | \$175,400.00 |
| WALPOLE    | \$155,200.00 |
| WELLESLEY  | \$176,025.00 |
| WESTWOOD   | \$93,175.00  |
| WEYMOUTH   | \$317,050.00 |
| WRENTHAM   | \$85,375.00  |